



OECD Anti-Bribery Convention Phase 4 Follow-Up Report on Brazil

Implementing the Convention
and Related Legal Instruments

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Summary and Conclusions

Summary of main findings¹

1. In March 2026, Brazil presented its two-year written follow-up report to the OECD Working Group on Bribery (“Working Group” or “WGB”), outlining the steps taken to implement the 35 recommendations and to address the follow-up issues contained in its October 2023 Phase 4 report. Based on Brazil’s follow-up report, the Working Group concludes that of the 35 Phase 4 recommendations, 4 are fully implemented, 15 are partially implemented, and 16 are not implemented. The Working Group will continue to follow up on the three ad hoc issues that arose after the adoption of the Phase 4 report in relation to (i) the September 2023 monocratic decision in the Supreme Federal Tribunal (STF), which gave rise to Phase 4 follow-up issues 14.a and 14.b, as well as (ii) the pending constitutional challenge to Brazil’s leniency agreement framework (ADPF 1.051).

2. Overall, the Working Group is reassured that Brazilian authorities have continued to detect and investigate foreign bribery allegations. In the short time that has elapsed since the Phase 4 report, the Brazilian Federal Police have initiated four new inquiries into potential foreign bribery. In addition, the FPS has brought two foreign bribery cases to trial. This somewhat mitigates the concerns that Brazil might not be able to sustain its foreign bribery enforcement after the major foreign bribery cases that arose out of the concluded *Lava Jato* investigation. On the other hand, the two proceedings that were underway at the time of Phase 4 – one criminal trial against natural persons and one administrative proceeding against a company – remain ongoing. Brazil’s enforcement efforts show that lengthy proceedings and delays still present a challenge in foreign bribery cases, in part due to the inherent difficulty of investigating and prosecuting transnational crime.

3. At the same time, the Working Group is still monitoring two proceedings raising constitutional challenges related to, in one case, Brazil’s leniency agreement framework and, in the second, the use of certain evidence obtained through a particular leniency agreement. Both proceedings remain ongoing. As part of the first challenge, Brazil’s administrative enforcement agency (CGU) has successfully renegotiated all the leniency agreements that imposed sanctions for foreign bribery. Thus, questions about the validity of those agreements and the sanctions imposed are largely resolved, at least for the CGU. A larger question concerns the impact that the final judgment, once issued, will have on the relative balance of competence between the CGU and Brazil’s federal prosecution service (FPS) to bring foreign bribery cases against companies. The second proceeding, which particularly raised questions about Brazil’s ability to provide mutual legal assistance in foreign bribery cases, remains ongoing. While the current litigation, limits the ability of Brazilian authorities to provide mutual legal assistance for cases related to that proceeding, they remain able to effectively provide mutual legal assistance in other cases. The Working Group will need to continue monitoring both proceedings as well as the consequences the resulting decisions once issued.

4. Brazil’s enforcement efforts and the ongoing constitutional challenges highlight the importance of strengthening and clarifying Brazil’s legal and institutional arrangements for fighting foreign bribery. While Brazil reports a number of initiatives by various actors, reflecting the many authorities with responsibilities related to Brazil’s justice system, there is no clear plan to address the Working Group’s recommendations

in a coordinated manner. As a result, even though Brazil has taken positive steps in several regards, many of the initiatives are either only recently started or still underway. It is also not clear how sustainable these initiatives will be for Brazil to implement the recommendations in practice.

5. On the positive side, several measures have sought to bolster law enforcement capacity or tools. In April 2025, Brazil's main enforcement authorities, including the CGU and the FPS, concluded a new cooperation agreement that could enable them to work closer together in foreign bribery cases. Both the CGU and the FPS have also taken steps to harmonise the use of non-trial resolutions and to provide more transparency about such resolutions.

6. A worrying aspect of Brazil's follow-up report, however, is how little progress has been made in relation to recommendations that would or could require legislative or other reforms, sometimes leaving little prospect for reconsideration and reforms in the near future. For instance, Brazil has not yet addressed the concern that its sanctions for foreign bribery are lower than those for domestic bribery, in violation of Article 3 of the Convention. Given the delays reported in Brazil's foreign bribery proceedings, it is unfortunate that Brazil has not yet taken effective measures to avoid situations where Brazil's statute of limitations rules can create *de facto* impunity. Brazil has not closed gaps in its whistleblower protection framework for the private sector, which is needed to encourage more whistleblower reports about foreign bribery. Brazil also has not implemented a priority recommendation to put in place further protections against undue influence in the investigation, prosecution or resolution of foreign bribery matters.

7. In terms of next steps, the Working Group invites Brazil to report back in writing in March 2027 on its implementation of recommendations 1.h, 6.a, 6.b, 6.c, 7.d, and 9, as well as on developments related to the three ad hoc issues on which Brazil is already reporting. Brazil will also submit an action plan for implementing these recommendations and, to the extent appropriate, for addressing the concerns underlying the ad hoc issues. In Brazil's written report, Brazil should also inform the Working Group on the implementation of the action. Brazil will continue to report its foreign bribery enforcement actions annually during the Working Group's Tour de Table discussions. The Working Group will also continue to monitor the follow-up issues identified in the Phase 4 Report as case law and practice develop in future monitoring evaluations.

8. The Working Group's conclusions regarding Brazil's implementation of the Working Group's Phase 4 recommendations are presented below. They are based on Brazil's Phase 4 written follow-up report, which can be found immediately after this Summary. In addition, the Working Group considered a civil society submission as well as Brazil's response to it.

Enforcement since Phase 4

Brazil's foreign bribery enforcement

9. In Phase 4, the Working Group found that Brazil had made significant progress between Phase 3 and Phase 4. Notably, Brazilian authorities had dramatically increased their investigative activity. In addition, Brazilian authorities had already sanctioned three companies for foreign bribery misconduct under the then-recent legislation authorising both corporate liability for foreign bribery and the use of non-trial resolutions with companies. All three cases, however, appeared to arise from the *Lava Jato* anti-corruption investigation. In terms of adjudicatory proceedings, the authorities had not yet obtained resolutions for foreign bribery. The FPS only had one foreign bribery trial against natural persons, which was still under appeal despite the fact that the initial trial proceedings began during the Phase 3 evaluation. The CGU had only one known administrative proceeding, which had recently begun. There were no other known active matters that could potentially lead to charges or sanctions for foreign bribery. The Working Group was thus concerned that Brazil might not be able to sustain the same level of enforcement, given

that the most significant concluded cases had all arisen from a single investigation that had already been closed.

10. In its Phase 4 two-year written follow-up report, Brazil indicates that there have since been no material developments in the cases that were already ongoing in Phase 4. However, the FPS has initiated two trial proceedings related to different alleged foreign bribery schemes. It is not clear when exactly these schemes were detected, but one scheme was uncovered by Brazil's tax authority, and the other was detected by customs authorities. In both trials, the trial court convicted multiple defendants for foreign bribery and other charges. Both cases, however, are not final as they are under appeal.

Brazil's international co-operation

11. In Phase 4, the Working Group commended Brazilian authorities for the extensive international assistance that they provided to other Parties to the OECD Anti-Bribery Convention investigating foreign bribery allegations implicating Brazilian public officials and state-owned enterprises. As a result of this cooperation, as well as Brazilian authorities' own investigations into the relevant domestic violations, Brazil was able to participate in at least 12 major multijurisdictional resolutions, imposing over USD 9 billion in monetary penalties. In recognition of Brazilian authorities' significant contributions, the resolutions directed that approximately USD 5.6 billion of those penalties would be paid to Brazil.

12. As shown in Brazil's Phase 4 written follow-up report, Brazilian authorities have continued to cooperate with their foreign counterparts on multijurisdictional cases. Between 2023 and 2025, Brazil has concluded three separate multijurisdictional resolutions with companies that engaged in transnational corruption implicating Brazilian officials or state-owned enterprises. Collectively, Brazil imposed fines or other monetary sanctions totalling approximately USD 235 million through these resolutions.

Overall view

13. Based on the information Brazil has provided, its authorities are still seeking to detect, investigate and prosecute foreign bribery. It is positive that more Brazilian agencies, in particular the tax and customs authorities, have helped detect foreign bribery allegations or refer relevant information to Brazil's competent authorities for investigation. The lengthy ongoing proceedings, however, indicate that Brazilian authorities still face significant challenges in bringing foreign bribery cases to resolution, whether through criminal trials or administrative proceedings. Brazil should continue to enhance its efforts to enforce its foreign bribery offence and find ways to improve the legal framework for detecting and enforcing foreign bribery offences.

14. In terms of international cooperation in the transnational fight against foreign bribery, Brazilian authorities are continuing to engage with their foreign partners even in cases that implicate Brazilian officials and state-owned enterprises.

Implementation of the Phase 4 recommendations

Regarding the detection of foreign bribery

- ◆ ***Recommendation 1.a – Partially implemented:*** In Phase 4, the Working Group had noted that Brazil had never detected a foreign bribery case based on a public official's report, and recommended that Brazil clarify the relationship between the reporting obligations incumbent on public officials and the possibility of reporting open to them under whistleblower protections rules, in particular regarding reporting channels, the criteria applicable for using either of these mechanisms, and the related protections. In its Phase 4 written follow-up report, Brazil refers to

the inclusion of the pre-Phase 4 Federal Inspector General's Office's Technical Note No. 338/2021/CGUNE/CRG of 17 February 2021 in the CGU's "Collection of Technical Notes" in February 2025, which Brazil explains makes its interpretation binding across the federal administration. The Note's conclusion is that "Brazilian whistleblower protection legislation makes no distinction between whistleblower and representative [of a whistleblower] regarding protection of personal data access". Brazil interprets the Note as also stating that public officials' reporting obligations may be fulfilled through the submission of a report via Fala.BR, the federal reporting platform managed by CGU, which enables public officials to benefit from the same protection mechanisms afforded to all whistleblowers, including identity protection. However, this interpretation is not explicit in the Note, and this highly technical and complex document does not appear, by itself, to be an efficient means to educate public officials about their rights and obligations. The Working Group on Bribery is encouraged by the fact that the Federal Inspector General's Office, in coordination with the CGU, is planning an awareness-raising campaign on public officials' statutory duties and prohibitions, including the obligation to report foreign bribery. The campaign may constitute an opportunity to offer the clarifications expected under the recommendation. Finally, Brazil stated that Normative Ordinance CGU No. 116/2024 (articles 8, 39, and 47) provides that public officials must fulfil their reporting obligation through the Fala.BR channel and will benefit from whistleblower protections when doing so. Due to the late submission, Brazil's statement could not be verified. The Working Group nevertheless was willing to accept those submissions but noted that even though this recommendation is deemed to be partially implemented, those submissions will need to be reviewed in Phase 5.

- ◆ **Recommendation 1.b – Partially implemented:** In Phase 4, the Working Group was concerned that the Ministry of External Relations (MER) and the Office of the Comptroller General's (CGU) efforts (in conjunction with the Export Promotion Agency and National School of Public Administration) to raise awareness of staff in overseas missions had not led to actual detection of foreign bribery cases despite allegations about Brazilian individuals and companies reported in the press. The WGB therefore recommended that Brazil analyse how Brazilian overseas missions can further contribute to the detection of foreign bribery allegations so that Brazilian law enforcement authorities can take appropriate action. In its Phase 4 written follow-up report, Brazil did not provide such an analysis, nor did it refer to specific events where such analysis would have been conducted. The evaluation team could thus only resort to the actions taken or foreseen by Brazil as listed in its report though not supported by agendas or other documents as is customary. The only action taken was the annual sending of a "circular cable" to all Brazilian diplomatic missions abroad which reiterates a measure already taken annually at the time of Phase 4. In February 2026, a hybrid event co-organised by the Ministry of Foreign Affairs and the CGU, and supported by the OECD, was held to raise awareness about diplomatic missions' role in detecting and reporting foreign bribery. This event, which was broadcasted to all of Brazil's foreign missions, is an encouraging development. Brazil reports that it will integrate this material in the standard training curriculum for diplomats. The other projects related to updating the Fala.BR website and ensuing reporting guidance, including for whistleblowers, should be welcomed. The emphasis on providing resources in foreign language – thus targeting foreign individuals – could, according to Brazil, contribute to improving the reporting by Brazilian overseas officials of the bribery of foreign public officials.
- ◆ **Recommendation 1.c – Partially implemented:** In Phase 4, the Working Group found that, under Brazil's Tax Code, unless a derogation applies, tax information may not be available to the CGU to facilitate the detection and commencement of any investigations into foreign bribery before administrative proceedings commenced. The Working Group recommended that Brazil consider ensuring that the CGU can obtain tax information for these purposes. In its Phase 4 written follow-up report, Brazil explains that the CGU has begun to develop a "proposal" to "allow the sharing of

tax information during investigations, conditioned on the existence of sufficient indications of authorship and materiality”, which is to be submitted to the Office of the Attorney-General of the National Treasury for a legal opinion. Although Brazil provides limited information on the nature and content of the proposal, it demonstrates that the Brazilian government has meaningfully started to consider the means to implement this recommendation. This represents a positive development, although Brazil’s consideration of the matter remains at an early stage and other relevant public agencies remain to be involved in this reflection.

- ◆ **Recommendation 1.d – Partially implemented:** In Phase 4, Brazil’s export credit agencies (ECAs) had never detected or reported any foreign bribery allegations. Since Phase 3, the National Bank for Economic and Social Development (BNDES) had granted export credits to support at least two operations that were later known to be tainted by foreign bribery. While support to one company was suspended, the other company was subject to enhanced due diligence measures but not sanctioned. The Working Group recommended that Brazil revise their policies to enhance (i) staff training to identify and address instances of potential foreign bribery; (ii) due diligence before granting export credits to legal persons; (iii) screening to detect foreign bribery red flags after support has been granted; and (iv) policies on appropriate actions to be implemented if a party to a transaction is involved in foreign bribery. In its Phase 4 written follow-up report, Brazil reports developments on each of the four points (i-iv) of the recommendation. (i) In 2025, the Brazilian Fund and Guarantee Agency (ABGF) provided its compliance team with training on Brazilian Anti-Corruption Law (Law 12.846/2013, hereafter CLL) and the identification of foreign bribery “red flags”. The BNDES, which is Brazil’s main ECA, intends to provide specific training on foreign bribery to its export and compliance teams in 2026. (ii) In 2025, the ABGF contracted a new Compliance Due Diligence tool to strengthen and automate its processes. The BNDES does not, however, report any new steps taken to reinforce its due diligence measures. (iii) Both the BNDES and ABGF describe post-commitment screening processes in place, but do not specify whether these have been strengthened since the Phase 4 evaluation report, and whether, and to what extent, they include consideration of foreign bribery red flags. (iv) The BNDES does not report new steps taken to enhance its policies on appropriate actions to be implemented if a party to a transaction is involved in foreign bribery. In light of the measures reported under (i) and (ii), the recommendation is considered partially implemented.
- ◆ **Recommendation 1.e – Not implemented:** In Phase 4, the Working Group noted that, although Brazil’s development disbursements do not qualify as official development aid (ODA), the OECD Recommendation of the Council for Development Co-operation Actors on Managing the Risk of Corruption (2016 Recommendation) has a broad coverage which potentially encompasses development co-operation projects carried out by the Brazilian Cooperation Agency (ABC). The Working Group thus recommended that Brazil take steps to implement key aspects of the 2016 Recommendation and enhance the ABC’s potential for detecting foreign bribery, by providing its officials with clear and regular guidance and training on detecting and reporting foreign bribery. In its Phase 4 written follow-up report, Brazil does not report having taken concrete steps to implement this recommendation. As noted under recommendation 1.b, some measures planned for 2026, including a joint awareness-raising event by the diplomatic academy “Instituto Rio Branco” and the CGU, and the update of a Whistleblower Guide by the CGU, if implemented, will constitute positive developments. Brazil further reports that the ABC will “assess the possibility of developing an additional section in its guides and work manuals to guide employees on the risks of active and passive corruption in the use of Brazilian public resources in South-South technical and/or humanitarian cooperation activities and projects”. However, assessing such possibility is only a preliminary step, the outcome of which seems uncertain. The recommendation therefore remains unimplemented.

- ◆ **Recommendation 1.f – Fully implemented:** At the time of the Phase 4 evaluation, Brazil had adopted international auditing standards concerning the reporting when their audit uncovers suspected instances of non-compliance with the law. While those standards did not themselves impose an obligation for auditors to report to competent authorities, they provided a framework for such reports that auditors may be required to make under other law. The Working Group thus recommended that Brazil “consider requiring auditors to report potential foreign bribery allegations to the competent authorities without regard to the materiality of the scheme”. Based on Brazil’s report, it is not clear that all the relevant authorities specifically considered this recommendation. Nonetheless, in 2024 the Brazilian Federal Accounting Council (CFC) adopted a resolution to require at least certain auditors to report suspicious transactions related to illegal acts to the FIU within 24 hours of detecting the relevant facts during the course of an audit. There is no materiality threshold needed to trigger this duty. While the exact scope of this duty is not fully clear, Brazil’s authorities maintained that the 2024 CFC regulation was broadly drafted to cover the accounting profession in various professional services contexts, including services related to trusts. While the Working Group could not test this theory with practitioners, it has deemed the recommendation to be fully implemented but converted it to a follow-up issue to ascertain in subsequent monitoring whether Brazil’s interpretation is confirmed in practice.
- ◆ **Recommendation 1.g – Fully implemented:** In Phase 4, while recognising the CGU’s efforts to promote transparency, the Working Group noted a lack of clarity on how much credit companies could expect to receive if they self-report foreign bribery cases, in contrast to the clear rules applicable in competition law. Regarding the Working Group recommendation 1.g.i, that the FPS provide more guidance, in line with what the CGU has already issued, on how it will apply the aggravating and mitigating factors set forth in the CLL, Brazil has initiated several steps. The most notable is the signature of the Technical Cooperation Agreement (TCA) on 25 April 2025 by the FPS, the CGU, and the AGU.² The TCA includes a Working Plan “aiming to enhance interinstitutional cooperation regarding Leniency Agreements coordination and increase legal certainty in the enforcement of the CLL” (Clause One). The establishment by the FPS’s 5th Chamber of Coordination and Review of three support groups focused on non-trial resolutions (Clause Eight) could further contribute to implementing recommendation 1.g.i. On 13 November 2025, the FPS 5th Chamber of Coordination and Review released the updated “Guidelines for Companies: Entering into Leniency Agreements with the MPF”.³ Brazil indicates the document reinforces the coordinated approach established under the TCA and clarifies the potential benefits of entering into a leniency agreement thus enhancing legal predictability for cooperating companies. Regarding the Working Group recommendation 1.g.ii, that (ii) both the FPS and CGU clarify the extent to which a company may expect to receive a reduction in fines when it self-reports foreign bribery misconduct before the authorities become aware of it, Brazil reports that an Interministerial Normative Ordinance which aims to further refine its currently available set of guidelines – opened for public consultation at the time of Brazil’s report⁴ – has now been formally published. According to legal and compliance experts, the Ordinance effectively encourages self-reporting by providing greater clarity and predictability regarding the applicable reduction of fines.⁵ The new framework provides that, in case of self-reporting, where the listed conditions are met, the legal entity shall be entitled to the full two-thirds reduction whereas the 2022 Normative Ordinance⁶ provided for a reduction of up to two-thirds of the applicable fine. The listed conditions are the novelty of the information provided and self-reporting within nine months (article 25 and 26 of the Ordinance). Self-reporting is now expressly defined as a report submitted before the commencement of any investigation, administrative proceeding, police inquiry, or any other type of investigation, including in the criminal sphere. While the Ordinance is a CGU/AGU initiative, Brazil emphasises that it now establishes a uniform and objective temporal benchmark applicable across administrative and criminal contexts, reflecting the increasing coordination among these

institutions. To conclude, the Working Group welcomes the notable steps Brazil has taken to implement recommendation 1.g.i. and 1.g.ii.

- ◆ **Recommendation 1.h – Not implemented:** In Phase 4, the Working Group considered that Brazil’s primary whistleblower protection legislation for the public sector (Law 8.112/1990) and for the private sector (Law 13.608/2018) did not protect those who report suspected acts of foreign bribery. Law 8.112/1990 only protected public officials from criminal and non-criminal forms of liability connected with reports of criminal misconduct or irregularities but did not provide the full range of protections required under the 2021 Recommendation. In contrast, despite broad anti-retaliation protections, Law 13.608/2018 did not clearly apply to violations against foreign public administrations. In addition, its protections only applied if the relevant competent authority deemed the report to merit verification. The Working Group thus recommended that Brazil “adopt legislation” to ensure that protections for all whistleblowers reporting foreign bribery suspicions. Brazil reports that the CGU has begun the process of forming an internal working group to address this recommendation, but Brazil also recognizes that several other agencies would also need to be consulted. There does not, however, appear to be any established timelines to finish the consultations, much less to adopt new legislation.
- ◆ **Recommendation 2.a – Not implemented:** In Phase 4, the Working Group found that Brazil had underestimated the seriousness and complexity of Brazil’s foreign bribery risks in its latest National Risk Assessment (NRA) and related typologies developed by Brazil’s financial intelligence unit (Council for Financial Activities Control – COAF). The Working Group recommended that Brazil update its NRA to specifically address the risks of money laundering predicated on foreign bribery and include scenarios relevant to foreign bribery. In its Phase 4 written follow-up report, Brazil does not report having taken any concrete steps to implement the recommendation. Brazil states that the 2026 NRA will “take into account” this recommendation. However, whether this will be implemented – and in what manner – remains to be determined. In particular, Brazil reports that it is reluctant to adjust its current NRA methodology as recommended by the Working Group and prefers assessing foreign bribery risks in the context of typological work. This would unconvincingly depart from the approach recommended by the Working Group. COAF is in the process of developing new typologies on foreign bribery in 2026.
- ◆ **Recommendation 2.b – Not implemented:** In Phase 4, the Working Group noted that the legal obligation to report suspicious transaction reports to COAF remained to be implemented for legal professionals. In addition, as COAF had yet to detect or report any foreign bribery allegations, the Working Group recommended that Brazil provide foreign bribery-specific guidance to all reporting entities, including adequate typologies. In its Phase 4 written follow-up report, Brazil does not report having taken any steps to implement this recommendation. Brazil has not clarified whether discussions with the Brazilian Bar Association on implementing legal professionals’ anti-money laundering (AML) obligations have progressed. While COAF has continued to provide general AML training to some categories of non-financial reporting entities, which included “to some extent, references to corruption”, Brazil has yet to provide all reporting entities with foreign bribery-specific directives. As mentioned under recommendation 2.a, COAF intends to publish new foreign bribery-related money laundering typologies in the course of 2026. This plan has yet to materialise.
- ◆ **Recommendation 3 – Fully implemented:** In Phase 4, the Working Group found that the one allegation then under administrative proceedings by the CGU was detected by Brazil’s review of the OECD’s compilation of foreign bribery allegations and noted that this suggested that Brazilian authorities had not prioritised detection through the media directly. It thus recommended that Brazil “ensure that law enforcement authorities, especially the Federal Police and the Federal Prosecution Service, routinely and systematically assess foreign bribery allegations that are reported in domestic and foreign media including but not exclusively focussing on the information

referred to Brazil by the Working Group". Since Phase 4, a change in Brazil law enforcement agencies' approach to monitoring possible foreign bribery allegations in the media was the centralisation of the monitoring of transnational bribery allegations reported in the media by the 5th CCR/FPS Coordination Office, which serves as a focal point for receiving and disseminating information to Federal Prosecutors. Shortly before the adoption of this summary and conclusions, Brazil also indicated that media monitoring is systematically carried out by the Division of Police Intelligence (DINPO) of the Directorate of Police Intelligence (DIP) of the DPF. This unit is responsible for the collection and analysis of information to support the proactive detection of criminal activity such as organised crime and corruption, including foreign bribery. Brazil also reported that the CGU has a dedicated unit for monitoring foreign bribery allegations (General Coordination for Investigation and Monitoring of Transnational Bribery - CGIST). Any substantiated allegations uncovered by the CGU will be promptly shared with partner institutions like the FPS and DPF, under the agreed cooperation and information sharing frameworks established by the 2025 TCA. In its Phase 4 written follow-up report (under recommendation 1.b), Brazil indicates that the Federal Police reported one case of foreign bribery detected through media reports and subsequent communication by a Brazilian embassy abroad. The Ministry of Foreign Affairs forwarded the information to the FPS, which submitted the request to the Federal Police for initiation of a police inquiry. Brazil stresses that the case is still ongoing. While the case was not directly detected by Brazilian law enforcement agencies, this is encouraging regarding Brazil law enforcement authorities' ability to start an investigation initially detected through the media. Brazil's responses suggest that Brazil now "routinely and systematically" assesses foreign bribery allegations.

Regarding enforcing the foreign bribery offence and related offences

- ◆ ***Recommendation 4 – Partially implemented:*** In Phase 4, the Working Group found that Brazil did not collect data on money laundering enforcement disaggregated by predicate offences, and the available data on money laundering enforcement did not appear fully reliable. The Working Group thus recommended that Brazil maintain statistics on investigations, prosecutions and sanctions for money laundering, including where foreign bribery is the predicate offence. In its Phase 4 written follow-up report, Brazil notes that, in July 2024, the Federal Police established the Asset Recovery and Money Laundering Group (GRAL), which operates a data collection and analysis tool which is fed by the Federal Police's official national system for police procedures (ePOL). The tool can filter procedures by type, procedural status, investigative area and associated predicate offences. The Federal Police also published a new tool on its Open Data Portal, which provides additional data about ongoing police inquiries, which can be broken down by type of crime, including money laundering. However, these statistical tools cover only a limited category of money laundering enforcement actions, i.e. federal police inquiries. The recommendation is thus partially implemented.
- ◆ ***Recommendation 5 – Partially implemented:*** The Working Group has questioned whether Brazil prohibits the full range of false accounting misconduct described in Article 8(1) of the Convention since Phase 2 for natural persons and since Phase 3 for legal persons (after Brazil adopted corporate liability for corruption offences). The questions arise because Brazil does not have a standalone false accounting offence, but rather a range of potentially applicable legal provisions. In Phase 4, the Working Group found that uncertainties still remained regarding the scope of these offence. For natural persons, the main applicable provisions were covering only the forgery of a "private document", the creation of a "private document" with false content, as well as false accounting having tax consequences or affecting bankruptcy proceedings. For legal persons, the CGU maintained that false accounting used to conceal the payment of the bribes could be considered a violation of article 5(V) of the Corporate Liability Law (CLL), which prohibits

“hinder[ing] investigations or inspections” carried out by public agencies. There was no case law confirming this position. The Working Group thus recommended that Brazil ensure that the full range of conduct described in Article 8(1) of the Convention is prohibited for natural and legal persons. In its written follow-up report, Brazil refers to two administrative cases. In one case, Brazil’s supervisory authority for the insurance industry (SUSEP), imposed administrative sanctions (fines and temporary disqualification from their positions or functions) on five former executives of an insurance company for irregularities in the audit of the company’s financial statements. The audited company was held jointly liable for the fines. In addition, SUSEP imposed sanctions, under regulations governing the insurance industry, on the auditing firm and three of its auditors. Separately, the CGU has commenced an administrative proceeding under article 5(V) CLL against the audited company for false accounting allegedly hindering the SUSEP’s supervisory action in the matter. It is premature to reach any conclusions about the scope of article 5(V) CLL until the CGU’s administrative proceeding is finalised. While the above enforcement developments do not conclusively resolve the Working Group’s concerns, Brazilian authorities were able, in the discussions leading to the adoption of this report, to provide new information on certain provisions establishing liability for false accounting for particular types of companies. For example, listed companies can be held liable, in at least some cases, for false accounting under Law No. 13,506/2017 and Law No. 6,385/1976. In addition, natural persons can be held liable for falsified accounting records under Art. 297 PC. As a result of this newly provided information, Working Group decided to deem this recommendation partially implemented. The Working Group would need to examine these provisions against the full scope of Article 8 of the Convention and their application in practice in future monitoring exercises.

