



**OECD Anti-Bribery Convention
Phase 4 Report on Argentina**
Implementing the Convention
and Related Legal Instruments

Disclaimers

This work was approved and declassified by the Working Group on Bribery in International Business Transactions on 19 March 2026.

This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

Photo credits: © Epatavi / iStock / Getty Images Plus.

© OECD 2026.



Attribution 4.0 International (CC BY 4.0)

This work is made available under the Creative Commons Attribution 4.0 International licence. By using this work, you accept to be bound by the terms of this licence (<https://creativecommons.org/licenses/by/4.0/>).

Attribution – you must cite the work.

Translations – you must cite the original work, identify changes to the original and add the following text: *In the event of any discrepancy between the original work and the translation, only the text of original work should be considered valid.*

Adaptations – you must cite the original work and add the following text: *This is an adaptation of an original work by the OECD. The opinions expressed and arguments employed in this adaptation should not be reported as representing the official views of the OECD or of its Member countries.*

Third-party material – the licence does not apply to third-party material in the work. If using such material, you are responsible for obtaining permission from the third party and for any claims of infringement.

You must not use the OECD logo, visual identity or cover image without express permission or suggest the OECD endorses your use of the work.

Any dispute arising under this licence shall be settled by arbitration in accordance with the Permanent Court of Arbitration (PCA) Arbitration Rules 2012. The seat of arbitration shall be Paris (France). The number of arbitrators shall be one.

Table of contents

Acknowledgments	5
Abbreviations and acronyms	6
Executive summary	8
Introduction	10
Previous evaluations of Argentina by the Working Group on Bribery	10
Phase 4 process and on-site visit	11
Argentina's economy and foreign bribery risks	12
Overview of foreign bribery enforcement in Argentina	13
A. Prevention, detection and reporting of the foreign bribery offence	18
A.1. Detecting and reporting foreign bribery by Argentinian public officials	19
A.2. Detecting and reporting foreign bribery by overseas diplomatic missions	20
A.3. Detecting and reporting foreign bribery by tax authorities	20
A.4. Preventing and detecting foreign bribery through export credits	22
A.5. Preventing and detecting foreign bribery through official development assistance (ODA)	23
A.6. Detecting foreign bribery through anti-money laundering measures	23
A.7. Preventing and detecting foreign bribery through accounting and auditing measures	26
A.8. Self-reporting by companies	29
A.9. Whistleblowing and whistleblower protection	31
A.10. Detecting foreign bribery through the media	32
B. Enforcement of the foreign bribery offence	35
B.1. Foreign bribery offence	35
B.2. Investigative and prosecutorial framework	36
B.3. Conducting foreign bribery investigations and prosecutions	41
B.4. International co-operation	54
B.5. Offences related to foreign bribery	61
B.6. Concluding and sanctioning foreign bribery cases	64
C. Legal persons	75
C.1. Scope of liability of legal persons	75
C.2. Enforcement of corporate liability	79
C.3. Sanctions against legal persons	83

C.4. Engaging the private sector	86
Conclusions	89
Part 1. Good practices and positive achievements	90
Part 2. Recommendations of the Working Group on Bribery to Argentina	90
Part 3. Follow-up issues	93
References	96
Annex A. Argentina's foreign bribery enforcement actions	99
Annex B. On-site visit participants	105
Annex C. Excerpts of relevant legislation	106
Annex D. Phase 3bis recommendations to Argentina (2017) and assessment at 2Y WFU (2019) – Phase 1bis conclusions (2019)	115
Notes	122
FIGURES	
Figure 1. Argentina's implementation of Phase 3bis recommendations as of 2019	11
Figure 2. Argentina's foreign bribery cases 2017 to present (including Phase 3bis legacy cases)	13
Figure A.1. Number of cases reported since Phase 3bis (sources of foreign bribery allegations)	18
TABLES	
Table A 1. Concluded proceeding(s)	99
Table A 2. Ongoing prosecution(s)	99
Table A 3. Ongoing investigations	100
Table A 4. Closed investigations and known foreign bribery allegations	101

Acknowledgments

The evaluation team for Argentina's Phase 4 evaluation was composed of lead examiners from Mexico and the Slovak Republic, as well as members of the OECD Anti-Corruption Division. The examiner from Mexico was **Julio César Portillo Almanza**, Auditor of the General Coordination of Internal Control Bodies at the Secretariat for Anti-Corruption and Good Governance. The examiners from the Slovak Republic were **Radka Moncoľová**, State Counsellor, Department of European and Foreign Affairs, Ministry of Justice, **Michaela Naháľková**, Senior Officer Specialist, International Cooperation Department of the Management Support Unit of the Bureau for Combating Organised Crime of the Presidium of the Police Force, and **Dušan Rybovič**, Senior Investigator Specialist, Division West of the Anti-Corruption Unit of the Bureau for Combating Organised Crime of the Presidium of the Police Force. The OECD members of the evaluation team were France Chain, Coordinator of the Phase 4 Evaluation of Argentina, Senior Legal Analyst, Mary Crane-Charef, Strategic Anti-Corruption Advisor, and Martha Monterrosa, Legal Analyst, all from the Anti-Corruption Division, Directorate for Financial and Enterprise Affairs.

The evaluation team is grateful to Argentina for their contributions throughout the evaluation, and to the panellists who participated in the on-site visit. The evaluation team also wishes to thank experts from the OECD's Centre for Tax Policy & Administration, Development Co-operation Directorate, Economics Department, and Trade and Agriculture Directorate, as well as the Secretariat of the Financial Action Task Force, for their valuable advice.

Abbreviations and acronyms

2YWFU	Two-Year Written Follow-Up	AG	Attorney General
AGN	Auditor General	AIAMP	Ibero-American Association of Public Prosecutors
AML	Anti-Money Laundering	AFIP / ARCA	Federal Tax Agency (<i>Administración Federal de Ingresos Públicos</i> , formerly AFIP, now ARCA)
ARS	Argentinian Peso	BCRA	Argentina's Central Bank
BICE	<i>Banco de Inversión y Comercio Exterior</i>	BNA	<i>Banco de la Nación Argentina</i>
CC	Criminal Code	CLL	Corporate Liability Law (Law 27 401)
CNV	Argentina's Securities and Exchange Commission (<i>Comisión Nacional de Valores</i>)	CPC	Criminal Procedure Code
CPI	Corruption Perceptions Index	CPPF	Federal Criminal Procedure Code (<i>Código Procesal Penal Federal</i>)
DAJIN	Directorate for International Legal Assistance of the MFA	DAFI	General Director for Economic and Financial Advice in Investigation
DGRADB	General Directorate of Asset Recovery and Asset Forfeiture (<i>Dirección General de Recuperación de Activos y Decomiso de Bienes</i>)	DAJUDECO	Directorate for Judicial Assistance in Complex Crimes and Organised Crime (<i>Dirección de Asistencia Judicial en Delitos Complejos y Crimen Organizado</i>)
DNFBPs	Designated Non-Financial Business and Professions	DIGCRI	General Directorate of Regional and International Cooperation of the AG's Office
ECA	Export credit agency	DTCs	Double Tax Conventions
FACPCE	Argentine Federation of Professional Councils in Economic Sciences	EUR	Euro
FDI	Foreign Direct Investment	FATF	Financial Action Task Force
GDP	Gross Development Product	GAFILAT	Financial Action Task Force of Latin America
GlobE	UN's Global Operational Network of Anti-Corruption Law Enforcement Authorities	GLEN	WGB's informal Law Enforcement Officials network and the Global Law Enforcement Network
ICAC	Inter-American Convention against Corruption	IAASB	International Auditing and Assurance Standards Board
IESBA	International Ethics Standards Board for Accountants	IDB	Inter-American Development Bank
IGJ	Inspection General of Justice of Buenos Aires (<i>Inspección General de Justicia</i>)	IFRS	International Financial Reporting Standards

INAES	Institution of Associations and Social Economy (<i>Instituto Nacional de Asociativismo y Economía Social</i>)	ISA	International Standards on Auditing
IberRed	Ibero-American Network for International Legal Cooperation	JIT	Joint Investigation Team
KYC	Know Your Customer	LAC-LEN	OECD Latin-America and Caribbean Law enforcement Network
LEO	WGB Meeting of Law Enforcement Officials	LICCM	Law on International Cooperation in Criminal Matters
LP	Legal Person	MDB	Multilateral Development Bank
MER	Mutual Evaluation Report	MFA	Ministry of Foreign Affairs, International Trade and Worship
MLA	Mutual Legal Assistance	MOJ	Ministry of Justice
NCA	UK National Crime Agency	NGOs	Non-Governmental Organisations
NP	Natural Person	NTR	Non-Trial Resolution
OA	Anti-Corruption Office	OBR	Office of Recovered Assets
ODA	Official Development Assistance	OECD	Organisation for Economic Cooperation and Development
ONC	National Procurement Office (<i>Oficina Nacional de Contrataciones</i>)	PEPs	Politically Exposed Persons
PFA	Argentine Federal Police	PGN	Attorney General (<i>Procurador General de la Nación</i>)
PIA	Prosecutor's Office for Administrative Investigations	PPO	Public Prosecutor's Office (<i>Ministerio Público Fiscal</i>)
PROCELAC	Special Prosecutorial Office for Economic Crimes and Money Laundering (<i>Procuraduría de Criminalidad Económica y Lavado de Activos</i>)	PSA	Customs and Airport Security Police (<i>Policía de Seguridad Aeroportuaria</i>)
RITE	Registry for Companies and Entities	RPBF	Beneficial Ownership Registry (<i>Registro Público de Beneficiarios Finales</i>)
RRAG	GAFILAT Asset Recovery Network	SFO	UK Serious Fraud Office
SIGEN	Office of the Comptroller General (<i>Sindicatura General de la Nación</i>)	SMEs	Small and Medium-Sized Enterprises
SOEs	State-Owned Enterprises	SPF	Argentine Federal Penitentiary Service (<i>Servicio Penitenciario Federal</i>)
SSN	Superintendency of Insurance	STF	Supreme Federal Tribunal
STRs	Suspicious Transaction Reports	TIEAs	Tax Information Exchange Agreements
TPL	Tax Procedure Law	UIF	Argentina's Financial Intelligence Unit <i>Unidad de Información Financiera</i>
UK	United Kingdom	UN	United Nations
UNTOC	UN Treaty on Organized Crime	USA / US	United States of America
USD	US dollars	WGB/Working Group	Working Group on Bribery in International Business Transactions

Executive summary

This Phase 4 report by the OECD Working Group on Bribery in International Business Transactions (the Working Group or WGB) evaluates and makes recommendations on Argentina's implementation and enforcement of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Convention), the Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Recommendation), and related instruments. Phase 4 focuses on the cross-cutting issues of enforcement, detection, and liability of legal persons, and takes stock of progress and remaining challenges since Argentina's Phase 3bis (2017) and Phase 1bis evaluations (2019).

Argentina has made meaningful progress in strengthening its anti-foreign bribery framework and building enforcement capacity. Most notably, Argentina concluded its first foreign bribery case against a natural person in 2025, marking an important milestone after many years of reform and institutional development. Early experiences under the Corporate Liability Law (CLL), including a domestic corruption case resolved through an effective collaboration agreement, further show the potential for corporate enforcement. Argentina has also improved its ability to identify and triage allegations: since Phase 3bis, authorities detected 17 new foreign bribery allegations from a range of sources, with 10 resulting in formal investigations. The anti-money laundering framework has played a meaningful role in foreign bribery detection, contributing to at least four foreign bribery cases since Phase 3bis, supported by the UIF's analytical role and coordination with prosecutors. Specialised bodies, such as DAJUDECO and PROCELAC, have strengthened Argentina's analytical and proactive capabilities, including through an enhanced media-monitoring approach enabled by new technologies, as well as increasingly active participation in international and regional law enforcement cooperation networks, which support the pursuit of complex transnational cases.

Nevertheless, foreign bribery enforcement remains limited, uneven and vulnerable to longstanding structural constraints. While Argentina has opened 18 formal or preliminary investigations linked to 25 known allegations spanning 2017–2025 (including legacy investigations that were ongoing during Phase 3bis), many cases have not progressed beyond investigation, with 8 cases closed and 8 still ongoing. Since Phase 3bis, only two foreign bribery cases have progressed to prosecution, including one concluded through a non-trial resolution, and no legal person has yet been sanctioned or investigated under the CLL for foreign bribery, eight years after its adoption. In addition, certain aspects of the CLL require clarification or legislative amendment to ensure full alignment with the Convention, notably with respect to sanctions against legal persons. The length of proceedings also raises concern, with several ongoing investigations prolonged (averaging over eight years), risking loss of evidence and statute of limitations challenges. Persistent delays are compounded by structural capacity constraints, including a significant number of judicial vacancies and resource limitations in parts of the federal judiciary, affecting the timely enforcement of complex economic crime, including foreign bribery. The ongoing transition to a prosecutorial system under the new Federal Criminal Procedure Code (CPPF), while considered promising by public and private-sector stakeholders alike, adds a further layer of operational flux as roles, discretion and case management practices shift nationwide.

Argentina's detection framework likewise shows persistent weaknesses in several areas. Foreign bribery continues to be detected primarily through media reporting, while reporting by public officials remains minimal. The Working Group also notes that corporate self-reporting has not triggered any foreign bribery investigation to date, and that limited transparency and guidance around collaboration agreements, and the practical benefits of voluntary disclosure may contribute to legal uncertainty for companies. Most notably, the continued absence of a clear, strong and effective legal and institutional framework to protect whistleblowers remains a central gap in Argentina's detection framework for foreign bribery, deterring reporting, hindering early detection, and limiting the effective use of existing reporting channels.

The report and its recommendations reflect the findings of experts from Mexico and the Slovak Republic and were adopted by the Working Group in March 2026, with the objective of supporting Argentina in consolidating reforms and addressing longstanding deficiencies. It is based on legislation, practice data and other materials provided by Argentina, as well as research by the evaluation team. Information was also obtained during an on-site visit to Buenos Aires from 29 September to 3 October 2025, during which the evaluation team met representatives of Argentina's public and private sectors, law enforcement, prosecutors, judiciary, media and civil society. Argentina will report in writing within two years on the implementation of all recommendations and on its enforcement efforts.

Introduction

1. In March 2026, the Working Group on Bribery in International Business Transactions (Working Group or WGB) concluded its fourth evaluation of Argentina's implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Convention) (OECD, 1997^[1]), the 2021 Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions (OECD, 2021^[2])(Anti-Bribery Recommendation) and related instruments.

