



# Anti-Corruption Regulation

in 46 jurisdictions worldwide

# 2010

Contributing editor: Homer E Moyer Jr



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# Luxembourg

## Rosario Grasso

Kleyr Grasso Associés

### 1 International anti-corruption conventions

To which international anti-corruption conventions is your country a signatory?

By the law of 1 August 2007 the Grand-Duchy of Luxembourg adopted the United Nations Convention on Corruption opened to signatories in Merida on 9 December 2003.

By the law of 23 May 2005, it adopted:

- the convention drawn upon the basis of article K.3 of the European Union Treaty on the fight against corruption involving officials of the European Communities or officials of member states of the European Union (signed in Brussels on 26 May 1997);
- the second protocol of signature drawn upon the basis of article K.3 of the European Union Treaty, of the convention regarding the protection of financial interests of the European Community (signed in Brussels on 19 June 1997);
- the criminal law convention on corruption (signed in Strasbourg on 27 January 1999); and
- the additional protocol to the criminal law convention on corruption (signed in Strasbourg on 15 May 2003).

The law of 15 January 2001 adopted the OECD Convention of 21 November 1997 on combating bribery of foreign public officials in international business transactions.

### 2 Foreign and domestic bribery laws

Identify and describe your national laws and regulations prohibiting bribery of foreign public officials (foreign bribery laws) and domestic public officials (domestic bribery laws).

The above-mentioned law of 15 January 2001 abrogated articles 240 to 253 of the Penal Code and introduced new provisions in corruption matters through articles 243 to 252.

Article 252 of the Penal Code now also includes provisions for bribery of foreign public officials, including officials of public international organisations.

Regarding domestic bribery laws, our criminal law makes a distinction between active corruption (articles 247, 249, paragraph 2, and article 250, paragraph 2, of the Penal Code) and passive corruption (articles 246, 249, paragraph 1, and 250, paragraph 1, of the Penal Code).

Both are punishable as such.

### Foreign bribery

#### 3 Legal framework

Describe the elements of the law prohibiting bribery of a foreign public official.

The definition of a foreign public official is stated in article 252 of the Penal Code as specified in question 4.

As article 252 prescribes that the provisions of articles 246 to 251 (active and passive corruption) of the same code also apply to

such foreign public officials, the prosecutor has to bring evidence that the latter sought or agreed without any right, directly or indirectly, for himself or for a third party any offer, promise, donation, gift, reward, or advantage of any kind, in order:

- to carry out or abstain from carrying out an act pertaining to his or her office, duty, or mandate, or facilitated by his or her office, duty or mandate; or
- to abuse of his or her real or alleged influence with a view to obtaining distinctions, employment, contracts or any other favourable decision from a public authority or the government (passive corruption).

In the case of active corruption the prosecutor has to bring evidence that the accused is liable for unlawfully proffering or conceding, directly or indirectly, to a foreign public official, for the accused or a third party any offer, promise, donation, gift or reward, or advantage of any kind in order to induce the foreign public official:

- to carry out or abstain from carrying out an act pertaining to his or her office, duty, or mandate, or facilitated by his or her office, duty or mandate; or
- to abuse his or her real or alleged influence with a view to obtaining distinctions, employment, contracts or any other favourable decision from a public authority or the government.

### 4 Definition of a foreign public official

How does your law define a foreign public official?

According to article 252 of our Penal Code the provisions of articles 246 to 251 (domestic bribery) also apply to offences involving:

- persons entrusted with or agents of public authority or law enforcement, officers or persons holding elected office or charged with a public service mission in another state;
- persons sitting in a foreign jurisdiction, even non-professional members of a collegiate organ in charge of deciding a case, or practising as arbitrators under foreign state regulations or a public international organisation regulation concerning arbitration;
- community officials and members of the Commission of the European Communities, the European Parliament, the Court of Justice and the Court of Auditors of the European Communities, in full respect of the relevant provisions of the treaties instituting the European Communities, the Protocol on the Privileges and Immunities of the European Communities, the Statutes of the Court of Justice, and the implementing regulations thereof, with regard to the withdrawal of immunities; and
- officials or agents of another public international organisation, members of a parliamentary assembly of a public international organisation and persons practising judicial functions or record office functions in an other international court whose competence is accepted by the grand duchy of Luxembourg in full respect of the relevant provisions of those public international organisations, public international parliamentary assemblies, or

international courts and the implementing regulations thereof, with regard to the withdrawal of immunities.