- ◆ **Recommendation 6.a – Not implemented:** In Phase 4, the Working Group noted that the range of imprisonment sanctions for foreign bribery is lower than the range for domestic bribery, which is contrary to the standard set in Article 3(1) of the Convention. The report notes that this sanctions differential has potential consequences for enforcement, including: (1) a limitation period that is four years shorter than for domestic bribery; (2) an increased likelihood that that foreign bribery defendants will be acquitted as courts will recalculate the statute of limitations based on the actual sentence imposed; (3) a likelihood that imprisonment sentences will be converted to alternative sanctions (when less than four years) or be suspended (when less than two years); and (4) the possibility to “conditional suspension of proceedings”. The Working Group thus recommended that Brazil increase the minimum and maximum sanctions for foreign bribery for natural persons. As of its Phase 4 written follow-up report, Brazil has yet to initiate the legislative steps needed to implement this recommendation. Brazil reports recent case law developments [*in the Venezuelan agribusiness and the Diplomatic Pouch cases*], which demonstrate that some courts are willing to impose substantial terms of imprisonment, at least when defendants are convicted of multiple offences. If confirmed on appeal, these particular sentences would, on the facts and for the offences charged, appear to be effective, proportionate and dissuasive. However, it remains the case that the range of imprisonment sanctions for foreign bribery is by law lower than the range for domestic bribery. Thus, Brazil is still not complying with Article 3(1) of the Convention.
- ◆ **Recommendation 6.b – Not implemented:** In Phase 4, the Working Group noted that, as observed in Phase 3 already, sanctions imposed in foreign bribery cases tended to be in the lower range of sanctions available in the law, and recommended that Brazil provide appropriate guidance and training to judges to ensure that sanctions are effective, proportionate, and dissuasive in practice, also in light of their impact on Brazil’s statute of limitations. In its Phase 4 written follow-up report, Brazil reports that the CGU and the Brazilian Association of Federal Judges (AJUFE) have concluded an agreement to provide training on foreign bribery to new and serving judges, which provides that delivery of training will begin in 2026. While this is commendable, such training initiatives have yet to materialise, and Brazil has not explained at this stage whether and to what

extent they will specifically address sentencing in foreign bribery cases. Therefore, Brazil has yet to implement this recommendation.

- ◆ **Recommendation 6.c – Not implemented:** In Phase 4, the Working Group observed that a 2019 Supreme Court decision held that defendants could not be compelled to execute a term of imprisonment until a final conviction had been obtained. This decision reversed a 2016 Supreme Court decision that had allowed courts to order defendants to prison after an appellate court had confirmed the conviction. Given the already lengthy delays in Brazil's criminal justice system, the Working Group was concerned that the decision to revert to the older rule would encourage defendants to file as many appeals as possible, however frivolous, thus creating a risk of *de facto* impunity in foreign bribery cases. Recognising the need to find a balance that still protected defendants' rights to due process, the Working Group asked Brazil to consider ways to ensure that appeals are resolved expeditiously. Brazil now reports that the Federal Judiciary's National Plan for 2025 set goals to reduce court backlogs and to prioritise cases related to crimes against public administration. While this is not directly tied to foreign bribery, the overall plan – if properly implemented – could potentially help expedite appeals. However, without more details about the degree to which this plan was implemented, or indeed whether anything is planned for the future, it remains too early to tell whether it has actually reduced court backlogs for appeals in criminal cases.
- ◆ **Recommendation 6.d – Partially implemented:** In Phase 4, the Working Group found that, as was the case in Phase 3, Brazil could not provide comprehensive statistics on measures to confiscate the proceeds of foreign bribery or other serious economic crimes, which made it difficult to assess Brazil's confiscation efforts. The Working Group recommended that Brazil take the necessary steps to ensure that relevant data and statistics are maintained at the federal level. In its Phase 4 written follow-up report, Brazil reports several steps taken or being taken to enhance statistics on confiscation in money laundering cases, which are covered by the recommendation. Brazil also explains that its DataJud portal (Statistics of the Judiciary) currently allows data to be searched based on categories including "Laundering or concealment of assets, rights or values arising from corruption", "Crimes of laundering or concealment of assets, rights or values"; and "laundering or concealment of assets, rights or values". Brazil acknowledges, however, that further efforts are required to facilitate extraction of confiscation statistics specifically disaggregated for foreign bribery cases. Brazil reports that such efforts are being made as part of Action 6 of its National Strategy on Combating Corruption and Money Laundering ("National consolidation of statistics on asset recovery and patrimonial decapitalisation"). Brazil has not provided information regarding concrete steps taken for that purpose.
- ◆ **Recommendation 7.a – Partially implemented:** In Phase 4, the Working Group noted that the extinction of the task forces model and its replacement by the Special Action Groups to Combat Organised Crime (GAECOs) could result in a loss of specialisation in complex corruption cases for the Federal Prosecution Service (FPS). In addition, Brazil provided limited information on FPS resources assigned to the GAECOs, as well as on foreign bribery training or guidance received by the FPS or the Department of Federal Police (DPF). The Working Group thus recommended that Brazil ensure that sufficient resources, specialisation and skills are available within the DPF, both at central and local levels, the FPS Anti-Corruption Units and GAECOs by (i) continuing its efforts to provide them with guidance and regular training on foreign bribery; and (ii) developing indicators and collecting data to monitor the resources for, and effectiveness of, the new organisational model in the enforcement of foreign bribery and related offences. In its written follow-up report, Brazil asserts that concrete institutional, structural and operational measures are in place to ensure specialised capacity and adequate resources for the investigation and prosecution of foreign bribery, and that the restructuring of task forces did not eliminate specialisation; rather, it

institutionalised it within permanent organisational units. Brazil has taken some steps towards the implementation of this recommendation. First, the Superior Council of the FPS issued Resolution 243/2025 to create a national GAECO, located in the Federal Public Prosecutor's Office, which among other functions can provide guidance and assistance to prosecutors involved in organised crime cases at a national or interstate level. Second, regarding training, the Superior School of the Prosecution Service of the Union offered various training initiatives to prosecutors on topics such as corruption, money laundering, organised crime, international cooperation and asset recovery. Based on the information Brazil provided on these initiatives, the Working Group understands that the session covered foreign bribery and were available to all interested prosecutors and further training sessions are planned for 2026. However, Brazil recognises that it did not provide disaggregated quantitative data on budgetary resources exclusively dedicated to foreign bribery cases, nor specific performance indicators tailored solely to that offence. While Brazil has taken some positive steps, the Working Group considers this recommendation only partially implemented.

- ◆ **Recommendation 7.b – Fully implemented:** In Phase 4, the Working Group noted the improved cooperation between the CGU and the FPS and, more generally, the increased importance that the Brazilian authorities placed on cooperation in their cases. The Group, however, also noted that in foreign bribery cases, the CGU appeared to rely extensively in its administrative proceedings on evidence produced in the context of criminal investigations, and it was not clear whether the FPS and CGU would share information about foreign bribery cases early in the investigative stages. The Group thus recommended that Brazil ensure that the CGU, the DPF, and the FPS develop a coordination mechanism to promptly share information about potential foreign bribery matters. By this written follow-up report, cooperation between the CGU and the DPF has further been reinforced with the establishment of the Integrated Group of the CGU and the DPF for Combating Corruption and the Misappropriation of Public Funds within the Federal Executive Branch (Integrated Group).⁷ While the Integrated Group's name suggests a focus on domestic corruption, Brazil contends that it is focussed on corruption in general including against foreign public administration as provided in Law 12.846/2013, whose main enforcement authority is the CGU. Brazil reports that approximately 79 joint operations have been conducted between 2023 and 2025, through this coordination mechanism, though it is unclear if any of these operations pertained to foreign bribery investigations. Brazil stresses however that given the extensive and close cooperation between the authorities that these joint operations have demonstrated, there is no reason why such cooperation would not be operationalised to investigate a serious offence as foreign bribery. Even if the FPS is not part of the above-mentioned Integrated Group, Brazil further reports that these joint CGU and DPF operations are conducted "often with the participation of the FPS" although no further details were provided. Regarding the cooperation between the CGU and the FPS, a new Technical Cooperation Agreement (TCA) signed in April 2025 by the FPS, the AGU, and the CGU (also discussed under recommendation 1.g.) should help reinforce mechanisms for information-sharing and joint action between the three authorities. While the precise coverage, longer-term implementation and impact of the two above mechanisms (the integrated Group and the TCA) will need to be monitored in future evaluations, their establishment and reported initial results, even if not yet clearly focussed on foreign bribery, means that recommendation 7.b. can be considered fully implemented.
- ◆ **Recommendation 7.c – Partially implemented:** In Phase 4, as the Working Group was unable to assess whether the full range of investigative techniques available in the law was being used by the DPF and the FPS in foreign bribery cases, it recommended that Brazil collect and provide details to the Working Group about the use of investigative techniques, including special investigative techniques and access to financial information, in ongoing and concluded foreign bribery cases since Phase³. Brazil reports that it has used various investigative techniques,

including special investigative techniques and access to financial information, when investigating some foreign bribery cases. However, Brazil observes that there is no comprehensive institutional mechanism that compile the investigative techniques that have been applied in concrete cases, including foreign bribery cases. Brazil thus cannot provide the expected details on the use of investigative techniques in the DPF's or FPS's foreign bribery investigations since Phase 3, even on concluded cases. The recommendation is only partially implemented.

- ◆ **Recommendation 7.d – Not implemented:** In Phase 4, the Working Group noted that, despite the widely recognised clear guarantees of independence that the prosecutors enjoy in Brazil under the Constitution, independence issues had emerged in recent years that might hinder efforts by police and prosecutors to investigate or prosecute foreign bribery cases. Some of these issues prompted the Working Group to send a high-level mission to Brazil (HLM) in November 2019 and had been regularly discussed in the Working Group Monitoring Sub-Group. In Phase 4, the Working Group thus recommended that Brazil take all necessary steps, as a matter of priority, to ensure that the factors prohibited by Article 5 of the Convention may, in no circumstances, influence the investigation, prosecution and resolution of foreign bribery cases or jeopardise in any other way the independence of prosecutors including through different measures listed in recommendation 7.d. Brazil reports that, since Phase 4, the Supreme Federal Court, at the request of the General Prosecutor Office, has been actively involved in implementing the independence guarantees and protections enshrined in the Constitution and cites the inquiry into undue influence in the Federal Police that was re-opened in October 2025.⁸ Brazil also points to a recent regional survey that found that trust in public institutions in Brazil significantly increased in the period of 2022-2025. While encouraging, the Working Group is concerned that the constitutional guarantees, judicial oversight mechanisms, and institutional safeguards already in place may not preclude undue influence in all circumstances. Despite the priority nature of this recommendation identified by the Working Group in Phase 4, two years after, Brazil does not report any measure to implement the recommendation which thus remains not implemented.
- ◆ **Recommendation 8 – Partially implemented:** Recommendation 8.i: In Phase 4, the Working Group was concerned with the longstanding lack of clarity regarding whether Brazil can exercise jurisdiction over natural person for foreign bribery committed abroad, at least in part, consistent with Article 4 of the Convention. Brazil maintains that when a criminal offence is at least partially committed on its territory, then it can assert jurisdiction over the offence under article 6 CC. Jurisdiction over offences committed entirely abroad, however, is determined under article 7 CC. Under this provision, Brazil can assert jurisdiction over various category of crimes committed entirely abroad. For foreign bribery, the relevant category is crimes that Brazil has undertaken to enforce pursuant to a treaty. The law, however, contains a number of conditions, including a dual-criminality requirement. In addition, the offender must also first “enter the national territory” before jurisdiction can be asserted. In Phase 3, the establishment of jurisdiction appeared to have raised difficulties in the few foreign bribery cases that Brazil was then investigating. In Phase 4, the Working Group noted that Brazil did not cite any court decisions clarifying when jurisdiction can be exercised over natural persons when foreign bribery is committed, at least in part, abroad. During the on-site visit, judges concurred that there was no conclusive jurisprudence on this issue. Conversely, after the on-site visit, Brazil reported that, in at least two cases, Brazil lacked criminal jurisdiction because the offending occurred abroad. The Group thus recommended that Brazil review its legislation to clarify the issue. In its written follow-up report, Brazil indicates that its authorities “have not identified the need for legislative amendments at this time”, thus leaving this part of the recommendation unimplemented without any anticipated prospect for future implementation. Recommendation 8.ii: In Phase 4, the Working Group also reiterated its longstanding concern that Brazil would only assert nationality jurisdiction over companies that were established under Brazilian law that also had their main headquarters in Brazil. While at the

time of Brazil Phase 3 written follow-up, the Working Group had considered this interpretative issue addressed through an FPS Technical Note's clarification (Note No. 01/2015), that note was not subsequently incorporated into a 2022 decree (No. 11.129/2022). It was also not clear whether the FPS Technical Note would apply to the CGU, AGU, or any other authority and, according to judges met during the on-site visit, such an interpretation had yet to be held up in court as a valid interpretation of the Civil Code's requirements. The Working Group thus recommended that Brazil "clarify by any appropriate means that the jurisdiction over legal persons under article 28 of the CLL should be broadly interpreted and cover, in particular companies not incorporated in Brazil if their main seat is in Brazil and companies with their main management and control situated in Brazil even if part of this function is located abroad". In its written follow-up report Brazil does not report any steps taken since Phase 4 to clarify that the jurisdiction over legal persons under article 28 of the CLL should be broadly interpreted to cover the situation. Instead, Brazil provides arguments to attempt to demonstrate that no such clarification is needed. Brazil in particular asserts that there has been "a continued alignment of CGU, AGU, and FPS with the interpretation" originally expressed in the 2015 FPS Technical Note despite its lack of incorporation into the 2022 Decree. Presumably, such alignment should be reinforced by the Technical Cooperation Agreement signed by the FPS, AGU, and CGU in April 2025, which seeks to strengthen institutional coordination and foster coherence in the interpretation and application of the CLL. While the agreement does not include any specific provision regarding jurisdiction, Brazil maintains that Article 28 CLL, read together with Article 1, would support a broad interpretation of the CLL's jurisdictional reach. Brazil also stresses that, jurisdiction may be affirmed based on the criterion of effective management or direction, without regard to the company's place of incorporation. Brazil finally refers to a CGU still pending administrative proceeding involving a foreign-registered company managed from Brazil in which the legal entity did not challenge Brazil's jurisdiction before the courts. In support of this list of arguments, Brazil pointed to the "Car Wash" (Lava Jato) investigation in which the CGU and the AGU reached leniency agreements with several foreign companies (e.g., SBM Offshore, Keppel Fels, and Technip) that were not formally incorporated in Brazil but operated through subsidiaries or local representatives. Brazil indicates that in this case, the authorities applied a broad interpretation of article 1 CLL, establishing that if a foreign company has a "permanent representation" or even a "de facto office" (management) in Brazil, it is subject to the administrative and civil sanctions of the CCL. While this is a domestic bribery case from Brazil's perspective, it partially alleviates the concerns expressed in Phase 4, and thus, in effect, this part of the recommendation can be considered to be partially implemented.

- ◆ **Recommendation 9 – Not implemented:** In Phase 4, the Working Group commented that, as confirmed by the high number of acquittals in a then recent foreign bribery case as well as by various stakeholders during the Phase 4 on-site visit, concerns expressed by the Working Group in Phase 3 remained valid. The Group was seriously concerned that Phase 3 recommendation 8 was still unimplemented, nine years after Brazil was asked to urgently take steps to address this well identified issue. The Working Group thus expanded its recommendation 8.i. regarding natural persons and recommend that Brazil "urgently address, by legislative and/or any other fully effective institutional measures, the unwanted consequences of the retroactive re-calculation of its statute of limitations period for natural persons for foreign bribery based on the actual sentence imposed." More than two years after Phase 4 (and 11 years after Phase 3), Brazil reiterates the argument, already assessed by the Working Group in past evaluations, that the rules for the calculation of the statute of limitations would have a systemic impact on the entire Brazilian criminal justice system. Brazil does not report any step taken to even assess the possibility of a legislative amendment to address "the unwanted consequences of the retroactive re-calculation of its statute of limitations" nor does Brazil leave any prospect for legislative and/or any other fully effective institutional measures to be taken even in the longer term. Brazil reports that it has instead focussed its efforts on attempting to reduce the case backlog, including by adjudicating up to 100%

of older cases still ongoing in the STJ, Federal and State Courts, prioritising the adjudication of cases related to corruption and improbity (including foreign bribery), as well as of cases involving multiple appeals. Brazil reports that the Supreme Court of Justice has resolved over 10 000 backlogged cases, surpassing its target for this objective.⁹ While these efforts should be commended, they cannot be considered to be “fully effective institutional measures”. First, the Working Group was not able to assess the effectiveness of the announced measures in the absence of detailed information provided by Brazil regarding its plans, resources and timeframe to implement its caseload reduction objective. Second, reducing the case backlog would address only one cause of the problem among the several causes identified with Brazilian legal practitioners in Phase 4, in particular the multiple appeals system (up to 7 levels of appeal are available), and the fact that, at least for the cases that the Working Group has reviewed, Brazilian courts have traditionally tended to impose sentences towards the bottom of the sentencing range in white-collar cases as also discussed under recommendation 6.a. This recommendation thus remains unimplemented.

- ◆ **Recommendation 10 – Partially implemented:** (i) In Phase 4, the Working Group regretted that data on Brazil’s efforts to obtain and provide mutual legal assistance (MLA) was not always readily available in a comparable format across the relevant authorities, which made it difficult to assess Brazil’s performance in this area. The Working Group thus recommended that Brazil ensure that the MoJ’s Department of Assets Recovery and International Cooperation (DRCI), which is Brazil’s main central authority for MLA, as well as the CGU and the FPS maintain more consistent and accessible data on MLA successes and challenges to facilitate Working Group oversight in future monitoring. In its written follow-up report, Brazil recalls that both the FPS and the CGU have some data collection systems in place but does not report any steps taken to ensure overall consistency among the available data sources. This part of the recommendation is thus not implemented. (ii) The Working Group recommended that all Brazilian authorities responsible for enforcing foreign bribery continue to use informal contacts, as appropriate, to seek and provide MLA in foreign bribery cases. In its Phase 4 written follow-up report, Brazil explains that the FPS and CGU have continued the routine practice of maintaining “informal” contacts with foreign authorities to facilitate international cooperation, which is positive, although the information provided by Brazil lacks detail. Brazil does not explain whether and how the DPF has implemented this part of the recommendation. This recommendation is thus partially implemented.
- ◆ **Recommendation 11.a – Not implemented:** In general, Brazil does not have specialised anti-corruption courts. Certain Federal Circuit Courts have courts specialised in financial crimes and money laundering, but it is not certain that most foreign bribery cases would be heard in those courts. The Working Group thus recommended that Brazil intensify its training efforts to raise awareness about foreign bribery and the OECD Anti-Bribery Convention among non-specialised judges. As noted under recommendation 6.b, the CGU and the Brazilian Association of Federal Judges (AJUFE) have concluded an agreement to provide trainings on foreign bribery to new and serving judges. Under the agreement, the trainings will begin in 2026. While this training agreement appears promising, it remains to be seen exactly what the trainings will cover in terms of the details of the foreign bribery offence and the relevance of the Convention as well as whether the trainings will actually make non-specialised judges better equipped to handle foreign bribery cases in practice. At this stage, the recommendation is thus considered not implemented.
- ◆ **Recommendation 11.b – Not implemented:** At the Phase 4 evaluation, Brazil reportedly had three different non-trial resolutions for resolving criminal matters with natural persons: (i) cooperation agreements, (ii) non-prosecution agreements (NPAs); and (iii) conditional suspension of proceedings. There were different conditions required for these resolutions, in particular, it appeared that suspects may not be eligible for cooperation agreements unless they could help identify members of a hierarchical criminal organisation. As it was not clear that non-

trial resolutions would be available in all foreign bribery cases, Brazil was recommended to consider whether other forms of non-trial resolutions would be warranted. In its most recent report, however, Brazil does not indicate any consideration of alternative non-trial resolution mechanisms. Instead, the FPS reports that it has reorganised or created “support groups” within its 5th Chamber to promote more consistent use of existing non-trial resolution mechanisms for natural persons (see recommendation 1.g above). While in theory, these support groups should promote more effective use of Brazil’s non-trial resolutions for natural persons, it does not directly address the Working Group’s recommendation to consider expanding the range of non-trial resolutions systems available.

- ◆ **Recommendation 11.c – Not implemented:** In Phase 4, Brazil had used cooperation agreements in at least two foreign bribery matters, but it was not clear what conditions the accused had to fulfil or what sanctions were imposed. While the FPS did provide a public website with information about its cooperation agreements, the information largely focused on the procedural aspects. This lack of transparency made it difficult for the public to understand how foreign bribery was sanctioned and did not provide clear incentives for potential cooperating witnesses to come forward. The Working Group thus recommended Brazil provide more transparency on non-trial resolutions for natural persons, including what types of cooperation would be required, as well as make clearer the advantages that alleged offenders can receive through cooperation. In its current report, Brazil explains that the FPS has created support groups to promote consistency in the use of its non-trial resolutions, which should help develop stronger criteria and guidance for their use. More time, however, is needed to see whether this will achieve the public transparency and guidance required to fulfil both aspects of this recommendation.
- ◆ **Recommendation 11.d – Not implemented:** As explained for recommendation 11.c above, in Phase 4 Brazil was not able to always explain the sanctions and conditions imposed through non-trial resolutions with natural persons. As a result, the Working Group recommended that Brazil “compile at the federal level” relevant information on the use of non-trial resolutions for natural persons. In its most recent update, Brazil’s FPS reports that it now has three support groups that can collect information on the use of the various non-trial resolutions to harmonise FPS practice and to develop normative guidance. The FPS also continues to maintain a database of ratified leniency and collaboration agreements, but virtually all of the collaboration agreements that presumably would be used for natural persons are still under seal. Thus, it is not clear how effectively Brazil’s authorities will compile information about the sanctions imposed and the conditions required of each defendant through all relevant non-trial resolutions. The recommendation is thus deemed not implemented at this stage.
- ◆ **Recommendation 11.e – Partially implemented:** At the Phase 4 evaluation, Brazil had used non-trial resolutions to resolve foreign bribery allegations against both natural and legal persons. Though both the CGU and the FPS made certain details public about the resolutions, they did not clearly provide the relevant facts of the cases. Nor did they clarify the type and level of sanctions imposed or clarify how those sanctions were selected. According to civil society and legal practitioners, this made it difficult to understand, or to raise awareness about, the consequences of committing foreign bribery. The Working Group thus recommended that Brazil make public as much information as possible, consistent with data protection and other privacy rights, about non-trial resolutions for natural and legal persons, to make clearer the foreign bribery misconduct and the sanctions imposed for it. For its part, the CGU has now created a dedicated foreign bribery webpage to provide more detail about its leniency agreements used to sanction companies for foreign bribery. The page provides details about the amounts paid in bribes, fines, and restitution. While it provides only a high-level summary about the full resolution (with amounts for all charges, including foreign bribery), this welcome step forward is further confirmation of the CGU’s commitment to transparency. At the time of finalising this report, the FPS reported that its website,

including its dashboard of leniency and cooperation agreements, is currently undergoing a redesign process and that transparency is an important consideration for the FPS. This recommendation is considered to be partially implemented.

- ◆ **Recommendation 11.f – Partially implemented:** As with recommendation 11.e above, the limited information provided about the facts of the case and the sanctions imposed made it impossible to assess whether sanctions imposed on companies through leniency agreements were effective, proportionate, and dissuasive in relation to the nature and size of the foreign bribery misconduct. For this reason, the Working Group recommended that Brazil provide more transparency about the amount of the bribe, the proceeds derived from the bribery scheme, and the sanctions imposed for the scheme. In its update, the CGU reports that it has now created a dedicated foreign bribery webpage to provide more detail about its leniency agreements that sanctioned foreign bribery. While it provides a high-level summary, this is a welcome step forward. In addition, the CGU is currently developing a new ordinance that would clarify exactly what information it can make public concerning its concluded leniency agreements. At the time of finalising this report, it is not clear what steps the FPS has taken to implement this recommendation.

Regarding the liability of, and engagement with, legal persons

- ◆ **Recommendation 12.a – Not implemented:** In Phase 4, the Working Group considered that, while Brazil overall has a robust system for corporate liability for foreign bribery, the CLL or other relevant legislation does not cover the full range of acts or offences called for by the Convention. In particular, the Group found that while Article 5(II) CLL captures a form of aiding and abetting by making it an offence to “demonstrably finance, defray, sponsor or in any way subsidise the performance” of a CLL violation, this offence would not clearly cover the full range of complicity as set forth in Article 1(2) to the Convention, “including incitement, aiding and abetting, or authorisation”. Two years later, Brazil has not taken steps to “ensure that legal persons can be held liable for the full range of acts of complicity set forth in Article 1(2) of the Convention” as recommended by the Working Group. Brazil instead reiterates information already reflected in the Phase 4 report, though this time referring to the *Manual for the Liability of Private Entities*¹⁰ issued by the CGU in 2022 and thus pre-dating the Phase 4 evaluation. Brazil considers that there is no practical utility in adding the Convention terms to the CLL. At the same time, Brazil reports that an updated version of the *Manual for the Liability of Private Entities* is currently under preparation and is expected to provide further clarification on this matter. The document is scheduled for publication in March 2026. The Manual is an interpretative document issued by the CGU only and, as such, it would not, on its own, fully “ensure” the coverage of the full range of acts of complicity. Nonetheless, should it include such clarification, once published, it would be an encouraging step that could partially implement the recommendation.
- ◆ **Recommendation 12.b – Not implemented:** In addition to the loophole identified by the Group with recommendation 12.a regarding the offence of complicity, the Phase 4 report noted that the CLL does not expressly cover the related Convention offences of laundering of the bribe and the proceeds of bribery where foreign bribery is the predicate offence. In its written follow-up report, Brazil reiterates arguments already made regarding other recommendations including recommendation 12.a above. Brazil contends that provisions in article 5 (II) CLL about subsidising the performance of an act, and 5 (III) CLL about the use of intermediaries to conceal or disguise the company’s actual interests or the identity of the beneficiaries, are broad enough to cover acts equivalent to money laundering. While this flexibility in the law is welcome, the actual coverage of these provisions remains unclear, and the Working Group already deemed that clarity would be preferable and recommended that Brazil “amend its law” to cover both the laundering of the bribe and the proceeds of bribery when committed by a legal person. In support of this contention, Brazil cites three domestic cases “associated with bribery” where companies were held liable of conducts

“equivalent to money laundering”. None of these cases is in relation to foreign bribery and two of them predate the Phase 4 report. While it is reassuring to see that Brazil was able to rely on certain flexible legal provisions in certain cases, it remains the case that Brazil’s law has yet to be amended to expressly cover these offences for legal persons. Closer to the finalisation of this summary and conclusions, Brazil indicated that in December 2025, a proposed amendment was introduced, with the support of a Senator, during the legislative discussions of the bill known as the “Anti-Organized Crime Bill”. The amendment was not approved by Congress and the CGU is currently re-engaging with this Senator “to consider reintroducing this proposal as a standalone Bill”. These legislative efforts are welcomed though the draft amendment submitted to the evaluation team is still drafted in general terms and does not “expressly make legal persons liable for the laundering of the bribe and the proceeds of bribery” as recommended by the Working Group. Additionally, these efforts are still in their preliminary stages and, even if it were amended to implement this recommendation, such amendment could only implement the recommendation when enacted, in line with the Working Group’s consistent approach across countries.