Previous evaluations of Argentina by the Working Group on Bribery

Previous WGB Evaluations of Argentina

2019 Phase 3bis follow-up report (2Y WFU) (OECD, 2019^[3])

2019 Phase 1bis report (OECD, 2019^[4])

2017 Phase 3bis report (OECD, 2017^[5])

2014 Phase 3 report (OECD, 2014^[6])

2010 Phase 2 follow-up report (OECD, 2010^[7])

2008 Phase 2 report (OECD, 2008^[8])

2001 Phase 1 report (OECD, 2001^[9])

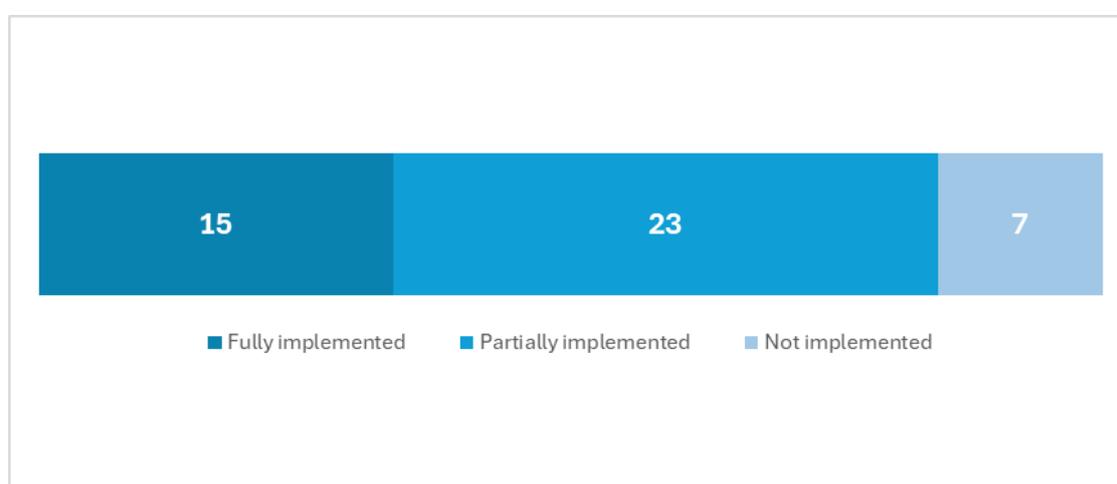
2. The Working Group, composed of the 46 countries Party to the OECD Anti-Bribery Convention¹, conducts successive phases of peer-review evaluations to monitor all Parties' implementation and enforcement of the Convention and related instruments. Since Phase 2, evaluations have included an on-site visit to obtain governmental and non-governmental views in the evaluated country. The evaluated country may comment on but not veto the evaluation report and recommendations. Evaluation reports are published on the OECD website.

3. Argentina has been evaluated repeatedly since its Phase 1 review in 2001. Its last full evaluation examining practical implementation was the Phase 3bis evaluation in 2017, following a High-Level Mission in 2016 prompted by the Working Group's serious concerns regarding Argentina's longstanding lack of corporate liability for foreign bribery, absence of nationality jurisdiction, significant delays in complex economic crime investigations, and risks to judicial and prosecutorial independence. In Phase 3bis, the Working Group found Argentina still in significant non-compliance, with gaps in the foreign bribery offence, no protection for whistleblowers, very weak enforcement, and persistent structural deficiencies in the justice system.

4. In June 2019, the Working Group adopted two further assessments: the Phase 3bis Two-Year Written Follow-Up Report (2Y WFU), reviewing Argentina's progress in addressing Phase 3bis

recommendations; and a Phase 1bis evaluation, conducted to assess the impact of Argentina's new Corporate Liability Law (Law 27 401, CLL), which significantly overhauled its legal framework for combating foreign bribery. As a Phase 1-type review, the evaluation assessed the legislative framework only, not enforcement in practice. The Working Group welcomed major legislative progress introduced through the CLL, including the introduction of corporate liability for foreign bribery, improved nationality jurisdiction, and enhancements to the foreign bribery offence. As a result, several Phase 3bis recommendations relating solely to the legal framework were deemed fully implemented. Nevertheless, at the time of the 3bis 2Y WFU, only 15 of 45 Phase 3bis recommendations had been fully implemented, and significant concerns persisted regarding enforcement, judicial delays, prosecutorial and judicial independence, remaining weaknesses in corporate liability and related sanctions, and the absence of whistleblower protection. These outstanding issues from Phase 3bis and Phase 1bis form the baseline for the present Phase 4 evaluation.

Figure 1. Argentina's implementation of Phase 3bis recommendations as of 2019



Phase 4 process and on-site visit

5. The monitoring process is based on principles agreed by the Parties (OECD, 2023^[10]). Phase 4 evaluations focus on the cross-cutting issues of enforcement, detection, and corporate liability. They also address outstanding recommendations from previous evaluations and changes to domestic legislation or the institutional framework. Phase 4 takes a tailored approach, considering each country's unique situation and challenges, and reflecting positive achievements. This report therefore does not revisit issues that were not deemed problematic in previous phases, and which have not been affected by later developments.

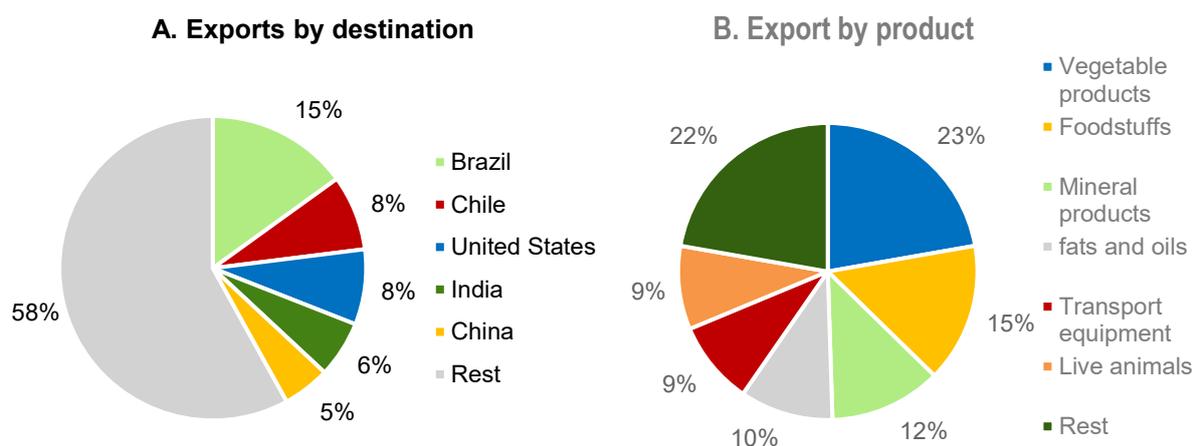
6. The team for this evaluation was composed of lead examiners from Mexico and the Slovak Republic, as well as members of the OECD Anti-Corruption Division. After receiving Argentina's responses to the standard Phase 4 questionnaire and country-specific supplementary questions, the evaluation team conducted an on-site visit in Buenos Aires from 29 September to 3 October 2025. The evaluation team met representatives of the Argentine government, law enforcement, prosecutors, judiciary, private sector (companies, lawyers, and auditors), and civil society (non-governmental organisations, academia, and media) (see Annex B). The evaluation team expresses its appreciation to all on-site visit participants for their openness and contributions. The evaluation team is grateful to Argentine authorities for their engagement and exemplary co-operation throughout the evaluation and the organisation of the on-site visit.

Argentina's economy and foreign bribery risks

Economic background

7. Argentina is the 2nd largest economy in South America and the 6th largest country by land area among WGB members. As a founding member of Mercosur and a key player in Latin American trade, Argentina had a GDP of approximately USD 640 billion in 2024, ranking 18th among WGB members.

8. Exports of goods and services (% of GDP) in Argentina was reported at 15.33 % in 2024. According to the National Institute of Statistics and Censuses (INDEC), Argentina's main exports in early 2025 were: vegetable products (22%, notably cereals, oilseeds, and medicinal plants), foodstuffs (15%,



Source: Based on [Argentine Foreign Trade Statistics. Merchandise. Preliminary data for the first quarter of 2025](#), INDEC, National Directorate of External Sector Statistics and International Accounts, p.5

Foreign bribery risks

11. Argentina is a global exporter in agribusiness, automotive, steel, oil & gas, and petrochemicals, and is increasingly important in lithium and renewable energy (wind and solar). These sectors involve large-scale contracts, licensing, and infrastructure projects, areas vulnerable to foreign bribery risks. (OECD, 2014^[12])

12. High-risk sectors include:

- extractives (oil, gas, mining): 4.2% of GDP in 2024
- construction: projected to grow by 4.1% in 2025
- transport, storage, and communications: 6.7% of GDP in 2024

13. Large Argentine multinationals operate in multiple high-risk jurisdictions. For example, Techint Group, a steel, construction, and oil & gas conglomerate, maintains operations in Mexico, the USA, Colombia, Nigeria, Saudi Arabia, the UAE, and across Europe. Such global reach increases exposure to foreign bribery risks in procurement, licensing, and large infrastructure projects.

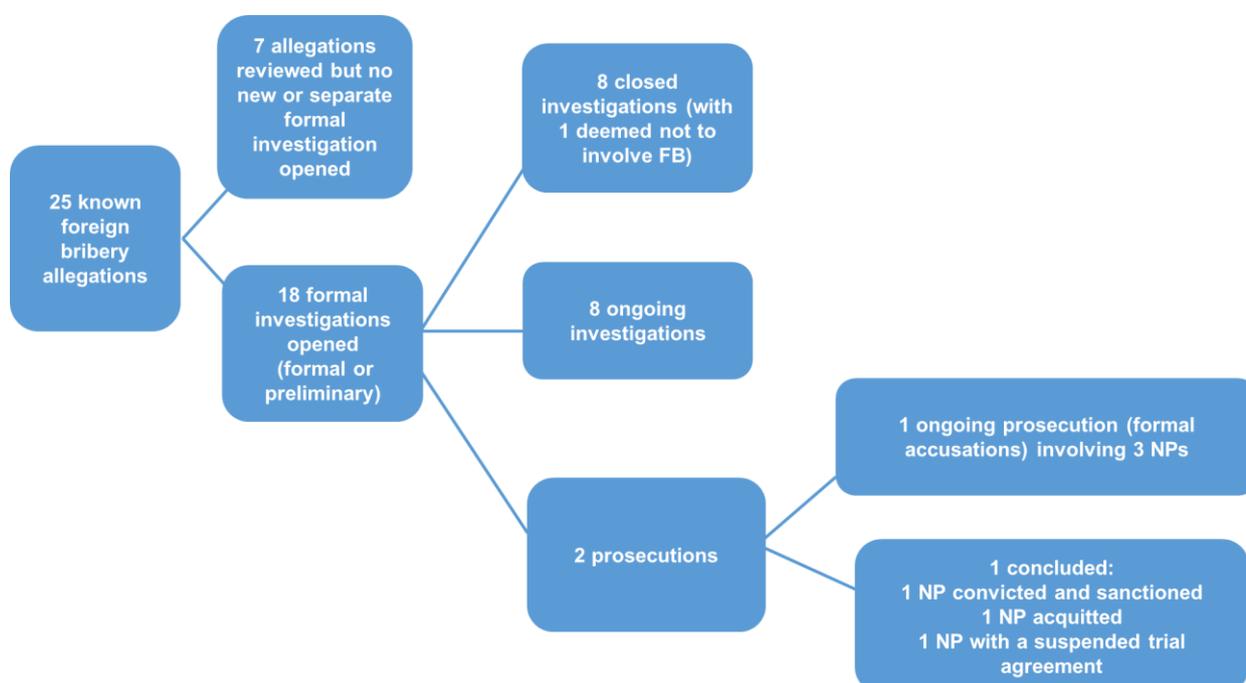
14. Exports by small and medium-sized enterprises (SMEs) are a significant part of Argentina's trade profile. According to the *Confederación Argentina de la Mediana Empresa* (CAME, 2024^[13]), in 2024 SMEs represented 69% of all exporters and accounted for USD 9.2 billion in exports (12.5% of total exports), up 21.7% from 2023. Main SME export markets included Brazil (14.2%), the U.S. and China (11.4% each), Chile (6.6%) and the Netherlands (4.6%).

15. Some of Argentina's key trading partners are ranked in the lower half of Transparency International's Corruption Perceptions Index (CPI), further heightening the exposure of Argentine firms, particularly SMEs, to foreign bribery risk (Transparency International, 2025^[14]).

16. Argentina has adopted a broad public-sector integrity strategy (ENI, Decree 591/2023) but the strategy does not appear to specifically target foreign bribery of public officials in international business transactions, and therefore its relevance for the implementation of the OECD Anti-Bribery Convention is very limited.

Overview of foreign bribery enforcement in Argentina

Figure 2. Argentina's foreign bribery cases 2017 to present (including Phase 3bis legacy cases)



Note: Prosecutions refers to formal accusations prior to oral trial. NPs refer to Natural Persons

Situation at Phase 3bis

17. In Phase 3bis (2017), Argentina had opened investigations into eight foreign bribery allegations, with no cases having proceeded to trial or sanctions. At the 2YWFU (2019), there was one foreign bribery case at trial (*Technological Services (El Salvador)*), but none of the eight foreign bribery cases that were ongoing at the time of the Phase 3bis Report had reached formal accusations (e.g. indictment for trial). The Working Group found that investigation into 10 other foreign bribery allegations had been slow. At the time of the Phase 3bis report, Argentina did not have corporate liability for legal persons for foreign bribery; thus, no investigations concerned legal persons.

Situation at Phase 4

Prosecutions and sanctions: Argentina secured its first natural person conviction in a foreign bribery matter

18. Argentina has secured its first conviction and sanction against a natural person for foreign bribery in 2025 (**Technological Services (El Salvador)**). Argentina has opened 18 formal or preliminary investigations relating to 25 known foreign bribery allegations. While some allegations pre-date 2017, all related investigations were active at some point between the 2017 Phase 3bis evaluation and the present. This total includes 8 legacy matters that were ongoing during Phase 3bis (some have since closed or remain ongoing, see below). Of the remaining 7 allegations, the Special Prosecutorial Office for Economic Crimes and Money Laundering (*Procuraduría de Criminalidad Económica y Lavado de Activos*, PROCELAC) analysed the matters but did not open a new preliminary or formal investigation, as defined under the Criminal Procedure Code (CPC), as they concluded that the information did not merit the filing of a judicial complaint. In two instances, it determined that no new investigation was necessary as the alleged foreign bribery scheme was already the subject of an ongoing formal investigation led by a federal prosecutor (see Annex A).

19. In 2025, Argentina concluded its first foreign bribery proceeding through a non-trial resolution (NTR) (abbreviated trial agreement) with three natural person defendants, resulting in one conviction, one acquittal, and one suspended trial agreement (**Technological Services (El Salvador)**). PROCELAC detected this through its own media monitoring system and promptly opened a preliminary investigation into this matter in 2017. The case involved three individuals who worked for an Argentine company specialising in technological services. The Argentine company met with executives of an El Salvadorean state-owned enterprise, which was overseeing the procurement process to update the country's transit system. Executives of the Argentine company allegedly agreed to pay bribe payments, in the form of monthly consultancy fees, to officials of the state-owned enterprise (SOE) in exchange for information on the bid requirements and competitors. The arrangement was formalised through a consulting contract between the Argentine company and the three SOE officials from El Salvador. Due to allegations of misconduct, the process was cancelled - the Argentine company and individuals did not deliver any services or pay the bribes under the consulting contract. In 2018, federal prosecutors in Buenos Aires indicted three individuals on foreign bribery charges. The trial commenced in 2019 but was postponed. In 2024, the prosecution entered NTRs with the three accused, which was judicially approved in 2025. The company's legal representative was convicted of foreign bribery (Art. 258bis of the Criminal Code (CC)) for promising bribes to the El Salvadorean SOE representatives, while the second defendant was acquitted, and third defendant entered into a suspended trial agreement that remains ongoing (see Annex A).