In compliance with the provisions of article 252, 'Community official' includes:

- any person who is an official or other contracted employee within the meaning of the staff regulations of officials of the European Communities or the conditions of employment of other servants of the European Communities; and
- any person seconded to the European Communities by member states or by any public or private body that carries out functions equivalent to those performed by European Community officials or other servants.

The same article also provides that members of bodies set up in accordance with the Treaties establishing the European Communities and the staff of such bodies shall be treated in the same way as Community officials inasmuch as the staff regulations of officials of the European Communities or the conditions of employment of other servants of the European Communities do not apply to them.

#### 5 Travel and entertainment restrictions

To what extent do your anti-bribery laws restrict providing foreign officials with gifts, travel expenses, meals or entertainment?

Luxembourg's anti-bribery laws do not explicitly or specifically restrict providing foreign officials with gifts, travel expenses, meals or entertainment.

As explained in questions 6 and 22, the legislation prohibits 'advantages of any kind'. This is a very broad concept, so that even gifts, travel expenses, meals or entertainment could fall within the scope of the definition of bribery given by Luxembourg law if they match the other components of the act of bribery.

It is important to stress that the penal jurisdictions make decisions based on their firm convictions and that they sovereignly judge the case laid before them.

According to the general principles of Luxembourg's criminal law system, the taking of evidence in criminal matters is free.

Should a judge come to the conclusion that the gifts, travel expenses, meals or entertainment have resulted in the prohibited influence on the official's conduct or performance of office duties, the judge could sentence the official according to the sanctions in bribery matters.

According to the jurisprudence, the general understanding is that no gifts are permissible if the intention is to bribe.

#### 6 Facilitating payments

Do the laws and regulations permit facilitating or 'grease' payments?

The wording 'advantage of any kind' (*avantage quelconque*) used in our legislation shows its intent to include such payments within the scope of the offence of bribery.

Such payments are illegal if made or accepted within the conditions of the act of bribery.

#### 7 Payments through intermediaries or third parties

In what circumstances do the laws prohibit payments through intermediaries or third parties to foreign public officials?

In compliance with the wording 'directly or indirectly', it is generally accepted that the criminal law prohibits any kind of payment in any circumstances, whether by intermediaries or third parties.

Should such payments match the other components of the act of bribery, they would fall within the scope of the definition of bribery, according to our law and jurisprudence in corruption matters. Such payments and the circumstances within which they are made are left to the free discretion of the judge.

#### 8 Individual and corporate liability

Can both individuals and companies be held liable for bribery of a foreign official?

Under Luxembourg law, only individuals can be prosecuted and judged for the commission of a crime or offence and be held liable for bribery of foreign officials. With regard to companies and according to well-established jurisprudence, if a criminal offence is committed by a company, only its directors or any other responsible person directing or representing the company could be held liable for such acts from a criminal point of view.

However, on 4 February 2010 our Chambre des Députés approved with a first positive vote the bill regarding the criminal liability of corporate bodies so that these new legal provisions will be soon introduced in our criminal law. See 'Update and trends'.

#### 9 Civil and criminal enforcement

Is there civil and criminal enforcement of your country's foreign bribery laws?

Foreign bribery laws are subject mainly to criminal enforcement under the above-mentioned provisions.

In the case of criminal procedures, private and public parties may claim damages through a *constitution de partie civile* if such damages would have been caused through an act of bribery a moral prejudice would be sufficient.

However, pursuant to articles 1382 and 1383 of the Civil Code, making provisions for tort liability, a civil claim for damages, tort or delict on behalf of these provisions could eventually be seen as civil enforcement of our country's foreign bribery laws.

#### 10 Agency enforcement

What government agencies enforce the foreign bribery laws and regulations?

The prosecution in cases of bribery of a 'foreign public official' is carried out by the prosecutor's office. The corruption, as punished with a jail term of five to 15 years, is considered to be a 'crime', and the prosecutor has to appoint an examining judge in order to execute a criminal investigation.

At the end of such an investigation, the prosecutor has to make a request in front of the Chambre du Conseil, which is competent to decide whether there will be a trial or not, depending if these judges sovereignly decide that there are grave indications of culpability and sufficient charges for such a trial against the accused person; otherwise they dismiss the charge.