- ◆ **Recommendation 12.c – Not implemented:** According to article 26 of the 2022 Decree, the maximum fine applicable to a legal person is equal to the lowest of the following values: (i) three times the intended or earned advantage, whichever is greater, (ii) 20% of gross revenue (excluding sales tax), or (3) BRL 60 million (roughly EUR 9.55 million), if the gross revenue cannot be calculated. In Phase 4, the Working Group noted that even though Brazil had imposed extremely large fines in resolutions concerning large-scale domestic corruption as well as foreign bribery, the 2022 Decree’s decision to cap the fines at three times the advantage sought or obtained has in practice reduced the fine that otherwise would have applied based on turnover.¹¹ For this reason, they recommended that the maximum fine be set at three times the advantage sought or obtained up to the statutory 20% cap, whichever is higher. Two years later, the Working Group observes that the Guide for Identifying and Quantifying the Advantage Obtained,¹² released in September 2025 by the CGU, merely confirms that the final amount of the fine is limited to the lesser of the three caps available in article 26 of the 2022 Decree. Closer to the finalisation of this summary and conclusions, Brazil acknowledged that any modification that would alter the structure of the applicable caps would require further legislative amendment to the 2022 Decree. However, Brazil asserts that any amendment, in particular within less than four years of the current framework’s implementation, should be preceded by a comprehensive evidence-based assessment of its practical impact. Brazil emphasises that it has taken steps to this effect with the initiation of a periodic monitoring of sanctions imposed in administrative liability proceedings which Brazil asserts constitutes a concrete and structural step toward ensuring continued alignment with OECD standards. The Working Group commends the CGU’s efforts to monitor the calibration of sanctions imposed to companies in administrative liability proceedings.¹³ The Working Group notes the CGUs finding that about 75% of the fines resulted in an effective rate of 7% of the company’s gross revenue and that the analysis found that only 11 out of 158 cases had fines calculated based on the “three-times advantage” cap. However, these data are of limited relevance as none of these fines applied to foreign bribery, and it is unclear whether the 7% rate resulted from the application of one of the other two caps or merely result from calculation of the fine, below any cap. Furthermore, such data do not on their own implement the recommendation which is not to reassess the impact of the implementation of the Decree after several years but rather to achieve a result, i.e. “that the maximum possible fine be set at three times the advantage sought or obtained up to the statutory 20% cap, whichever is higher”. In the absence of such result, the recommendation remains unimplemented.
- ◆ **Recommendation 12.d – Partially implemented:** In Phase 4, the Working Group noted that the CLL still, overly limits the scope of liability because after a merger or incorporation, the successor entity is only liable for fines and compensation for damages. Already in Phase 3, the Working

Group considered the exclusion of confiscation a major loophole. In its written follow-up report, Brazil informs the Group that a new interministerial ordinance was adopted on 19 December 2025,¹⁴ to clarify the requirement that an acquiring legal entity seeking to enter into a leniency agreement must return any profits obtained from the unlawful act. Article 26 of the Ordinance specifically regulates leniency agreements to be concluded by successor entities in cases of merger, incorporation, or any other form of corporate reorganisation. In comparison with the general regime set out in article 25, the provision establishes additional and tailored cumulative requirements applicable to successor entities. In particular, the Ordinance expressly requires that, in order to conclude the agreement, the successor entity must either return the advantage obtained from the infraction or identify the individual or legal entity that retained such benefit, providing supporting evidence to enable the State to pursue forfeiture against the responsible party pursuant to article 19 CLL. The introduction of such provision represents an important step towards the implementation of this longstanding recommendation. However, the possibility to confiscate the profit of foreign bribery from successor companies should not only be a condition to enter into a leniency agreement; rather, it and should rather be more broadly available. The recommendation thus only partially implemented at this stage.

Regarding other measures affecting implementation of the Convention

- ◆ **Recommendation 13 – Partially implemented:** In Phase 4, the Working Group was concerned by the fact that courts are not required to inform tax authorities of convictions related to foreign bribery and that the CGU reported that it cannot share information with the tax authorities. The Brazilian authorities did not explain whether the CGU would share information about companies that were sanctioned through administrative proceedings. This limited the possibility for the RFB to receive information that a taxpayer was sanctioned for foreign bribery, thus hindering the effective implementation of the non-tax deductibility of bribes. The Working Group thus recommended that Brazil take steps to ensure that tax authorities are informed of individuals and companies sanctioned for foreign bribery whether through criminal or non-criminal proceedings so that the tax authorities re-examine the tax returns for the relevant years to determine whether the bribes had been deducted. In its Phase 4 written follow-up report, Brazil explains that the Secretary for Private Integrity of the CGU issued a formal instruction (Official Letter No. 2141/2026/SIPRI/CGU of 12 February 2026) requiring that administrative liability proceeding (PAR) Commissions notify the RFB of elements uncovered during a PAR indicating “the possible occurrence of tax offenses – such as the payment of undue advantages to domestic or foreign public officials (including the occurrence of foreign bribery and other crimes against foreign public administration as per articles 337-B to 337-D PC)”. This is a positive development. Brazil does not, however, report any step taken or planned to ensure the RFB receives relevant information on sanctions applied for foreign bribery by courts.

Developments regarding ad hoc issues identified after adoption of the Phase 4 report

15. Shortly before the October 2023 adoption of the Phase 4 report, a STF justice issued a monocratic decision in a constitutional challenge brought in the context of a criminal proceeding that arose from the Lavo Jato investigation. That decision found that evidence obtained in connection with the FPS’s leniency agreement with Odebrecht had been obtained unlawfully and thus must be excluded from the trial. While the decision did not directly impugn the leniency agreement, it gave rise to concerns that the Odebrecht leniency agreement as well as others concluded in connection with the Lava Jato investigation could be invalidated. A part of the decision’s reasoning also raised concerns that Brazil might restrict the ability of

its law enforcement authorities to provide mutual legal assistance to other Parties to the Convention. (See Phase 4 report, paras. 23-24; Phase 4 Follow-up issues 14(a) and 14(b)).

16. Following the adoption of the Phase 4 evaluation, additional litigation and court decisions related to individual leniency agreements or to the constitutionality of Brazil's leniency agreement framework prompted the Working Group, in March 2024, to invite Brazil to begin providing updates on three "ad hoc" issues: (1) the renegotiation of the terms of certain leniency agreements pursuant to an STF decision; (2) updates concerning a constitutional challenge to Brazil's leniency agreement framework (ADPF 1.051); and (3) updates concerning the decision's effects on Brazil's ability to provide mutual legal assistance. In June 2025, the Working Group decided to merge the ad hoc reporting with Brazil's regularly scheduled two-year written follow-up report.

◆ ***Ad hoc issue #1: Status of the renegotiation of the leniency agreements***

17. Following the September 2023 monocratic STF decision that first potentially called into question the validity of the Odebrecht leniency agreement, another STF judge ordered Brazilian authorities, in the context of the constitutional challenge (ADPF 1.051) to renegotiate the terms of the leniency agreements concluded with companies before the CGU, the AGU and certain other authorities concluded the August 2020 Technical Cooperation Agreement (TCA) that regulated the participating authorities' use of leniency agreements. Three of the leniency agreements subject to renegotiation included foreign bribery violations: the leniency agreements with Odebrecht, OAS, and Engevix.¹⁵

18. The CGU and the AGU required all companies that sought to renegotiate to agree to certain terms. Most notably, the companies had to acknowledge that their leniency agreements were not coerced and that they would not contest the facts underlying the original agreement. They also agreed to continue adhering to the cooperation and compliance obligations imposed by the original agreement. As a result, the renegotiations largely centred on the sanctions and the terms of payment. In the end, the renegotiated leniency agreements, including the three that concerned foreign bribery, did not result in lower sanctions, but they did modify the terms of payment (e.g. extended payment periods as well as allowing for tax credit offsets). In August 2025, the STF confirmed the renegotiated leniency agreements. The issue thus appears to be largely resolved for the CGU. It remains to be seen what will happen with the FPS's leniency agreements related to foreign bribery. While it is good that Brazil appears to have resolved this particular set of issues arising from the constitutional challenge, it is significant that the FPS has reported that the legal uncertainty created by this litigation is perceived to have reduced the number of requests for leniency agreements as well as the number of concluded leniency agreements since 2022. The Working Group will continue to follow on the impact of the decision for leniency agreements concluded by the FPS as an ad hoc issue.

◆ ***Ad hoc issue #2: Updates concerning constitutional challenge to Brazil's leniency agreement framework (ADPF 1.051)***

19. The constitutional challenge to Brazil's leniency framework, known as ADPF 1.051, remains pending. The core claim is that the existence of multiple authorities concluding leniency agreements with the same companies for the same misconduct violates prohibitions due process (prohibitions against double jeopardy). The AGU, on behalf of the Federal Government, defended the validity of all leniency agreements concluded to date, whether they were finalised before or after the 2020 TCA. The STF Minister Rapporteur appears to have provisionally accepted this analysis, at least for agreements concluded by the CGU and the AGU. Potentially, however, the Minister Rapporteur's proposed decision would affect the FPS's ability to conclude leniency agreements unilaterally without the involvement of the CGU, which would represent a change in how Brazil's legal framework for leniency agreements has operated to date. If this position is confirmed, then all foreign bribery cases would depend on the initiative of CGU. One positive development, however, is that the 2025 version of the TCA has been adopted by various agencies, including the CGU, the AGU, and the FPS. This provides a basis for the FPS to remain involved in foreign bribery cases, even if the Minister Rapporteur's proposed decision is ultimately confirmed. In that scenario,

however, the Working Group would still need to assess the ramifications, given that the CGU, as an administrative body within the Executive branch, does not enjoy the same guarantees of independence as the FPS. According to Brazil, the ADPF proceeding was still ongoing at the time this report was adopted. The Working Group will thus continue to follow this litigation as an ad hoc issue.

◆ ***Ad hoc issue #3: Updates concerning Brazil's ability to provide mutual legal assistance after the monocratic STF decision related to the Odebrecht leniency agreement***

20. As mentioned above, the September 2023 monocratic STF decision found potential procedural irregularities related to the manner by which Brazilian authorities obtained evidence through international cooperation with another Party to the Convention in the *Lava Jato* investigation into Odebrecht. As a result, several Working Group members have raised concerns that, conversely, Brazilian authorities may not be able to cooperate with their own investigations into related misconduct. While the Brazilian authorities acknowledge that they cannot, pursuant to the monocratic STF decision, provide mutual legal assistance in relation to the challenged evidence, they report that they have been able to provide mutual legal assistance effectively in other contexts (the case being fact-specific does not have a wider impact on MLA generally or, regarding this case, on evidence obtained independently of the tainted computer systems). Most notably, Brazil's CGU cooperated with law enforcement authorities in Singapore and United States to resolve three multijurisdictional cases where Brazilian officials were implicated in transnational corruption. In addition, Brazil can still provide police-to-police cooperation in all cases not directly affected by the monocratic STF decision. Brazil also observes that the monocratic STF decision is under appeal and thus still needs to be considered by the full STF. The Working Group will continue to follow up on this matter as an ad hoc issue.

Dissemination of evaluation report

21. In its Phase 4 follow-up report, Brazil indicates that the Phase 4 report was published on the CGU's official website on a webpage dedicated to the OECD Anti-Bribery Convention and the outcomes of Brazil's monitoring process. Brazil also reports that the CGU published the recommendations and follow-up questions in Portuguese on the CGU's publicly available International Recommendations Dashboard ([Painel Recomendações Internacionais](#)). This repository aims to provide detailed data on all recommendations received by Brazil under the monitoring mechanisms of the international anti-corruption conventions it has signed, including the OECD Anti-Bribery Convention. While this is a commendable coordination and planning tool, it does not seem to go beyond the Working Group's Phase 3 recommendation. Finally, Brazil stresses that the CGU and the Federal Government of Brazil published extensive information on the Phase 4 evaluation on official social networks at all stages of the process. Following the adoption of the report, the CGU issued several press releases and convened media outlets to disseminate the Working Group's findings.

Conclusions of the Working Group on Bribery

22. Based on these findings, the Working Group concludes that recommendations 1.f, 1.g, 3, and 7.b have been fully implemented; recommendations 1.a, 1.b, 1.c, 1.d, 4, 5, 6.d, 7.a, 7.c, 8, 10, 11.e, 11.f, 12.d, 13 partially implemented; and recommendations 1.e, 1.h, 2.a, 2.b, 6.a, 6.b, 6.c, 7.d, 9, 11.a, 11.b, 11.c, 11.d, 12.a, 12.b, 12.c not implemented. The Working Group thus invites Brazil to report back in writing in March 2027 on its implementation of recommendations 1.h, 6.a, 6.b, 6.c, 7.d, and 9, as well as on developments related to the three ad hoc issues on which Brazil is already reporting. Brazil will also submit an action plan for implementing these recommendations and, to the extent appropriate, for addressing the concerns underlying the ad hoc issues. Brazil will continue to report its foreign bribery enforcement actions

annually during the Working Group's Tour de Table discussions. The Working Group will continue to monitor the follow-up issues identified in the Phase 4 Report as case law and practice develop in future monitoring evaluations.

Annex A. Follow-Up Report by Brazil

Instructions

This document seeks to obtain information on the progress each participating country has made in implementing the recommendations of its Phase 4 evaluation report. Countries are asked to answer all recommendations as completely as possible. Further details concerning the written follow-up process can be found in the current [Phase 4 procedures](#).

Please submit completed answers to the Secretariat on or before 28 November 2025.

| | |
|---|-------------------------|
| Name of country: | BRAZIL |
| Date of approval of Phase 4 evaluation report: | 12 October 2023 |
| Date originally submitted: | 28 November 2025 |
| Updated version provided by Brazil: | 18 February 2026 |

PART I: RECOMMENDATIONS FOR ACTION

Regarding Part I, responses to the first question should reflect the current situation in your country, not any future or desired situation or a situation based on conditions that have not yet been met. For each recommendation, separate space has been allocated for describing future situations or policy intentions.

Recommendations regarding detecting foreign bribery

Text of recommendation 1(a):

1. Regarding **detection** of foreign bribery, the Working Group recommends that Brazil:

(a) Clarify the relationship between the reporting obligations incumbent on public officials and the possibility of reporting open to them under whistleblower protections rules, in particular regarding reporting channels, the criteria applicable for using either of these mechanisms, and the related protections; [2021 Recommendation VIII; XII.i-ii; XXI.iv-vi and XXII]

Action taken as of the date of the follow-up report to implement this recommendation:

The Federal Inspector General's Office (*Corregedoria-Geral da União - CRG*) has been systematically disseminating among federal agencies the interpretation expressed in [Technical Note No. 338/2021/CGUNE/CRG](#), of 17 February 2021, which establishes that the statutory duty (Art. 116(VI) and (XII), Law 81.112/1900) imposed on federal public officials to report illicit acts may be fulfilled through the submission of a report via Fala.BR, the federal reporting platform managed by CGU.

This interpretation by the central authority of the Federal Government's disciplinary system enables public officials to benefit from the same protection mechanisms afforded to all whistleblowers, including identity protection, to safeguard them against possible acts of retaliation.

The Technical Note has been incorporated into the Ementary of Technical Notes, whose second edition was published in February 2025, thereby institutionalizing and disseminating this understanding across

the federal administration.

In addition, CRG is currently working in coordination with CGU's Secretariat for Social Communication (ASCOM) to develop a major awareness campaign aimed at federal public officials regarding their statutory duties and prohibitions, with an emphasis on their duty to report wrongdoing, particularly foreign bribery, the possibility of fulfilling this duty through Fala.BR; and the available protections to any public official who submits a report via the Fala.BR channel.

The campaign is expected to launch in 2026, utilizing all of the CGU's communication channels and the [Sou.Gov](#) application, which is the centralized digital platform for federal public servants' personnel management services. The application will open a "pop up" when accessed and users will have to click to confirm that they have read and are aware of the information displayed in the pop-up notice. CGU's Secretariat for Public Integrity (SIP) will also disseminate this information through the Federal Government's public integrity network (SITAI) and sectoral integrity units. The campaign is intended to have the widest reach possible among federal public officials.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 1(b):

1. Regarding **detection** of foreign bribery, the Working Group recommends that Brazil:

(b) Analyse how Brazilian overseas missions can further contribute to the detection of foreign bribery allegations so that Brazilian law enforcement authorities can take appropriate action; [2021 Recommendation VIII and XXI.iv-vi]

Action taken as of the date of the follow-up report to implement this recommendation:

The Ministry of External Relations (MRE) sends annually a "circular cable" to all Brazilian diplomatic missions abroad reiterating the obligations under the OECD Anti-Bribery Convention, the need of systematic monitoring of the local environment for detection of possible foreign bribery allegations involving Brazilian companies and individuals, as well as information on the channels and means available for reporting to the competent authorities in Brazil. The last version of this circular cable was sent in November 2025.

The information is widely disseminated amongst all diplomatic mission personnel, with a particular focus on the commercial promotion section and the federal police, intelligence agency and agricultural attachés posted abroad.

Furthermore, the diplomatic academy "Instituto Rio Branco" is planning to host a hybrid event in 2026, in partnership with the CGU, dedicated to discussing the role of diplomatic missions and the Brazilian Cooperation Agency (ABC) in the detection and reporting of foreign bribery. The hybrid format is intended to ensure broad participation of foreign service and development officials.

CGU is also implementing a relevant upgrade to the Fala.BR platform, through the project "Registro Simplificado de Manifestações no Fala.BR" (Simplified Filing of Reports on Fala.BR) (E-CGU 1885825), to further support the detection and reporting of foreign bribery allegations from abroad.

The upgrade will enable foreign individuals without a Brazilian tax identification number (CPF) to access the platform and submit reports using a simplified reporting form in multiple foreign languages. The Fala.BR will now feature foreign-language resources, allowing foreign whistleblowers or individuals located outside Brazil to better understand reporting procedures and protections, submit allegations, and accompany the status of their reports. These resources include multilingual explanatory content and accessible interfaces, in alignment with good practices of user accessibility adopted by CGU.

CGU is also developing a specific corruption-related reporting form in Fala.BR, containing a dedicated subcategory for foreign bribery, which will allow the tracking and monitoring of foreign bribery reports by competent authorities.

The simplified reporting system is currently in development and is scheduled for launch in the first half of 2026.

CGU will also provide an updated Whistleblower Guide to missions abroad and development officials (ABC), which will include detailed guidance on reporting allegations of foreign bribery, further clarifying channels, procedures, confidentiality measures, and the new functionalities available for foreign users in Fala.BR. The update will explicitly reference the simplified reporting interface and foreign-language resources. This revised Guide is planned for publication in the second half of 2026, in alignment with the implementation of the new system components.

CGU and MRE are discussing the possibility of including on embassy websites, in Portuguese, English, and the local languages where the diplomatic mission is based, a section that guides and directs users to the Fala.BR channel through which any citizen, including foreigners, can report acts of foreign bribery.

Lastly, the Federal Police reported that in one case of foreign bribery, detection stemmed from media reports and subsequent communication by a Brazilian embassy abroad. The Ministry of Foreign Affairs forwarded the information to the FPS, which submitted the request to the Federal Police for initiation of a police inquiry. The case is still ongoing and remains confidential. Further information can be provided when matters become public.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 1(c):

1. Regarding **detection** of foreign bribery, the Working Group recommends that Brazil:

(c) Consider ensuring that the CGU can obtain tax information to support the detection and preliminary investigation of potential foreign bribery violations on the same basis as the FPS; [2021 Recommendation VIII, XI. and XXI.iv.]

Action taken as of the date of the follow-up report to implement this recommendation:

The CGU frequently obtains tax information during investigative proceedings carried out in the context of special operations in which the CGU, the Federal Police, and the Federal Prosecution Service operate jointly. In 2025, for instance, the CGU had access to information arising from the lifting of bank and tax secrecy in the INSS case, which involved 67 legal entities, their partners, and other individuals under investigation. In 2024, the CGU set a record for participation in such joint operations, taking part in 47 special operations conducted with the Federal Police and other partners. Prior to the initiation of a PAR (Administrative Liability Proceeding), the CGU may also request access to information protected by tax secrecy through a judicial order.

As noted in the report, Article 198(II) of the Tax Code allows tax information to be shared with administrative authorities, including the CGU, “in the interest of the public administration,” provided that formal administrative proceedings have been initiated. Although the provision does not expressly prohibit information-sharing during the investigative stage, the CGU is mindful of potential judicial challenges that could jeopardise the validity of future cases.

To address this, the CGU is developing a proposal to allow the sharing of tax information during investigations, conditioned on the existence of sufficient indications of authorship and materiality. The

measure will be submitted to the Office of the Attorney-General of the National Treasury (PGFN), whose legal opinion is essential to ensure legal certainty for civil servants and safeguard the integrity of future proceedings requiring access to tax-protected data.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 1(d):

1. Regarding **detection** of foreign bribery, the Working Group recommends that Brazil:

(d) Revise Export Credit Agencies' policies to enhance: (i) staff training to identify and address instances of potential foreign bribery; (ii) due diligence before granting export credits to legal persons in the situations listed in Recommendation VI of the 2019 Recommendation of the Council on Bribery and Officially Supported Export; (iii) screening to detect foreign bribery red flags after support has been granted; and (iv) ECAs' policies in order to take appropriate actions such as enhanced due diligence, denial of payment, indemnification, or refund of sums provided, if, in relation to the transaction, one of the parties is recognised as involved in foreign bribery; [2021 Recommendation IV.ix; VIII and XXI.iv.-vi; XXIII D.i; XXV, and E.C. Recommendation VI]

Action taken as of the date of the follow-up report to implement this recommendation:

In 2025, the Brazilian Guarantees and Fund Managements Agency (ABGF) approved a new integrity and anti-corruption policy, which expressly includes, as a preventive measure, the performance of Due Diligence for all Export Credit Insurance (ECI) operations.

Additionally, the update of the internal compliance regulations for Export Credit Insurance (ECI) operations is nearing completion. This update provides, in addition to general aspects of conducting Due Diligence for ECI operations (already included in the current regulation), more detailed guidelines for enhanced (in-depth) due diligence in all operations (Medium and Long-Term Operations; Micro, Small and Medium Enterprises Operations; and Micro, Small and Medium Defense Enterprises).

Furthermore, the following ABGF policies are under review, with completion expected by the end of this fiscal year: (i) risk management policy; and (ii) anti-money laundering and counter-terrorism financing policy.

For the next fiscal year, ABGF intends to continue reviewing its workflows and processes to obtain the following certifications: (i) the Pro-Ethics Seal from the Office of the Comptroller General (CGU); and (ii) ISO 37001, which addresses anti-bribery management systems. These initiatives are important tools that reaffirm ABGF's commitment to implementing measures aimed at preventing, detecting, and remediating acts of corruption, fraud, socioenvironmental violations, and human rights violations.

(i) staff training to identify and address potential cases of foreign bribery.

Since 2016, following the implementation of Compliance Procedures for Export Credit Insurance (ECI), ABGF has carried out staff training activities to identify and prevent potential cases of foreign bribery, particularly regarding due diligence procedures, in line with the Anti-Corruption Policy for Export Credit Insurance (ECI).

ABGF has systematically conducted internal training sessions on this topic since 2016. In 2020, ABGF provided training to the Executive Secretariat of the Foreign Trade Board (SE-CAMEX) team, which was responsible for approving ECI operations. In 2025, specific training was provided to the compliance team, focused on "Compliance, Integrity, and the Anti-Corruption Law," taught by a specialized

educational institution, in addition to training for all employees on the Integrity and Anti-Corruption Policy, the ABGF Integrity Program, and the ABGF Code of Conduct and Integrity. In this regard, ABGF's Integrity and Anti-Corruption Policy establishes mandatory annual training for all employees on this topic.

Moreover, in compliance with its staff training plan, ABGF regularly promotes lectures, workshops, and newsletters on ethics and integrity for all employees, as well as encouraging staff to seek knowledge through courses offered by the Office of the Comptroller General (CGU), the Council for Financial Activities Control (COAF), the National School of Public Administration (ENAP), among other official bodies.

BNDES provides annual ethics and integrity training to all employees, with emphasis on related topics, including ABC and AML training. Annual trainings on the Brazilian Anti-Corruption Law (Clean Company Act) are provided to members of the Board of Directors and Executive Board, as required by legislation. Due to the low turnover rate of staff, not every topic is object of training every year. Currently, there is no specific training on combating bribery of foreign public officials in international business transactions. Nevertheless, as part of the latest approved [Integrity Plan – PCIN](#), in effect since December 2025, BNDES aims to address improvements in this specific topic, including a focused training on foreign bribery for the export and compliance teams, still in 2026.

The PCIN reaffirms BNDES's commitment to:

1.1.a. the prevention and combating of deviations, fraud, corruption, irregularities and other illicit acts in its activities, including international commercial transactions.

1.1.e. maintaining a transparent and collaborative dialogue with external control bodies, regulators and competent authorities, especially in situations of investigation of acts harmful to public administration, national or foreign.

(ii) due diligence before granting export credits to legal persons in the situations listed in Recommendation VI of the 2019 Recommendation of the Council on Bribery and Officially Supported Export;

Following guidelines established by the Federal Government, ABGF conducts compliance due diligence prior to all ECI operations and, if it identifies red flags and risk situations listed in Item VI of the *2019 Recommendation of the Council on Bribery and Officially Supported Export*, it performs **Enhanced (or in-depth) Due Diligence**. In 2025, ABGF even contracted a Compliance Due Diligence tool, in addition to the RepRisk tool (already used for ESG research on the exporter, financial institution, and importer), in order to strengthen and automate its research within the scope of its standard due diligence stage.

As a rule, ABGF performs enhanced (or in-depth) due diligence in the following situations:

a. If it has identified that the exporter—on its own behalf or through its controlling shareholders, members of the Board of Directors, Fiscal Council and/or Executive Board— any company belonging to its economic group de facto or de jure, or any individual and/or legal entity acting on its behalf:

i) is being accused in any Brazilian or foreign court of acts of corruption; crimes committed by private individuals against foreign public administration; crimes of “laundering” or concealment of assets, rights and values; acts of financing terrorism; and/or other crimes that expose institutions to significant reputational risks; and/or

ii) within the five (5) years preceding the ECI request, was convicted in a national court or subjected to equivalent administrative measures for acts of corruption; crimes committed by private individuals against foreign public administration; crimes of “laundering” or concealment of assets, rights and values; and/or acts of financing terrorism.

b. If the operation involves agents acting on behalf of the exporter whose operating conditions, the amount and purpose of commissions and fees paid are not properly demonstrated and require further due diligence;

c. When it is necessary to verify whether the level of commissions and fees paid in the operation, or agreed to be paid, the purpose of such commissions and fees, and the place of such payments appear appropriate and only for legitimate services;

d. When it is necessary to extend due diligence to other parties involved in the transaction, including, for example, companies in the economic group, joint ventures or partners, and request information on the beneficial ownership and financial condition of any of the parties to the transaction; or

e. When it is necessary to supplement and/or clarify any situation or aspect related to the scope of the anti-corruption compliance work identified during standard due diligence.

In addition to all procedures carried out under standard compliance due diligence—where various red flags are already widely assessed and appropriate clarifications requested from exporters—the enhanced due diligence will also include the following additional procedures:

a. Analysis by ABGF's Legal Department regarding relevant procedural findings; the existence of legal impediments; or other possible legal recommendations to be observed in the analysis and/or prior to contracting the operation, with any points of attention and other relevant legal aspects recorded;

b. Verification of information with the exporter, including meetings with the compliance department; and/or requesting audit results of the integrity program adopted, as informed in question III of the Exporter Form, as to assess whether control systems are adequate to deal with Acts of Corruption; Crimes Committed by Private Individuals against Foreign Public Administration; Crimes of "Laundering" or Concealment of Assets, Rights and Values; and/or Acts of Financing Terrorism, if this analysis was not carried out during standard due diligence;

c. Any other procedures or inquiries deemed necessary to assess compliance risks and reputational risks identified regarding the operation, the company, or its economic group.

Integrity Due Diligence processes in BNDES involve several red flags which are considered in the clients' risk classification. KYC procedures cover a search for both administrative and judicial proceedings as a critical part of CDD and risk assessment. Various public sources of information are monitored in search of potential risk of corruption and similar violations, such as money laundering, financial crime, environmental and human rights violations or any material reputational risk associated with a client or entity. This search encompasses sanctions and debarment lists (national and international enforcement lists, including MFIs, UN, OFAC, EU, etc.), adverse media screening, judicial proceedings (criminal and civil records of convictions and involvement in lawsuits that suggest misconduct) and administrative proceedings (penalties or administrative fines imposed by financial regulators in national lists, like Brazilian Central Bank, Office of the Comptroller General (CGU), Federal Court of Accounts, CVM (Brazilian SEC), among others in various matters, such as human-rights related bodies and environmental).