20. A legacy case from Phase 3bis has proceeded to prosecution against three individuals (**Mapping System (Panama)**), and the Public Prosecutor's Office (*Ministerio Público Fiscal*, PPO) is expected to request a trial date in March 2026. The Argentine authorities detected the case in 2015 through the Working Group's media monitoring efforts. PROCELAC then conducted a preliminary investigation and filed a formal judicial complaint in August 2016. At the time of the Phase 3bis report (2017), Argentina had conducted various investigative measures and was awaiting pending mutual legal assistance (MLA) requests from foreign jurisdictions. In March 2025, Argentine prosecutors brought formal accusations against the three defendants (e.g. indictment for trial). In 2025, the Argentine court dismissed the defendants preliminary motion challenging the action as time-barred and ruled that the case could proceed to trial, although the oral trial date remains pending. The investigation, opened in 2016, has progressed slowly due to pending MLA requests, postponement requests by the defendant on taking investigative statements, judicial rulings to disclose and translate certain materials, and more recently, motions for an expanded statement of defence to be submitted prior to trial.

Investigations: Argentina has increased its efforts to investigate known foreign bribery allegations, although several closed prior to formal investigation

21. Argentine law enforcement authorities, in particular PROCELAC, have increased its efforts to detect and investigate foreign bribery allegations. As discussed in section B.3, authorities have used a range of investigative techniques in several investigations, including search and seizure, forensic audits, forensic examination of digital evidence, interviewed witnesses, interception of private communications, production orders, and sought information from other relevant agencies (e.g. Argentina's FIU, travel records, tax records, and company records).

22. Argentine authorities have made efforts to seek MLA in their foreign bribery investigations. Since 2019, Argentina has sent out nearly 32 MLA requests related to approximately 9 of its active-side foreign bribery cases. Nevertheless, as discussed in section B.4, Argentina faces considerable challenges securing MLA response in its foreign bribery cases from some countries in the region. There are approximately seven pending or partially executed outgoing MLA requests in three ongoing foreign bribery cases. Moreover, since Phase 3bis, many investigations appear to have been closed, at least in part, due to the lack of MLA responses or the limited usefulness of the evidence received. Argentina has intensified efforts to engage in informal cooperation, both to strengthen formal requests and to follow up through informal channels, including direct law enforcement communication (see section B.4).

23. Despite these efforts in investigations, law enforcement has closed the majority of Argentina's foreign bribery cases since Phase 3bis. Several ongoing formal investigations also appear at risk due to the length of time the investigation has been open. As of the date of this report, eight matters remain at the formal investigation stage, including two legacy cases from Phase 3bis. These cases have been open for an average of 8.3 years, with one legacy investigation ongoing for over a decade (see Annex A). Argentina indicates that some of these investigations face significant obstacles due to lack of or delayed international cooperation (see section B.4). A final concern relates to the handling of certain allegations by law enforcement: since Phase 3bis, PROCELAC reviewed seven foreign bribery allegations identified through WGB media monitoring, but none advanced to preliminary or formal investigation. This appeared justified in most instances (e.g. lack of jurisdiction where the conduct pre-dated nationality jurisdiction), while a few other allegations were deemed insufficiently substantiated. Although Argentina indicates that each case received a substantive initial assessment, as discussed in section A.10, the question remains whether some warranted additional investigative steps.

24. In sum, of the 25 known foreign bribery allegations and cases dating from Phase 3bis (2017), including legacy matters, there are (see: Annex A):

- Two that proceeded to prosecution (e.g. formal accusations for trial), with 1 matter concluding with an NTR while the other prosecution remains ongoing
- eight ongoing formal investigations, including two legacy investigations from Phase 3bis
- eight formal investigations that closed due to *inter alia* insufficient evidence, delay in responses from other countries and time lapsed in the investigation (one investigation subsequently was determined to not involve foreign bribery offences and proceeded on charges of fraud)
- seven allegations reviewed but no formal investigation open (e.g. no judicial complaint filed) or allegation deemed to relate to another open foreign bribery investigation.

Limited enforcement of Argentina's Corporate Liability Law

25. Eight years after Argentina enacted its landmark CLL (Law 27 401) in March 2018, enforcement against legal entities for foreign bribery remains non-existent. The law established corporate liability for foreign bribery and corruption offences, addressing longstanding concerns raised by the Working Group about Argentina's non-compliance with the Anti-Bribery Convention due to the absence of such legislation.

Despite this legal framework, Argentina has yet to demonstrate meaningful enforcement in foreign bribery cases involving legal persons.

26. As of this report, no legal entity has been prosecuted (formal accusations) or sanctioned for foreign bribery in Argentina under the CLL. However, there has been incremental progress in domestic corruption enforcement. Argentina has sanctioned one legal person and initiated two proceedings with formal accusations involving corporate entities in domestic corruption cases under the CLL. Notably, in 2022, authorities entered into an effective collaboration agreement with an Argentine subsidiary of a foreign company, marking the first corporate sanction under the CLL (*Private Security [domestic]* case). The agreement, made public in May 2024, followed a 2020 self-report by the foreign parent company triggered by an internal whistleblower complaint. The sanctioned companies admitted to paying bribes to officials across various national agencies, including *inter alia* water and sanitation, health, agriculture, and energy, to secure public contracts, inflate service costs, and obtain licences and receive police support. The negotiated effective collaboration agreement included a fine equal to one-time the undue benefit obtained, restitution, asset forfeiture, and corporate community service through charitable purchases (see section C.2). While these domestic corruption matters demonstrate the potential of the CLL, its application to foreign bribery has yet to be leveraged.

Commentary

The lead examiners commend Argentina for the progress achieved since Phase 3bis in strengthening its foreign bribery framework and advancing enforcement. Notably, Argentina has concluded its first foreign bribery case against a natural person in 2025, marking an important milestone after many years of legislative reform and institutional capacity-building. The adoption and implementation of the Corporate Liability Law in 2018 (reviewed by the WGB in Phase 1bis), including improvements to the foreign bribery offence and jurisdictional framework, and the growing role of specialised bodies such as PROCELAC have laid a more solid foundation for enforcement.

Nevertheless, the lead examiners note that Argentina's foreign bribery enforcement remains limited and uneven. Judicial and prosecutorial delays continue to affect the timely resolution of cases, including as a result of longstanding capacity constraints within the judiciary, notably persistently high vacancy rates and reliance on surrogate judges. Furthermore, no foreign bribery proceedings against legal persons have been concluded to date under the CLL. The lead examiners note that several ongoing investigations concern conduct predating the entry into force of the CLL and are therefore not subject to it. Nevertheless, eight years after its adoption, Argentina's corporate liability framework has yet to produce a concluded foreign bribery case in practice, raising questions as to whether it is being effectively operationalised.

The lead examiners also note that Argentina still lacks a comprehensive framework for the protection of whistleblowers reporting foreign bribery and related offences. This longstanding gap continues to undermine effective detection, as it severely limits incentives to report and weakens confidence that reporting persons will be protected against retaliation in practice. Addressing this deficiency urgently is essential to strengthening detection mechanisms and ensuring that foreign bribery cases are identified at an early stage.

The lead examiners further observe that many of the advances achieved to date rely heavily on a limited number of specialised actors and cooperative practices, in particular within prosecutorial structures handling the majority of cases, rather than on capacities that are yet embedded across the system as a whole. While specialised units may intervene nationwide within their mandate, in practice expertise and experience in foreign bribery cases remain concentrated in a small number of teams. As a result, progress remains vulnerable to resource constraints and procedural bottlenecks, particularly in the context of the ongoing nationwide transition to the new Federal

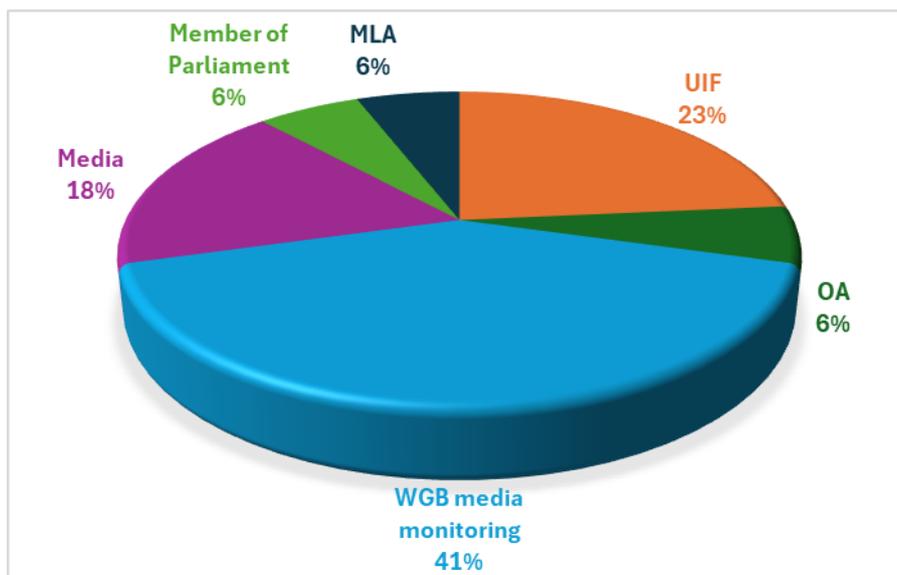
Criminal Procedure Code (Código Procesal Penal Federal, CPPF), which is reshaping investigative responsibilities, prosecutorial discretion and case management for complex economic crimes.

In light of these factors, the lead examiners consider that Argentina has entered an important phase in its implementation of the Convention: one in which the emphasis must shift from legislative reform to consistent, timely and effective enforcement in practice, including against legal persons, as well as mobilisation of public and private sector actors to enhance detection. The findings and recommendations set out in this report are therefore intended to support Argentina in consolidating recent gains, addressing persistent structural weaknesses, and ensuring that its foreign bribery framework operates effectively and sustainably in line with the Convention.

A. Prevention, detection and reporting of the foreign bribery offence

27. Since Phase 3bis (in March 2017), Argentine authorities detected 17 new foreign bribery allegations based on a variety of sources. This figure excludes legacy cases that were already underway at the time of the Phase 3bis review. Sources for these allegations that led to review by law enforcement or investigations include: information from the WGB's own media monitoring (7), the media (3), the *Unidad de Información Financiera* (UIF) (4), the Anti-Corruption Office (OA) (1), incoming MLA requests (1) and member of Parliament (1). Of these 17 allegations that were reviewed by law enforcement, 10 resulted in formal investigations and 7 were closed prior to opening a foreign bribery file (see Overview of foreign bribery enforcement in the Introduction). Argentina has taken steps since its Phase 3 and Phase 3bis evaluations to ensure law enforcement authorities routinely and systematically assess credible foreign bribery allegations; this includes the creation of a system to search different international news websites and the detection of two new foreign bribery cases. During the on-site visit, Argentine officials also described the good cooperation between ARCA and PROCELAC, and referred to the utility of law enforcement networks like the WGB's informal Law Enforcement Officials network (LEO) and the Global Law Enforcement Network (GLEN) as useful platforms for facilitating cooperation and information requests. However, Argentina's capacity to detect foreign bribery remains a challenge. Overall enforcement remains low and cases continue to progress at a too-slow pace.²

Figure A.1. Number of cases reported since Phase 3bis (sources of foreign bribery allegations)



Source: Argentina Phase 4 Standard and Supplementary and Case questionnaire responses.

A.1. Detecting and reporting foreign bribery by Argentinian public officials

28. Argentine public officials who interact with Argentine companies operating abroad can be a source of detecting foreign bribery, as recognised under Anti-Bribery Recommendation XII. Overall, government participants during the on-site visit were able to cite many initiatives taken by the government to raise awareness of the Anti-Bribery Convention and Argentina's commitments thereunder, coordinated in many cases by the OA and in coordination with PROCELAC, ARCA, the UIF, and the Ministry of Foreign Affairs, International Trade and Worship (MFA).

29. In the Phase 3bis evaluation of Argentina, the Working Group recommended that Argentina (i) ensure the consistency of the reporting thresholds and channels for reporting, and (ii) ensure that sanctions for non-reporting of alleged foreign bribery are appropriate and effective. (Phase 3bis, recommendation 12(a)). This recommendation was considered partially implemented at the time of Argentina's Phase 3bis 2Y WFU report, which reflected efforts Argentina had made at the time to raise awareness of the duty to report crimes by the OA, MFA and AFIP but also the fact that no changes had been made to the legal framework for the threshold and channel for reporting, or sanctions for failure to report.

30. The situation for the Phase 4 evaluation has further improved as reflected throughout this report. Regarding reporting requirements, Argentine public officials are subject to reporting obligations codified in the old CPC (Art. 177[1]). These provisions are transposed to the CPPF (Art. 237[1]) except for a broadening of the duty to report to other professions³ and establishes exemptions to the requirement to report, such as where reporting could lead to self-incrimination, affect close family members, or where knowledge arose under professional secrecy. The reporting obligation under the CPPF is extended to officials in the public administration or Executive branch by Executive Decree 1162/2000 (Reporting Decree) and Executive Decree No. 41/1999, Art. 31 (Code of Ethics for the Public Service).

31. Regarding the threshold at which officials must report crimes, this also remains unchanged since Phase 3bis, when the Working Group expressed concern over inconsistencies that could confuse potential reporting officials. The CPPF requires officials to report 'crimes subject to public prosecution' that they notice in the course of their duties; Executive Decree 1162/2000, however, requires a lower threshold to report 'allegations' of foreign bribery'. Executive Decree 41/1999, Art. 31, requires public officials to report any act "which could cause harm to the State or constitute a crime or violations of any of the provisions contained in [the Code of Ethics for the Public Service]."

32. Similarly, channels for public officials to report crimes remain largely unchanged since Phase 3bis, when the Working Group expressed concern that these channels were unclear and could impede the detection of foreign bribery by public officials. In addition to the reporting channels provided to all Argentine citizens (see also A.9), this includes: (i) officials' requirement under CPPF 237(1) and the Reporting Decree to informing the OA about the facts and/or evidence of the crime in question; (ii) tax officials' requirement for reporting officials to seek, first, a non-binding opinion from the ARCA legal office on whether to report to law enforcement (see also section A.3); and (iii) the MFA requirement for reporting officials serving overseas to channel reports through the Head of Mission and then the MFA General Directorate of Legal Matters who may report the matter to law enforcement (see also section A.2.). No changes are reported, either, regarding sanctions for non-reporting of alleged foreign bribery.