In cases of punishable acts where the criminal penalty and sanction for bribery is imprisonment from six months to five years (article 248 of the Criminal Code), the prosecution could be carried out by the prosecutor's office, after a preliminary police investigation, by directly serving a summons on the accused person in order to appear in front of the tribunal.

#### 11 Leniency

Is there a mechanism for companies to disclose violations in exchange for lesser penalties?

Companies will be held liable for criminal offences once the amended criminal law in bill No. 5718 comes into force in 2010. See 'Update and trends'.

Even if there is no such mechanism in the Grand-Duchy of Luxembourg, our correctional jurisdiction could, in the case of prosecution, take into account such disclosure as mitigating circumstances when determining sanctions.

This is facultative, and left to the sovereign assessment of the judges.

**12 Dispute resolution**

Can enforcement matters be resolved through plea agreements, settlement agreements, prosecutorial discretion or similar means without a trial?

There are no provisions permitting enforcement matters to be resolved through plea agreements, settlement agreements or similar means without a trial.

According to the general rules and principles contained in the Code of Criminal Investigations, in cases of bribery of a 'foreign public official', the prosecutor would have to introduce criminal investigations and prosecutions.

However, according to the principle of 'the opportunity of criminal proceedings', the prosecutor has a discretionary power to assess whether it is advisable to initiate prosecution or simply to drop the case, even if this would be quite improbable for bribery.

**13 Patterns in enforcement**

Describe any recent shifts in the patterns of enforcement of the foreign bribery rules.

The grand-ducal regulation of 15 February 2008 makes provisions concerning the composition and functioning of the preventative anti-corruption committee introduced by the aforementioned law of 1 August 2007.

**14 Prosecution of foreign companies**

In what circumstances can foreign companies be prosecuted for foreign bribery?

As noted earlier, companies will now be subject to criminal liability, including foreign companies. This point is also discussed in questions 8, 11, 15 and 29, and 'Update and trends'.

Luxembourg criminal law is applicable to all offences committed within the territory of the Grand-Duchy of Luxembourg (it is sufficient that one of the constituent elements of an offence is committed within that territory) and it is also applicable to any person (natural or body corporate) who, within the territory of the Grand-Duchy of Luxembourg, commits such an offence or one of its constituent elements, so that the prosecutor could introduce criminal proceedings.

**15 Sanctions**

What are the sanctions for individuals and companies violating the foreign bribery rules?

In compliance with article 252 of the Penal Code, the criminal penalties and sanctions for bribery of 'foreign public officials' are the same as for bribery of a domestic public official (articles 246 to 251 of the Penal Code) which vary as follows:

- fines ranging from €500 to €125,000 and imprisonment from six months to five years (article 248 of the Criminal Code);
- fines ranging from €500 to €187,500 and imprisonment from five years to 10 years (articles 246, 247, 249 and 251 of the Criminal Code);
- fines ranging from €2,500 to €250,000 and imprisonment from 10 to 15 years (article 250 of the Criminal Code, corruption of magistrates); and
- additional penalties: loss of civil rights, disqualification from public procurement, prohibition from practising certain professions, etc.

Companies will also be subject to criminal liability, as the bill regarding criminal liability of legal persons has been approved on 4 February 2010, and the specific sanctions for felonies and misdemeanours incurred by legal persons will be:

- a fine in compliance with the modes set out by law;
- special confiscation;

- disqualification from public tenders, either permanently or for a maximum period of five years;
- exclusion from the benefit to obtain any public aid or advantages; or
- dissolution.

This point is discussed further in questions 8, 11, 14, 29, and 'Update and trends'.

**16 Recent decisions and investigations**

Identify and summarise recent landmark decisions or investigations involving foreign bribery.

To the best of our knowledge, there are no recent decisions or investigations involving violations of our laws prohibiting bribery of foreign officials.

**Financial record keeping****17 Laws and regulations**

What legal rules require accurate corporate books and records, effective internal company controls, periodic financial statements or external auditing?

The Penal Code does not regulate such measures, but such requirements are mainly stipulated in the law of 19 December 2002 on the register of commerce and companies and the accounting and annual accounts of undertakings.

Other legislative provisions referring to accurate corporate books and records are taken up in the Commercial Code (articles 8 to 17) and in the Tax Code.

**18 Disclosure of violations or irregularities**

To what extent must companies disclose violations of anti-bribery laws or associated accounting irregularities?