Screening process comprises the company, its main administrators, partners, and ultimate beneficiary owners (UBOs). BNDES has a contract with Lexis Nexis for access to the Nexis Diligence product, which accesses the restrictive list databases of World Compliance. In this database, all administrators, partners, and ultimate beneficiaries not residing in Brazil are checked, as well as companies (importers or guarantors of the operation) that are based in foreign lands. Members of the corporate structures of exporting, importing and operation-guaranteeing companies that are based or domiciled abroad are also examined. Counterparts based or domiciled in Brazil undergo scrutiny against local restriction lists and directly on the CSNU list. All exporting companies are also checked, through CGU, on the OECD Working Group on Bribery in International Business Transactions list (OECD Matrix).

Identified red flags are considered in the integrity risk rating of the Client. Some of them increase it to a

medium and high risk, such as (i) resistance to provide information, (ii) providing false information or statements or that lack sufficient evidence/sources to confirm its validity; (iii) non-identification of Ultimate Beneficial Owners (UBOs); (iv) negative media regarding criminal activities, environmental or human rights violations; (v) existence of judicial or administrative procedures or conviction, in the same matters; (vi) insertion in a national restrictive / impediment list; insertion in sanctions lists; (vii) suspicious activity report (SARs) of money laundering or terrorism financing; (viii) FATF high risk jurisdictions; (ix) PEPs; (x) low level of compliance program.

The abovementioned procedures comprise the client (borrower), its controllers (UBOs), shareholders and other companies that integrate their economic group (which have common control) and their executives and board, pursuant to Brazilian Central Bank Circular No. 3,461, of 2009. Periodic reviews are conducted according to risk classification to ensure information remains current and accurate.

BNDES Compliance Unit does not limit its search within a five-year period preceding the application.

As part of its regular due diligence, companies are also required to present an Integrity Questionnaire referring to its integrity practices, according to the Brazilian Comptroller General (CGU) parameters. Answers are automatically evaluated and for large companies that do not achieve a sufficient rate, evidence of improvement in its compliance program are required to be implemented within one year. Failure to do so prevents to establish new relationships with BNDES.

BNDES may also take any possible EDD measures at discretion such as requesting additional information and meetings.

(iii) screening to detect foreign bribery red flags after support has been granted;

At ABGF, the process of monitoring completed operations (especially those classified as Medium and Long Term – MLP) occurs whenever the exporter requests a new Export Credit Insurance (ECI) concession, considering that, in most cases, they are recurring clients. This allows the Company to maintain constant monitoring (in most cases, at least once every six months) of these exporters benefiting from Export Credit Insurance (ECI).

In addition to this monitoring that is carried out with each new request by exporters, one of the criteria for defining which operations will be monitored is the risk level identified through the operation's risk matrix during standard due diligence. However, specific characteristics of the operation or the parties involved may also be considered. In the last fiscal year, operations that presented a higher risk level according to compliance were rejected by ABGF, given its low appetite for compliance and/or reputational risks.

In this regard, if any facts or indications of crimes related to the supported company or the operation are identified, the compliance team must conduct new due diligence and verification procedures. If these are confirmed, the export credit insurance policy determines that the development agency must interrupt official support, recover amounts that have been disbursed or indemnified, and suspend official support for new operations for the period and conditions provided by current legislation or the conviction ruling. The exporter will not be entitled to reimbursement of amounts paid as coverage fees and will be subject to an additional fine corresponding to the value of the contracted insurance Premium.

However, in recent fiscal years, ABGF has not identified or received reports of any allegations of foreign bribery occurring in supported operations.

Monitoring after the granting or disbursement of loans follows a set of continuous mechanisms defined by the KYC Manual, which ensure that the client remains compliant with integrity standards, regulatory compliance, and the prevention of money laundering and terrorist financing. The main instrument is the periodic updating of the Registration Report, which must occur every 24 months for low- or medium-risk clients, and mandatorily every 12 months for clients classified as high integrity risk. If relevant facts arise before the aforementioned deadline, BNDES may determine an early reassessment.

In addition, BNDES conducts automatic monthly monitoring of the client base to check for new inclusions in PEP (Politically Exposed Persons) lists. If a director or controller of the client is added to these lists, the client's registration and classification may be changed. This preventive monitoring allows for the identification of risk changes that may impact the relationship even after the start of the financial operation.

BNDES also maintains automatic alerts for sanctions, impediments, and new restrictive registrations, such as CEIS, CNEP, CADIN, environmental lists, and decisions from control bodies. If relevant issues arise during the term of the operation, a new registration analysis process may be initiated. This includes verifying new negative media, significant legal proceedings, corporate changes, and signs of resistance in providing information—all factors that can alter integrity risk and restrict new disbursements, prevent new contracts, or even report suspicious situations to Brazil's Financial Intelligence Unit (UIF), COAF.

If this is the case, BNDES will take the appropriate measures, such as suspension of disbursement and referral to investigative authorities.

To allow BNDES to take such measures, there are commitments that the parties shall consent to the loan agreement, which include:

- compliance with anti-corruption laws, as well as with determinations issued by entities, to which they are subject, regarding the prevention of practices of corruption, illegal expenditures related to political activity, harmful actions, infractions or crimes against the economic or tax order, the financial system, the capital market or public administration, national or foreign, “money laundering”, among others;
- that it is not aware that suppliers have performed any act that violates any act under the terms of item “i”;
- is not a sanctioned person, nor does operate in a sanctioned country;
- does not practice acts of corruption, money laundering and other associated crimes;
- takes all measures within its power to prevent its administrators/directors or its controlled companies; its employees, agents or representatives; as well as suppliers, to carry out the acts described in items “i”, “iii” and “iv”.

The parties have an obligation to communicate to BNDES any material change in the commitments made in the above-mentioned clause.

Relevant parties also agree to maintain, during the term of the agreement, actions consistent with the commitments made, it acknowledges that if these commitments are eventually found to be untrue, inconsistent, incorrect or insufficient, applicable legal sanctions, both civil and criminal, may be applied, along with the possibility of the early termination of the agreement.

It should be noted that any exporter being convicted for violation of laws against bribery of foreign public officials in the Brazilian or in any other country jurisdiction shall result either (i) in the notice in one of the international services and/or (ii) in the Brazilian Office of the Comptroller General (CGU) listing, such as in the National Register of Ineligible and Suspended Companies list and the National Registry of Punished Companies for a period of up to five year after conviction. As abovementioned, any national or international lists are considered in KYC assessment and rating. Thus, such corporation would be restricted for new BNDES support. If bribery has been formally admitted by or settled by one of the parties involved in the transaction, the terms agreed to with the relevant legal authority may be taken into consideration, although they regularly lower the company integrity rating. If the loan agreement is already executed and disbursed, it will be possible to declare an event of default and/or to impose penalties.

(iv) ECAs' policies in order to take appropriate actions such as enhanced due diligence, denial of payment, indemnification, or refund of sums provided, if, in relation to the transaction, one of the parties is recognised as involved in foreign bribery;

ABGF's Integrity and Anti-Corruption Policy, as well as the Anti-Corruption Policy for Export Credit

Insurance (ECI), establish that all operations undergo a compliance due diligence process. As a rule, this procedure at ABGF involves two stages: standard due diligence and enhanced (in-depth) due diligence.

Standard due diligence begins when the exporter registers the request in our system, which consists of a series of procedures using all necessary technical tools (such as Due Diligence and ESG monitoring tools) to identify any signs of illegality and/or reputational or compliance risks within the scope of the ECI anti-corruption policy.

Based on the information provided by the exporter through the Exporter Compliance Form (FCE) and the signing of the Exporter Commitment Declaration (DCE), verification is carried out against the following restriction lists for contracting with public administration:

- Register of Ineligible and Suspended Companies (CEIS);
- National Register of Punished Companies (CNEP)

If the exporter is listed in these registries, official support is denied. If no restrictions are found, the following ban lists and sources are also checked:

- World Bank Ineligible Firms and Individuals List;
- African Development Bank (AfDB) Sanctions List;
- Asian Development Bank (ADB) Sanctions List;
- Inter-American Development Bank (IDB) Sanctions List;
- European Bank for Reconstruction and Development (EBRD) Ineligible Entities List;
- FATF High-Risk and Non-Cooperative Jurisdictions List;
- TRACE Compendium – International Anti-Bribery Enforcement Database;
- U.S. Department of Treasury OFAC Specially Designated Nationals List;
- UN Security Council Consolidated Sanctions List;
- EU Consolidated Financial Sanctions List related to Common Foreign and Security Policy;
- IBAMA Environmental Fines and Embargoes Database;
- Register of Employers who subjected workers to conditions analogous to slavery;
- OECD Risk Matrix (database of foreign bribery investigations, convictions, and sanctions of legal entities), requested directly from CGU via email;
- Importer country score on Transparency International's Corruption Perceptions Index (CPI). For due diligence purposes, a score below 40 is considered an indicator of high corruption perception, raising a red flag for the operation;
- Exporter and importer country score – in the case of Defense operations – on Transparency International's Defense and Security Sector CPI, which provides a sector-specific corruption assessment that classifies entities from A (very low) to F (very high), according to increasing corruption risk and based on publicly available information;
- Judicial checks on shareholders, board members, directors, and companies, as well as companies linked to the same economic group, in the following bodies: Federal Court, Federal Public Prosecutor's Office, Superior Court of Justice, Supreme Federal Court, and State Courts;
- Searches in compliance risk (ESG) tools to verify records related to the exporter, importer, debtor, and destination country;
- Consulting the Politically Exposed Persons (PEP) list on the Transparency Portal;
- Internet searches regarding shareholders, directors, board members, exporters, and commercial agents, as well as companies linked to the economic group, focusing on the scope of due diligence;
- Informative Register of Unpaid Credits of the Federal Public Sector (CADIN);
- Checks on Federal Tax Debts and Union's Active Debt of the exporting company ("CND Federal Taxes").

The results of these analyses are assessed in light of the 2019 OECD Recommendation on Bribery and Officially Supported Export Credits and applicable legislation, as well as the alert list approved by the

Export Financing and Guarantee Committee (COFIG).

Any indications related to the scope of due diligence, unresolved facts by the exporter, or unexplained red flags are recorded in the standard due diligence report produced by ABGF and in the ECI Compliance Risk Matrix, a tool that enables quantitative assessment and measurement of risks.

The compliance risk level (risk of occurrence of one or more crimes within the compliance scope) and reputational risk level (risk associated with the company's history of crimes or improper conduct not covered by compliance scope but impacting the company's image and, consequently, public perception of official support) calculated through the ECI Compliance Risk Matrix will serve as input, along with other qualitative assessments, for ABGF's recommendation to decision-making bodies regarding the operation.

If any of the situations mentioned in Section VI of the 2019 OECD Recommendation is verified and/or during standard due diligence one or more items classified as "red flags" by the current Red Flag List are identified, indicating reputational or compliance risks, ABGF's compliance area must conduct enhanced due diligence on the operation if all procedures already carried out under standard due diligence—including requests for clarifications from exporters—have not been sufficient to clarify the facts. This procedure fully aligns with the provisions of Section VI of the 2019 OECD Recommendation.

Enhanced (in-depth) due diligence may include any procedures or inquiries deemed necessary to assess compliance risks and reputational risks identified regarding the operation, the company, or potentially companies linked to the economic group.

The compliance conclusion may result in one of the following outcomes: (i) no compliance impediment for the continuation of the operation; (ii) conditioning the continuation of the operation on the adoption of monitoring or risk mitigation measures; (iii) recommendation not to proceed with the operation due to the finding of illicit acts or high compliance or reputational risk.

Depending on the analysis result, the granting of the guarantee may be subject to risk mitigation measures, such as: a) signing of the Exporter's Declaration of Conformity and Commitment to Strengthen Integrity; b) signing of the Importer's Declaration; c) submission of improvement plans for the company's integrity program; and d) declarations from commercial agents, buyers, or suppliers of the exporter, or any other measures deemed necessary by the technical team in situations where, although there is no evidence of illicit acts, a high level of risk has been identified regarding the company or the operation.

Furthermore, after the granting of Export Credit Insurance, if any facts or indications of crimes related to the supported company or the operation are identified, the compliance team must conduct new due diligence and verifications. If these are confirmed, the export credit insurance policy determines that the development agency must interrupt official support, recover amounts that have been disbursed or indemnified, and suspend official support for new operations for the period and conditions provided by current legislation or the conviction ruling. In such cases, the exporter will not be entitled to reimbursement of amounts paid as coverage fees and will be subject to an additional fine corresponding to the value of the contracted insurance premium.

As stated above, BNDES has policies in place to ensure due diligence, suspension of disbursements early termination of the loan agreement, in case any parties of the agreement have been involved in bribery.

In the BNDES loan agreement, relevant parties undertake to maintain, during the term of the agreement, actions compatible with the representations made in the credit agreement, being aware that if such statements are not or cease to be true, consistent, correct or sufficient, applicable legal sanctions, civil and criminal, may be applied, in addition to suspension of disbursements (if any) and the early termination of the agreement.

Thus, the breach of any "Representations and Warranties" set forth in the agreement would possibly

trigger an event of default. In this scenario, BNDES would be able to declare the early termination of the debt. It is also possible to impose penalties in this scenario, if it is stipulated in the agreement.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 1(e):

1. Regarding **detection** of foreign bribery, the Working Group recommends that Brazil:

(e) Take steps to implement key aspects of the 2016 OECD Recommendation of the Council for Development Co-operation Actors on Managing the Risk of Corruption with a particular focus on enhancing the Brazilian Cooperation Agency's (ABC) potential for detecting foreign bribery, by providing the ABC officials with clear and regular guidance and training on foreign bribery red flags and on the channels for reporting suspicions to Brazil's law enforcement authorities; [2021 Recommendation IV.ix; VIII; XXI.iv-vi; XXIV.v and ODA Recommendation 3,5 and 6]

Action taken as of the date of the follow-up report to implement this recommendation:

As reported in Brazil's Phase 4 evaluation, the modalities, scope and nature of Brazil's South-South cooperation carried out by ABC do not qualify as "official development assistance - ODA".

Brazil does not provide ODA in a way where there is a direct transfer of funds between parties/countries. The support is done through direct cooperation and sharing of knowledge and experiences related to public policies that have proven to be successful in Brazil (e.g. where technical staff provide professional services to foreign partners, such as EMBRAPA technicians advising on agricultural projects abroad) or humanitarian aid. The cooperation projects cover the operational costs of that professional who is a public servant and bound by the duties of public office.

More information on the modalities of cooperation can be found on ABC's website: <https://www.gov.br/abc/en/access-to-information/actions-and-programmes-1/cooperation-from-brazil-to-abroad/cooperation-from-brazil-to-abroad-south-south-css>://www.gov.br/abc/en/access-to-information/actions-and-programmes-1/cooperation-from-brazil-to-abroad/cooperation-from-brazil-to-abroad-south-south-css

Considering the above, the guidance and training to detect and report foreign bribery by ABC officials follow the same "duty to report" incumbent on all federal public servants, including those posted in diplomatic missions or serving abroad. Please refer to answers provided in Recommendation 1(b) that are relevant for the implementation of this recommendation.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 1(f):

1. Regarding **detection** of foreign bribery, the Working Group recommends that Brazil:

(f) Consider requiring auditors to report potential allegations of foreign bribery to the competent authorities without regard to the materiality of the scheme on the company's financial statements; [2021 Recommendation XXIII.B.iv]

Action taken as of the date of the follow-up report to implement this recommendation:

Since the adoption of the Phase 4 report, the Securities and Exchange Commission of Brazil (Comissão de Valores Mobiliários – CVM) has considered this recommendation and reviewed the regulatory and professional framework governing independent auditors. The CVM concluded that the existing rules already encompass the reporting of potential foreign bribery allegations, irrespective of their materiality in the financial statements, and considers that it would not be appropriate to detail specific procedures for each type of crime or fraud under CVM Resolution No. 23/2021, for the reasons detailed below.

The current regulatory framework already supports this obligation through the integration of:

1. [CVM Resolution No. 23/2021](#) (Articles 19, 20, and 25, items I, subitem “d,” II, and sole paragraph),
2. Professional standards for independent auditing (NBCs TA 240 (R2) and 250),
3. Code of Professional Ethics for Accountants (NBC PG 01), and
4. Law No. 12,846/2013 (Anti-Corruption Law), which establishes clear guidelines for auditors regarding the assessment of legal and regulatory risks, the treatment of evidence of fraud, corruption, and bribery, and the reporting of irregularities to the competent authorities when required by law.

NBC TA 250 conditions communication on legal requirements (item 291) and recognizes that fraud, corruption, and bribery are relevant to the audit (item A62), while NBC TA 240 (R2) addresses the auditor's responsibility for fraud. The Code of Ethics reinforces the prohibition of illegal acts and limits the breach of secrecy only when legally required. In turn, Law No. 12,846/2013 holds legal entities (including audit firms) civilly and administratively liable for harmful acts against the public administration, whether national or foreign, including bribery and corruption.

In addition, there are other principles that demonstrate that no express mention is necessary in CVM Resolution No. 23/2021 to define the role of auditors in the face of illegal acts. An example of this is the treatment given by Law No. 9,613/98 and its amendments to the obligations of Anti-Money Laundering, Combating the Financing of Terrorism, and Countering Proliferation Financing (AML/CFT/CPF), which apply to obligated persons that provide services in the securities market, including independent auditors - on this subject, see also [CVM Resolution No. 50/2021](#), which provides for the anti-money laundering, countering the financing of terrorism and countering proliferation weapons of mass destruction financing - AML/CFT/CPF within the securities market.

In this context, it is important to highlight the existence of a specific Resolution issued by the Federal Accounting Council (CFC), aimed at independent auditors and other accountants, focusing on the Law that deals with AML/CFT/CPF. CFC Resolution No. 1,721/2024 (and its Sole Annex), which replaced CFC Resolution No. 1,530/2017, establishes procedures to be observed by accounting professionals and organizations to comply with the obligations set forth in Law No. 9,613/98, and subsequent amendments. Moreover, it must be acknowledged that from the point of view of the work performed by independent auditors, there is no difference in the treatment of potentially found irregularities, since the auditors themselves, in general, do not have sufficient evidence to distinguish between money laundering and bribery activities, but only the identification of a suspicious transaction that may be reported to the competent authorities.

Therefore, within the scope of the independent auditor's duties to comply with Law 9,613/98 (Article 11, items II and III), there is already a duty to report to the Council for Financial Activities Control (COAF) any payments or records without legitimate documentation, which includes, for example, evidence of money laundering or bribery, characterized as suspicious transactions and subject to mandatory reporting under the terms of the aforementioned law, as stated in articles 6, 7, 8, and 9 of the aforementioned CFC Resolution n. 1,721/2024 in force, which is endorsed by article 20 of CVM Resolution 23/21.

Concerning the Central Bank of Brazil (BCB), the WGB recommendation referred specifically to article 23 of Resolution CMN n. 3,198/2004, which provided for the situations where the existence or evidence of error or fraud should be reported to the BCB by independent auditors or audit committees, when established, individually or jointly.

However, Resolution CMN n. 3,198 of 2004 was revoked and replaced by [Resolution CMN n. 4,910](#) of May 27, 2021, which regulates the provision of independent audit services to financial institutions and other institutions authorized to operate by the BCB.

Article 13, Item I of Resolution CMN n. 4,910/2021 requires audit committees to formally notify the BCB of any non-compliance with laws or regulations that jeopardise the institution's continuity. This provision fully encompasses situations involving suspicions of foreign bribery, to the extent that such conduct is prohibited by Law 12.846/2013 (Art. 1) and could result in the compulsory dissolution of the legal person (Art. 19, Item III and Sole Paragraph, Item I and II of Law 12.846/2013).

Article 13. The audit committee must formally notify the Central Bank of Brazil, within a maximum of three business days of identification, of the existence or suspicion of the occurrence of the following situations:

I - non-compliance with current laws and regulations that jeopardize the continuity of the institution; (...)

Therefore, foreign bribery allegations are considered relevant for the institution's continuity regardless of the materiality of the scheme on the company's financial statements, as stated by the WGB recommendation.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 1(g):

1. Regarding **detection** of foreign bribery, the Working Group recommends that Brazil:

(g) Ensure that, in order to encourage self-reporting: (i) the FPS provide more guidance, in line with what the CGU has already issued, on how it will apply the aggravating and mitigating factors set forth in the CLL; and (ii) both the FPS and CGU clarify the extent to which a company may expect to receive a reduction in fines when it self-reports foreign bribery misconduct before the authorities become aware of it; [2021 Recommendations X.iii, XV.ii. XXVIII.ii]

Action taken as of the date of the follow-up report to implement this recommendation:

(i) First of all, Brazil highlights that following coordination between the Federal Prosecution Office, the Office of the Comptroller General, and the Attorney General's Office, a Technical Cooperation Agreement was signed on April 25, 2025. The Technical Agreement provides a working plan that aims to enhance interinstitutional cooperation as to the Leniency Agreements coordination and increase legal certainty in the enforcement of the Anti-Corruption Law, by adopting common standards and criteria by the three different agencies.

In regard to the Federal Prosecution Service, its 5th Chamber of Coordination and Review (CCR) established three working groups focused on non-trial resolutions: the Leniency Agreement Support Group; the Plea Bargaining and Criminal Non-Prosecution Agreement Support Group; and the Civil Non-Prosecution Agreement and Conduct Adjustment Agreement Support Group.

The FPS highlights that the support group is working within the above mentioned Technical Agreement to harmonize the application of aggravating and mitigating factors under the Anti-Corruption Law and establishes parameters for calculating monetary sanctions, clarifying the reduction percentages a company may expect when self-reporting acts of transnational bribery, as provided in Clause Eight of the Technical Cooperation Agreement.

On 13 November 2025, the 5th Chamber of Coordination and Review (5th CCR) published the document *Roteiro para Empresas: Celebrando Acordo de Leniência com o MPF* (“Guide for Companies: Entering into Leniency Agreements with the MPF”).

The updated guidance reinforces the coordinated approach established under the Technical Cooperation Agreement signed in 2025 between the MPF, the Office of the Comptroller General (CGU), and the Office of the Attorney General (AGU), and consolidates the legal parameters set forth in Law No. 12.846/2013 and Decree No. 11.129/2022.

Among its key features, the manual details the preparatory phase of negotiations, the procedure for expressing interest, the stages of negotiation, the analysis of compliance programme parameters, and the dosimetry factors applicable to sanctions. The document also clarifies the potential benefits of leniency, including the reduction of sanctions, the preservation of the right to bid for and contract with the Public Administration, and enhanced legal predictability for cooperating companies. In addition, the guide includes a strategic checklist in its annex, assisting organisations throughout all stages of the process, from the initial expression of interest to the full compliance with the obligations undertaken.

(ii) With respect to the specific issue under discussion, between July and August 2025, the Office of the Comptroller General (CGU) has published [Interministerial Normative Ordinance CGU/AGU No. 1 of 19 December 2025](#). Article 25 of the Ordinance provides that a legal entity will be entitled to the full two-thirds reduction when its self-disclosure concerns facts previously unknown to the State, provided all other applicable conditions are satisfied.

It is worth noting that, pursuant to Article 16 of Law No. 12,846/2013 (the Anti-Corruption Law) and Decree No. 11,129/2022, legal entities entering into a leniency agreement with the Office of the Comptroller General (CGU) and the Office of the Attorney General (AGU) may obtain a reduction of up to two-thirds of the applicable fine in recognition of their cooperation.

The Interministerial Normative Ordinance CGU/AGU No. 1 of 19 December 2025 effectively encourages self-reporting by providing greater clarity and predictability regarding the applicable reduction of fines. The contrast between the previous framework and the new regime is significant.

Under the previous framework (Interministerial Normative Ordinance CGU/AGU No. 36 of 7 December 2022)^[1], self-reporting was assessed through criteria of timeliness and novelty of information and could result in a reduction of up to two-thirds of the applicable fine. In other words, the two-thirds reduction represented the maximum possible benefit.

By contrast, the new Ordinance provides that, where the established conditions are met, the legal entity shall be entitled to the full two-thirds reduction. Importantly, voluntary reporting is now expressly defined as a report submitted before the commencement of any investigation, administrative proceeding, police inquiry, or any other type of investigation, including in the criminal sphere. This clarification moves beyond the previous reference to novelty of information before the CGU and AGU and establishes a uniform and objective temporal benchmark applicable across administrative and criminal contexts, reflecting the increasing coordination among these institutions.

In line with the Technical Cooperation Agreement of 25 April 2025, the Ordinance also provides for the coordinated negotiation and conclusion of Leniency Agreements involving the FPS.

In light of the adoption of the new Ordinance, together with the Technical Cooperation Agreement and the guidance recently published by the FPS, Brazil submits that the framework now provides a high degree of predictability regarding the quantitative reduction of fines in cases where legal persons self-report foreign bribery misconduct before the authorities become aware of it.

As mentioned in the Phase 4 report, the CGU also provides an online fine-calculation tool^[1] that incorporates the parameters established by the Anti-Corruption Law and its supplementary regulations.

^[1] <https://epad.cgu.gov.br/Publico/calculadora/calcPAR.html>

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 1(h):

1. Regarding **detection** of foreign bribery, the Working Group recommends that Brazil:

(h) Adopt legislation to ensure that whistleblowing concerning foreign bribery is expressly protected and that the elements of the 2021 Recommendation XXII are met whether or not the whistleblower is in the public or private sector. [2021 Recommendation VIII and XXII]

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

CGU is instituting an inter-departmental working group, which includes representatives from the Secretariat of Private Integrity, Secretariat of Public Integrity, Ombudsman Office, Inspector General's Office and Minister's Cabinet, to assess potential adjustments to the national framework for whistleblower protection, in line with the requirements of the 2021 Recommendation.

The working group planned within CGU will evaluate proposals for legislative or regulatory reform aimed at harmonizing and strengthening protections for whistleblowers in both the public and private sectors, including those reporting foreign bribery. The group is expected to discuss the legislative gaps in the protection of private sector whistleblowers; harmonization with labor law protections and respect for the competencies of that branch of Justice; inclusion of administrative illicit foreseen in Law 12.846/2013 in the witness and victims' protection afforded by Law 9807/1999, among other things.

Given the complexity of task, the timeline for such reforms will depend on the results of the internal assessment and subsequent inter-agency consultations.

Text of recommendation 2(a):

2. Regarding **anti-money laundering measures to enhance detection** of foreign bribery, the Working Group recommends that Brazil:

- (a) Update its National Risk Assessment to specifically address the risks of money laundering predicated on foreign bribery and include scenarios relevant to foreign bribery, such as examples of how the proceeds of this crime can be laundered[.]

Action taken as of the date of the follow-up report to implement this recommendation:

The efforts in the prosecution of cases of foreign bribery, considering the legal duties of the Council for Financial Activities Control – Coaf, may be established based on the National Risk Assessment of Money Laundering and Terrorist Financing (NRA), published in 2021.

First, it should be emphasized that the said Assessment was developed from criteria that enshrine the risk-based approach, a mechanism recommended by the Financial Action Task Force (FATF), which requires that countries, competent authorities, and the private sector identify, assess and understand the risks of Money Laundering, Terrorist Financing, and Financing of the Proliferation of Weapons of Mass Destruction to which they are exposed and, subsequently, adopt proportional and adequate measures to mitigate them. Brazil's first NRA falls within this context, having been constructed so as to include the systematic identification of threats, vulnerabilities, and capacities for the prevention and combat of ML/TFP to which Brazil is susceptible. The NRA is, therefore, the result of a diagnostic process for identifying, assessing, and understanding these risks in the country, delimited through a methodology consisting of a conceptual basis and a set of criteria determined by the Working Group established for this purpose.

Specifically with regard to ML risks, the methodology considered the specific threats and vulnerabilities related both to obliged sectors and to the country's prevention and enforcement capacity, which was developed jointly with competent authorities. The national mapping of ML threats sought to assess the predicate offences with the greatest representation in generating illicit proceeds that may be used in money laundering operations, as well as the main actors responsible for the crime in the country. Among the plurality of predicate offences committed in Brazil, the following were identified, according to the proposed methodology, as having the highest threat level: (1) corruption; (2) drug trafficking; (3) criminal organizations; (4) financial crimes; (5) offences related to tax evasion.