33. Overall, there have been no changes to Argentina's legal framework to directly address the WGB's past concerns regarding divergent reporting thresholds and channels and inadequate sanctions for non-reporting. Nevertheless, onsite visit participants seemed generally aware of their duty to report and channels through which reports should be made, thanks to awareness-raising efforts. It is worth noting that, of the 17 foreign bribery cases detected since 2017, several were opened following reports by the UIF (4), the OA (1) and via incoming MLA (1); however, these detections arise from institutional or financial-intelligence mechanisms rather than from public officials reporting pursuant to their individual reporting obligations (see section A.6.).

Commentary

The lead examiners welcome Argentina's continued efforts to raise awareness of foreign bribery among public officials and note that on-site participants generally demonstrated a good understanding of their duty to report and the channels available to them, as reflected throughout this report. In light of this, the lead examiners consider that Phase 3bis recommendation 12(a) has been fully implemented. They encourage Argentina to maintain ongoing awareness-raising activities so that public officials remain equipped and confident to report potential foreign bribery.

A.2. Detecting and reporting foreign bribery by overseas diplomatic missions

34. There are no changes since Phase 3bis to Argentina's requirements for MFA officials overseas to report potentially criminal matters to law enforcement. As noted above, MFA officials are required to report foreign bribery under CPPF (Art. 237[1]) and Executive Decree 1162/2000 (Reporting Decree). The MFA further requires reporting officials serving overseas to channel reports through the Head of Mission, then to the MFA General Directorate of Legal Matters may report the matter to law enforcement.

35. Argentina has continued its efforts to raise awareness among MFA officials. The MFA has continued to send two circulars to its internal agencies and overseas missions biannually: one concerns public officials' reporting duties regarding foreign bribery allegations; the second states that overseas MFA officials should inform Argentine businesses operating overseas of the Convention and the Argentine foreign bribery offence. Further, a module on foreign bribery is covered by the MFA's annual training to future diplomats within the framework of the National Foreign Service Institute's two-year onboarding course. The training has been offered every year since 2017.

36. Overall, officials participating in the onsite visit seemed aware of their obligations to report foreign bribery. To date, however, no foreign bribery instances have been referred by Argentine overseas missions to law enforcement regarding foreign bribery matters.

A.3. Detecting and reporting foreign bribery by tax authorities

A.3.1. Awareness and training of tax officials

37. Phase 3bis Recommendation 10(a) called on Argentina to continue to train tax officials on detecting foreign bribery and remind them of their obligations to report suspected crimes. As of Argentina's Phase 3bis 2Y WFU, this recommendation was considered partially implemented, as training efforts had reached only a small proportion of tax officials and Argentina had not taken steps to remind officials of their reporting obligations beyond measures predating the Phase 3bis evaluation.

38. There have been no changes since Phase 3bis to Argentina's requirements for tax officials to report potentially criminal matters to law enforcement, though AFIP was replaced by ARCA following a 2024 government reorganisation under Decree 953/2024 (for this reason, both names appear in this section depending on whether actions occurred before or after the 2024 reorganisation). As noted above, tax officials are required to report foreign bribery under CPPF (Art. 237[1]), Executive Decree 1162/2000 (Reporting Decree), Executive Decree 41/1999, and Art. 31 (Code of Ethics for the Public Service). Before reporting to law enforcement, however, ARCA officials must seek a non-binding opinion from the ARCA legal office to confirm that there is a reasonable basis to suspect the commission of an offence.

39. Regarding awareness-raising, Argentina has continued its efforts to raise awareness among tax officials. AFIP Regulation 140/2020—amended by AFIP Regulation 102/2024—created an Integrity and Public Ethics Committee in 2020, within the former AFIP, which advises ARCA authorities on integrity and

transparency policies. The Committee's responsibilities include suggesting specific training, educational awareness-raising and dissemination actions and programmes to strengthen institutional integrity.

40. Trainings and seminars organised by ARCA include: a virtual course on foreign bribery held regularly with tax officials since 2016 with 16 276 ARCA participants to date (86% of the total ARCA workforce); a 'code of ethics' course on the AFIP code of conduct, established under AFIP Regulation 272/2022; three in-person seminars in 2024 for 131 officials on the detection of corruption, including foreign bribery; and twice-yearly emails to ARCA officials raising awareness of foreign bribery and reminding tax officials of their legal obligation to report cases of foreign bribery. ARCA also hosts the OECD Latin American Academy for Tax and Financial Crime Investigation. Trainings provided by the Academy include a module on foreign bribery, which provides guidance to tax officials for detecting bribery and corruption. Since 2019, 139 Argentine officials have participated in these modules, including 72 ARCA officials.

41. Finally, Argentina reports that PROCELAC and ARCA teams hold regular meetings, primarily through PROCELAC's Tax and Customs Crimes Division. The meetings aim to coordinate information requests, to discuss collaboration strategies, and resolve technical issues related to investigations.

42. Overall, officials participating in the onsite visit seemed well-aware of their obligations to report foreign bribery. To date, however, no foreign bribery instances have been referred by ARCA officials.

A.3.2. Sharing of information with authorities abroad

43. In Phase 3bis, the Working Group expressed concern that tax secrecy rules under the Tax Procedure Law (TPL) prevented AFIP from sharing tax information with foreign authorities for use in foreign bribery investigations, even under tax treaties, tax information exchange agreements, or the Multilateral Convention on Mutual Administrative Assistance in Tax Matters. At the time, Argentina acknowledged the restriction and proposed addressing it through amendments to tax treaties, but did not propose reforms to the domestic legal framework, which the Working Group considered necessary to fully address the concern. Recommendation 10(b) therefore called on Argentina to ensure that tax information could be provided to foreign authorities for use in foreign bribery investigations. At the 2019 Phase 3bis 2Y WFU, this recommendation was assessed as partially implemented: although Law 27 467 amended the TPL to allow AFIP to share information with foreign tax authorities, the reform did not clearly authorise the use of Argentine tax information for use by criminal law enforcement authorities in a foreign country.

44. In Phase 4, Argentina again refers to Law 27 467 and asserts that, because the reform removed language restricting exchanged information exclusively to "tax purposes," foreign authorities may use ARCA-supplied information for other purposes, including foreign bribery investigations. Argentina considers that the existing legal framework, in particular Article 101 of the TPL, already permits the disclosure of tax-protected information for criminal investigations under certain conditions, including through international cooperation mechanisms, and notes that it has authorised wider use of exchanged tax information in other criminal enforcement contexts such as money laundering and customs offences pursuant to relevant instruments and internal protocols. However, it remains that the current legal framework does not expressly and unambiguously authorise the use of Argentine tax information by criminal (non-tax) law enforcement authorities abroad, and no concrete examples were provided of such information being shared and used abroad in foreign bribery case. Instead, Argentina relies on OECD and UN Model commentary and on clauses in certain Double Tax Conventions (DTCs) and Tax Information Exchange Agreements (TIEAs) that allow non-tax use of information where the supplying jurisdiction consents. These instruments, however, presuppose that the supplying jurisdiction's domestic law already authorises consent to such wider use; they do not themselves create that domestic legal authority. As a result, the legal gap identified in Phase 3bis remains.

45. Argentina also highlights reforms such as the creation of the Public Registry of Beneficial Owners (Law 27 739/2024), and lists numerous bilateral agreements with language allowing broader information

use. While these developments are positive for beneficial-ownership transparency and international cooperation generally, they do not establish a clear and explicit domestic legal basis enabling ARCA to authorise the use of Argentine tax information by criminal (non-tax) law enforcement authorities abroad in the context of foreign bribery investigations.

46. In practice, Argentina confirms that between 2020 and 2024 AFIP/ARCA did not receive or provide tax information to criminal (non-tax) law-enforcement authorities abroad for use in foreign bribery investigations or proceedings. Although Argentina notes that, under international tax agreements, it has exchanged information and, in some cases, requested authorisation for wider use in non-tax criminal matters (primarily money laundering and customs), no concrete example was identified of tax information being shared with foreign criminal law enforcement authorities for the purpose of foreign bribery proceedings. Taken together, the remaining legal uncertainty and the absence of practical examples of information sharing suggest that Argentina's framework has yet to demonstrate its effectiveness in enabling the provision of tax information to criminal (non-tax) law-enforcement authorities abroad for foreign bribery investigations.

Commentary

The lead examiners welcome Argentina's efforts to raise awareness of foreign bribery among tax officials. They note that many of the trainings for tax officials included information on reporting foreign bribery, and that on-site participants generally demonstrated a good understanding of their duty to report and the channels available to them. In terms of awareness-raising for tax officials, therefore, the lead examiners consider that Phase 3bis recommendation 10(a) is fully implemented.

Regarding the sharing of tax information with foreign authorities for criminal proceedings, the lead examiners note some limited positive developments, such as the recent expansion of beneficial-ownership transparency, and ARCA's practice of seeking or granting wider use authorisations in other non-tax criminal contexts (e.g. money laundering and customs). Nevertheless, Argentina still has no clear domestic legal basis expressly permitting tax information to be shared, or authorised for use by, criminal (non-tax) law-enforcement authorities abroad in foreign bribery investigations, and no such exchanges have occurred in practice. The lead examiners therefore consider that Phase 3bis recommendation 10(b) remains only partially implemented, and reiterate that Argentina should expressly and unambiguously authorise tax information to be provided to criminal law-enforcement authorities abroad for foreign bribery investigations, including through appropriate MLA or other criminal-cooperation channels.

A.4. Preventing and detecting foreign bribery through export credits

47. Export credit agencies (ECAs) are bodies that receive and review applications for officially supported export credits to facilitate international business transactions and manage the provision of such support. They thus have an important role in preventing, detecting, and reporting potential foreign bribery allegations involving these companies. ECAs can also sanction individuals and companies that have committed foreign bribery by denying them support. Measures that ECAs can take are described in Recommendations IV-VIII of the 2019 Recommendation of the Council on Bribery and Officially Supported Export Credits (Export Credit Recommendation). Since Phase 2 in 2008, the Working Group has recommended that Argentina adhere to the Export Credit Recommendation, as per Anti-Bribery Recommendation XXV, and reiterated this recommendation in Argentina's Phase 3bis evaluation (recommendation 13), which was partially implemented as of Argentina's Phase 3bis 2Y WFU report.

48. In May 2019, Argentina requested to adhere to the Export Credit Recommendation but to date has not taken the necessary steps to adhere. Argentina states that it does not have an ECA as defined by the OECD. Some institutions (e.g., the *Banco de Inversión y Comercio Exterior* (BICE) and *Banco de la Nación*

Argentina (BNA)) provide export-related financial services, such as letters of guarantee, which might fall under the scope of the Export Credit Recommendation. Both BICE and BNA report that they have integrity programmes with which clients must comply and that they exercise due diligence checks on clients, including a review of criminal and judicial records such as on bribery investigations.

49. On 25 January 2022, the Council decided to open accession discussions with Argentina and, on 26 March 2025, the Council adopted the Roadmap for Argentina's accession. Upon completion of the accession process, Argentina will adhere to all OECD legal instruments in force at the date of the decision of the Council inviting it to become a Member, including the Export Credit Recommendation. During the accession process, Argentina will also undergo an accession review against the Export Credit Recommendation by the Working Party on Export Credits and Credit Guarantees (ECG), a subsidiary body of the Trade Committee, will review the export-related financial services provided by relevant institutions to clarify whether Argentina provides any officially supported export credits. Should Argentina provide any products that fall within the scope of the Recommendation or if it were to develop any such programmes in future, Argentina indicated it would take the necessary steps to align with its provisions.

Commentary

The lead examiners consider that Phase 3 bis recommendation 13 remains only partially implemented and reiterate that Argentina should adhere to the OECD Recommendation of the Council on Bribery and Officially Supported Export Credits if and when it resumes the provision of official supported export credits.

A.5. Preventing and detecting foreign bribery through official development assistance (ODA)

50. The OECD 2016 Recommendation of the Council for Development Co-operation Actors on Managing the Risk of Corruption (ODA Recommendation) recommends that adhering countries “manage risks of and respond to actual instances of corrupt practices in development co-operation” (OECD, 2016_[15]). The OECD Development Assistance Committee monitors the implementation of this instrument, with the Working Group focusing on Recommendations 6-10.

51. While Argentina is an adherent to the ODA Recommendation, it continues to report that it does not have an ODA programme. As a result, the Working Group has not to date assessed Argentina against the relevant elements of the ODA Recommendation.

52. Argentina states that it does provide some technical assistance, for example funding the travel of Argentine and foreign officials to training events.⁴ Argentina did not provide further information on ODA statistics, contracts used for ODA, reporting/whistleblowing and sanctioning mechanisms, or any related risk assessment programmes.

A.6. Detecting foreign bribery through anti-money laundering measures

53. Since Phase 3bis, Argentina has detected at least four foreign bribery cases (i.e. 25% of all detected cases) through its anti-money laundering (AML) system, which is a positive development and relatively rare among Convention Parties. Nevertheless, the effectiveness of AML measures for detecting money laundering predicated on foreign bribery remains uneven. At the time of Argentina's Phase 3bis 2Y WFU, three recommendations were outstanding concerning: (i) extending AML obligations to legal professionals; (ii) strengthening measures for politically exposed persons; and (iii) raising awareness of foreign bribery as a predicate offence to money laundering (recommendations 8(a), (b) and (d)). At the Phase 3bis 2YWFU in 2019, the Working Group found that these recommendations had not been fully

implemented: lawyers were still not integrated into the reporting system, obligations relating to politically exposed persons (PEPs) lacked detailed guidance, and no foreign bribery-specific typologies or red flags had been issued. As of this Phase 4, some progress has been made, which is reviewed below. The legal framework governing money laundering predicated on foreign bribery is assessed separately under section B.5.1.

54. The 2024 FATF–GAFILAT Mutual Evaluation Report (MER) confirmed improvements in Argentina’s regulatory framework, but noted persistent structural weaknesses relevant to foreign bribery detection, including low-quality suspicious transaction reports (STRs) from several high-risk professions, uneven identification of PEPs, and limited supervision of gatekeepers (FATF/OECD-GAFILAT, 2024^[16]). These weaknesses were reflected in the on-site discussions, which indicated that AML detection of foreign bribery remains highly dependent on the UIF’s analytical capacity and is not yet underpinned by strong reporting behaviour across all sectors.

A.6.1. Legal and institutional framework, and cooperation with reporting entities and law enforcement

55. Argentina’s primary AML legislation is Law 25.246 (AML Law), supplemented by reforms including Law 27 739 (2024) and Decree 274/2025. The UIF, under the Ministry of Justice (MOJ) since December 2023, is responsible for receiving and analysing STRs, regulating and supervising reporting entities, and issuing sanctions. Suspicious reports indicating possible money laundering are disseminated principally to PROCELAC or, where relevant, to investigative judges.