There is no legal obligation for companies to disclose violations of anti-bribery laws or associated accounting irregularities; however, it is a civic duty for any person, natural or legal, to report violations of the criminal laws to the police or to the prosecutor's office.

Nevertheless, and in accordance with provisions of the law of 12 November 2004 on combating money laundering and terrorism financing different professionals, as modified by the law of 17 July 2008, company directors and employees are obliged to report to the Luxembourg Anti-Money Laundering Entity, represented by the prosecutor's office, any fact that could be indication of money laundering or terrorism financing.

In the scope of this legislation, and according to article 506-1 of the Penal Code, the offence of corruption is considered as an underlying offence, of which the proceeds can be laundered. Financial and other transactions regarding such proceeds must therefore be reported to the prosecutor in his or her capacity as an anti-money laundering entity.

**19 Prosecution under financial record keeping legislation**

Are such laws used to prosecute domestic or foreign bribery?

The prosecution of domestic or foreign bribery is done in accordance with the provisions of the Code of Criminal Investigation and the Penal Code, and specifically with regard to articles 246 to 252 of the latter, even if the financial record keeping legislation is taken into account.

**20 Sanctions for accounting violations**

What are the sanctions for violations of the accounting rules associated with the payment of bribes?

There are no special provisions in Luxembourg legislation that explicitly cover such a situation.

Depending on the circumstances, the sanctions could be the same as those described in question 15.

Violations of the accounting laws and regulations can be criminally sanctioned by the Criminal Code in case of falsification of commercial and banking documents and the use of such documents (articles 196 and 197 of the Penal Code: imprisonment from five to 10 years, a fine of a minimum of €251, additional penalties, such as loss of civil rights, disqualification from public procurement, prohibition from practising certain professions, etc).

Finally, violations of the accounting laws and regulations can also be sanctioned by the law of 10 August 1915 concerning commercial companies and providing penal sanctions for such violations (articles 162 to 171: imprisonment from one month to 10 years, a fine of €500 to €250,000, or both a fine and imprisonment).

**21 Tax-deductibility of domestic or foreign bribes**

Do your country's tax laws prohibit the deductibility of domestic or foreign bribes?

In the Grand-Duchy of Luxembourg, there are no specific tax laws prohibiting the deductibility of domestic or foreign bribes expressly.

Nevertheless, such a deductibility, even if not expressly prohibited, would never be accepted by our tax authorities. Should they obtain knowledge of such bribes they will inform the prosecutor's office.

The tax authorities would also tax the company appropriately on such payments.

Only values where the origin is justified and legal may be deducted.

**Domestic bribery****22 Legal framework**

Describe the individual elements of the law prohibiting bribery of a domestic public official.

Luxembourg's Penal Code does not use the term of 'public official' but prohibits in a more general way bribery of 'a person holding public authority, or vested with a public electoral mandate, or discharging a public service mission'.

In the case of passive corruption for which article 246 of the Penal Code provides a jail term of five to 10 years and a fine of €500 to €187,500, the prosecutor has to bring evidence that the accused is holding public authority, vested with a public electoral mandate, or discharging a public service mission, and that he or she sought or agreed without any right, directly or indirectly, for the accused or for a third party any offer, promise, donation, gift, reward, or advantage of any kind, in order:

- to carry out or abstain from carrying out an act pertaining to his or her office, duty, or mandate, or facilitated by his or her office, duty or mandate; or
- to abuse of his or her real or alleged influence with a view to obtaining distinctions, employment, contracts or any other favourable decision from a public authority or the government.

In the case of active corruption for which article 247 of the Penal Code provides with a jail term of five to 10 years and a fine of €500 to €187,500, the prosecutor has to bring evidence that the accused is liable for unlawfully proffering or conceding, directly or indirectly, to a person holding public authority, or vested with a public electoral mandate, or discharging a public service mission, for the accused or a third party any offer, promise, donation, gift or reward, in order to induce this same person:

- to carry out or abstain from carrying out an act pertaining to his or her office, duty, or mandate, or facilitated by his or her office, duty or mandate; or
- to abuse his or her real or alleged influence with a view to obtaining distinctions, employment, contracts or any other favourable decision from a public authority or the government.

**23 Prohibitions**

Does the law prohibit both the paying and receiving of a bribe?

As specified in question 22, our Penal Code forbids active and passive corruption, so that both the paying and receiving of a bribe are prohibited.