It should be noted that, for institutional purposes, Coaf uses broad descriptions. Thus, the term "corruption" carries the meaning of a predicate activity (which encompasses bribery, embezzlement, misappropriation, kickbacks, fraud in public procurement, and other crimes against national or foreign public administration), without using the separation between criminal types on this subject. In other words, the national ML risk assessment has since its first edition contemplated corruption-related offences in a broad manner, including the typification of foreign bribery.

It is also important to note that, during the assessment of threats in the NRA, one of the criteria considered to increase or decrease the level of a given offence or actor generating illicit proceeds is the existence, or not, of transnational activity. That is, foreign bribery was considered in the NRA when assessing the threat posed by the offence of corruption, contributing to raising its risk level.

Thus, Coaf understands that ML risks having foreign bribery as their predicate offence are already contemplated within the NRA methodology, and it does not seem reasonable to distort the methodology to include this specific typification, as suggested in the recommendation.

Finally, we inform that the NRA is in the process of being updated, given the need for constant revision of the document, as recommended by FATF and international standards, and as established in Decree No. 10,270 of 6 March 2020. The gathering of information will take into account the observations made by the WGB in its Phase 4 Report, and the need for greater differentiation among predicate offences is under study, which does not, however, guarantee that foreign bribery will appear among the highest ML

threats in Brazil.

Include relevant foreign bribery scenarios, such as examples of how proceeds of the crime may be laundered

Considering Coaf's functions, it is more pertinent for us to observe conduct through typologies, which were also included as one of the macroprocesses of the 2021 NRA methodology. Typologies are forms of money laundering, and, in the case of corruption, they involve public authorities, public agency directors, operators, intermediaries, corrupting companies, offshore companies located in tax havens, as well as money dealers (*doleiros*) responsible for clandestinely moving resources originating from corruption. Furthermore, there are typologies involving the financial purchase of political support and the political appointment of individuals to positions in state-owned enterprises, with the purpose of defrauding public procurement and enabling the diversion of public funds.

The NRA typologies were published in the study "*Casos e Casos*," which was developed with the contribution of several consulted institutions. Following the established methodology, based on a prior list of 62 typologies previously identified by Coaf, the institutions were invited to report other relevant and recurrent forms of operation that had not yet been mapped. Considering the varied scenarios possible for money laundering, efforts were made to provide a broad range of typologies, given the usefulness of the tool in the daily work of authorities involved in the subject. Thus, as rightly noted in the WGB report, a foreign bribery case was included among the published typologies. Taking into account the multiplicity of scenarios and predicate offences that may generate illicit proceeds capable of being used in ML operations, as well as the possible actors involved, Coaf understands that the inclusion of a foreign bribery case in "*Casos e Casos*" demonstrates that the importance of the issue was not overlooked in the development of the NRA.

However, given the relevance of foreign bribery in Brazil's context and considering the present recommendation, Coaf is studying the development of new typologies that include foreign bribery scenarios, especially cases in which the laundering of assets that are proceeds of the crime is involved. Authorities directly involved in preventing and combating foreign bribery will be specifically asked to contribute, which will occur in the context of the NRA update planned for 2026.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 2(b):

2. Regarding **anti-money laundering measures to enhance detection** of foreign bribery, the Working Group recommends that Brazil:

(b) Require relevant legal professionals to report suspected money laundering predicated on foreign bribery, without prejudice to legal privilege, and ensure that all institutions and professionals that are required to report STRs receive appropriate directives, including typologies that reflect the size and complexity of the foreign bribery schemes committed by certain Brazilian companies. [Convention Article 7 and 2021 Recommendation IV.ii and VIII]

Action taken as of the date of the follow-up report to implement this recommendation:

Specifically, regarding the recommendation that legal professionals report suspicions of money laundering whose predicate offence is foreign bribery, we report that this sector is already obliged to communicate, pursuant to Law No. 9.613/98.

To implement this obligation, several discussions have been conducted by Coaf with the Brazilian Bar Association (OAB), which has been debating with its members the feasibility of specific regulation.

Ensure that all institutions and professionals obliged to report suspicious transactions receive appropriate guidance, including typologies that reflect the size and complexity of foreign bribery schemes committed by Brazilian companies

Initially, it should be clarified that Coaf plays a dual role in Brazil's AML/CFT system: it acts as the country's Financial Intelligence Unit (FIU) and as the supervisory authority for certain sectors. Specifically, Coaf is designated as the competent authority responsible for ensuring that institutions without another supervisor comply with their obligations. For these institutions, Coaf conducts events and capacity-building actions, which include the presentation of typologies and appropriate guidelines to improve understanding of obligations and enhance the quality of suspicious transaction reporting.

Coaf reports that, although no training sessions specifically related to foreign bribery were carried out between 2023 and 2025, all actions include, to some extent, material involving corruption, such as the dissemination of typologies in the "Casos e Casos" study and the inclusion of practical examples (see further data on training provided in the Annex).

Additionally, Coaf regularly provides feedback and guidance to the banking sector and DNFBPs regarding the quantitative and qualitative levels of reports received.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 3:

3. Regarding **detection through the media**, the Working Group recommends that Brazil ensure that law enforcement authorities, especially the Federal Police and the Federal Prosecution Service, routinely and systematically assess foreign bribery allegations that are reported in domestic and foreign media including but not exclusively focussing on the information referred to Brazil by the Working Group. [2021 Recommendation VIII and XXI.iv]

Action taken as of the date of the follow-up report to implement this recommendation:

Systematic monitoring of transnational bribery allegations reported in the media is conducted centrally by the 5th CCR/FPS Coordination Office, which serves as a focal point for receiving and disseminating information to Federal Prosecutors. Additionally, each FPS member has functional independence to initiate investigations within their jurisdiction, and any individual may file a complaint through the FPS's user-friendly and transparent online portal (<https://www.mpf.mp.br/mpfservicos>).

The Federal Police continuously and proactively monitor through its Analytical and Intelligence Unit (Division of Police Intelligence – DINPO of the Directorate of Police Intelligence - DIP) various sources of information related to potential criminal offenses falling under the jurisdiction of the Federal Judicial Police.

Although journalistic reports constitute a relevant source of information, a police inquiry is only initiated when the information contained therein is corroborated by an independent and reliable source. This procedure ensures a technical, impartial, and non-partisan approach consistent with the institutional role of the Federal Police as a State body.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendations regarding enforcing the foreign bribery offence and related offences

Text of recommendation 4:

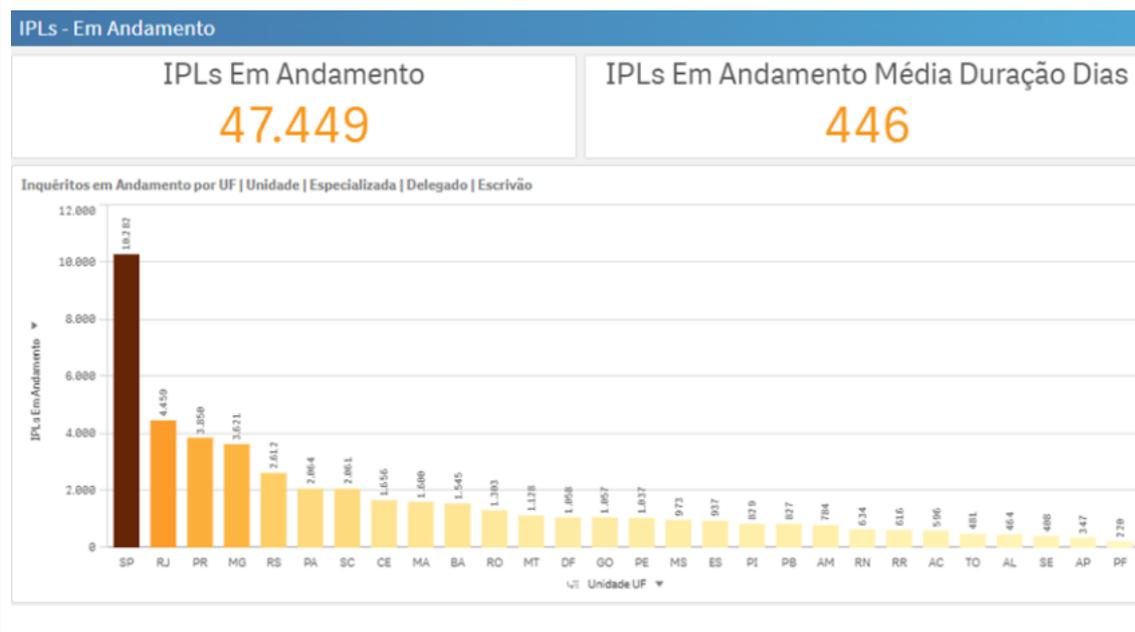
4. Regarding the **money laundering offence**, the Working Group recommends that Brazil maintain statistics on investigations, prosecutions and sanctions for money laundering, including where foreign bribery is the predicate offence. [Convention Art. 7 and Anti-Bribery Recommendation VIII]

Action taken as of the date of the follow-up report to implement this recommendation:

Regarding statistical records on money laundering prosecutions with foreign bribery as a predicate offence and the confiscation of proceeds from economic crimes, the FPS maintains a robust database built over decades of anti-corruption work, with ongoing efforts to enhance information security, data quality, cross-referencing capabilities, and information sharing. The goal is to maintain comprehensive records including the number of complaints, prescription-related data, recovered amounts (including confiscation of bribery proceeds), and the number of non-trial resolutions.

The Federal Police, aligned with its institutional values, included in its 2024–2027 strategic plan, within the PF80 Project, the objective of “Combating crime efficiently,” with emphasis on fighting money laundering.

To perform its role effectively, the institution must rely on goals based on quantitative and qualitative data, properly measured and analysed, thus allowing for the establishment of targets and the adequate assessment of their achievement. For this reason, the Federal Police continuously improve their management tools related to Federal Judicial Police activities (i.e., investigative police activities). This includes the ongoing measurement and monitoring of investigations into various criminal offenses, particularly money-laundering offenses, as illustrated by the statistical data below, showing that there are currently **47,449 ongoing police inquiries**, of which **2,027 concern money-laundering crimes**:

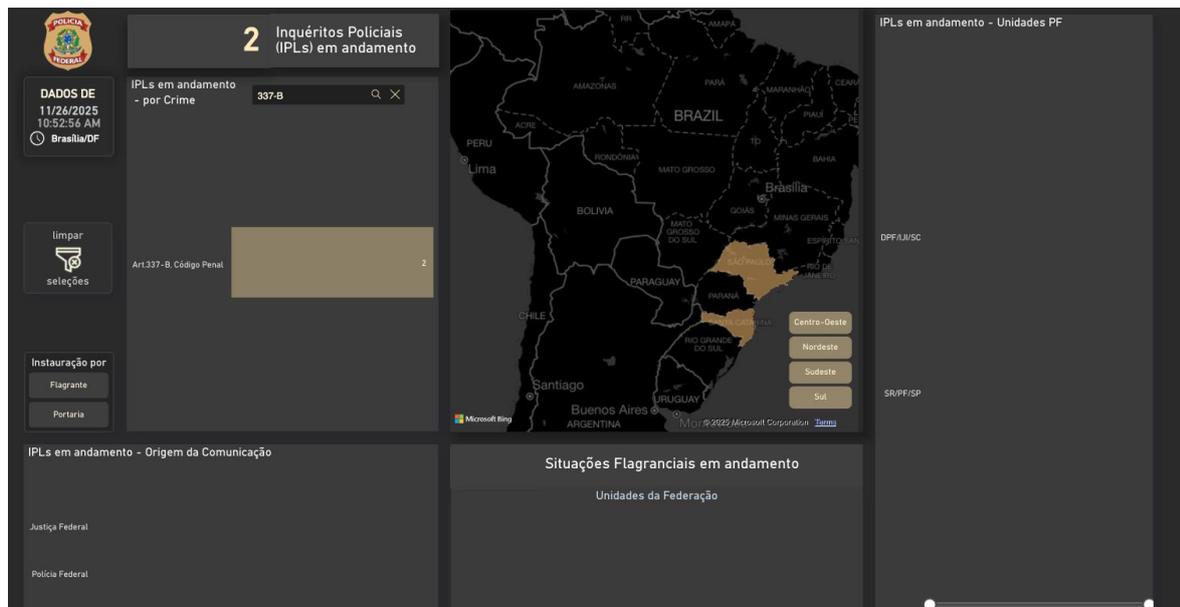




The money-laundering acts under investigation in these 2,027 ongoing cases have a wide variety of predicate offenses: drug trafficking, environmental crimes, cybercrimes, corruption, misappropriation of public funds, among others.

Most importantly, the [Federal Police has published in July 2024](#) a new Business Intelligence (BI) panel on its [Open Data Portal](#) providing statistical data and a detailed and dynamic view of ongoing police inquiries, with quantitative information broken down by type of crime, origin of reporting, Federal Police units involved, and states of the federation.

As shown in the example below, there are two ongoing police inquiries (IPLs) on active foreign bribery (Art. 337-B, Criminal Code), in the states of São Paulo and Santa Catarina:



This initiative reinforces the Federal Police’s commitment to transparency, efficiency, and accountability to society, while maintaining the necessary safeguards to protect the confidentiality of ongoing investigations.

In addition to these public data visualization resources, the Federal Police has consolidated a structured data monitoring system through its Asset Recovery and Money Laundering Group (GRAL), formally instituted by DICOR/PF Ordinance No. 66/2024, which operates an internal BI environment (Qlik Sense) updated daily and automatically fed from ePOL, the Federal Police's official national system for police procedures. Within ePOL/GRAL, money laundering procedures under Law No. 9,613/1998 can be filtered by type, procedural status, investigative area and, most importantly, associated predicate offences. Each money laundering investigation recorded in ePOL includes the typification of predicate offences linked to the case, allowing aggregated statistical extraction by predicate offence typology, including when foreign bribery (Article 337-B of the Criminal Code) is recorded as the predicate offence.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 5:

5. Regarding the **accounting offence**, the Working Group recommends that Brazil ensure that the full range of conduct described in Article 8(1) of the Convention is prohibited for natural and legal persons. [Convention Article 8; 2021 Recommendation XXIII; Phase 3 recommendation 11.a]

Action taken as of the date of the follow-up report to implement this recommendation:

Under the framework of the Anti-Corruption Law, the offence of hindering investigations or inspections by public authorities may be invoked where false accounting is used as a means to obstruct supervisory or investigative activities, even in the absence of bribery or related misconduct.

PAR No. 00190.102081/2025-58, initiated against IRB-Brasil Resseguros S.A., illustrates this application. The proceeding found that IRB had provided inconsistent—and, in some instances, false—explanations during the supervisory action carried out by the Superintendence of Private Insurance (SUSEP), which focused on irregularities in the company's accounting records, the misappropriation of funds, and the publication of inaccurate financial statements. The PAR is currently in its final stage - PAR initiated by Ordinance No. 587 of 27 February 2025, available at: [Portaria 643 2025.pdf](#)

It is worth noting that, in 2024, SUSEP had already imposed sanctions on five former executives of IRB, applying to each the penalty of disqualification from holding any position or function for a period of 3.3 years, in addition to fines (Susep multa e inabilita ex-dirigentes do IRB Brasil Re - Gente Seguradora: <https://genteseguradora.com.br/susep-multa-e-inabilita-ex-dirigentes-do-irb-brasil-re/>). Furthermore, SUSEP imposed fines and disqualification penalties of up to 4.4 years on three auditors and on EY (Ernst & Young) for irregularities in the audit of IRB Brasil's (IRBR3) financial statements (Susep multa auditores e EY por irregularidades no IRB Brasil: <https://genteseguradora.com.br/susep-multa-auditores-e-ey-por-irregularidades-no-irb-brasil/>).

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 6(a):

6. Regarding **sanctions and confiscation**, the Working Group recommends that Brazil:

- (a) Increase the minimum and maximum sanctions for foreign bribery for natural persons to ensure that effective, proportionate, and dissuasive sanctions are available in the law; [Convention Article 3; 2021 Recommendation XV.i]

Action taken as of the date of the follow-up report to implement this recommendation:

Considering the systemic impact that such a legal change would entail, which requires a comprehensive legislative effort, Brazil notes that it would be valuable to gain further national experience and jurisprudence in concrete cases of foreign bribery against natural persons before fully assessing the effectiveness, proportion or dissuasiveness of the sanctions currently available in the law.

Considering the significant sanctions imposed for foreign bribery and related offenses in the two most recent cases discussed in Part VI of this report and in follow up issue 14(d), Brazil suggests transforming this recommendation into a follow-up issue to be evaluated as practice, jurisprudence and further case law develop.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 6(b):

6. Regarding **sanctions and confiscation**, the Working Group recommends that Brazil:

- (b) Provide appropriate guidance and training to judges to ensure that sentences in foreign bribery cases are effective, proportionate, and dissuasive in practice, especially in light of their impact on Brazil's statute of limitations; [Convention Article 3; and 2021 Recommendation XV.i]

Action taken as of the date of the follow-up report to implement this recommendation:

Brazil is taking steps to implement this recommendation through the development of a Cooperation Agreement between the Office of the Comptroller General (CGU) and the Brazilian Federal Judges Association (AJUFE). Once executed, this agreement will serve as a long-term framework for the integration of foreign bribery content into initial and continuing judicial training programs, which will have a systemic impact in the judicial activity related to foreign bribery in Brazil.

Preparatory activities are ongoing to start the development of training materials covering the technicalities of the foreign bribery offense, the OECD Anti-Bribery Convention, relevant domestic legislation, and case-based scenarios. The goal is to publish these materials into training platforms, enabling nationwide access and allowing participation by both newly appointed and sitting judges. Implementation of the first training modules is expected to begin in 2026.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 6(c):

6. Regarding **sanctions and confiscation**, the Working Group recommends that Brazil:

(c) Consider ways to ensure that any appeals challenging defendants' convictions or the sentences imposed in foreign bribery cases will be resolved expeditiously to ensure that the criminal justice system can provide deterrence in foreign bribery cases; [Convention Article 3; and 2021 Recommendation XV.i]; and

Action taken as of the date of the follow-up report to implement this recommendation:

Every year, the presidents and representatives of the Superior Court of Justice (STJ), Federal, State, Electoral, Labor and Military Justice of Brazil, gather to approve the [National Goals of the Judiciary](#) for the following year.

These goals represent practical and actionable commitments to tackle specific bottlenecks and deficiencies in the delivery of justice, seeking to provide society with a faster, more efficient and higher quality judicial service.

For 2025, the following national goals are relevant to the implementation of this recommendation:

- Goal 1: to adjudicate more cases than were opened this year (achieve 100% of cases).
- Goal 2: to adjudicate older cases (achieve 100% of cases opened since 2018).
- Goal 4: to prioritize the adjudication of cases related to crimes against the public administration, administrative improbity, and electoral offenses (STJ achieve 90% of cases; Federal Justice 70%; State Justice 65%).

In addition to these national goals, courts also establish [specific goals](#) related to their competencies and attributions. In this sense, the STJ decided to prioritize the adjudication of repetitive appeals cases, with a goal of guaranteeing an average time of 365 days from receiving an appeal to the publication of the judgment in these cases.

These goals support the systemic reduction of delays in criminal proceedings, including appeals, and contribute to improving the effectiveness of judicial outcomes in corruption, including foreign bribery offenses, economic crime, and money laundering cases.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 6(d):

6. Regarding **sanctions and confiscation**, the Working Group recommends that Brazil:

(d) Take the necessary steps to ensure that data and statistics are maintained at the federal level regarding the confiscation of the proceeds of foreign bribery and other serious economic crimes. [Convention Article 3, 2021 Recommendation XV.i. and iii; XVI, and Phase 4 recommendation 4.c]

Action taken as of the date of the follow-up report to implement this recommendation:

Since Phase 4, Brazil has established structured and standardised mechanisms for recording and maintaining confiscation-related data. Within the Federal Police, all investigations record asset seizure, freezing and attachment measures in structured format within the national ePOL system. These records are consolidated at national level and are automatically integrated into a monitoring environment

(“Recuperômetro”), updated daily and governed by a National Taxonomy of Assets (TNBIA), which standardises asset categories and ensures comparability across federal units.

In parallel, the Department of Asset Recovery and International Legal Cooperation (DRCI) maintains internal monitoring systems and business intelligence tools tracking freezing, seizure and confiscation measures, including in transnational asset recovery cases. These systems enable the monitoring of asset recovery throughout the criminal process.

In addition, the National Council of Justice (CNJ), through its Judicial Research Department (DPJ), which is responsible for conducting studies and promoting the development of research aimed at improving the delivery of justice, intends to continue strengthening its statistical systems by exploring ways to improve classification and disaggregation of criminal data, including categories related to corruption and economic crimes. CNJ will also assess opportunities to integrate foreign bribery-related indicators into DataJud and the Statistics Panel (<https://justica-em-numeros.cnj.jus.br/painel-estatisticas>), in coordination with courts and judicial technology units.

It is important to remind that the Statistics Panel integrates the “Justice in Numbers” environment and complies with the regulations of CNJ Resolution No. 333/2020, which requires all bodies of the Judiciary to make available, on their websites, a specific statistics service to provide transparency and promote decision-making using current and reliable data.

Through filters, the Statistics Panel allows the monitoring of key figures for the Judiciary, across all courts in the country, including information such as caseload size, processing times, number of new or concluded, pending and closed cases, among others, by branch of Justice, court, level and adjudicating body. It is updated monthly, based on data available in DataJud, established by Resolution No. 331/2020 as the primary source of data for the Judicial Branch Statistics System. Since it has an API (Application Programming Interface), the Panel allows for the consultation of judicial proceedings, making it possible to identify the unique number, class, subjects, and parties – if they are legal entities – of each action.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 7(a):

7. Regarding the **investigation and prosecution of foreign bribery**, the Working Group recommends that Brazil:

(a) Ensure that sufficient resources, specialisation and skills are available within the DPF, both at central (DICOR) and local (DELECOR) levels, the FPS Anti-Corruption Units and GAECOs across the country to enable Brazil to actively enforce its foreign bribery offence by (i) continuing its efforts to provide guidance and regular training on foreign bribery to the relevant DPF and FPS AntiCorruption Units and GAECOs; and (ii) developing indicators and collecting data to monitor the resources for, and effectiveness of, the new organisational model in the enforcement of foreign bribery and related offences; [Convention Article 5 and commentary 27, 2021 Recommendation VI.ii and iii; VII; and VIII]

Action taken as of the date of the follow-up report to implement this recommendation:

As will be demonstrated below, the adoption of the GAECO model by the MPF generated a strengthening of its performance in facing organized crime, as it overcame failures and corrected deficiencies identified in the old task force model.

I. REGULATION OF GAECOS WITHIN THE MPF

Within the Federal Public Prosecutor's Office, the operation of GAECOs is regulated by CSMPF Resolution No. 146/2013 (creating local/regional GAECOs) and CSMPF Resolution No. 243/2025 (creating the National GAECO).

II. RATIONALE FOR ADOPTING THE GAECO/MPF MODEL

The transition to the GAECO model was based on the need for a permanent and national structure to effectively face the evolution of criminal organizations. Unlike the previous task force model—which acted in an ad hoc, fragmented, and territorially limited manner—GAECOs operate under a concept of unity and permanence. Technical justifications include:

A) Specialization, Depersonalization, and Knowledge Preservation.

Permanent groups allow for member specialization and depersonalization of actions, preserving technical experience and knowledge acquired in major investigations. Local GAECOs are composed of members designated for 2-year terms, renewable once. The National GAECO follows a similar 2-year term. They have their own staff, contributing to institutional memory management.

B) Rationalization, Intelligence, and Institutional Alignment.

The model promotes the unification of routines, databases, and systems, optimizing institutional intelligence and ensuring administrative economy. The National GAECO is responsible for operational articulation with other Administration bodies for joint action and intelligence collection.

C) Breadth of Action.

The structure covers not only organized crime but also corruption in criminal and administrative dimensions. GAECOs can act alongside the Natural Prosecutor in criminal investigations, civil inquiries, and related administrative misconduct actions.

D) Independence and Mobility.

National GAECO members have authority to act anywhere in the country and at any level of jurisdiction (except Superior Courts), assisting the natural prosecutor in complex cases. Regarding budget management, a specific "National GAECO" functionality was created in the Travel System (as of January 2026) for autonomy over per diems and tickets. High-performance equipment (notebooks) was also acquired to strengthen operational structure.

E. Capacity Building and Training.

The National GAECO proposes training courses related to investigative activities to the Higher School of the Public Prosecutor's Office. Currently, a "National GAECO Capacity Building Plan 2025/2026" (PGEA 1.00.000.006154/2025-16) is in progress, including actions for the prevention and repression of transnational bribery to be carried out in 2026.

III. CONSOLIDATION OF MPF GAECO RESULTS IN 2025

The National GAECO consolidated the following results for 2025:

| Category | Result |
|-----------------------|---------------------|
| Asset Freeze Requests | Over R\$ 28 billion |

| | |
|------------------------|----------|
| Operations Launched | Over 60 |
| Ongoing Investigations | Over 400 |
| Persons Indicted | 929 |
| Complaints Filed | 126 |
| Arrests Made | 126 |

To enhance its performance in combating corruption, the Federal Police created in 2018 the Coordination for Combating Corruption (CRC/CGRC/DICOR/PF), under the General Coordination for Combating Corruption, Financial Crimes and Money Laundering (CGRC/DICOR/PF), which is part of the Directorate of Investigation and Combating Organized Crime and Corruption (DICOR/PF). Since 2016, every Brazilian state has maintained a Delegacy for Combatting Corruption and Financial Crimes (DELECOR), specialized in investigating domestic and transnational corruption offenses.

It is also important to highlight that, within the Federal Police central units—such as the Coordination of Inquiries before the Higher Courts (CINQ), responsible for cases before the Federal Supreme Court (STF) and the Superior Court of Justice (STJ), and the Coordination for Combating Corruption (CRC), which coordinates police investigations conducted by the DELECORs—there is adequate staffing to meet operational demands, allowing these units to perform their duties effectively.

To promote procedural uniformity, several technical manuals have been prepared and disseminated by the CGRC/DICOR/PF, including:

- Manual for Analysis and Handling of Criminal Reports in Cases of Misappropriation of Public Funds and Corruption: Methodology and Applications (2018);
- Manual for Proactive Investigation in Cases of Misappropriation of Public Funds and Corruption (2023);
- Manual for Analysis and Handling of Financial Intelligence Reports (RIF): Methodology and Applications (2021);
- Manual on Asset Recovery (2024);
- Manual for Supporting Crypto-Asset Investigations (2025).

The Federal Police also provide continuous training through courses such as:

- Financial Investigation and Analysis Course (CIAF)
- Investigation in Combating Corruption Course (CICC)
- Financial Intelligence and Asset Recovery Course (CIRA)

Highlights include:

CIAF: 38 editions since 2017; 2,582 officers trained; special editions on foreign exchange, cryptoassets, and fiscal/patrimonial investigation; 784 officers trained in 2024–2025.

CICC: 12 editions since 2019; over 450 officers trained; 4 new editions planned for 2026 (200 officers expected).

CIRA: 3 editions since 2024; 180 officers trained.

Internationalization since 2021 includes editions of CIAF and CIRA in Peru (2022), Paraguay (2023 e

2025), Bolivia (2023), Angola (2023), Ecuador (2024), Guinea-Bissau (2024), and participation of Spanish police officers.

Regarding international partnerships, in 2023 two International Seminars on Combating Money Laundering and Financial Crimes were held, promoted by the General Coordination for Combating Corruption, Financial Crimes and Money Laundering of the Federal Police together with Homeland Security Investigations (HSI), in Porto Alegre/RS and Rio de Janeiro/RJ. Additionally, in 2022, the Course on Public Corruption, International Money Laundering and Kleptocracy was conducted, training 204 public officials.

In addition, since 2018, public competitions have resulted in the appointment of 3,424 new Federal Police officers, including 555 Federal Police Delegates. Currently, the force has 14,160 officers, and a new competition is underway with an expected 1,000 additional appointments.