56. Reporting entities must file STRs regardless of the amount involved. UIF officials indicated that well-developed reporting comes from the financial sector, but STR quality and timeliness remain inconsistent among Designated Non-Financial Business and Professions (DNFBPs), particularly lawyers and real estate professionals. STR volumes have increased significantly over past years, though UIF noted that medium-complexity analyses may take up to six months, while cases requiring foreign information can take longer despite rapid exchanges through the Egmont Group.

57. The UIF supervises all reporting entities and coordinates with complementary regulators such as the Central Bank (BCRA), the Securities and Exchange Commission (CNV), and the Institution of Associations and Social Economy (INAES). However, supervisory coverage of gatekeepers is still developing, and inspectors remain few relative to the number of obliged entities, which could affect the ability to ensure consistent implementation of STR obligations across professions most relevant to foreign bribery risks.

58. During the on-site visit, PROCELAC and UIF described effective collaboration. UIF disseminates financial intelligence at an early stage of analysis, often before a predicate offence can be determined or hypothesised, and PROCELAC conducts further analysis to assess potential foreign bribery or other economic crimes falling under their purview. While four foreign bribery cases have been identified through AML channels since Phase 3bis (***Machinery and Equipment Contract (Venezuela)***, ***Construction and Public Services Sector Company (Venezuela)***, ***Election Equipment and Services (Venezuela)***, and ***Manufacturing Services Company (Venezuela)***, see Annex A. Argentina’s foreign bribery enforcement actions), this appears to result from investigative experience rather than systematic identification of foreign bribery red flags by reporting entities, who rarely detect corruption-related indicators directly.

A.6.2. Extending AML obligations to lawyers, *síndicos* and other legal professionals

59. At the time of Argentina’s Phase 3bis 2Y WFU in 2019, no action had been taken, and the WGB considered this recommendation not implemented. Since then, Argentina has taken the necessary legislative steps, by extending AML reporting, due diligence and record-keeping obligations to lawyers and *síndicos*, thereby fully implementing recommendation 8(a). The inclusion of lawyers as obliged entities was

introduced through Law No. 27 739 and became operational following a phased entry into force in 2023–2024.

60. Though the FATF MER (2024) welcomed this extension, it nevertheless noted that these legal professionals remain subject to narrow obligations: Article 20(17) AML Law limits their duty to cases where they act “in the name and/or on behalf of their customers” in specific transactions. This sets an additional threshold for reporting obligations, which raised FATF concerns (FATF/OECD-GAFILAT, 2024^[16]).

61. Furthermore, as reported in the 2024 MER evaluation as well as by Argentinian authorities during Phase 4, reporting levels are still low, reflecting the very recent inclusion of this profession as a DNFBP. At the on-site visit, Argentine authorities acknowledged that outreach to lawyers and their professional associations is in its early stages. Additional efforts will therefore be needed to ensure that these newly covered professions develop the capacity to identify and report suspicious activity effectively, which links to the broader issues of guidance, training and typologies discussed below.

A.6.3. Enhancing AML measures for financial transactions involving PEPs

62. Earlier WGB evaluations had found Argentina’s PEP regime too narrow and lacking detailed guidelines. By the time of the Phase 3bis 2Y WFU, UIF Resolution 134/2018 had broadened PEP definitions and introduced risk-based elements, but no guidelines had been issued, and the WGB therefore considered corresponding recommendation 8(b) only partially implemented.

63. UIF Resolution 35/2023, updated by Resolution UIF 192/2024, further expanded and clarified the definition of domestic and foreign PEPs, bringing Argentina closer to FATF standards. However, PEP identification is carried out by reporting entities, not by the UIF, and on-site discussions confirmed that identification relies heavily on customer declarations, which raises questions as to the capacity of reporting entities to properly detect and report PEP-related transactions. No evidence was provided of thematic inspections, guidance, or training targeted at reporting entities on handling foreign PEPs relevant to foreign bribery. It is therefore unclear whether enhanced due diligence is consistently applied in practice. The FATF MER (2024) similarly found that, although recent reforms strengthened the definition of PEPs, practical implementation remains uneven and awareness among reporting entities is limited.

A.6.4. Raising awareness of foreign bribery as a predicate offence

64. At the time of Argentina’s Phase 3bis 2Y WFU, the WGB commended Argentina for initial awareness-raising efforts, including seminars, dissemination of corruption indicators, and one typology on foreign bribery-related money laundering. However, the Working Group considered that PEP-related warnings to reporting entities were limited in scope, case- and country-specific, and insufficient to meet the recommendation, which the Working Group therefore considered only partially implemented.

65. No new typologies, red flags, or guidance specifically addressing foreign bribery-related money laundering have been issued since Phase 3bis. The UIF and the National AML Coordination Programme indicated that corruption appears in national risk assessments, but foreign bribery is not separately analysed. A 2024 training session referenced by Argentina raised awareness of the Anti-Bribery Convention, but did not specifically address matters of detection or reporting of money laundering predicated on foreign bribery. Officials acknowledged that Argentina has not developed sufficient case examples to identify patterns, although foreign bribery cases have now been detected through AML channels. Without foreign bribery-specific typologies, reporting entities have limited practical guidance on how such conduct may appear in financial activity; further efforts in this area could therefore meaningfully strengthen detection capacity.

Commentary

The lead examiners welcome Argentina's progress in detecting foreign bribery through its AML system, including four cases identified since Phase 3bis, and commend the strong analytical work of the UIF and PROCELAC. They also note positively the extension of reporting obligations to legal professionals, which fully implements recommendation 8(a), and the expanded PEP regime under UIF Resolution 35/2023.

Despite these advances, detection of money laundering predicated on foreign bribery still depends primarily on UIF analysis, while reporting entities, especially DNFBPs, have limited tools to identify bribery-related red flags. Accordingly, recommendations 8(b) and 8(d) remain only partially implemented.

To strengthen detection in practice, the lead examiners therefore recommend that Argentina consolidate progress by developing practical guidance, training and typologies on money laundering predicated on foreign bribery, including for the handling of PEPs and other high-risk indicators, to support reporting entities in identifying and reporting relevant suspicious transactions.

A.7. Preventing and detecting foreign bribery through accounting and auditing measures

66. Argentina's accounting and auditing framework has seen incremental developments since Phase 3bis, including partial convergence of national accounting standards with International Financial Reporting Standards (IFRS) and continued supervision of auditors by provincial councils and sectoral regulators. Nevertheless, as in previous evaluations, no foreign bribery case has been detected through accounting or auditing mechanisms. On-site discussions confirmed that while awareness of fraud risks has grown within the profession, foreign bribery is not systematically identified as a separate risk or incorporated into audit planning.

67. Four Phase 3bis recommendations remained outstanding going into Phase 4: recommendation 9(a) to strengthen accounting standards and convergence with IFRS; 9(d) to clarify scope of external audits and ensure full implementation of the International Standards on Auditing (ISA); recommendation 9(e) to ensure auditors take greater account of foreign bribery risks; and recommendation 9(f) to ensure auditors promptly report suspicions to authorities in the absence of adequate company action. Argentina's Phase 4 questionnaire responses and on-site discussions provided some updated information, but important gaps persist in all four areas.

A.7.1. Accounting standards

68. At Phase 3bis, the WGB recommended Argentina align its accounting and auditing standards with international benchmarks (IFRS and ISA) to improve the detection of foreign bribery. At that time, Argentina had adopted IFRS for listed companies, financial institutions, and insurers, but not for non-listed companies or SMEs. At the time of the Phase 3bis 2Y WFU, the Working Group considered the recommendation only partially implemented: Argentina had authorised IFRS for all companies supervised by the *Inspección General de Justicia* of Buenos Aires (IGJ) and had planned full IFRS adoption for insurance companies, but it had not clarified the position for SOEs or for SMEs outside the jurisdictions of the IGJ and CNV.

69. The 2024 FATF MER findings also noted that gaps in accounting standards and uneven application among SMEs and professionals weaken Argentina's ability to detect corruption-related money laundering. The same reasoning applies to foreign bribery: if SMEs (including those active internationally)

are not required to keep high-quality records aligned with IFRS, detection through audits and STRs is hindered.

70. As of Phase 4, listed companies in Argentina apply full IFRS, supervised by the CNV. SMEs and other unlisted companies apply accounting standards issued by the Argentine Federation of Professional Councils in Economic Sciences (FACPCE). These standards have been progressively amended to bring them closer to IFRS for SMEs and are expected to be substantially updated through Technical Resolution 54 (RT 54), due to enter into force in 2026. During the on-site visit, FACPCE confirmed that convergence with IFRS for SMEs is ongoing but not yet complete.

71. The accounting framework applicable to SOEs remains heterogeneous. Argentina clarifies that all SOEs may apply IFRS on a voluntary basis, and that application of IFRS is mandatory for those SOEs subject to supervision by the CNV, the BCRA or the Superintendency of Insurance (SSN). Some SOEs have begun implementing IFRS on this basis. In parallel, supervisory bodies such as Office of the Comptroller General (*Sindicatura General de la Nación*, SIGEN) and the Auditor General (AGN) encourage IFRS use through guidance and training, but obligations are not uniform across the SOE sector. Argentina has not articulated a consolidated roadmap to ensure consistent IFRS application across SOEs and SMEs active internationally.

72. Auditors at the on-site indicated that accounting standards do require disclosure of related-party transactions and high-risk arrangements such as off-balance-sheet items. However, no guidance has been issued on how such disclosures could relate to foreign bribery risk, nor whether accountants receive training on identifying suspicious accounting practices potentially linked to bribery.

A.7.2. External audits

73. In Phase 3bis, the Working Group recommended that Argentina clarify which entities are legally required to undergo external audit, ensure full implementation of International Standards on Auditing (ISAs) across Buenos Aires and all 23 provinces, and strengthen audit quality standards, including requirements for auditor qualifications and effective quality-control mechanisms. At the 2YWFU, the Working Group found the recommendation only partially implemented: Argentina had not clarified whether unlisted commercial companies were legally required to be externally audited, and had not explained whether ISAs applied to audits of companies that do not use IFRS.

74. *Entities subject to audit:* At Phase 3bis, the Working Group noted uncertainty regarding which unlisted companies were legally required to undergo external audit. At Phase 4, Argentina clarifies that, under the applicable legal framework, all commercial companies are required to submit annual financial statements, which are generally accompanied by an external auditor's report, in accordance with auditing standards approved by FACPCE. During the on-site visit, representatives of the audit profession reported that *most* companies, including SMEs, must submit annual financial statements accompanied by an auditor's report, and that only a limited category of companies is exempt from external audit, while still being required to prepare annual accounts. However, Argentina did not specify the legal norms governing these obligations, the categories of companies exempt from external audit, or the proportion of companies concerned, nor did it clarify whether these requirements apply uniformly across all provinces.

75. *Audit standards (ISA implementation):* The Phase 3bis report highlighted the coexistence of ISAs and lighter national auditing standards for non-listed companies. During the Phase 4 on-site, auditors stated that Technical Resolution 37 requires national standards aligned with ISA "fundamentals", but not fully equivalent to ISA. Argentina did not confirm whether full ISAs now apply nationwide. FACPCE Resolution 57 (2023) updated quality control requirements to reflect recent IAASB and IESBA standards, but its practical implementation has yet to be assessed.

76. *Auditor qualifications and quality control:* Concerns raised in Phase 3bis remain relevant. Argentina has not introduced new qualification requirements beyond registration as a chartered

accountant, and there is still no national system of professional examinations nor a standardised experience requirement. Oversight of audit quality varies: CNV and BCRA supervise audits of their regulated entities; SIGEN oversees audits of SOEs; and provincial councils supervise private-sector auditors. With respect to SOEs, Argentina notes that SIGEN Resolution No. 399/2025 strengthened governance standards for some of them, including enhanced oversight of external auditors' independence and monitoring compliance with integrity policies; while these developments are positive, they apply only to a subset of SOEs and do not establish a uniform, system-wide audit quality framework. On-site, auditors acknowledged that quality control processes differ significantly by firm, and that inspections by regulators rarely focus on corruption or foreign bribery risks.

A.7.3. Detection and reporting of foreign bribery through auditing

77. In Phase 3bis, the Working Group recommended that Argentina ensure external auditors and audit firms actively consider foreign bribery risks when conducting audits (recommendation 9(e)), and require auditors and *síndicos* outside SOEs to promptly report suspicions of foreign bribery to competent authorities, particularly where internal reporting within the company does not lead to corrective action (recommendation 9(f)). At the 2Y WFU, both recommendations were deemed not implemented. Argentina had not taken steps to encourage auditors to consider foreign bribery risks nor issued any foreign bribery-specific red flags or guidance, and existing guidelines applied only to financial institutions and majority state-owned companies. Regarding reporting obligations, Article 237 CPC applied only to accountants, did not explicitly cover auditors, and did not mention foreign bribery, leaving no clear requirement for auditors to report suspicions of foreign bribery to authorities.

78. *Awareness and audit planning (recommendation 9(e))*: In its Phase 4 responses, Argentina refers to BCRA requirements for audits of financial institutions, under which fraud-risk assessments include transnational bribery. Argentina further cites two recent trainings in 2024 and 2025 directed at SOEs and their auditors. However, no initiatives have been taken concerning private-sector auditors of private corporations. At the on-site, auditors stated they consider foreign bribery as part of "fraud risk" when planning audits. They explained that firms apply ISA-based fraud-risk methodologies, KYC procedures, and ethics codes, and escalate suspicious matters internally through partners, risk committees, and, where applicable, corporate audit committees. However, auditors also noted that they have no foreign-bribery-specific red flags, risk indicators, or training materials. The absence of such tools limits their ability to identify patterns unique to foreign bribery, such as disguised commission payments, inflated agent fees, or complex offshore structures.

79. *Reporting obligations (recommendation 9(f))*: Argentina has not introduced a legal obligation requiring auditors outside the financial sector to report suspected foreign bribery to law enforcement or regulatory authorities. Phase 4 on-site discussions confirmed that audit firms treat foreign bribery as part of their broader fraud-risk assessments and have internal protocols for escalating concerns: auditors first report to their engagement partner, who may then refer the matter to the firm's risk partner or internal committee, followed by notification to the company's governance bodies (management, audit committee, comptroller or *síndicos*). Auditors indicated that they expect companies to investigate and, where necessary, engage forensic specialists (different from the audit team). However, if management fails to take appropriate action, auditors stated that their response would be to disengage rather than alert external authorities. This remains short of the expectations of the Anti-Bribery Recommendation, which envisions reporting to competent authorities where internal escalation does not result in appropriate remedial measures.

Commentary

Regarding accounting standards, the lead examiners welcome the strengthening of accounting standards but note that Argentina has not completed convergence with IFRS for SMEs, nor

provided clarity on SOE requirements. Phase 3 bis recommendation 9(a) therefore remains partially implemented.

Regarding external audits, the lead examiners consider that, while some progress has been made to update audit standards (e.g. RT 54), Argentina has not clarified mandatory audit scope nationwide, nor completed ISA harmonisation, nor addressed longstanding concerns about qualification requirements and audit quality controls. Phase 3bis recommendation 9(d) therefore remains partially implemented.