**24 Public officials**

How does your law define a public official and does that definition include employees of state-owned or state-controlled companies?

Concerning corruption and similar offences, our legislator does not use the term 'public official' but *personne dépositaire ou agent de l'autorité ou de la force publique, chargée d'une mission de service public ou investie d'un mandat électif public*, without a specific definition in our Penal Code.

Nevertheless and according to the comments on the law (*travaux parlementaires*) we understand that:

- *personne dépositaire ou agent de l'autorité ou de la force publique* (person entrusted with or agents of public authority or law enforcement) is the person entitled to take decisions having power of constraint on individuals and things, while performing permanent or temporary duties given by delegation of the public power or one of his agents. This general notion includes state representatives, township representatives, civil servants, judges, public officers (solicitor, bailiff), and every person exercising functions of authority;
- *personne chargée d'une mission de service public* is the person who has no power of command or decision given by the public authority, but is responsible for accomplishing actions or performing duties aimed to satisfy the general interest. This category includes liquidators appointed by the judge, members of commissions responsible to give advice to the public authority or to give official agreements, agents of administrations which are not public administrations according to the law but which benefit of a certain self-management ('public' hospitals); and
- *personne investie d'un mandat électif public* (person vested with public electoral mandate) are considered to be part of those persons entrusted with public authority.

Employees of state-owned or state-controlled companies could be included in those definitions when such companies are responsible for accomplishing actions or performing duties aimed to satisfy the general interest.

**25 Public official participation in commercial activities**

Can a public official participate in commercial activities while serving as a public official?

In compliance with article 14, paragraph 1 of the law of 16 April 1979 to determine the general status of a public official, it is prohibited for the public official to have, through himself or through an intermediary person, interests in a company subject to the control of his or her administration or service, or in relation with these, that could compromise his or her independence.

However, the other provisions of this same article allow the public official to carry on a commercial, industrial or handicraft activity, or even to practice a liberal profession or an accessory remunerated activity of the private sector in certain circumstances.

### Update and trends

In compliance with the international obligations of the Grand-Duchy of Luxembourg and with the insistence of the OECD task group in corruption matters, bill No. 5718 regarding the criminal liability of legal persons has finally been approved by our Chambre des Députés on 4 February 2010 with 56 votes and four abstentions.

After this first positive vote the exemption of the second vote has been required and these new legal provisions will be introduced in our legislation very shortly, so that legal persons, excepting the state and the municipalities, will be criminally liable for the offences committed in their name and interest by one of their legal organs or by one or more members of their legal organs. Such criminal liability of legal persons does not exclude that of any natural persons who are perpetrators or accomplices to the same act.

According to paragraph 4 of the same article, the public official has to notify his or her minister of any professional activity practised by a husband or wife, except those for the government.

Paragraph 3 of this same article provides that no public official can, without the preliminary authorisation of the council of ministers, participate in the direction and administration, or supervision of a commercial company, or financial or industrial establishment. We understand that it would be possible for a public official to participate in commercial activities while serving a public official, if he or she disposes of such an authorisation.

### 26 Travel and entertainment

Describe any restrictions on providing domestic officials with gifts, travel expenses, meals or entertainment. Do the restrictions apply to both the providing and receiving of such benefits?

As already mentioned before, there are no explicit or specific restrictions for such benefits. Considering that the concept of 'advantage of any kind' in relation to the offence of bribery is very large, both the providing and receiving of such benefits fall within the scope of the definition of bribery, according to Luxembourg law, if they match the other components of the act of bribery.

### 27 Gifts and gratuities

Are certain types of gifts and gratuities permissible under your domestic bribery laws and, if so, what types?

As stressed before, there are no certain types of gifts and gratuities permissible under our domestic bribery laws that are expressly mentioned.

Should they match the other components of the act of bribery, they would fall within the scope of the definition of bribery, according to our law and jurisprudence in corruption matters.

### 28 Private commercial bribery

Does your country also prohibit private commercial bribery?

With the aforementioned law of 23 May 2005, our legislator introduced the new articles 310 and 310-1 of the Penal Code, providing that any person who is a director or manager of a legal person and any agent or employee of a legal person or natural person, who seeks, accepts, directly or through an intermediary, an offer, promise or advantage of any kind for himself or for a third party, to perform or refrain from performing any act in the course of his duties or facilitated by his duties, without the knowledge and the permission of the board of directors, shareholders' meeting, principle or employer shall be liable to imprisonment for one month to five years and a fine of €251 to €30,000 (passive bribery, article 310).