These efforts aim to expand and optimize the Federal Police's capacity to combat corruption nationally and internationally.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 7(b):

7. Regarding the **investigation and prosecution of foreign bribery**, the Working Group recommends that Brazil:

(b) Ensure that the CGU, the DPF, and the FPS develop a coordination mechanism to promptly share information about potential foreign bribery matters so that both natural and legal persons in foreign bribery cases are investigated effectively using the different investigative powers available to each authority; [Convention Article 5 and commentary 27, 2021 Recommendation XI]

Action taken as of the date of the follow-up report to implement this recommendation:

In December 2023, Brazil established the *Federal Executive Branch's Integrated Group of the Office of the Comptroller General (CGU) and the Federal Police (PF) for Combating Corruption and the Misappropriation of Public Funds (GIECCDRP)*. This body, created through Joint Normative Ordinance CGU/PF-MJSP No. 001 of 7 December 2023, consists of members of the CGU and the PF and is tasked with defining strategic guidelines, coordinating joint action, and monitoring the results of collaborative work between the two institutions. The Group meets twice a year on a regular basis, in addition to extraordinary meetings convened by its coordinator.

In 2024, the CGU's Director of Law Enforcement of Legal Persons - responsible for the administrative liability of legal persons for acts of corruption, including foreign bribery, was appointed as a full member of the Group. This ensures that foreign bribery issues are systematically shared within this coordination platform. As already noted, 2024 also saw a record number of special operations involving the CGU and the PF, often with the participation of the Federal Prosecution Service (FPS), which further strengthened operational coordination and the exchange of investigative information across institutions. As a result of this coordination mechanism, approximately 79 joint operations have been conducted between 2023 and 2025.

With respect to coordination with the FPS, the Technical Cooperation Agreement signed in April 2025 by the Federal Prosecution Service (FPS), the Office of the Attorney General (AGU), and the CGU reinforces mechanisms for information-sharing and joint action. Clause Two of the Agreement explicitly

establishes, as an institutional objective, the commitment to “*promote, implement, and facilitate the exchange of information among the Signatory Institutions, in accordance with constitutional and legal norms, for the purposes of identifying, investigating, repressing, and preventing illicit acts within their respective areas of competence, as well as establishing uniform parameters for the implementation, evaluation, and monitoring of the effectiveness of integrity programmes to be observed by collaborating legal entities*”.

Together, these mechanisms — the joint operational group, the increased number of special operations involving multiple authorities, and the formal cooperation agreement — have expanded the channels for coordination among the CGU, the PF, and the FPS and contributed to more regular information exchange between the institutions.

The FPS also avails itself of other relevant mechanisms for expedited intelligence information sharing that include the Egmont Group, FIU/COAF intelligence information, integration with financial institution registration data via the Central Bank, and access to judicial systems such as SISBAJUD, RENAJUD, and CNIB.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 7(c):

7. Regarding the **investigation and prosecution of foreign bribery**, the Working Group recommends that Brazil:

(c) Collect and provide details to the Working Group about the use of investigative techniques, including special investigative techniques and access to financial information, in ongoing and concluded foreign bribery cases since Phase 3. [Convention Article 5 and commentary 27; 2021 Recommendation X.i.-iii.; XI; and Phase 3 recommendation 5.d]

Action taken as of the date of the follow-up report to implement this recommendation:

Regarding the collection and provision of information on investigative techniques, the FPS cites several examples of available investigative measures used with varying frequency: (i) banking records requests; (ii) telecommunications data requests; (iii) cross-referencing of open source data and restricted-access sources to which the FPS has access through numerous technical cooperation agreements; (iv) investigation teams that include or receive support from highly specialized agencies such as the Federal Police, Federal Revenue Service, Federal Court of Accounts, Office of the Comptroller General, among others; and (v) international legal cooperation, including joint investigation teams.

In Brazil, all courts and prosecution offices enable such measures through technological and digital resources capable of generating statistical data and ensuring proper transparency.

Depending on the specifics of each case, the Federal Police apply a variety of investigative techniques, including obtaining banking and telematic data through court-ordered precautionary measures. Search-and-seizure warrants have proven effective, even in cases involving older facts.

A recurring modus operandi identified is the use of financial operators in informal markets (“doleiros”). This required financial-tracing techniques such as negative banking proof and identification of unexplained asset variations.

In some cases, investigations advanced due to plea-bargain agreements concluded either with the FPS

or directly with the Federal Police.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 7(d):

7. Regarding the **investigation and prosecution of foreign bribery**, the Working Group recommends that Brazil:

(d) Take all necessary steps, as a matter of priority, to ensure that the factors prohibited by Article 5 of the Convention may, in no circumstances, influence the investigation, prosecution and resolution of foreign bribery cases or jeopardise in any other way the independence of prosecutors including through: (i) putting safeguards in place to protect the Office of the Prosecutor General from politicisation or the perception of politicisation; and (ii) reinforcing guarantees against possible political bias by law enforcement agents as well as against the possible arbitrary use of disciplinary or other accountability measures as a means of retaliation against prosecutors involved in sensitive anti-corruption and related enforcement actions. [Convention Article 5 and commentary 27; 2021 Recommendation, Annex I, D]

Action taken as of the date of the follow-up report to implement this recommendation:

The Federal Prosecution Service reaffirms its permanent commitment to the full compliance with Article 5 of the OECD Convention, ensuring that no undue factor interferes in the investigation, prosecution or resolution of cases involving transnational bribery.

Regarding the observations concerning the independence of prosecutors, it should be stressed that the principle of functional independence, provided for in Article 127, § 1, of the Federal Constitution, constitutes an essential element of the institutional design of the Brazilian Prosecution Service. This principle ensures that each member of the FPS acts exclusively in accordance with the Constitution and legislation, free from political, economic or administrative pressures. This is a socially recognized guarantee and reiterated in the internal practices of the institution.

The FPS's Secretariat for International Cooperation (SCI) participates in working groups with homologous institutions from various countries, within the Ibero-American and Mercosur framework, in which the prerogatives of the Prosecution Service are debated and the need to protect its institutional guarantees is reinforced. Based on meetings of these groups, international declarations have been signed that defend, precisely, the autonomy of prosecutors, recognizing that functional independence is an indispensable condition for the conduct of the *parquet* duties, which includes the effective fight against corruption and transnational bribery.

This commitment was reiterated even before the WGB Secretariat, on which occasion the FPS decided that, in order to effectively participate in this select group, it was fundamental to ensure that its participation be fully in accordance with its guarantees of autonomy and independence.

Regarding disciplinary measures, it is essential to clarify that these are not the personal responsibility of the Prosecutor General of the Republic (PGR), but rather of the General Inspectorate of the Federal Prosecution Service (Corregedoria-Geral/MPF) and the National Council of the Prosecution Service (CNMP), bodies endowed with their own powers, autonomy, and clearly defined procedural rules, including in the Brazilian Federal Constitution, as is the case of the CNMP. The actions of these bodies ensure that any accountability is conducted with technical rigor and impartiality, preventing any possibility of arbitrary use of disciplinary action as a form of retaliation or undue interference in sensitive cases, including those related to transnational corruption or bribery.

The structuring of the FPS as a career with functional independence prevents higher instances from determining the content of the decisions of prosecutors or influencing the progress of investigations. The 5th CCR/FPS also serves as a coordinating body to ensure that FPS members can act free from external pressure in combating corruption. This institutional model, aligned with international best practices, is recognized as one of the pillars of the Brazilian system of public integrity.

The current administration of the Prosecutor General of the Republic (PGR) has reaffirmed its commitment to strengthening the fight against corruption, economic crime, and crimes against international public administration.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 8:

8. Regarding Brazil's **jurisdiction** over foreign bribery cases, the Working Group recommends that Brazil: (i) review its legislation to clarify its jurisdiction over natural persons when foreign bribery is committed, at least in part, abroad; and (ii) clarify by any appropriate means that the jurisdiction over legal persons under article 28 of the CLL should be broadly interpreted and cover, in particular companies not incorporated in Brazil if their main seat is in Brazil and companies with their main management and control situated in Brazil even if part of this function is located abroad. [Convention Article 4, 2021 Recommendation Annex I.b.4. and Phase 3 recommendation 7]

Action taken as of the date of the follow-up report to implement this recommendation:

(i) Brazil would like to recall that Article 7 of the Criminal Code sets forth the rules governing the extraterritorial application of Brazilian criminal law and is divided into scenarios of unconditional and conditional extraterritorial jurisdiction. These provisions apply to the foreign bribery offence under Article 337-B of the Criminal Code.

In line with the information previously provided to the Working Group, Brazil notes that domestic authorities rely on the jurisdictional basis provided by Article 7 in complex financial and corruption cases involving acts committed abroad. The FPS, through its specialised units (5^a CCR and the National GAECO), reported that investigations into transnational economic crimes — including foreign bribery schemes — have applied the extraterritoriality provisions when relevant acts, financial flows or part of the criminal execution show a nexus with Brazil. The Federal Police likewise confirmed that its anti-corruption units (DELECOR and CGRC/DICOR) have used Article 7 in cross-border corruption, money laundering and asset-tracing investigations.

Brazil further recalls that Article 7 does not require the perpetrator to be a Brazilian national. While Article 7, II, establishes jurisdiction over offences committed abroad by Brazilian citizens when the statutory conditions are met, the provision as a whole — including Article 7, I and the conditions under Article 7, II (d–g) — also permits prosecution of foreign nationals when the circumstances defined in the Criminal Code are present. In particular, foreign nationals may be investigated and prosecuted in Brazil for offences committed abroad when one of the legal conditions is satisfied (e.g., when the offender enters Brazilian territory). This interpretation has been recognised in judicial decisions and applied in cases involving transnational financial crimes, providing additional clarity that Brazilian criminal jurisdiction is not limited to Brazilian nationals.

Judicial precedent further supports the applicability of Article 7 to extraterritorial conduct when the

effects, the proceeds of the crime, or relevant operational links are connected to Brazil. Federal courts have relied on this framework in corruption, money laundering and financial crime investigations involving Brazilian and foreign nationals, reinforcing the legal basis for asserting jurisdiction in foreign bribery cases.

Against this background, Brazil considers that the existing legal framework already enables the assertion of jurisdiction over foreign bribery cases involving both Brazilian and foreign nationals, provided that the statutory conditions for extraterritorial application are met. Investigative bodies have consistently applied Article 7 in relevant transnational cases, and the competent authorities have not identified the need for legislative amendments at this time.

(ii) The jurisdictional issue relates to the definition of a “Brazilian legal person” under Article 28 of the CLL. In the Phase 3 Written Follow-up Report, this recommendation was deemed fully implemented based on FPS Technical Note No. 01/2015, which clarified that Article 28 should be interpreted broadly to encompass: (i) companies incorporated in Brazil; and (ii) companies whose main management and control bodies operate from Brazil, even if part of these functions is exercised abroad.

In Phase 4, however, the Working Group revisited the matter. It noted that Decree No. 11.129/2022 did not expressly reflect this interpretation and raised concerns about its uniform application, based on observations made by judges during the on-site visit and the absence of judicial decisions explicitly confirming the FPS’s position. The report also mentioned a CGU technical note in an administrative proceeding involving a foreign-registered company managed from Brazil, noting that the case was pending and the note did not specifically analyse Article 28.

Since 2023, that administrative proceeding has moved forward, and the legal entity did not challenge jurisdiction before the courts. Although the case is now in its final stage, it remains under confidentiality; we expect to be able to provide further details in March 2026.

Furthermore, the Technical Cooperation Agreement signed by the FPS, AGU, and CGU in April 2025 strengthens institutional coordination and fosters coherence in the interpretation and application of the CLL, including with respect to jurisdiction. To date, all authorities responsible for foreign bribery enforcement remain aligned, and there has not been any judicial challenge to this understanding.

From a legal standpoint, Article 28 must be read together with Article 1, sole paragraph, of the CLL, which extends its applicability to all legal entities—including foreign ones—that have a headquarters, branch, or *de facto* representation in Brazil, even if temporary. A company whose main management or control bodies operate from Brazil necessarily maintains some form of representation in the country, even if not formally registered. Brazilian technical practice also recognises the criterion of effective management or direction: when the centre of command of the group or of the relevant conduct is situated in Brazil, jurisdiction may be affirmed regardless of the place of incorporation.

In sum, the case referenced in the Phase 4 report has advanced without any judicial objection to jurisdiction, and institutional practice—reinforced by the 2025 TCA—confirms the continued alignment of CGU, AGU, and FPS with the interpretation originally expressed in FPS Technical Note No. 01/2015, which derives directly from the text and structure of the CLL.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 9¹:

9. Regarding Brazil's **statute of limitations** over foreign bribery and related offences, the Working Group recommends that Brazil urgently address, by legislative and/or any other fully effective institutional measures, the unwanted consequences of the retroactive re-calculation of its statute of limitations period for natural persons for foreign bribery based on the actual sentence imposed. [Convention Article 6, 2021 Recommendation IX.ii and Phase 3 recommendation 8]

Action taken as of the date of the follow-up report to implement this recommendation:

As previously reported in Brazil's Phase 4 evaluation, the rules for the calculation of the statute of limitations are general in nature and affect all types of crimes (foreign bribery included). Therefore, its amendment would have a systemic impact in the entire Brazilian criminal justice system with unknown and potentially unwanted consequences.

Despite these concerns, as mentioned in the answer to Recommendation 6(c), Brazil's main courts are committed to addressing concrete bottlenecks and reduce deficiencies in the delivery of justice in Brazil through the annual National Goals of the Judiciary.

With a goal of reducing case backlog by adjudicating up to 100% of older cases still ongoing in the STJ, Federal and State Courts, as well as prioritizing the adjudication of cases related to crimes against the public administration, administrative improbity, and electoral offenses, which includes the foreign bribery offense, Brazil's judiciary is significantly reducing the chances of expiration of limitation periods in practice.

In addition to these national goals, the STJ decided to prioritize the adjudication of repetitive appeals cases, with a goal of guaranteeing an average time of 365 days from receiving an appeal to the publication of the judgment in repetitive cases.

These measures support the systemic reduction of delays in criminal proceedings, including appeals, which have a direct impact in the retroactive re-calculation of statute of limitation periods. They also contribute to improving the effectiveness of judicial outcomes in corruption, including foreign bribery offenses, economic crime, and money laundering cases.

Recent foreign bribery convictions in two distinct cases discussed in Part IV of this report and in the answer to follow up issue 14(d) reinforce the argument that the rules governing the statute of limitations in Brazil do not necessarily hinder the prosecution and effective, proportional and dissuasive sanction of this offense.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

¹ This recommendation was identified as a priority recommendation in Phase 4.

Text of recommendation 10:

10. Regarding **international cooperation**, the Working Group recommends that (i) Brazil ensure that the DRCI as well as the CGU and the FPS maintain more consistent and accessible data on MLA successes and challenges to facilitate Working Group oversight in future monitoring; and (ii) all Brazilian authorities responsible for enforcing foreign bribery to continue to use informal contacts, as appropriate, to seek and provide MLA in foreign bribery cases in line with international practice. [Convention Article 9]

Action taken as of the date of the follow-up report to implement this recommendation:

The FPS maintains a detailed and permanently updated database on requests for international cooperation processed by the Secretariat for International Cooperation (SCI), including those related to cases of foreign bribery. The information recorded allows for the precise identification of all requests made and received, broken down by requesting and requested country, requested diligences, applicable legal basis — such as the OECD Convention on Combating Bribery of Foreign Public Officials —, as well as the type of crime involved. The entire cooperation flow is catalogued in the FPS's Único System, which allows for the extraction of analytical and statistical reports through its own Business Intelligence (BI) tool under the management of the SCI.

Regarding direct contact with competent foreign authorities, this practice is routinely adopted by the SCI, in close dialogue with members of Public Prosecutor's Offices of other nations. This contact can occur directly or through various international networks in which the FPS participates, such as the GAFILAT Asset Recovery Network and the Network against Corruption of the Ibero-American Association of Public Prosecutors (AIAMP), for example. These mechanisms constitute instruments already consolidated for assisting in international legal cooperation formalized through central authorities.

These contacts are frequently used by the FPS to discuss essential issues for the effectiveness of transnational investigations, such as the establishment of jurisdiction, the formation of joint investigation teams, the repatriation and division of assets, as well as the transfer of investigations and information. In addition, they favour the structured exchange of analyses on the activities of criminal organizations.

CGU's Special Advisory for International Affairs (AINT) continues to maintain and record detailed information of all mutual legal assistance requests issued or received by CGU. Cases involving foreign bribery, either from a "demand side" or "supply side" standpoint, are particularly monitored to allow CGU to assess successes and challenges in the fight against this particular offense.

The use of informal contacts with other members and non-members of the WGB remain a standard practice within CGU. Most recently, CGU has engaged directly with Swiss prosecutors and authorities in pre-MLA consultations regarding two "demand side" foreign bribery cases, in which Swiss companies allegedly paid bribes to Brazilian public officials. The consultations have resulted in positive responses from Swiss authorities granting the MLA request. The cases are ongoing and remain confidential – further information can be provided once these proceedings become public.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11(a):

11. Regarding the **resolution of foreign bribery matters** through trial or non-trial resolutions, the Working Group recommends that Brazil:

- (a) Intensify its training efforts to ensure a high level of awareness of the technicalities of the foreign bribery offence and the Convention among the range of non-specialised judges likely to handle foreign bribery cases at every court level. [Convention Art. 5; 2021 Recommendation XV.i]

Action taken as of the date of the follow-up report to implement this recommendation:

Please see answer provided in Recommendation 6(b) regarding the Cooperation Agreement between CGU and AJUFE on the inclusion of the topic of Foreign Bribery in the regular training for newly appointed and sitting federal judges throughout Brazil. These training modules will reach non-specialized judges across all jurisdictions.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11(b):

11. Regarding the **resolution of foreign bribery matters** through trial or non-trial resolutions, the Working Group recommends that Brazil:

- (b) Consider broadening the range of non-trial resolution (NTR) systems available to its prosecutors (besides NPAs) for natural persons, to enable, when relevant, the non-trial resolution of aggravated forms of foreign bribery offences; [Convention Art. 5; 2021 Recommendation XVIII]

Action taken as of the date of the follow-up report to implement this recommendation:

Regarding case resolution through out-of-court settlements, the 5th CCR/FPS operates continuously to promote alternative instruments and consensual dispute resolution, particularly through the establishment of Support Groups for Leniency Agreements, Criminal Non-Prosecution Agreements and Plea Bargaining, and Civil Non-Prosecution Agreements and Conduct Adjustment Agreements.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11(c):

11. Regarding the **resolution of foreign bribery matters** through trial or non-trial resolutions, the Working Group recommends that Brazil:

- (c) Promote transparency concerning the NTR systems available to natural persons by (i) developing clear and transparent criteria regarding their use, including “relevant cooperation” in cooperation agreements, in particular as it applies to judicial pardon and immunity from prosecution; and (ii) providing publicly accessible information on the advantages an alleged offender may obtain by entering into an NTR; [Convention Art. 5; 2021 Recommendation XVIII]

Action taken as of the date of the follow-up report to implement this recommendation:

With respect to transparency, the 5th Chamber implemented the [Agreements Dashboard](#), where statistical data on this subject can be accessed, along with general information, such as details of the main facts and decisions rendered, on each agreement executed, which is updated continuously and periodically. This important tool aims to promote transparency in the use of leniency agreements by the FPS, strengthening social control. The GAL (Leniency Agreement Support Group) works in support of the 5th CCR to establish clear internal rules related to the publication of leniency agreements and the methodology for updating the Panel.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11(d):

11. Regarding the **resolution of foreign bribery matters** through trial or non-trial resolutions, the Working Group recommends that Brazil:

(d) Compile at the federal level relevant information from the monitoring of the use of NTRs, including the sanctions and conditions agreed in these resolutions with natural persons [Convention Art. 5; 2021 Recommendation XVIII];

Action taken as of the date of the follow-up report to implement this recommendation:

The 5th CCR recently established three new working groups focused on non-trial resolutions that will support the FPS's institutional efforts to monitor the use of those instruments:

- [the Leniency Agreement Support Group](#);
- [the Plea Bargaining and Criminal Non-Prosecution Agreement Support Group](#); and
- [the Civil Non-Prosecution Agreement and Conduct Adjustment Agreement Support Group](#)

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11(e):

11. Regarding the **resolution of foreign bribery matters** through trial or non-trial resolutions, the Working Group recommends that Brazil:

(e) Make public, where appropriate and consistent with data protection rules and privacy rights, as much information as possible about its NTRs with natural and legal persons, including the main facts of the case as well as the nature and basis of the sanctions imposed, in order to clarify precisely how much of the sanctions imposed are attributed to foreign bribery. [Convention Art. 5; 2021 Recommendation XV.iii. and XVIII.iv and v];

Action taken as of the date of the follow-up report to implement this recommendation:

The [Leniency Agreements Portal](#) of the Office of the Comptroller General (CGU) centralizes and discloses all public information related to agreements executed under Law No. 12,846/2013 (Anti-Corruption Law), as regulated by Decree No. 11,129/2022. Over the years, Brazil has progressively

enhanced the transparency of these instruments, in line with recommendations from the OECD.

The publication of information on the portal seeks to balance transparency and the protection of personal data, in accordance with Law No. 13,709/2018 (General Data Protection Law – LGPD). The official webpages provide details such as the name of the signatory company, the total amount of sanctions (including fines and reimbursements), the authorities involved, and direct access to the text of each agreement.

As examples, the following recent leniency agreements involved cooperation with foreign jurisdictions:

- SEATRIUM, Estaleiro Jurong Aracruz, and Jurong Shipyard (2025): Agreement valued at R\$ 728,933,258.58, addressing illicit practices between 2007 and 2014 related to improper payments in contracts with Petrobras. The investigations were carried out through international cooperation between authorities from Singapore and Brazilian entities including the CGU, AGU, and the Federal Prosecution Service.
- Trafigura Beheer B.V. (2025): The Dutch company entered into a leniency agreement worth R\$ 435,000,000.00 after being accused of making improper payments to secure fuel oil supply contracts with Petrobras. The negotiation involved cooperation among the CGU, AGU, and the U.S. Department of Justice (DOJ).
- Freepoint Commodities LLC (2024): Agreement amounting to R\$ 131,253,647.32, related to acts of transnational bribery in contracts with Petrobras. The negotiation was conducted jointly by the CGU, AGU, and U.S. authorities, covering both fines and reimbursements to the Federal Government and Petrobras.

The press releases of the aforementioned leniency agreements are available at: [CGU e AGU assinam acordo de leniência com a empresa Freepoint Commodities LLC — Controladoria-Geral da União](#); [CGU e AGU assinam acordo de leniência com a empresa Trafigura Beheer B.V. — Controladoria-Geral da União](#); [CGU e AGU assinam acordo de leniência com a empresa Freepoint Commodities LLC — Controladoria-Geral da União](#)

In addition to the information already available, the CGU has launched a dedicated webpage summarizing the acts of transnational bribery and the different sanctions applied, thereby ensuring compliance with the relevant international recommendations ([Casos de suborno apurados pela CGU — Controladoria-Geral da União](#)).

It is also worth noting that the CGU is currently drafting a new ordinance that will regulate in greater detail the rule under which information related to leniency agreements becomes, as a rule, publicly accessible once the agreement is signed. The ordinance will also establish, with greater precision, the specific circumstances in which confidentiality may still apply, including narrowly tailored exceptions necessary to protect ongoing investigations, personal data, or other legally protected information. As mentioned in Recommendation 1g, the draft of the ordinance was made available for public consultation and has received several contributions, which are currently under analysis.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11(f):

11. Regarding the **resolution of foreign bribery matters** through trial or non-trial resolutions, the Working Group recommends that Brazil:

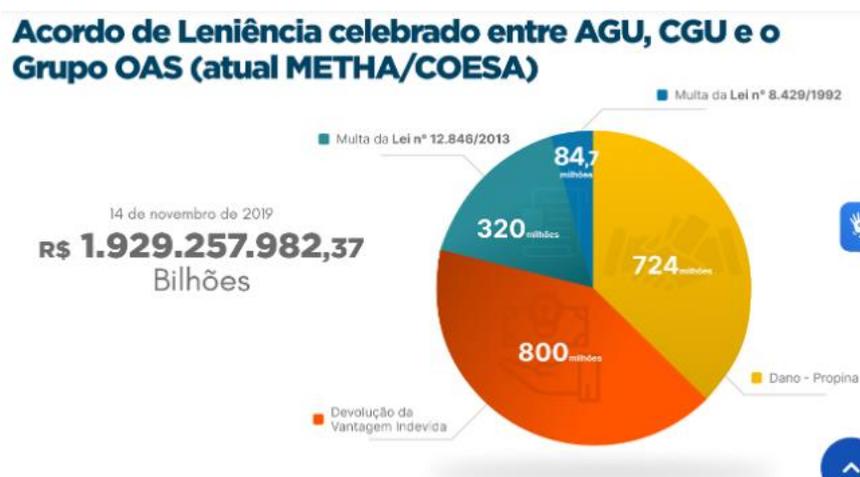
(f) Ensure that all resolutions with legal persons concerning foreign bribery provide enough information to the public so that it is possible to ascertain the amount of the bribes, the proceeds of bribery, and the sanctions imposed in relation to the foreign bribery scheme. [Convention Art. 5; 2021 Recommendation XV.iii; XVIII.iv & XVIII.v].

Action taken as of the date of the follow-up report to implement this recommendation:

As previously mentioned, the Leniency Agreements Portal of the Office of the Comptroller General (CGU) centralizes and discloses all public information related to agreements executed under Law No. 12,846/2013 (Anti-Corruption Law), as regulated by Decree No. 11,129/2022.

The FPS's [Leniency Agreements Dashboard](#) also publishes statistical data on agreements concluded with the *parquet*, including general and up-to-date information on each agreement executed.

In relation to foreign bribery, the CGU has recently launched a dedicated webpage summarizing acts of this nature described in leniency agreements. On the webpage, the total amount paid by each company is displayed in a graph, with segments indicating the amounts corresponding to the fine, the bribe, and the restitution of the undue advantage obtained, as follows¹¹:



Source: [Grupo OAS — Controladoria-Geral da União](#)

It is also worth noting that the CGU is currently drafting a new ordinance that will regulate in greater detail the rule under which information related to leniency agreements becomes, as a rule, publicly accessible once the agreement is signed. The ordinance will also establish, with greater precision, the specific circumstances in which confidentiality may still apply, including narrowly tailored exceptions necessary to protect ongoing investigations, personal data, or other legally protected information. As mentioned in Recommendation 1g, the draft of the ordinance was made available for public consultation and has received several contributions, which are currently under analysis.

¹¹ **Orange (BRL 800 million):** Restitution of Undue Advantage; **Yellow (BRL 724 million):** Damages / Bribes; **Teal (BRL 320 million):** Administrative Fine under Law No. 12,846/2013; **Blue (BRL 84.7 million):** Fine under Law No. 8,429/1992.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendations regarding the liability of, and engagement with, legal persons**Text of recommendation 12(a):**

12. Regarding **corporate liability and sanctions** for legal persons, the Working Group recommends that Brazil:

(a) Ensure that legal persons can be held liable for the full range of acts of complicity set forth in Article 1(2) of the Convention; [Convention Articles 1 and 2

Action taken as of the date of the follow-up report to implement this recommendation:

The interpretation to be given to the terms “finance” (*financiar*) and “cover the costs of” (*custear*), as set out in Article 5(II) of the Clean Company Act (LAC), is normally directed at material or economic assistance to the commission of the unlawful act. However, the verbs “sponsor” (*patrocinar*) and, above all, the expression “in any way subsidize” (*de qualquer modo subvencionar*) must be understood broadly, as encompassing any form of involvement aimed at enabling the occurrence of the illicit act, including forms of contribution that are not necessarily financial.

The *Manual for the Liability of Private Entities*^[1] expressly states that “the aim is to hold accountable every type of assistance to corrupt practices” (p. 58), as well as clarifying that “it is not required that the conduct of the legal entity be exclusively financial in nature” (p. 58). This demonstrates that the scope of the provision is not limited to economic contributions, but also covers conduct such as instigating, assisting, authorising, or otherwise participating in the commission of the bribe.