Regarding detection and reporting by auditors, the lead examiners note that awareness of foreign bribery among auditors has improved modestly since Phase 3bis, including through BCRA requirements for financial institutions and recent trainings directed at SOEs and their auditors. These developments constitute partial progress toward implementing recommendation 9(e). However, foreign bribery detection has not increased in practice, and no measures have been taken to extend these initiatives to private-sector auditors more broadly. No statutory reporting obligation exists for auditors, and Argentina has not taken steps to ensure reporting to competent authorities where internal escalation does not lead to corrective action; recommendation 9(f) therefore remains not implemented.

The lead examiners therefore recommend that Argentina consolidate progress by taking a more integrated approach to preventing and detecting foreign bribery through accounting and auditing measures. In particular, Argentina should:

- a. Complete convergence of national accounting and auditing standards with IFRS and ISA, including clarifying the requirements applicable to SOEs and unlisted companies,
- b. Strengthen audit quality and oversight through clearer qualification requirements for auditors and more consistent quality-control reviews, and
- c. Develop practical tools, such as foreign-bribery red flags, guidance notes, and targeted training, to support auditors across both the public and private sectors in identifying and appropriately escalating suspicions of foreign bribery, including where company responses are inadequate.

These steps would address the remaining gaps under Phase 3bis recommendations 9(a), (d), (e), and (f), and significantly enhance the role of the profession as a source of detection.

A.8. Self-reporting by companies

80. The Working Group has recognised that self-reporting (or voluntary disclosure) by companies is an invaluable source of detection of foreign bribery. Across the Parties to the Convention, self-reporting by companies accounts for approximately a quarter of all foreign bribery cases detected since the entry into force of the Convention (OECD, 2017^[17]). In the last decade, an increasing number of countries have developed incentives to encourage voluntary disclosure, including by making it a mitigating factor or a condition to have a case resolved through a NTR.

81. Argentina's CLL includes two key provisions aimed at encouraging companies to self-report foreign bribery. Article 8 identifies self-reporting as a mitigating factor in sentencing, though no case law yet illustrates how courts will apply this provision. Article 9 allows for exemption from corporate criminal liability if a company self-reports and meets additional criteria; however, this exemption/defence has not been used to date (see section C.1 on Liability of Legal Persons). The CLL also permits effective collaboration agreements as a NTR mechanism, though voluntary disclosure is not an expressly stated prerequisite for entering such agreements under the CLL.

82. To date, no foreign bribery investigations in Argentina have been initiated through corporate self-reporting. There is limited enforcement of the CLL in general and thus limited data to assess whether the CLL has incentivised such disclosures in corruption matters. The only known instance of self-reporting under the CLL involved a domestic corruption case, where a foreign parent company disclosed misconduct by former executives of its Argentine subsidiary. This led to an effective collaboration agreement with Argentine authorities in 2022, approved by the court in September 2024. The agreement remains in force, subject to compliance conditions, and was made public in April 2024 through related proceedings against implicated natural persons.

83. Argentina has undertaken efforts to raise awareness of self-reporting incentives under the CLL, primarily targeting law enforcement. PROCELAC has participated in events organised by law firms, ethics and compliance associations, and the national prosecutors' association between 2022 and 2025. The Public Prosecutor's Office (PPO), in cooperation with the OA, has also trained prosecutors on the provisions related to self-reporting and corporate liability. Additionally, the Judicial Council's training programme for law enforcement includes a module on corporate criminal liability and self-reporting, and Argentine prosecutors have received capacity-building support from UK counterparts. Additional awareness raising on the CLL is planned for public officials, including procurement units of the government who contract with the private sector in the second quarter of 2026. While such initiatives are commendable, to date, these activities have mainly been aimed at law enforcement rather than the private sector. Moreover, there is limited guidance available to companies on the extent of the leniency conceded to a self-reporting offender and how much self-reporting weighs on the prosecutor's decision to invite a company to negotiate an effective collaboration agreement.

84. Limited corporate enforcement, insufficiently transparent collaboration agreements, and the absence of clear guidance on the benefits of voluntary disclosure under the CLL contribute to legal uncertainty which may discourage companies from coming forward. Non-governmental organisations (NGOs) and private sector stakeholders have stated that uncertainty around legal and procedural outcomes may discourage companies from self-reporting, and have noted the importance of clear protocols or guidelines from the OA or PPO to clarify the circumstances under which corporate self-regulation could lead to exemption from liability under Article 9, for example (Saccani, 2024^[18]). During the on-site visit, representatives from the private sector, legal community, academia, and civil society emphasised that to drive corporate accountability, self-reporting mechanisms under the CLL must also be supported by strong enforcement to be effective. Several participants noted that for corporate self-reporting to be effectively incentivised, the risk of detection and prosecution must be real and present, with some participants noting that they did not think companies were sufficiently incentivised to self-disclose under the current framework. The effectiveness of Argentina's CLL in promoting self-reporting could be improved by strengthening enforcement efforts and providing clearer guidance.

Commentary

Voluntary disclosure by companies remains sparse in Argentina, partly due to the lack of clarity and predictability surrounding the process and benefits of self-reporting under the CLL, compounded by the very limited number of concluded foreign bribery and corruption cases (noting one domestic bribery case was opened based on a voluntary disclosure). The lead examiners therefore recommend that Argentina issue guidance on voluntary disclosure measures in the CLL, with a view to increasing clarity and transparency on the process of self-reporting and the enforcement outcome, in line with Anti-Bribery Recommendation XVIII.ii-iii.

A.9. Whistleblowing and whistleblower protection

A.9.1. Absence of a legal framework for protection of reporting persons

85. Since Phase 2, Argentina has failed to address the Working Group's longstanding recommendation to ensure whistleblower protection in the public and private sectors, as per Anti-Bribery Recommendation XXII. As of the Phase 3bis 2YWFU, the Working Group's recommendation to Argentina to ensure as a matter of priority appropriate whistleblower protections are in place remained unimplemented (recommendation 12(b)). In Phase 3bis, the Working Group assessed existing measures, such as witness protection or unjust dismissal rules, as inadequate, as they do not shield whistleblowers from workplace reprisals. References to the Repentance Law and the Corporate Liability Bill were also deemed irrelevant: the former only applies to offenders who cooperate with the authorities in the investigation of other crimes, while the latter applies to companies, not individuals reporting misconduct.

86. At the time of this report, Argentina still lacks a comprehensive legal and institutional framework to protect public or private sector employees who report suspected foreign bribery. In its responses to the Phase 4 questionnaire, Argentina relies primarily on the National Programme for the Protection of Witnesses and Defendants (Law 25 764), which protects individuals whose lives or physical integrity are at risk due to their cooperation in judicial investigations. The programme is managed by the Ministry of Security and provides measures such as relocation, police protection, assumed identities, and temporary financial assistance. However, it does not provide compensation for workplace reprisals and remains designed for criminal witnesses, not whistleblowers in a work context.

87. Argentina stated at the onsite visit that the MOJ is preparing draft legislation that would provide for whistleblower protections in line with Anti-Bribery Recommendation XXII, but no draft or timeline was provided.

88. Argentina also cites various institutional initiatives, including within INAES, which created an Integrity and Transparency Unit and an "ethical channel" for complaints, allowing anonymous reporting and disallowing retaliation. However, these are limited to a specific agency and do not amount to a general whistleblower protection framework. Some private sector participants during the onsite visit recognised the lack of a legislative basis for whistleblower protections, but noted that their companies had internal controls, ethics and compliance programmes with channels for reporting misconduct, including anonymously, and protections for reporting persons.

89. There was an overall lack of awareness and understanding of the importance of, and what constitutes, effective whistleblower protections among onsite visit participants from both the public and private sectors. A majority of representatives from both the public and private sectors confused whistleblower protections with legal frameworks in Argentina for legally-mandated labour rights and/or for witness protection, as had been the case in previous evaluations of Argentina by the Working Group. Discussions at the onsite visit with non-government stakeholders further revealed there may be a negative perception of whistleblowing in Argentina. Should Argentina take on the task of developing a legal framework for the protection of reporting persons, it will be essential to also invest in efforts to ensure a clearer understanding of the benefits of whistleblower reporting and what constitutes effective whistleblower protections, in line with the detailed standards with the Anti-Bribery Recommendation.

A.9.2. Reporting channels and detection of foreign bribery by whistleblowers

90. Multiple government agencies provide accessible channels for reporting corruption, including online forms and email addresses at PROCELAC, the OA, the Prosecutor's Office for Administrative Investigations (PIA), and the Ministry of Security. These channels allow for anonymous or confidential reporting and are publicised through institutional websites and social media campaigns. The OA has also issued guidance to citizens on how to file reports, including through automated responses on social media.

Argentina cites figures showing that, between 2020 and 2025, PROCELAC initiated 34 cases (4.7% of its total) based on anonymous complaints, with examples of such cases being forwarded for further investigation. Argentina further notes that one case under the CLL was triggered by an anonymous complaint made by a company employee through an internal compliance programme, which led to an internal investigation and subsequent formal complaint.

91. These efforts show that Argentina has invested in making reporting channels diverse and visible, and that anonymous complaints can indeed lead to enforcement actions. This makes the absence of a whistleblower protection framework all the more contradictory: while channels exist to submit information, the individuals using them remain unprotected, and continue to risk workplace reprisals, undermining the effectiveness of these channels. In practice, individuals can submit information, but without safeguards against retaliation or guarantees of confidentiality beyond criminal witness protection, the deterrent effect on potential whistleblowers remains strong. The absence of protection therefore blunts the potential of these channels to detect foreign bribery.

Commentary

The lead examiners regret that Argentina has failed to take any meaningful step to address the Working Group’s longstanding recommendation concerning the protection of reporting persons/whistleblowers and consider that Phase 3bis recommendation 12(b) remains unimplemented. They therefore reiterate that Argentina should, as a matter of priority, adopt a comprehensive legal and institutional framework to protect persons in both the public and private sectors who report suspected foreign bribery and related offences, in line with Anti-Bribery Recommendation XXII.

In addition, the lead examiners note the persistent and widespread confusion observed during the on-site visit between whistleblower protection, witness protection and general labour protections, across government and non-government sectors. The lead examiners therefore recommend that Argentina undertake awareness-raising and capacity-building across public institutions, regulators, and the private sector to clarify the purpose and scope of whistleblower protection, including how it differs from other forms of protection and why it is essential for detecting foreign bribery. This, in turn, can provide the conceptual clarity needed to ensure that future legislative drafting is effective, complete, and designed on correct assumptions.

A.10. Detecting foreign bribery through the media

92. The Anti-Bribery Recommendation recognises the media’s role in combating foreign bribery, and encourages law enforcement authorities to proactively gather information from diverse sources, such as the media, to increase detection of foreign bribery and enhance investigations. In Phase 3bis, the Working Group was encouraged by nascent efforts made by PROCELAC to monitor and open investigations based directly on foreign bribery allegations published in the media, and decided to follow-up on whether law enforcement authorities routinely and systematically assess credible foreign bribery allegations that are reported in the media on a timely basis (Phase 3bis, follow-up issue 14(f)).

A.10.1. Media monitoring by law enforcement

93. Media monitoring has become an important source of detection for foreign bribery allegations in Argentina, with PROCELAC playing a key role in this effort. In practice, media sources are the most common source of detection for Argentina’s foreign bribery cases, including press reports from PROCELAC’s own media monitoring system and the Working Group on Bribery’s media monitoring collection. The CPPF allows the PPO to open a criminal investigation when it becomes aware of a possible offence, regardless of the source of that information. The PPO is not limited to formal complaints and can

act ex officio (Art. 25). Since Phase 3bis, PROCELAC has assumed responsibility for monitoring media for foreign bribery and other economic crimes, even though this role is not formally established by a resolution from the Attorney General (AG). During the on-site visit, several law enforcement authorities confirmed that PROCELAC actively monitors media to identify potential foreign bribery cases. To enhance its capabilities, PROCELAC upgraded its technology through an external service provider and developed a media search engine that scans national and international sources in at least four languages.

94. While Argentina has taken proactive steps to detect foreign bribery allegations it identified in the media, many cases did not result in an investigation due to evidentiary or jurisdictional limitations. Since Phase 3bis (2017), 17 foreign bribery allegations have surfaced and been reviewed by Argentine law enforcement. Of these, PROCELAC identified three through its own media monitoring system. Notably, Argentina's first sanctioned foreign bribery case was detected by PROCELAC's system, triggering a preliminary investigation within months and a formal investigation soon after (***Technological Services (El Salvador)***). PROCELAC has formally investigated every case it identified through its own monitoring, with one still ongoing.

95. In contrast, most allegations flagged by the WGB's own media monitoring (7) did not lead to the opening of an investigation. Although PROCELAC reviewed these allegations, it often found the media reports insufficient to justify opening even a formal preliminary investigation, as defined by the CPC. In most instances, this was due to valid legal constraints, such as lack of jurisdiction before the CLL enabled nationality jurisdiction under CC Article 1(3), or because the matter was already under investigation in a related matter and forwarded to the relevant prosecutor for their review. However, in a few cases, allegations were not formally pursued for lack of evidence, even though further inquiry might have supported an investigation or at the least, a preliminary investigation. For instance, the absence of proceedings in the jurisdiction of the allegedly bribed official was deemed sufficient to conclude that the facts did not constitute foreign bribery but rather breach of contract or fraud in the local jurisdiction. Argentina clarifies that, although no formal preliminary investigation was opened, prior investigative measures were undertaken, including consultation with the Bolivian Prosecutor's Office, before reaching this conclusion (***Construction and Engineering Parent Company (Bolivia)***). However, relying on a foreign authority's assessment may be insufficient, and additional investigative steps by competent Argentine authorities may be warranted to independently examine whether Argentine nationals or companies have engaged in foreign bribery (see also Annex A).

A.10.2. Freedom of the press and access to information

96. Non-government participants at the onsite visit underscored the important role Argentina's media plays in identifying corruption cases, including foreign bribery. However, these same participants expressed concern about the broader operating environment and potential pressures on press freedoms in Argentina. These concerns related in particular to recent regulatory and judicial developments affecting access to information, including the adoption of Decree 780/2024 modifying Law 27 275 on Access to Public Information, including definitions of 'public information' and a public 'document' (Argentina, 2024^[19]). Argentina explained after the onsite visit that Decree 780/2024 did not amend Law 27 275, but rather clarified its application with respect to personal data and documents held by public agencies but owned by private parties, and does not prevent journalists from requesting or receiving public information not protected by constitutional or legal safeguards. Argentina explained after the onsite visit that Decree 780/2024 was intended to clarify these definitions and guide public agencies on handling information containing citizens' personal data or documents held by the government but owned by private parties. A second concern related to a September 2025 court injunction barring the reporting of leaked audio attributed to a high-level government official allegedly implicating them in a domestic bribery scheme; the injunction was subsequently lifted at the official's request on 15 September 2025. Finally, according to Reporters without Borders, which publishes an annual global press freedom index, Argentina dropped from 66th in the world in 2024 to 87th in 2025 (Reporters Without Borders, 2025^[20]).