Any person who proposes, directly or through an intermediary, an offer, promise or advantage of any kind to a director or manager of a legal person or to any agent or employee of a legal person or

natural person, an offer, promise or advantage of any kind for himself or herself or for a third party, to perform or refrain from performing any act because of his or her duties or facilitated by his or her duties, without the knowledge and the permission of the board of directors, shareholders' meeting, principle or employer, shall be liable to the same sanctions (active bribery, article 310-1).

### 29 Penalties and enforcement

What are the sanctions for individuals and companies violating the domestic bribery rules?

As mentioned before, individuals liable for bribery are sanctioned as follows:

- a fine ranging from €500 to €125,000 and imprisonment from six months to five years (article 248 of the Criminal Code);
- a fine ranging from €500 to €187,500 and imprisonment from five years to 10 years (articles 246, 247, 249 and 251 of the Criminal Code);
- a fine ranging from €2,500 to €250,000 and imprisonment from 10 to 15 years (article 250 of the Criminal Code, corruption of magistrates); and
- additional penalties: loss of civil rights, disqualification from public procurement, prohibition from practising certain professions, etc.

After the approval on 4 February 2010 of the bill regarding criminal liability of legal persons, companies will soon be subject to criminal liability. The specific sanctions for legal persons will be:

- a fine in compliance with the modes set out by law;
- special confiscation;
- disqualification from public tenders, either permanently or for a maximum period of five years;
- exclusion from the benefit to obtain any public aid or advantages; or
- dissolution.

This point is discussed further in questions 8, 11, 14, 15, and 'Update and trends'.

### 30 Facilitating payments

Have the domestic bribery laws been enforced with respect to facilitating or 'grease' payments?

As mentioned in questions 6, 26 and 27, such payments are illegal if made or accepted within the conditions of the act of bribery.

As the taking of evidence in criminal matters is free and as our penal jurisdictions decide on behalf of their firm conviction, and that they sovereignly judge the case laid before them, they could, depending on the circumstances, judge that such payments constitute an act of bribery.

### 31 Recent decisions and investigations

Identify and summarise recent landmark decisions and investigations involving domestic bribery laws, including any investigations or decisions involving foreign companies.

On 21 January 2010, in first instance and with regard to a well-publicised case, the Tribunal d'Arrondissement of Luxembourg acquitted a government officer assigned at the Tax Administration of passive corruption (article 246 of our Penal Code). The judges decided that there was no evidence that the accused intervened in favour of a company and that for such intervention a remuneration would have been agreed in advance. Nevertheless, the same government officer was declared liable for trafficking influence, improper exemption in relation to taxes and unlawful taking of interest (articles 249 al.2, 243 and 245 of our Penal Code). For these offences, for false balance sheets and for having worked as an accountant

without the requested governmental agreement, he was sentenced to a jail term of four years with probation and a fine of €10,000. The government officer launched an appeal against this decision in late February 2010.

In applying the new law of 15 January 2001, the tribunal of Luxembourg decided by judgment on 21 December 2005 that an employee of the La Ligue Luxembourgeoise de Prévention et d'Actions Médico-Sociales (Croix Rouges) committed an act of bribery, as, carrying out an act facilitated by his office, he offered to a journalist, for a payment of €100,000, information from individual files. The accused was sentenced to a jail term of 20 months with probation.

The first decision in bribery matters was given by the tribunal of Luxembourg on 20 March 2003, which sentenced a high-ranking public official of the Ministry of Transport for acts of bribery committed in the late 1980s and early 1990s.

The judges decided that the nearly discretionary powers of the accused in the attribution of authorisation in transport matters was liable for bribery, as he accepted the payment by transport companies for his and his family's holidays abroad, and because he accepted the payment of 1.04 million Luxembourg francs from two transport companies on behalf of a sponsoring contract in favour of a volleyball club, to which the accused had intimate links. Further, the same official was also sentenced for other similar acts of bribery.

In this case, the judges estimated that the trial had not been completed within a reasonable period of time, and they only sentenced the accused to a jail term of nine months with probation and a fine of €2,500. In compliance with the general principles of Luxembourg criminal law, the judges also sentenced the accused on behalf of the old provisions applicable before the introduction of the aforementioned law of 15 January 2001, as the old sanctions were less severe.

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