Accordingly, although the wording of Article 5(II) of the LAC does not literally reproduce all the verbs mentioned in Article 1(2) of the Convention (such as “instigate, assist, authorise”), it is unequivocal that such conduct is already encompassed by the expression “in any way subsidize,” interpreted in line with the Manual and with the purpose of the law. For this reason, there is no practical utility in adding these verbs to the statutory text, which would merely result in redundancy and unnecessary textual clutter, without any effective normative gain.

An updated version of the Manual for the Liability of Private Entities is currently under preparation and is expected to provide even further clarification on this matter. The document is scheduled for publication in March 2026.

^[1] Available at: [manual de responsabilizao de entes privados-2022.pdf](#)

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 12(b):

12. Regarding **corporate liability and sanctions** for legal persons, the Working Group recommends that Brazil:

(b) Amend its law to expressly make legal persons liable for the laundering of the bribe and the proceeds of bribery where foreign bribery is the predicate offence; [Convention Article 2 and 7 and 2021 Recommendation Annex I.B

Action taken as of the date of the follow-up report to implement this recommendation:

As previously noted, the Anti-Corruption Law (LAC) is not limited to acts of bribery but also encompasses

a broad range of conduct related to integrity failures. In this regard, the LAC typifies actions such as “knowingly financing, assisting, sponsoring, or in any way subsidising the commission of the unlawful acts established in this Law,” as well as “knowingly using an intermediary, whether a natural or legal person, to conceal or disguise the company’s actual interests or the identity of the beneficiaries of the acts performed.” These provisions may extend to conduct amounting to money laundering.

The LAC follows a distinctive logic that includes, but is not limited to, a strict liability regime. For this reason, terminology drawn from criminal law should be used only when strictly necessary, as it risks making the administrative regime more vulnerable to the defendant-protective interpretations that typically prevail in criminal proceedings. With respect specifically to the laundering of proceeds of bribery by legal persons, we consider that the provisions cited above have so far proven sufficient to encompass such conduct.

Cases associated with bribery where conduct was equivalent to money laundering include:

PAR No. 00190.102173/2020-23 – Legal entity EVAL – Empresa de Viação Angrense Ltda., CNPJ 25.500.981/0001-55, was held liable for infringing Article 5, item II, of the CLL, for having entered into fictitious contracts with Andrade Gutierrez for the purpose of generating resources used to pay undue advantages to employees of the state-owned company Eletrobras Eletronuclear. The PAR was ruled on January 4, 2022 (<https://repositorio.cgu.gov.br/handle/1/73510>).

PAR No. 00190.103042/2020-63 – Legal entity MDI Consultoria Empresarial Ltda. was held liable for infringing Article 5, items II and III, of the CLL, for having acted as an intermediary in the payment of undue advantages by SICPA Brasil Indústria de Tintas e Sistemas to a Tax Auditor of the Federal Revenue Service, as well as for having made use of a third party to conceal the operation. The authorities found that the company had been used with abuse of rights, which justified extending the sanctions to the individuals involved. The PAR was ruled on September 29, 2022 (<https://repositorio.cgu.gov.br/handle/1/73692>).

PAR No. 00190.105811/2023-19 – Legal entity TEC NOVA – Construção Civil Ltda. was held liable for violating Article 5, items II and IV (a, d, e), of the CLL, having operated as a shell company created to secure public contracts that were, in practice, executed by third parties in exchange for rental payments. In addition to the imposition of a fine and debarment, the authority concluded that the company had been used with abuse of rights, which justified extending the sanctions to the individuals involved. The case also led to criminal proceedings, in which the individuals were charged with money laundering. The PAR was ruled on April 4, 2025 (<https://repositorio.cgu.gov.br/handle/1/73616>).

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 12(c):

12. Regarding **corporate liability and sanctions for legal persons**, the Working Group recommends that Brazil:

(c) Ensure that the maximum possible fine be set at three times the advantage sought or obtained up to the statutory 20% cap, whichever is higher;

Action taken as of the date of the follow-up report to implement this recommendation:

As currently designed, the sanctioning framework applied by the CGU combines two upper thresholds for calculating fines — up to three times the advantage sought or obtained, and up to 20% of the company’s gross revenue — and applies the lower of the two. This approach preserves the link between

the fine and the materiality of the misconduct (the undue advantage), while maintaining the capacity to deter large companies (through the revenue-based parameter). It is also important to recall that Article 25 of the LAC ensures that a fine can never fall below the amount of the undue advantage.

Equally relevant is that administrative fines operate within a broader sanctioning architecture, which includes monetary measures (damages repair and disgorgement of the undue advantage) and non-monetary sanctions (publication of the decision, restrictions on contracting with the State, prohibition on receiving incentives, and, where appropriate, suspension of activities or dissolution of the legal entity). This integrated structure significantly enhances the overall deterrent effect.

As illustrated on the CGU's webpage dedicated to foreign bribery cases, the fines imposed in leniency agreements encompassing foreign bribery have been substantial: in the OAS case, €52 million (16.6% of the total value); in the Odebrecht case, €72 million (16.2% of the total value); and in the Nova Participações/Engevix case, €53.4 million (10% of the total value).

(Exchange rate of November 2025; data sourced from: <https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/suborno-transnacional/casos-de-suborno>, accessed on 22 Nov. 2025.)

We consider that this framework clearly meets the requirement for sanctions to be effective, proportionate, and dissuasive. At the same time, by preventing disproportionate or systemically destabilising penalties, it creates the necessary conditions for meaningful cooperation, including self-reporting, evidence production, and sustained integrity reforms.

Brazil continues to monitor and refine the practical application of this framework. In May 2025, the CGU published the second edition of the *Report on the Analysis of the Dosimetry of Sanctions in Administrative Liability Proceedings (Relatório Dosimetria - 2a ed .pdf)*, which found that 75% of fines were calculated based on the company's gross revenue, meaning they were not limited by the "three times the advantage" criterion.

Additionally, in September 2025, the CGU released the *Guide for Identifying and Quantifying the Advantage Obtained (guia identificacao quantificacao vantagem auferida 2025.pdf)*, providing detailed explanations of the concept, the rationale for calculating undue advantage, and methodological guidance for different scenarios.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 12(d):

12. Regarding **corporate liability and sanctions for legal persons**, the Working Group recommends that Brazil:

(d) Review the range of sanctions available for successor companies and in case of joint liability with a view to providing more flexibility and, in particular, to allow for the confiscation of the profit of foreign bribery and the imposition of sanctions that will be better adapted to each company's situation. [Convention Art. 2; 2021 Recommendation Annex I.B.5 and Phase 3 recommendation 3.e.1]

Action taken as of the date of the follow-up report to implement this recommendation:

Law No. 12,846/2013 (*Anti-Corruption Law*) establishes the strict liability for legal entities (Articles 1–3) and, in Article 4, §§1 and 2, sets forth specific rules regarding the liability of successor companies and joint liability among related entities.

In particular, §1 provides that a successor is liable “for the obligation to pay fines and to provide full compensation for the damages caused, up to the limit of the transferred assets,” except in cases of proven fraud. §2, in turn, establishes joint liability of parent companies and subsidiaries “for the obligation to pay fines and to provide full compensation for the damages caused.”

Article 26 of *Interministerial Normative Ordinance CGU/AGU No. 1 of 19 December 2025* specifically regulates leniency agreements to be concluded by successor companies in cases of merger, incorporation, or any other form of corporate reorganisation. In comparison with the general regime set out in Article 25, the provision establishes additional and tailored cumulative requirements applicable to successor entities. In particular, the successor must report the unlawful act within twelve months from the completion of the corporate transaction, and the act must have been identified during pre- or post-transaction due diligence. The successor must also demonstrate that it did not contribute to or participate in the unlawful conduct and that the transaction served a genuine commercial purpose.

Most importantly, the Ordinance expressly requires that, in order to conclude the Agreement, the successor legal entity must either return the advantage obtained from the infraction or identify the individual or legal entity that retained such benefit, providing supporting evidence to enable the State to pursue forfeiture against the responsible party pursuant to Article 19 of Law No. 12.846/2013.

In line with Article 2 of the Convention, the measure demonstrates that Brazil has taken regulatory action, in accordance with its legal principles, to enhance the effectiveness of the liability of legal persons for the bribery of a foreign public official. It also addresses Annex I(B)(5) to the 2021 Recommendation and, specifically, the recommendation of the Working Group, by introducing adapted and stricter requirements applicable to successor entities in order to ensure that Leniency Agreements cannot be used to unduly mitigate sanctions or permit the retention of illicit gains in such circumstances.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendations regarding other measures affecting implementation of the Convention

Text of recommendation 13:

Regarding **tax measures** to combat foreign bribery, the Working Group recommends that Brazil take steps to ensure that tax authorities are informed of individuals and companies sanctioned for foreign bribery whether through criminal or non-criminal proceedings so that the tax authorities re-examine the tax returns for the relevant years to determine whether the bribes had been deducted. [2021 Recommendation IV.v]

Action taken as of the date of the follow-up report to implement this recommendation:

There is no legal or operational barrier to forwarding PARs to the Federal Revenue Service (RFB). What remains is to refine internal procedures—particularly the workflow and relevance criteria—to ensure that referrals are made in a systematic and effective manner.

Following coordination efforts between the CGU and the Federal Revenue Service of Brazil (RFB), as previously reported, the Secretary for Private Integrity of the CGU issued a formal instruction to ensure that information arising from Administrative Liability Proceedings (PARs), including those concerning foreign bribery, is systematically forwarded to the Federal Revenue Service whenever tax-related implications are identified.

This communication was circulated through Official Letter No. 2141/2026/SIPRI/CGU, of February 12th, 2026. In this letter, the Secretary expressly instructed that the Commissions responsible for Administrative Liability Proceedings (PARs) at the CGU must include, in the referral section of the Final PAR Report, a communication to the Federal Revenue Service of Brazil in cases where there are

indications of possible tax-related infractions connected to the unlawful acts under investigation, whether involving domestic or foreign public administration.

Furthermore, the letter determines that officials responsible for drafting the Regularity Review Notes of Final PAR Reports must verify whether such referral to the RFB has been duly included.

This measure establishes an internal procedural safeguard aimed at ensuring that information arising from administrative liability proceedings is systematically forwarded to the tax authorities whenever potential tax implications are identified, thereby strengthening interinstitutional coordination in matters relevant to the non-tax deductibility of bribes.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

PART II: ISSUES FOR FOLLOW-UP BY THE WORKING GROUP

Regarding Part II and as per the procedures agreed by the Working Group in December 2019, countries are invited to provide information with regard to any follow-up issue identified below where there have been relevant developments since the Phase 4 report. Please also note that the Secretariat and the lead examiners may also identify follow-up issues for which it specifically requires information from the evaluated country.

The Working Group will follow up on the issues below as case law, practice, and legislation develops:

Text of issue for follow-up 14(a):

The potential consequences that the September 2023 judgment by an STF justice, concerning evidence obtained in relation to the Odebrecht leniency agreement, may have on Brazil's leniency agreements in foreign bribery matters, in particular the extent to which it might affect their legal certainty.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The decision issued by a Justice of the Supreme Federal Court in RCL 43.007/DF declared the "nullity of the evidence obtained from the Leniency Agreement 5020175-34.2017.4.04.7000, entered into by Odebrecht, and the Drousys and My Web Day B systems, as well as all other elements derived from it, in any scope or level of jurisdiction." Therefore, mutual legal assistance cannot be provided to foreign States when evidentiary elements derived from such computer systems are requested.

However, when the evidence originates from completely autonomous elements, from independent sources and which have no direct relation to the Drousys and My Web Day B Systems, and therefore are not affected by the decision rendered by the Supreme Federal Court in RCL 43.007/DF, there is no reason for limiting the scope of the assistance provided by the FPS.

This is the understanding and practice that has been adopted by the FPS's Secretariat of International Cooperation, which has adopted the understanding that it is not up to the requested Brazilian authority to make a judgment about the eventual validity in the use of evidentiary elements extracted from the Drousys and MyWebDay B systems in its investigations, especially considering that the STF decision only prohibits the new production of evidence based on those declared null, not preventing the use, by a foreign authority, in its own territory, of evidentiary elements eventually obtained previously in a

manner considered valid in the Brazilian legal system.

In addition, it is important to highlight that, within the scope of ADPF 1051, the CGU and AGU reached an agreement with Odebrecht to adjust the payment schedule according to the company's financial capacity and to grant certain benefits — such as the exemption of interest on the outstanding debt and the possibility of using tax loss credits to offset part of the amount due. This addendum to the leniency agreement, executed by CGU and AGU, was subsequently approved by the Supreme Federal Court in August 2025 in the context of ADPF 1051, thereby giving full legal effect to the revised terms.

In return, the company agreed to waive any claims seeking to alter or requalify the core facts admitted in the leniency agreement, as well as any legal actions — including class actions — or appeals related to that agreement and its amendments, expressly committing to request the termination of any ongoing proceedings, where applicable.

The issues that resulted in the annulment of evidence in the Odebrecht case were confined to the specific circumstances of that investigation and of the Car Wash Operation, and do not impact the broader legal framework governing leniency agreements in Brazil.

Text of issue for follow-up 14(b):

The potential consequences that this September 2023 judgment may have on Brazil's ability to provide and to obtain mutual legal assistance in foreign bribery cases.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

It is worth noting that CGU and AGU have recently concluded three major agreements in cooperation with foreign authorities, namely with Freepoint, Trafigura, and Seatrium.

In all three cases, the companies were allowed to offset part of the amounts paid in Brazil against values already settled under agreements signed abroad: with the **United States** in the cases of Freepoint and Trafigura, and with **Singapore** in the case of Seatrium.

This demonstrates Brazil's growing capacity to promote and strengthen international cooperation in the enforcement of anti-corruption measures.

Text of issue for follow-up 14(c):

Whether laws relating to freedom of the press are fully applied in practice to enable allegations of foreign bribery to be reported without fear of reprisals.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Brazil remains committed to fully enforcing and respecting the laws relating to freedom of the press. A renewed safe environment for journalists in Brazil was recognized in the 2025 Reporters Without Borders (RSF) World Press Freedom Index. Brazil jumped 47 positions in comparison with 2023, reaching the 63rd position in 2025. According to researchers, there is a less hostile climate for journalism in the current administration.

The study defines press freedom as "the effective possibility for journalists, as individuals and as collectives, to select, produce and disseminate information of public interest, independently of political,

economic, legal and social interference, and without threat to their physical and mental safety.”

<https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2025-05/brasil-sobe-47-posicoes-em-ranking-de-liberdade-de-imprensa>

Text of issue for follow-up 14(d):

Whether Brazil’s money laundering offence can be autonomously enforced together with the foreign bribery offence.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Since the adoption of Brazil’s Phase 4 report, substantial and formally documented developments have occurred in two cases known as “**Venezuela Connection**” and “**Diplomatic Pouch**”, providing fully adjudicated examples of the concurrent and autonomous enforcement of the foreign bribery offence (Art. 337-B of the Criminal Code) and the money-laundering offence (Law 9.613/1998).

The “Venezuela Connection” scheme involved the payment of undue advantages to Venezuelan public officials in the context of a **USD 317,885,741.30** contract for the export of agricultural machinery to a Venezuelan State-owned enterprise between 2010-2014. The criminal organisation moved **over BRL 200 million** through complex financial-layering schemes conducted via Brazilian and foreign financial institutions, as well as offshore entities located in multiple jurisdictions.

The first-instance court established that the contract price was deliberately inflated to fund the bribery payments and that the proceeds were subsequently laundered through a sophisticated structure involving simulated consulting agreements, fictitious service invoices, transfers to shell companies, the use of nominee accounts, the routing of funds to offshore entities in tax havens, and the subsequent acquisition of valuable real estate assets in Brazil and the United States. The evidentiary record was exceptionally voluminous, and subsequent appellate scrutiny by both the Regional Federal Court of the 4th Region (TRF4) and the Superior Tribunal de Justiça (STJ) confirmed its integrity, accessibility and the absence of procedural irregularities.

The first-instance court convicted four defendants for active foreign bribery (Art. 337-B), money laundering (Law 9.613/1998) and criminal association (Art. 288, in its pre-Law 12.850/2013 form), imposing penalties ranging from 10 years and 11 months to 12 years and 6 months imprisonment and substantial fines.

In addition to custodial and pecuniary sanctions, the judgment ordered extensive **criminal forfeiture** measures, including high-value real-estate properties in Brazil and the United States, bank balances in Brazil and abroad, and assets held through offshore structures, all demonstrably derived from the illicit proceeds of foreign bribery and money laundering. This case is currently under appeal before the TRF4 and still pending a decision. Brazil can provide further updates once the TRF4 appellate judgment becomes public.

The “Diplomatic Pouch” case refers to a criminal organization that used the cover of diplomatic pouches of three foreign missions based in Brazil to import over 280 metric tonnes of commercial goods without customs control or payment of duties for more than two years. The scheme relied on the systematic payment or promise of undue advantages to foreign public officials – diplomatic representatives accredited in Brazil – in order to obtain diplomatic protection for the commercial shipments.

The first-instance court convicted the main defendants for a combination of foreign bribery (Article 337-B), criminal association (Article 288, in its previous wording), smuggling/“descaminho” (Article 334, in its previous wording), importation of unregistered therapeutic products (Article 273, §1-B, I, in its mitigated

form) and money laundering (Article 1 of Law No. 9.613/1998). The court imposed significant custodial sentences on the leaders of the scheme with sentences ranging from 26 years to 13 years' imprisonment and pecuniary fines.

On appellate review, the Regional Federal Court of the 3rd Region (TRF-3) has already examined several preliminary challenges in an Habeas Corpus, upholding the validity of the indictment, rejecting arguments on extraterritoriality and confirming that foreign officials acting in Brazil fall within the scope of Article 337-D of the Criminal Code (definition of foreign officials). As of November 2025, the first-instance judgment remains in force, the foreign bribery and money-laundering counts remain active, and appeals on the merits are pending before the TRF-3.

As in the Venezuela Connection case, the money-laundering convictions were also grounded on a fully autonomous analysis of the laundering transactions, while recognising foreign bribery (Art. 337-B) as the main predicate offence.

A central point of relevance for follow-up issue 14(d) is that both trial courts explicitly recognised the **autonomous enforceability of the money-laundering offence**, even when the predicate conduct corresponds to foreign bribery committed abroad. The sentence demonstrates that Brazilian law allows the prosecution of money laundering independently of:

- (i) the existence of a foreign conviction for bribery;
- (ii) the initiation of proceedings abroad; or
- (iii) the physical presence of the foreign public official in Brazil.

The appellate courts fully validated this legal framework.

Full details of these cases are provided in Part IV of this report, along with copies of the sentences in the annex.

Text of issue for follow-up 14(e):

Whether article 5(V) CLL or, potentially, Law 6.404/1976, can indeed applied as an alternative or a related offence, distinct from the foreign bribery offence under article 5(I) CLL.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The following cases illustrate the autonomous application of Article 5(V) outside the context of domestic or foreign bribery:

- **PAR** **No.** **00190.102081/2025-58** – **“SUSEP Case”**
 Proceeding initiated against a legal entity for hindering regulatory oversight through irregularities in its accounting records, misappropriation of funds, and misleading financial disclosures. The case also involves repeated obstruction of supervisory activities carried out by the Superintendence of Private Insurance (SUSEP), a federal agency linked to the Ministry of Finance. Article 5(V) is being applied autonomously, without reference to any bribery-related subsection (case ongoing).
- **IPS** **No.** **00190.107384/2025-67** – **“ANS Case”**
 Ongoing investigation into conduct involving the submission of false financial statements to the National Supplementary Health Agency (ANS), via the Economic-Financial Information System for Health Insurance Operators (DIOPS). The investigation concerns fraudulently evading a

regulatory obligation imposed by a federal public authority (case ongoing).

- PAR – “INSS Case”**
 Initiation of 40 PARs (list attached) against 38 retiree associations and 3 digital certification companies. The proceedings concern the presentation of fraudulent documents to the National Social Security Institute (INSS), a federal agency, in a scheme that is estimated to involve thousands of falsified documents. Article 5(V) is being applied autonomously, without any provision related to bribery (cases ongoing).

Text of issue for follow-up 14(f):

Whether the Organised Crime Law is used in foreign bribery cases as a related alternative offence.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

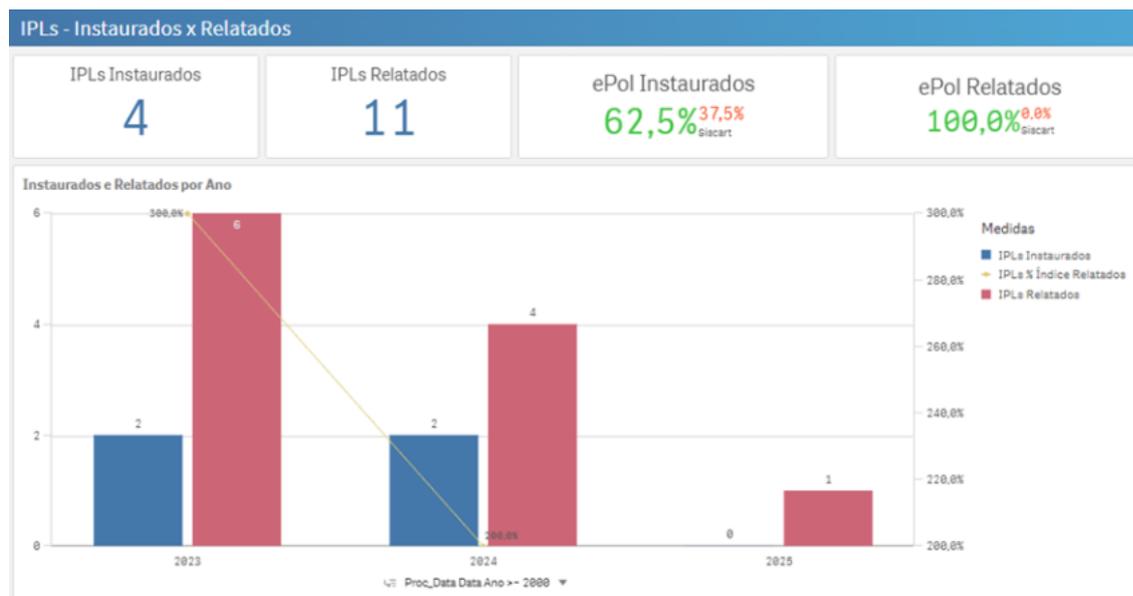
Please see answers provided in follow-up 14(d) regarding the cases “Venezuela Connection” and “Diplomatic Pouch”, where several defendants were convicted for foreign bribery, money laundering and criminal organization (Art. 288 of the Criminal Code).

Text of issue for follow-up 14(g):

The performance of the DPF and FPS with regard to foreign bribery allegations, including decisions not to open investigations.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Between 2023 and 2025, 4 police inquiries were initiated and 11 cases concluded, as shown below:



Among the 11 concluded cases, in 9 there was no confirmation of the criminal offense, whereas in

2 cases, authorship and materiality were identified, resulting in the referral (*indiciamento*) to the FPS of **11 individuals**:

| Unidade UF | Indiciados | IPLs Relatados |
|------------|------------|----------------|
| CE | 0 | 1 |
| DF | 0 | 1 |
| PR | 0 | 1 |
| RJ | 0 | 1 |
| SC | 1 | 1 |
| RS | 10 | 1 |
| SP | 0 | 5 |

In the period analyzed, there were no instances in which the Federal Police failed to initiate an investigation when minimum elements were present. Currently, there are **2 ongoing foreign bribery investigations**.

Text of issue for follow-up 14(h):

The CGU's use of investigative techniques in foreign bribery cases, particularly when the CGU initiates proceedings before the DPF or FPS has begun their own investigations.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The CGU conducts investigations using “special” evidence-gathering measures on an autonomous basis, which may be employed in both domestic and foreign bribery cases, given that the law applies uniformly across this spectrum of conduct. Although the examples below do not specifically concern foreign bribery, they illustrate the autonomous use of such special investigative techniques:

1 — INSS Case

A judicial precautionary order was obtained authorising the following measures against 67 legal entities, their respective partners, and other individuals allegedly involved:

- i. **Freezing of assets and financial holdings** of the legal entities (head offices and branches) and their partners, up to the judicially determined amount, through SISBAJUD, covering bank accounts, investment funds, financial applications, and any other financial assets;
- ii. **Freezing of movable and immovable property**, including notifications to:
 - a. *DETRAN*, via *RENAJUD*, for blocking of vehicles;
 - b. *Central Nacional de Indisponibilidade de Bens (CNIB)*, for annotation of restrictions in real estate registries;
- iii. **Blocking of additional movable and immovable assets** identified in the course of the investigation;
- iv. **Orders to cryptocurrency exchanges** operating within Brazilian jurisdiction to disclose and freeze, up to the indicated limit, any digital assets owned by the targets;
- v. **Lifting of bank and tax secrecy**, including:
 - a. Requests for income tax returns, asset movements, and relevant tax information;
 - b. Requests via SISBAJUD for complete bank statements, information on checking and savings accounts, investments, loans, financing, foreign-currency movements, and credit card activity.

2 — FNDE Case

A judicial precautionary order was obtained authorising the lifting of bank secrecy and email/telematic secrecy for **23 individuals and legal entities**. These measures enabled the initiation of **around ten PARs** against legal entities that paid bribes to public officials to obtain undue advantages within a federal

public body.

Text of issue for follow-up 14(i):

Whether Brazil has jurisdiction over foreign companies that either do not conduct business in Brazil or that fail to officially register a temporary office in Brazil.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

According to the Brazilian *Anti-Corruption Law* (Law No. 12,846/2013, Article 1, sole paragraph), its provisions apply to foreign legal entities that have an office, branch, or representation in Brazilian territory, whether formally or de facto established, even if only temporarily.

Nevertheless, as a result of coordinated international efforts with anti-corruption authorities worldwide — such as the United States Department of Justice (DOJ) and Singapore’s Corrupt Practices Investigation Bureau (CPIB) — companies with no physical presence in Brazil have also been subject to investigation and sanction under the *Anti-Corruption Law*. The fundamental criterion for the application of the Law has been the commission of harmful acts against the Brazilian Public Administration.

As an illustrative example, in 2024 a leniency agreement was concluded between the Office of the Comptroller General (CGU) and Freepoint Commodities LLC, a U.S.-based company headquartered in Connecticut and specialized in commodity trading. Between 2012 and 2018, intermediaries acting on behalf of the company paid bribes to employees of the Brazilian state-owned enterprise Petrobras in exchange for privileged information on oil and derivative pricing, thereby securing an unfair commercial advantage.

Although Freepoint Commodities LLC had no offices or operations within Brazilian territory and operated exclusively through foreign intermediaries, the reach of the *Anti-Corruption Law* extended to its conduct due to the direct impact of the corrupt acts on the Brazilian Public Administration.

In the same way, CGU is currently conducting negotiations with a foreign legal entity that engaged in an act of transnational bribery. The specific case, which is presently protected by legal confidentiality, involves the offer of various advantages to public officials and high-level authorities of a foreign country—that is, conduct that occurred extraterritorially. Liability in this case is possible because, although the wrongful acts were committed in business dealings carried out outside Brazil, they were undertaken for the benefit of a Brazilian company belonging to the same economic group, even though the entity that committed the offense has no office in Brazil.

The territorial scope of jurisdiction can also be observed in PAR No. 00190.100308/2020-16, concerning the company MEDPRIN Regenerative Medical Technologies Co. Ltd. This case involved a foreign manufacturer based in Guangzhou, China, with no establishment identified in Brazil, which was sanctioned for offering an undue advantage to two ANVISA inspectors during an international inspection carried out at the company’s facility in China. This decision demonstrates, in practice, the exercise of Brazilian jurisdiction over a foreign legal person with no formal presence or contractual relationship with the national Public Administration, in line with the requirement to ensure coverage of foreign companies as set out in the recommendation.

Text of issue for follow-up 14(j):

Whether the limitations period for legal persons commences upon discovery for both instantaneous and continuous foreign bribery violations.