97. Freedom of the press and access to information play an important role in detection and public awareness raising on corruption. As Argentina transitions to a prosecutor-led criminal procedure under the CPPF, early investigative decisions and pre-trial assessments play an increasingly decisive role in determining whether allegations progress to investigation. In this context, effective detection through media reporting depends not only on monitoring capacity, but also on a legal and institutional framework that enables timely access to relevant information and transparency around prosecutorial decisions at the pre-trial stage.

Commentary

The lead examiners commend PROCELAC's continued efforts to enhance its media monitoring system as a proactive tool for detecting foreign bribery allegations. In practice, PROCELAC has identified most of its foreign bribery cases through media sources, including the case that led to Argentina's first concluded foreign bribery proceeding and sanction (*Technological Services (El Salvador)*). PROCELAC's media monitoring system, using technology that scans national and international media in multiple languages, represents a good practice.

However, the lead examiners note that a significant number of media-reported allegations did not result in the opening of formal preliminary investigations, despite being reviewed by PROCELAC. In this context, and consistent with the Phase 3bis follow-up issue, the lead examiners recommend that the Working Group continue to follow up on whether law enforcement authorities systematically and promptly assess credible foreign bribery allegations reported in the media, including sources from the Working Group's media monitoring.

Due to the central role that investigative journalism plays in bringing foreign bribery allegations to light, the lead examiners note concerns expressed by non-government participants during the on-site visit that the operating environment for the press has become more constrained since Phase 3bis. To preserve the media's ability to report on potential foreign bribery cases, the lead examiners recommend that Argentina ensure and safeguard robust access to information and an enabling environment for independent reporting on corruption-related matters.

B. Enforcement of the foreign bribery offence

B.1. Foreign bribery offence

98. As already mentioned, in 2019, the Working Group conducted a Phase 1bis evaluation following the entry into force of the CLL in March 2018. This Phase 1bis review focused on how the CLL addressed the serious deficiencies identified in Phase 3bis (2017), including weaknesses in the foreign bribery offence. The Phase 1bis report concluded that the CLL represented substantial progress: it introduced an improved and autonomous definition of a foreign public official (addressing earlier concerns regarding officials of SOEs and organised foreign entities), amended the wording of the foreign bribery offence by adding “unduly”, established nationality jurisdiction over Argentine nationals who commit foreign bribery abroad, and introduced a new sanctions provision (Art. 259bis CC) allowing for the imposition of fines against natural and legal persons in foreign bribery matters (OECD, 2019^[4]), paras. 76, 97) (OECD, 2019^[3]). As a result of this Phase 1bis evaluation, several Phase 3bis recommendations relating to the legislative framework were found to be fully implemented at the time of Argentina’s 2Y WFU in 2019 (see Annex D).

99. Nevertheless, a couple smaller textual differences remained between the Convention and Argentine legislation, which the Working Group decided it would follow up on (see Annex D), namely:

- **“Unduly offers, promises or gives”**: The CLL amended the foreign bribery offence in Article 258bis CC, by inserting the term “unduly”.⁵ While this aligned the provision more closely with the Convention, the placement of the word (“unduly offers, promises or gives”) differs from the Convention, where ‘unduly’ qualifies the *advantage*. Argentina argues this distinction has no practical impact.
- **Definition of “foreign public official”**: The CLL introduced a broader definition, extending coverage to persons elected or appointed to public functions “at any level or territorial division of government” and to officials of any “body, agency or state-owned enterprise” where the state exerts direct or indirect influence. This brought Argentina much closer to the Convention standard. However, the Working Group identified some residual issues for follow-up:
 - Uncertainty over whether *employees of state-controlled enterprises* (not formally state-owned) are covered, and
 - Bribery of *persons holding legislative, administrative, or judicial office*: while not explicitly mentioned in those terms, Argentina contends they are included under the concept of “public function” as interpreted in domestic law. Argentina further points to the domestic bribery offence in Article 256 CC to show that the term “public official” includes judges and prosecutors.

100. Given only one foreign bribery case was finalised, furthermore through a NTR, these issues have not been clarified through court decisions.

B.1.1. Acts outside an official's authorised competence

101. In addition to the above textual points, the Working Group has also continued to follow up since Phase 2 whether Article 258bis CC covers situations where a bribe is paid for an act outside an official's authorised competence. As no foreign bribery case has yet been adjudicated, the issue remains untested in practice. Argentina maintains that the offence already captures such conduct: Article 258bis criminalises situations where an official “delays, omits or abuses” their position to influence a decision, which, in Argentina's view, includes acts performed under colour of office even if beyond formal powers. To support this interpretation, Argentina relies on domestic jurisprudence under Articles 256 and 258 CC (e.g. *Molina, Bramajo, Castro, Boudou*), where courts have consistently held that exceeding or usurping functions does not exclude liability where the act is connected to the official's position. Argentina therefore considers that the same reasoning applies to foreign bribery, though acknowledges that no case law has yet confirmed this.

B.1.2. Solicitation (“illicit demand”) as a potential defence

102. The Working Group has also monitored whether solicitation by a foreign public official could exclude liability for the active briber. While solicitation may bar liability under the domestic active bribery offence in Article 258 CC, because of its structural link to the passive offence, Argentina reiterates that this concern does not apply to Article 258bis CC, which is an autonomous offence with no corresponding passive provision for foreign officials. Though no foreign bribery case law exists yet addressing directly this point, Argentina points to legal doctrine, according to which a payer remains liable even if the bribe was requested, except where the conduct amounts to coercion or extortion, in which case the payer is treated as a victim. Argentina cites the Supreme Court's reasoning in *González, Julio v. Estado Nacional* (318:2310) in support. Argentina further explains that draft reforms to the CC explicitly address this issue, making clear that the payment of a bribe remains punishable even if “requested” by an official.

Commentary

In the absence of case law, the lead examiners recommend that the Working Group continue to follow up on application of the foreign bribery offence in practice, to ensure that the following elements are interpreted in conformity with the requirements of the Anti-Bribery Convention and Recommendation: (i) the placement and effect of “unduly” in Article 258bis CC; (ii) the scope of the definition of “foreign public official”, including officials of state-controlled enterprises and persons exercising legislative, administrative, or judicial functions; (iii) the coverage of bribes paid for acts performed outside an official's authorised competence; and (iv) that solicitation (“illicit demand”) by a foreign official cannot be invoked as a defence to active foreign bribery.

B.2. Investigative and prosecutorial framework

103. This section outlines the institutional architecture responsible for investigating and prosecuting foreign bribery in Argentina, including the roles of the PPO, specialised bodies within the PPO such as PROCELAC, investigative judges, and complementary oversight and enforcement agencies. It also examines the ongoing transition from the inquisitorial system to the accusatorial model under the CPPF, a reform with significant implications for the effectiveness, coordination, and timeliness of foreign bribery enforcement.

B.2.1. Law enforcement bodies and institutional responsibilities

104. This section describes the authorities involved in investigating and prosecuting foreign bribery in Argentina, and assesses the extent to which resourcing and specialisation needs identified in Phase 3bis

have been addressed. In Phase 3bis, the Working Group recommended that Argentina (i) ensure adequate resources for foreign bribery investigations and prosecutions, and (ii) consider assigning these matters to specialised investigative judges and prosecutors with expertise in complex economic crime (recommendation 5(f), partially implemented). At the time of the Phase 3bis 2Y WFU, the recommendation remained only partially implemented: while PROCELAC had created a dedicated foreign bribery unit, investigative judges were still unspecialised, the effectiveness of other specialised units had not yet been tested, and Argentina had provided no information on budgets, staffing levels, or caseloads. Persistent delays in foreign bribery cases continued to raise concerns about whether the system had sufficient resources to handle complex investigations. The analysis below reviews progress since Phase 3bis and identifies remaining gaps.

Public Prosecutor's Office (Ministerio Público Fiscal, PPO)

105. Under both the current CPC and the new CPPF (where implemented), foreign bribery investigations are formally conducted by a federal prosecutor and a federal judge (under the CPC) or by a federal prosecutor with judicial authorisation for certain measures (under the CPPF). Under the CPPF, prosecutors assume full responsibility for investigations, with judges authorising certain investigative measures. No foreign bribery case has yet been investigated under the CPPF (see section B.2.2. for further explanations on the CPPF).

106. Argentina does not operate a system of prosecutorial assignment based on specific offences. Rather, case allocation is determined by territorial and subject-matter jurisdiction (federal, national or provincial). Foreign bribery cases fall within federal jurisdiction and are handled by federal prosecutors. While several foreign bribery complaints have been initiated by the specialised unit, PROCELAC (see below), including through preliminary investigations and criminal complaints, once a case is formally opened it is assigned to a federal prosecutor's office, which is responsible for directing the investigation.

107. Argentina reports 192 federal prosecutors and 256 assistant prosecutors, but did not indicate how many have experience in complex economic crime or foreign bribery. Although specialisation exists through institutional support mechanisms (see below), foreign bribery matters are not systematically assigned to prosecutors with prior experience in complex economic crime. Resource increases since Phase 3bis at the PPO largely reflect inflation rather than a structural expansion of dedicated economic-crime capacity.

108. With the transition to the CPPF, this structure will evolve significantly. The accusatorial system introduces a functional organisation within prosecutorial units built around distinct areas of intervention, including a clear separation between simple and complex cases. Argentina asserts that this allows resources to be allocated more efficiently and enables prosecutors to specialise according to the nature of the criminal activity under investigation. Within this model, a District Prosecutor coordinates and oversees prosecutorial units within each jurisdiction, including organising case distribution, forming temporary investigative teams for complex cases, and liaising with other public authorities and law enforcement bodies involved in federal criminal investigations.

109. Regarding training, efforts include Judicial Council foreign bribery courses (85 participants in 2024); AML/CFT training; and programmes on corporate liability, international cooperation, and asset recovery. Training on the CPPF and complex litigation has also been delivered. However, the extent to which such training reaches prosecutors who handle foreign bribery cases remains uncertain.

Special Prosecutorial Office for Economic Crimes and Money Laundering (PROCELAC)

110. Since Phase 3bis, PROCELAC has played a central institutional role in strengthening foreign bribery enforcement. It provides specialised technical support and operational assistance to federal prosecutors in complex economic crime matters, including foreign bribery. Its functions include conducting

preliminary investigations, filing criminal complaints where appropriate, systematic media and open-source monitoring, and supporting case prosecutors in evidentiary analysis and international cooperation. Once a complaint is filed, however, the investigation is formally directed by the assigned federal prosecutor.

111. PROCELAC maintains five Operational Areas: Tax Crimes and Smuggling; Money Laundering and Terrorist Financing; Insolvency and Bankruptcy; Fraud and Capital Markets; and Public Administration Offences, which includes foreign bribery. In addition, there is an Administrative Area, a Technical Area, and a PROCELAC regional office located in Rosario, Province of Santa Fe. As of 2026, it had 81 staff members, in addition to the Prosecutor General in charge, and a regional office in Rosario. PROCELAC conducts systematic monitoring of all ongoing foreign bribery matters. During the on-site visit, both PPO and PROCELAC officials emphasised the high degree of cooperation between PROCELAC and the federal prosecutors' offices in Buenos Aires, where all foreign bribery cases are currently concentrated. Stakeholders consistently described this relationship as effective and technically strong.

112. PROCELAC has significantly expanded its outreach and training role, disseminating WGB materials, participating in regional and global law enforcement network, including the WGB LEO network, the OECD Latin-America and Caribbean Law enforcement Network (LAC-LEN) and the OECD GLEN, and coordinating training with foreign partners (e.g. UK SFO, NCA). This has contributed positively to institutional knowledge and PROCELAC is widely acknowledged by stakeholders as the PPO's institutional centre of expertise for foreign bribery and corporate liability, as reflected by law enforcement authorities and non-government participants (NGOs, private sector lawyers) during the on-site visit.

113. Nevertheless, as noted above, Argentina's model prioritises specialisation through institutional support rather than offence-based case allocation. Although 2025 internal guidance (PGN Resolution No. 27/25) urges prosecutors handling complex cases to seek the cooperation of specialised units such as PROCELAC, foreign bribery cases continue to be handled through investigative and prosecutorial structures (investigative judges and federal prosecutors under the CPC; federal prosecutors under the CPPF). While PROCELAC's expertise is deepening, the officials formally responsible for prosecutions remain generalists with limited experience in complex economic crime. PROCELAC also highlighted ongoing resource constraints during the on-site visit, noting that additional human resources, technological tools, and dedicated investigative personnel (including judicial police) would significantly enhance its ability to support complex cross-border investigations. These limitations, combined with the fact that foreign bribery cases could arise in federal jurisdictions beyond Buenos Aires, raise questions as to whether similar levels of expertise and coordination would be available nationwide.

Investigative judges

114. Under the current inquisitorial CPC, investigative judges formally lead foreign bribery investigations. They are responsible for opening investigations, ordering key investigative measures, authorising special investigative techniques, and overseeing the work of the police and prosecutors.

115. In practice, however, prosecutors may play an increasingly active role in investigations pursuant to Articles 196 et seq. of the CPC, which allow investigative judges to delegate investigative steps to the Public Prosecutor's Office. At the on-site visit, prosecutors, judges, defence lawyers, and academics all indicated that investigative judges have begun stepping back from hands-on investigative responsibilities in anticipation of the future prosecutorial system (CPPF), even in jurisdictions where the CPPF has not yet entered into force. Prosecutors therefore increasingly direct investigations, with investigative judges intervening mainly to authorise measures or resolve procedural motions.

116. The ongoing transition from the inquisitorial model to the accusatorial system under the CPPF entails a redefinition of judicial functions, with investigative judges assuming the role of guarantee judges once the new system is implemented. Argentine authorities emphasise that this shift does not diminish judicial authority but strengthens the control of legality, procedural safeguards, and the protection of rights.

Nonetheless, several stakeholders at the on-site observed that some investigative judges have developed significant expertise in managing complex financial crime investigations over many years, and that care will be needed to ensure that this accumulated technical knowledge continues to be effectively deployed within the new procedural framework.

117. As no foreign bribery case has yet been handled under the CPPF, the current framework remains formally judge-led while evolving toward a more prosecutor-driven model in practice. During this transitional phase, clear coordination and allocation of responsibility between investigative judges and prosecutors is essential to avoid fragmentation and delay. Ensuring that specialised expertise (both prosecutorial and judicial) is preserved and integrated into the new system will be critical to maintaining effective enforcement of foreign bribery cases.

Directorate for Judicial Assistance in Complex Crimes and Organised Crime (DAJUDECO)

118. DAJUDECO is a technical support body of the Supreme Court providing multidisciplinary expert assistance in complex criminal investigations. Its mandate includes financial analysis, beneficial-ownership inquiries, property tracing, cyber/crypto analysis, accounting expertise and translations. This support is essential for foreign bribery, and stakeholders described DAJUDECO as a key contributor in complex cases.