With regard to the issue identified above, describe any new case law, legislative, administrative,

doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The limitation period applicable to legal persons in cases of continuous violations begins only when both the “knowledge” and “cessation” criteria are met, as clarified in Legal Opinion No. 363/2021 ([Repositório de Conhecimento da CGU: Parecer n. 00363/2021/CONJUR-CGU/CGU/AGU](#)):

When awareness of the offense arises before the wrongful conduct has ceased, the starting point for the statute of limitations for permanent or continuous violations is the date on which the unlawful conduct actually ceases. Conversely, when awareness of the offense occurs after the conduct has ceased, the limitation period should begin on the date the conduct becomes known to the authorities.

A practical application of this understanding can be seen in administrative proceeding No. 00190.106428/2022-99, initiated against the legal entity IMDEPA Rolamentos Importação e Comércio Ltda. The harmful acts, considered continuous, occurred between 2014 and 2016. However, the limitation period began only in 2018, when the Administration formally became aware of the wrongful conduct, as documented in [Parecer Conjur 094 2024 Imdepa.pdf](#). The proceeding was adjudicated on 21/05/2024 ([Decisao_162_2024_julgamento_Imdepa.pdf](#)).

Text of issue for follow-up 14(k):

Whether Article 5 factors are not considered in the context of incoming or outgoing extradition matters related to any offence within the scope of Article 1 of the Convention.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Brazil’s legal and institutional framework for MLA has not changed since the Phase 4 evaluation and does not have any specific issues concerning extradition in relation to foreign bribery, including considerations prohibited by Article 5 of the Convention. Brazil kindly requests the WGB to stop following this issue.

Text of issue for follow-up 14(l):

Whether sufficient measures are in place to prevent political interference in the Federal Police and other investigative agencies.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

With respect to the Federal Police, the applicable legislation—including Law No. 12,850/2013, and internal regulations and institutional values ensure autonomy in conducting investigative work. This autonomy was further reinforced in 2024 through an update to the Federal Police’s Operational Planning Manual, which emphasizes the guiding principles of quality of evidence, autonomy, and responsibility.

In October 2025, the STF reopened investigations into alleged interference by former president Jair Bolsonaro in the Federal Police at the request of the FPS. This instance shows that judicial institutions are vigilant and proactive in combating potential attempts of political interference.

Text of issue for follow-up 14(m):

Whether there is any structural problem in obtaining and using evidence obtained through leniency agreements, especially when they are concluded in consultation with other authorities.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

A preliminary assessment conducted by the CGU identified the initiation of more than 70 administrative proceedings relying on evidence obtained through leniency agreements. Examples include:

- PAR 00190.102169/2020-65, which resulted in the conviction of *Empresa Brasileira de Engenharia S.A.* and the imposition of an administrative fine exceeding BRL 36 million, based on evidence derived from the leniency agreement concluded with the Andrade Gutierrez group. The case is documented in https://repositorio.cgu.gov.br/bitstream/1/77416/4/Parecer_Conjur_123_2022_EBE_Engenharia.pdf, and the final decision was issued on 8 April 2024 ([Repositório de Conhecimento da CGU: Processo Administrativo de Responsabilização n. 00190.102169/2020-65](#)).
- PAR 00190.108873/2022-93, which led to the debarment of *Paulo Barros Estúdio Fotográfico Ltda.*, based on evidence obtained from the leniency agreement concluded with *Mullen Lowe Brasil Publicidade Ltda.* (formerly *Borghi/Borgyierh Lowe Propaganda e Marketing Ltda.*), and *FCB Brasil Publicidade e Comunicação Ltda.* The case is documented in [Parecer CONJUR 157 2025 Paulo Barros Estudio.pdf](#), and was decided on 11 August 2025 ([DECISÃO Nº 314, DE 11 DE AGOSTO DE 2025 - DECISÃO Nº 314, DE 11 DE AGOSTO DE 2025 - DOU - Imprensa Nacional](#)).
- PAR 00190.101875/2021-71, which led to the debarment of *Galvão Engenharia S/A*, based on evidence obtained from the leniency agreement concluded with OAS. The case is documented in [3.Parecer Conjur 297 2023 julgamento Galvao Engenharia.pdf](#), and was decided on 24 October 2023 ([4.Decisao 340 2023 julgamento Galvao Engenharia.pdf](#)).

Cases that were closed without sanctions, as listed in the CGU's review, were due to insufficient evidence or the absence of legal responsibility on the part of the legal entity. There is no structural problem concerning the admissibility, integrity, or use of evidence obtained through leniency agreements.

Text of issue for follow-up 14(n):

Whether the Early Judgment non-trial resolution is applied in foreign bribery cases.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The CGU is currently conducting negotiations based on the Early Judgment non-trial resolution mechanism (now referred to as a Term of Commitment) with a foreign legal entity that engaged in an act of transnational bribery. The case, which remains under legal confidentiality, involves the offer of various advantages to public officials and high-level authorities of a foreign country - that is, conduct that occurred extraterritorially. Liability in this case is possible because, although the wrongful acts were committed in business dealings carried out outside Brazil, they were undertaken for the benefit of a Brazilian company belonging to the same economic group, even though the entity that committed the offense has no office in Brazil.

Text of issue for follow-up 14(o):

Whether the foreign bribery offences for natural and legal persons have the same material scope, in particular covering “undue advantages” seeking to induce foreign public officials to perform activities within or beyond their duties.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

On 8 July 2024, the Minister of State of the Office of the Comptroller General (CGU) issued Normative Ordinance CGU No. 145, which introduced a set of Administrative Statements (*Enunciados Administrativos*). These statements are concise provisions that consolidate the CGU’s interpretation of specific issues related to the administrative liability of legal persons. Their purpose is to harmonise the application of Law No. 12.846/2013 and other administrative liability frameworks applicable to legal entities, thereby ensuring consistency and coherence across the Federal Executive Branch’s Internal Control System (Siscor).

Administrative Statement SIPRI/CGU No. 3/2025 clarifies the interpretation of Article 5(I) of Law No. 12.846/2013, both for domestic and foreign bribery cases, since the legal provision is identical in both contexts (“to promise, offer, or give an undue advantage to a national or foreign public official, or to a third party related to such official”). The statement affirms that establishing a violation under Article 5(I) does not require demonstrating that the corrupting legal entity acted with the specific intent to cause the public official to perform, omit, or delay an official act, nor that any actual favour or counter performance was provided by the public official. It is sufficient to prove that the wrongful act (promise, offer, or delivery of the undue advantage) was carried out, solely or jointly, in the interest or for the benefit of the legal entity.

In practice, this means that bribery under the Anti-Corruption Law is a *formal offence*: it is consummated upon the promise, offer, or delivery of the undue advantage, even if the public official never performs any official act. By removing the need to prove the performance, omission, or delay of an “official act,” the statement automatically encompasses situations in which the public official acts within or outside his or her formal duties—including cases where the advantage is offered merely to induce the official to use influence, access, or position, without any formally identifiable official act. This understanding was expressly highlighted by the CGU when publishing the statements, emphasising that it is not necessary to prove any official act in favour of the company, but only the interest or benefit of the legal entity.

Thus, Administrative Statement No. 3/2025 reinforces that, in both domestic and foreign bribery cases, proving the commission of an “official act” is not required, which necessarily includes acts performed within or outside the formal remit of the public official, or even the complete absence of any subsequent act. The focus of liability is the conduct of the legal person in promising, offering, or giving the undue advantage, provided that such conduct is linked to its interest or benefit. This interpretation directly addresses the recommendation’s concern regarding the material scope of the bribery offence.

Text of issue for follow-up 14(p):

The interpretation of the “interest” and “benefit” criteria to ensure that it covers situations where, for instance, a legal person bribes on behalf of a related legal person (including a subsidiary, holding company, or member of the same industrial structure).

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The “interest” and “benefit” criteria under the Anti-Corruption Law also apply when bribery is carried out through intermediaries. Even when the undue advantage is not paid directly by the company to the

public official, the legal person remains liable whenever the act is performed in its interest (e.g., to obtain privileged information, contracts, or competitive advantages) and with the potential to generate a benefit for it, including when consultancies, shell companies, or other third parties act as intermediaries with the corrupt public official.

Operation SPY illustrates this pattern precisely: private companies hired intermediaries to obtain, through payments, reports containing confidential data extracted from systems of the Federal Revenue Service and other agencies. These intermediaries were responsible for arranging the illicit access to public databases and transferring undue advantages to public officials, while the contracting companies used the content of these reports for industrial espionage and to secure competitive advantages in foreign trade. The operation resulted in 50 proceedings, of which at least 36 have been concluded. [Operação Spy: Controladoria-Geral da União já condenou 36 empresas envolvidas em esquema de espionagem industrial — Controladoria-Geral da União](#)

As in the case involving the company IMPEDA, the CGU concluded that by purchasing reports fed with confidential information obtained illegally, the legal person “subsidised” the commission of the wrongful acts, thereby falling under Article 5(II) of Law No. 12.846/2013. The key point is that the number of intermediaries between the company and the public official is irrelevant: contracting the intermediary and using the information clearly demonstrate the company’s interest and the potential benefit derived from the conduct.

Accordingly, consolidated practice shows that the interpretation of “interest” and “benefit” in Brazil already covers situations in which bribery or a related unlawful act is carried out by third parties on behalf of the company. This approach fully meets the recommendation’s concern that liability must also be ensured when the legal person acts through related entities or intermediaries, and not only when the payment is made directly to the public official.

Text of issue for follow-up 14(q):

Whether the successor companies can receive effective, proportionate and dissuasive sanctions despite the “transferred assets” limitation.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

First, it is important to note that this provision aims to prevent sanctions from being imposed on a company that did not actually commit the wrongdoing, since liability must be personal and applied to the true perpetrator of the act. For this reason, when a company merges with or incorporates another that has engaged in corrupt practices, the acquiring or successor company inherits only part of the responsibility — limited to the value of the assets transferred.

However, the law establishes an important exception: when there is duly proven simulation or clear intent to commit fraud. This exception exists to ensure that the rule protects legitimate, good-faith mergers or acquisitions, rather than serving as a means to escape accountability. In other words, the successor company becomes fully liable if it is proven that the merger or incorporation was merely a strategy to avoid sanctions.

In fact, in the *Car Rental Case*, there was a legitimate instance of merger or incorporation, and the new company lawfully assumed and paid all sanctions arising from the predecessor’s misconduct. The limitation related to the value of the assets transferred were not in any way an obstacle to hold the company liable ([CGU e AGU assinam acordo de leniência com a Car Rental Systems do Brasil — Controladoria-Geral da União](#)).

Text of issue for follow-up 14(r):

The CGU's efforts to raise awareness of foreign bribery risks and, in particular, solicitation risks when promoting anti-corruption compliance efforts.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

As previously discussed, the CGU promotes integrity in the private sector through the Pro-Ethics Programme (Programa Pró-Ética), which is based on the positive recognition of companies that voluntarily adopt compliance mechanisms and procedures. In the 2022–2023 cycle, 84 companies were approved by the Pro-Ethics Committee and granted the “Pro-Ethics Business” seal. The programme evaluates whether corporate compliance and integrity frameworks are aligned with Brazilian legislation, with the CLL receiving, naturally, considerable emphasis. Since the CLL expressly prohibits foreign bribery, companies operating abroad must be made aware of the associated risks, including the risk of solicitation.

In 2024, the CGU launched the Brazilian Pact for Business Integrity (Pacto Brasil pela Integridade Empresarial), a self-assessment initiative open to companies of all sizes and sectors. To date, more than 700 companies have joined the programme.

On December 9, 2024, the Federal Government issued the Decree no 12.304, regulating the parameters of integrity programmes, which are mandatory in large-scale public procurement, serve as a tie-breaking criterion in other procurement processes, and are assessed in the context of the re-habilitation of companies sanctioned with debarment. Among the objectives of an integrity programme - as set out in Article 2(l) - is the prevention of harmful acts committed against national or foreign public administrations. The CGU is responsible for guiding, supervising, and evaluating the compliance programmes referred to in the Decree, as well as exercising enforcement powers in the event of violations. The detailed parameters for evaluation are set out in Normative Ordinance SE/CGU No. 226 of 9 September 2025, which expressly requires companies to consider the countries in which they operate, directly or indirectly, when assessing risk exposure.

This new regulatory framework provides the CGU with an additional opportunity to strengthen its guidance role, allowing the Office to further raise awareness of foreign bribery risks.

Furthermore, in 2026, Brazil will host the next meeting of the LAC-LEN (Latin America and Caribbean Law Enforcement Network), likely in late February, under the joint work between CGU and the OECD Secretariat. As part of the official programme, the CGU will organise the Seminar on Integrity in Foreign Trade, specifically designed to raise awareness among private-sector actors about foreign bribery risks, including solicitation risks commonly encountered in cross-border operations.

By engaging companies directly and addressing practical challenges faced in foreign trade, the seminar aims to promote preventive measures, reinforce integrity standards, and support the adoption of effective compliance controls in line with OECD recommendations.

PART III: ISSUES IDENTIFIED DURING AD HOC REPORTING AFTER ADOPTION OF THE PHASE 4 REPORT

Following the Working Group's decision of June 2025, Brazil is requested to provide additional information on three issues that were examined on an ad hoc basis after the adoption of the Phase 4 report.

The Working Group will follow up on the issues below as case law, practice, and legislation develops:

Text of ad hoc issue #1:

The status of all individual renegotiated leniency agreements pertaining to foreign bribery, including the agreements with Odebrecht (briefly also known as Novonor), Nova Participações S.A. (formerly Engevix) and OAS identified in paras 23-24 of Brazil's Phase 4 report. Please identify whether any other renegotiated leniency agreements pertain to foreign bribery.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

As previously mentioned, within the scope of ADPF 1051, the CGU and AGU reached an agreement with Odebrecht (currently Novonor), Nova Participações S.A. (formerly Engevix) and OAS, to adjust the payment schedule according to the company's financial capacity and to grant certain benefits — such as the exemption of interest on the outstanding debt and the possibility of using tax loss credits to offset part of the amount due. Importantly, no modifications were made to the original calculation of fines, damages or disgorgement.

In return, the company agreed to waive any claims seeking to alter or requalify the core facts admitted in the leniency agreement, as well as any legal actions — including class actions — or appeals related to that agreement and its amendments, expressly committing to request the termination of any ongoing proceedings, where applicable. This addendum to the leniency agreement, executed by CGU and AGU, was subsequently approved by the Supreme Federal Court in August 2025 in the context of ADPF 1051, thereby giving full legal effect to the revised terms.

Additionally, Odebrecht, Nova Participações S.A. and OAS are the only companies whose leniency agreements involve facts related to foreign illegal acts.

Text of ad hoc issue #2:

Any updates relating to the effect of the STF litigation (ADPF 1051) or any other challenge to the constitutionality of the leniency agreement framework (with a particular focus on the constitutionality of leniency agreements pertaining to foreign bribery).

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The judgment of ADPF No. 1051-DF is currently following its course in the STF and still pending a final decision by the plenary of the constitutional court (the status of case can be followed at <https://portal.stf.jus.br/processos/detalhe.asp?incidente=6605876>).

As mentioned in Ad Hoc Issue #1, the outcome of the renegotiations conducted with seven companies involved in the Car Wash Operation that received certain payment benefits in exchange for waivers of claims against the validity of their leniency agreements has been formally confirmed by the STF within the scope of ADPF No. 1051, with the concurrence of the Federal Prosecution Service, and is already in full effect.

Regarding the broader leniency agreement framework, the Reporting Justice, Minister André Mendonça, delivered his vote before the STF virtual plenary in the sessions of August 15, 2025, and August 22, 2025. He established the following theses, which have been followed on the merits by three other Justices, as of 28 November (full text of the vote is available in the supporting documents annex):

(4) established the following theses to be observed in the negotiation and execution of leniency agreements: "(i) The review of the validity and legality of leniency agreements is subject exclusively to control by the Judiciary; (ii) The leniency agreements entered into do not bind the actions of the TCU, which

are exclusively responsible for investigating the damages resulting from the illegal acts recognized by the company in the leniency agreement signed by it; (iii) The TCU may have access to the information and evidence presented by the companies in the leniency agreements entered into to investigate the responsibility of the individuals and legal entities involved in the illegal acts, provided that, in relation to the participating companies (collaborators), they undertake to use them for the exclusive purpose of investigating possible damages caused to the public treasury; (iv) In accordance with article 16, §10, of Law 12.846/2013, the Office of the Comptroller General (CGU) has the competency to enter into leniency agreements within the scope of the federal Executive Branch, as well as in cases of harmful acts committed against foreign public administration. Within its competence, the CGU may enter into leniency agreements jointly with other institutions, such as the Attorney General's Office (AGU) and the Federal Prosecution Service (FPS); (v) Without prejudice to the provisions of the preceding item, pursuant to the provisions of Articles 19 and 20 of Law 12.846/2013, as well as Law 8.429/1992, the AGU and the FPS may enter into civil agreements with companies for the purpose of non-prosecution or extinguishing actions provided for in both laws; (vi) If the CGU, AGU and FPS enter into separate agreements, the amounts negotiated in each case, of the same nature and in relation to the same facts, must offset each other, in order to avoid double jeopardy, observing the provisions of article [a] 3rd, §2nd, and in article 12, §7th, of the LIA; as well as [b] in article 22, §3rd, of the Law of Introduction to the Norms of Brazilian Law; (vii) In accordance with articles 6, I; 16, § 3rd; and 24 of Law 12.846/2013, the values agreed upon in leniency agreements are limited to the determination, depending on the peculiarities of the specific case: [a] of the amount related to the fine to be applied; [b] of the amount necessary for the full compensation of undisputed damages; and [c] of the forfeiture of the proceeds or illicit enrichment"; (5) as a consequence of establishing these theses and the general conclusions underlying them, interested parties and public bodies, through administrative or ordinary judicial channels, may seek to adapt the sanctioning adjudications dealt with in these proceedings to the commands and theses established herein;

The vote reaffirms the scope of action of the different institutions within their respective areas of competence (administrative and civil) as set forth in the provisions of the Anticorruption Law.

It is worth noting that, while the Constitution grants the power to challenge the validity of legislative acts before the Supreme Court, no Direct Action of Unconstitutionality (Ação Direta de Inconstitucionalidade - ADI) has been filed to date against Article 16, paragraph 10, of Law 12.846.

Ensuring that the WGB is fully apprised of all domestic legal discussions, and respecting the independence of the Federal Prosecution Service, we are sharing the FPS separate statement concerning ADPF 1051 for reference.

Federal Prosecution Service's statement regarding Ad Hoc Issue #2:

In the sessions of August 15, 2025, and August 22, 2025, the Reporting Justice André Mendonça delivered his vote before the Plenary of the Supreme Federal Court. Regarding the point that directly concerns the future of anti-corruption leniency agreements in the Brazilian legal system, the vote supports the argument that, at the federal level, only the Office of the Comptroller General (CGU) — an agency with ministerial status within the Executive Branch and whose agents do not have functional independence, unlike members of the Federal Prosecution Service and the Judiciary — would have the authority to enter into leniency agreements with legal entities, based on Law No. 12,846/2013 (Anti-Corruption Law).

The vote emphatically argues that the Federal Prosecution Service does not have its own legitimacy to

enter into leniency agreements, although the institution has constitutional competence to protect public and social assets and administrative probity, as well as considering that leniency agreements may imply exemption from or reduction of applicable judicial sanctions in actions brought by the FPS itself.

The judgment of ADPF No. 1051-DF was suspended due to a request for review made by His Excellency Minister Flávio Dino, who has already returned the case for consideration by the STF plenary. A hearing has been scheduled, in an electronic environment (Virtual Plenary), for the period from November 28, 2025, to December 5, 2025, when a final decision on the matter is expected to be issued.

The FPS reiterates that the Office of the Prosecutor General of the Republic (PGR/FPS) is taking all necessary measures to prevent this serious institutional setback from prevailing in the Brazilian Anti-Corruption System, within the scope of the judgment of ADPF No. 1051-DF. The eventual confirmation of the thesis would imply that only internal control bodies of the Executive Branch — such as the CGU — would have the legal authority to enter into leniency agreements, a solution that does not harmonize with the objectives pursued by the International Conventions against Corruption, including the OECD Convention against Bribery of Foreign Public Officials.

Text of ad hoc issue #3:

In relation to updates on the use of evidence obtained from the Odebrecht leniency agreement, please explain any developments that could affect Brazil's ability to provide formal mutual legal assistance and/or direct agency-to-agency cooperation to WGB member countries who request assistance in the context of foreign bribery cases

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

First, it is important to emphasize that the STF ruling concerning the evidence obtained through the Odebrecht leniency agreement has not affected Brazil's ability to provide formal legal assistance to any WGB member countries.

In fact, CGU and AGU have recently concluded three major agreements in cooperation with foreign authorities, involving Freepoint, Trafigura and Seatrium. In all three cases, the companies were allowed to offset part of the amounts paid in Brazil against sums already settled under agreements executed abroad: with the United States in the cases of Freepoint and Trafigura, and with Singapore in the case of Seatrium.

These developments demonstrate Brazil's growing capacity to promote and strengthen international cooperation in the enforcement of anti-corruption measures.

PART IV: UPDATE ON BRAZIL'S ENFORCEMENT SINCE THE ADOPTION OF THE PHASE 4 EVALUATION REPORT

When adopting Brazil's Phase 4 report, the Working Group decided that Brazil will submit "detailed information on its foreign bribery enforcement" (para. 349). Accordingly, Brazil is invited to provide its update on its efforts to enforce its foreign bribery offences and other related offences since the adoption of the Phase 4 report. This could include cases that were pending at the time the Phase 4 report was adopted plus new cases that were opened since as well as cases that were considered closed but resumed after the report was adopted.

In line with the Phase 4 procedures concerning the use of confidential information, the Secretariat invites

Brazil to provide its update in a separate document. For each case, please indicate, to the extent known:

- 1) The company or individuals allegedly involved in offering, promising or giving a bribe to a foreign public official;
- 2) The public official(s) allegedly involved, including their position and the relevant foreign country or international organisation
- 3) The dates when the scheme allegedly occurred;
- 4) The nature and amount of the bribe or other undue advantage offered
- 5) The nature and amount of the benefit or other improper advantage that was sought or received in connection with the bribery scheme;
- 6) Any further details that can be provided concerning the detection, investigation, prosecution, and/or resolution of the matter (e.g. the date and manner of detection; the status of the case; a description of investigative steps performed).

PART V: DISSEMINATION OF EVALUATION REPORT

Publication and dissemination of the Phase 4 evaluation report, including the Executive Summary and the recommendations

Please describe the efforts taken to publicise and disseminate the Phase 4 evaluation report:

The full Brazil Phase 4 report was published on the CGU's [official website](#), on a page dedicated to the OECD Anti-Bribery Convention and the outcomes of Brazil's continuous monitoring process.

The recommendations and follow-up questions were also made public in Portuguese on the [Painel Recomendações Internacionais](#), a tool maintained by the CGU for public access. This interactive Power BI repository allows for data extraction, graphical visualization, application of filters, and advanced searching of all recommendations received by Brazil under the monitoring mechanisms of the international anti-corruption conventions it has signed.

Furthermore, the CGU and the Federal Government of Brazil extensively publicized all stages of the evaluation process across [official social networks](#) through posts, stories, and releases. Following the conclusion and official publication of the final report, the CGU issued press releases and convened media outlets to ensure broad dissemination of the topic.

<https://www.gov.br/cgu/pt-br/assuntos/noticias/2023/10/o-brasil-demonstrou-seu-compromisso-historico-em-implementar-a-convencao-antissuborno201d-afirma-ministro-da-cgu>

<https://agenciagov.ebc.com.br/noticias/202310/ocde-destaca-atuacao-da-cgu-no-combate-a-corrupcao-transnacional>

<https://www.brasil247.com/brasil/relatorio-da-ocde-aponta-preconceito-politico-de-juiz-e-promotores-da-lava-jato>

<https://valor.globo.com/opiniao/assis-moreira/coluna/ocde-brasil-precisa-fazer-reforma-urgente-contra-suborno-transnacional.ghtml>

<https://www.cnnbrasil.com.br/politica/ocde-esta-preocupada-e-vai-monitorar-impactos-da-decisao-de-toffoli-sobre-odebrecht/>

If no action has been taken to publicise and disseminate the Phase 4 evaluation report, please specify in the space below (1) the measures you intend to take and the timing of such measures, or (2) the reasons why no action will be taken:

Notes

¹ The evaluation team for this Phase 4 two-year written follow-up evaluation of Brazil was composed of lead examiners from **Colombia** (Ms. María Carolina Cortázar Yubran, Director of Compliance; Mr. Luis Carlos Ortiz, Coordinator, Transnational Bribery and Other Crimes Investigation Group, Prosecutor General's Office; and Ms. Johanna Elvira Saavedra Rojas, Prosecutor, Directorate against Money Laundering) and the **United Kingdom** (Mr. Raymond Emson, Associate General Counsel, Serious Fraud Office); as well as members of the **OECD Anti-Corruption Division** (Ms. Sandrine Hannedouche-Leric, Evaluation Coordinator and Senior Legal Analyst; Mr. Brooks Hickman, Legal Analyst, and Ms. Solène Philippe, Legal Analyst).

² Office of the Comptroller General, Office of the Attorney General, & Federal Prosecution Service. (2025, April 25). *Technical Cooperation Agreement between CGU, AGU, and MPF* [Acordo de Cooperação Técnica entre CGU, AGU e MPF]. Brasília, Brazil. Retrieved from <https://repositorio.cgu.gov.br/handle/1/94943>, PDF available here: [ACT CGU AGU MPF 2025.pdf](#).

³ *Roteiro para Empresas: Celebrando Acordo de Leniência com o MPF*.

⁴ Office of the Comptroller General Office (29 July 2025). *Comptroller General's Office opens public consultation on the role of CGU and AGU in leniency agreements*. [Controladoria abre consulta pública sobre atuação da CGU e AGU em acordos de leniência.] <https://www.gov.br/cgu/pt-br/assuntos/noticias/2025/07/controladoria-abre-consulta-publica-sobre-atuacao-da-cgu-e-agu-em-acordos-de-leniencia>.

⁵ [Mattos Filho. \(29 December 2025\). CGU and AGU adopt new rule on leniency agreements: Changes introduced by the new Interministerial Ordinance. https://www.mattosfilho.com.br.](#)

⁶ Normative Ordinance CGU/AGU No. 36, of December 7, 2022.

⁷ Created through Joint Normative Ordinance CGU/PF-MJSP No. 001 of 7 December 2023.

⁸ STF Press release, 16/10/2025 [At the request of the Attorney General's Office, the Supreme Court reopens investigations into Jair Bolsonaro's alleged interference in the Federal Police](#).

⁹ The results of the yearly national goals for the judiciary are reported in the National Council of Justice's (CNJ) website <https://www.cnj.jus.br/gestao-estrategica-e-planejamento/metas/>, including an interactive PowerBI dashboard: <https://justica-em-numeros.cnj.jus.br/painel-metas/>.

¹⁰ Available at: [manual de responsabilizacao de entes privados-2022.pdf](#).

¹¹ Decree 11.129/2022.

¹² Controladoria-Geral da União. (2025, August 26). *Relatório de Análise da Dosimetria de Sanções em Processos Administrativos de Responsabilização (PARs): 2ª edição*. Brasília, [guia identificacao quantificacao vantagem auferida 2025.pdf](#).

¹³ CGU Report, 2nd ed., May 2025: Report on the Calibration of Sanctions in Administrative Accountability Proceedings (PARs) [*Relatório de Análise da Dosimetria de Sanções em Processos Administrativos de Responsabilização (PARs)*], https://repositorio.cgu.gov.br/bitstream/1/95497/1/Relat%C3%B3rio_Dosimetria_2_edi%C3%A7%C3%A3o_2025.pdf.

¹⁴ Interministerial Normative Ordinance CGU/AGU No. 1 of 19 December 2025, <https://www.gov.br/cgu>.

¹⁵ After the leniency agreements were concluded, Odebrecht changed its name to Novenor; Engevix changed its name to Nova Participações S.A.