119. Argentina reports that since its creation in 2016, DAJUDECO has progressively expanded its staffing and activity levels, with a substantial increase in assistance requests across multiple technical areas (communications interception, financial and property analysis, and other complex-crime support). However, Argentina did not provide data disaggregated for foreign bribery cases, nor information on staffing allocated to foreign bribery matters, the volume of requests, or average waiting times. Civil-society submissions to the evaluation team suggest that limited availability of expert resources may contribute to investigative delays. As a result, while overall activity has increased, the extent to which DAJUDECO capacity has grown in real terms for foreign bribery enforcement since Phase 3bis, and whether resource constraints contribute to delays in such cases, remains unclear.

Federal Police and other police forces

120. The Argentine Federal Police (PFA) only provides operational support to judges and prosecutors, and thus has limited direct relevance to foreign bribery. The PFA includes units specialised in economic crime and corruption that may support foreign bribery investigations, at the request of prosecutors or investigative judges. Other forces (*Gendarmería*, *Prefectura*, PSA, SPF) may assist, but have limited linkage to foreign bribery cases.

Anti-Corruption Office (OA)

121. The OA has a domestic corruption mandate, with therefore only marginal relevance for foreign bribery, as it investigates corruption offences involving the national public administration, and may act only where an Argentine public official is also implicated, which would be a rare occurrence in a foreign bribery investigation. In the context of a case of bribery of a foreign public official by an Argentine company, the OA could potentially be involved if an Argentine SOE official were the bribe giver. The OA has detected one foreign bribery case to date, which started from a fraud complaint filed by shareholders of an Argentine company but subsequently forwarded to PROCELAC based on indices of foreign bribery. The foreign bribery investigation remains ongoing in the matter (**Gas Pipelines Contract (Brazil)**).

122. PROCELAC also reports that it has relied on OA information occasionally in preliminary investigations. OA training and joint initiatives (including DAJUDECO capacity-building) contribute indirectly to the broader anti-corruption ecosystem but do not materially affect foreign bribery enforcement.

Special Prosecutor's Office on Administrative Investigations (PIA)

123. The PIA is a PPO office which investigates corruption and administrative misconduct by Argentine public officials or by companies involving Argentine officials. Like the OA, PIA can handle foreign bribery only where an Argentine official is involved, which would be only in exceptional circumstance. PIA has not participated in any foreign bribery investigation to date.

124. PIA maintains a staff of 93 officials, but its relevance to foreign bribery is indirect. Its training initiatives (in collaboration with PROCELAC, UK SFO, and NCA) nevertheless strengthen national anti-corruption capacity and expertise more broadly.

Commentary

The lead examiners welcome the strengthened expertise within specialised units of the PPO, including PROCELAC and other specialised support bodies (such as PIA, DAFI, DGRADB and DIGCRI), as well as DAJUDECO whose officials demonstrated strong technical capacity and engagement during the on-site visit. Training opportunities have also expanded since Phase 3bis.

Nevertheless, some elements of Phase 3bis recommendation 5(f) remain only partially addressed. Although the transition to the CPPF has reduced the relevance of earlier concerns about specialisation of investigative judges, and recent internal guidance (PGN Resolution No. 27/25) encourages prosecutors handling complex cases to seek the cooperation of specialised units, no mechanism exists to ensure that foreign bribery cases are consistently handled by prosecutors with expertise in complex economic crime, particularly outside Buenos Aires. Questions also remain about whether law enforcement bodies dealing with foreign bribery cases, including PROCELAC, have the level of staffing and technological capacity required to keep pace with increasingly complex cross-border investigations.

Given the ongoing procedural transition and the uneven distribution of expertise across federal jurisdictions, the lead examiners consider that further progress is needed to ensure consistent investigative capacity nationwide. They therefore recommend that Argentina ensure that foreign bribery cases are systematically assigned to, and supported by, designated prosecutorial teams with demonstrable expertise, and that clear arrangements are in place to provide such teams with adequate expertise and resources. The lead examiners further recommend that the Working Group follow up on the impact of the CPPF rollout on investigative capacity and delays as implementation advances (to be considered in conjunction with the commentary under section B.2.2. below).

B.2.2. Transition from the CPC to the CPPF

125. The shift from Argentina's current inquisitorial system under the CPC to an adversarial system under the CPPF represents one of the most significant criminal justice reforms in recent decades. Under the CPPF, prosecutors (and no longer investigative judges) will assume primary responsibility for directing investigations, with judges acting as guarantee judges focused on authorisations and procedural oversight. This reform is expected to streamline investigations, reduce delays, and enhance prosecutorial agility in complex economic crime cases, including foreign bribery. At Phase 3bis, the Working Group therefore recommended that Argentina "promptly implement" the CPPF and ensure that the reform translates into shorter proceedings in practice (recommendation 5(d)). This recommendation was considered only partially implemented at the time of Argentina's Phase 3bis 2YWFU, as implementation had only occurred in 2 out of the 17 federal jurisdictions.

126. Rollout of the CPPF has been gradual and uneven. Although enacted in 2014, the system became operational only in 2019 in Salta and Jujuy, and its expansion was subsequently slowed by political transitions and the COVID-19 pandemic. Argentina reported renewed progress in 2024, and at the time of the on-site the CPPF had entered into force in 11 of the 17 federal jurisdictions. Implementation in the City

of Buenos Aires, where all foreign bribery matters have been dealt with to date, has been repeatedly postponed and is now scheduled for April 2026. Full nationwide entry into force is planned by December 2027. As a result, no foreign bribery case has yet been investigated or prosecuted under the CPPF, and all current cases remain governed by the CPC.

127. Information on the impact of the CPPF is limited, since only two jurisdictions (Salta and Jujuy) had operated under the CPPF for more than 18 months at the time of the on-site. Stakeholders from these jurisdictions consistently described the transition as positive: investigations reportedly progress more swiftly, prosecutorial decision-making is more transparent, and coordination between prosecutors, police, and specialist units such as DAJUDECO has improved. Prosecutors and judges from other provinces, as well as representatives from civil society, academia and the private bar, all expressed strong support for the CPPF, with an overwhelming majority describing the reform as overdue and necessary to address chronic delays in complex economic crime.

128. At the same time, the transition has created a prolonged hybrid phase. In many jurisdictions still formally under the CPC, investigative judges increasingly delegate investigative responsibilities to prosecutors pursuant to Article 196 CPC, in anticipation of the adversarial model. However, since the CPPF has not yet been fully implemented nationwide, investigations are often conducted under a framework in which roles are shifting but the full set of tools, structures, and resources of the CPPF are not yet in place. Several participants noted that this situation risks contributing to further delay and procedural uncertainty, particularly in complex cross-border corruption cases. Moreover, stakeholders highlighted an additional concern: the possibility that the specialised investigative expertise accumulated by certain investigative judges over many years may not be fully preserved once their role shifts exclusively to that of guarantee judges (see section B.2.1 above).

129. The transition period is especially relevant for foreign bribery enforcement. Given the length of Argentina's foreign bribery investigations and prosecutions, most existing cases may continue under the CPC for years, long after the CPPF has entered into force. Argentina emphasises that the structure of the PPO provides dynamic and specialised support through the specialised areas of the AG's Office under both procedural systems. Nevertheless, stakeholders noted that the coexistence of dual procedural frameworks, combined with the absence of offence-based case allocation, may create uncertainties in investigative leadership and capacity during the transition and could hinder the expeditious resolution of complex cross-border bribery cases.

Commentary

The lead examiners acknowledge the broad support for the CPPF from most Argentine stakeholders, and the early indications that it may help reduce chronic delays, strengthen prosecutorial leadership, and improve coordination in complex economic crime cases.

Nevertheless, the CPPF is not yet fully operational nationwide, and no foreign bribery case has been investigated or prosecuted under the new system. The lead examiners therefore recommend that Argentina ensure the timely and effective implementation of the CPPF across all remaining federal jurisdictions and take steps to preserve relevant investigative expertise during the transition. They further recommend that the Working Group follow up on the impact of the CPPF on foreign bribery enforcement as implementation progresses.

B.3. Conducting foreign bribery investigations and prosecutions

B.3.1. Opening and closing investigations, and bringing cases to trial

130. Although the rules governing the opening and closing of investigations under the CPC have remained largely unchanged since Phase 3bis, as outlined above, many Argentine provinces have adopted

the CPPF, a framework that has not yet been thoroughly assessed by the Working Group on Bribery. To date, however, no foreign bribery investigations have been initiated under the CPPF. Under both the CPC and CPPF, investigations may begin with a preliminary phase conducted by a prosecutor upon learning of an alleged crime (Art. 8, Organic Law of the Public Prosecutor's Office, Law 27 148; Art. 426 CPC; Art. 247 CPPF). These preliminary investigations are limited to actions that do not require judicial authorisation, and the evidence collected may be used to file a formal complaint with the court. If justified, formal charges are brought, and the accused is officially notified. In practice, PROCELAC has carried out preliminary investigations in nearly all foreign bribery cases opened since Phase 3bis. During the on-site visit, federal prosecutors and investigative judges emphasised PROCELAC's critical role in detecting foreign bribery and conducting preliminary inquiries to assess the credibility of allegations, which they noted enhances the overall efficiency of investigations.

131. Investigative procedure under current CPC: The legal framework under the CPC has not changed substantively since Argentina's Phase 3bis evaluation. The investigative judge is responsible for conducting the formal investigation (Art 193-353 CPC) but can delegate the investigation to a federal public prosecutor (Article 196 CPC). Delegations have been made in several foreign bribery investigations to date. Prosecutors can conduct all investigative acts (Article 198 CPC), but some measures require the prior authorisation of the investigative judge. Under Argentina's CC, a formal investigation (*instrucción*) is legally mandatory once the authorities become aware of a foreign bribery allegation (legality principle), including through a complaint (*denuncia*) (Article 71 CC). As noted above, all ongoing and closed foreign bribery cases have been conducted under the CPC, as most economic crime matters fall under the jurisdiction of Buenos Aires, which has not yet implemented the CPPF and is only scheduled to do so by April 2026.

132. Investigative procedure under CPPF: Under the new CPPF, prosecutors have exclusive responsibility for conducting investigations and prosecutions (Art. 88 and 196 CPPF). These functions include *inter alia* overseeing law enforcement agencies and the expert bodies assisting with criminal investigations (Resolution PGN No. 40/2019), managing chain of custody of evidence obtained (Resolution PGN No. 76/2019), ensuring that victims are properly assisted and protected (Resolution PGN No. 92/2023), and negotiating settlement agreements (Resolution PGN No. 92/2023).

133. The CPPF replaces the principle of mandatory prosecution (or legality principle) with the opportunity principle (Arts. 30-31 CPPF and Art. 59 CC). Prosecutors may terminate cases in several instances: the case does not seriously affect the public interest, is insignificant or if the accused has suffered serious physical or moral damage as a result of the act, which would make the application unnecessary (Art. 31 CPPF). The definition of public interest or insignificant is undefined in the CPPF. Nevertheless, the PPO must investigate cases that involve an (Argentine) public official or if it would be incompatible with international instruments or general instructions of the AG's Office based on criminal policy criteria (Art. 30 CPPF). Argentine authorities state that the exception of insignificance cannot apply and that there is "always an affected" public interest in foreign bribery cases. Termination may occur at any point from the receipt of the complaint.

134. Under the CPPF, once the prosecutor has finished the investigation, they may request termination of the case or file a formal accusation (Art. 268 CPPF), the step preceding oral trial. The prosecutor can close a case on the following grounds: (i) the investigated act has not been committed; (ii) the investigated fact does not fit into a criminal legal figure; (iii) the accused has not taken part in it; (iv) there is a cause of justification, blamelessness or absence of culpability; (v) once the investigation has been exhausted, there is no reasonable possibility of incorporating new evidence and there are no sufficient grounds to request the opening of the trial; (vi) criminal action has been extinguished; (vii) a criterion of opportunity, conciliation, reparation or suspension of the trial has been applied, and the conditions provided for in the CC and CPPF have been met (Art. 269 CPPF). A judge reviews requests for dismissal (Art. 270-273

CPPF). If an accusation is filed, then the case will proceed to oral proceedings before a court (Art. 274-280 and 281-293 CPPF). Federal criminal courts hear oral trials of foreign bribery matters.

B.3.2. Investigative techniques

135. Law enforcement authorities have an array of investigative techniques at their disposal under the CC, CPC/CPPF, as well as other laws (i.e. Law 26 047 – corporate registry law), and have used them in various ongoing and concluded investigations. No specific issues regarding investigative techniques were identified in Phase 3bis, however, there have been some developments regarding the tools available in investigations, including through the CPPF. Notably, Argentina implemented a national corporate registry, available online as of May 2019. Further, in 2024, Argentina also implemented a beneficial ownership registry available to authorised national authorities (e.g. PPO, UIF) that identifies the natural persons who directly or indirectly hold 10% of shares and/or voting rights in the corporation or trust (*Registro Público de Beneficiarios Finales*, RPBF) (Art. 4bis Law 25 246 and its amendment Law 27 739, Art. 28-33 Law 27 739).⁶

136. Special investigative techniques are available in investigations of all crimes, including foreign bribery. Law enforcement has access to wiretapping and surreptitious video recording (Art. 150-152 CPPF). Law enforcement authorities can conduct undercover operations (Law 27 319), interception and confiscation of postal and telegraphic correspondence, and interception of all types of communications, including mobile (CPPF Art 136 and 151). Judges may authorise the use of controlled deliveries (Art. 193 CPPF). DAJUDECO prepares technical reports on these special investigative measures (Operating Rules [*Acordada*] No. 2/2016, 30/2016, and 3/2017 issued by the CSJN).

137. Law enforcement has access to financial, banking and company information. The PPO, judicial authorities, and UIF may request information from national, provincial and municipal agencies as well as from private entities and individuals (Art. 7 Law 27 148; Law 21 526). Law enforcement authorities may request that private entities furnish any document necessary for investigations and prosecutions deemed relevant and useful. These entities are legally obligated to comply with such requests (Art. 122, 147, and 174 CPPF; Art. 7 of Law 27 148). Compensadora Electrónica S.A. (COELSA), the electronic clearing house that settles transactions among financial institutions, and the PPO signed an agreement that allows prosecutors, during an investigation, to request financial information through an online platform. Information subject to bank secrecy may be obtained during an investigation with judicial authorisation (Art. 39 of Law 21 526). Under the CPC, a judge must issue an order lifting bank secrecy, either ex-officio or at the request of the prosecutor. In contrast, under the CPPF, the prosecutor leading the prosecution can request this information without a prior judicial order (BCRA Communication “A” 7711).

138. Freezing and seizure of assets are available under Article 231 CPC, Article 310 CPPF and Article 23(9)-(10) CC which allow seizure of objects as evidence or for subsequent confiscation. AG resolutions promote implementing measures to freeze illicit assets before they are concealed or used (PGN Resolutions No. 129/09, 134/09, and 58/24). Article 23 CC also allows seizure to avoid “the consolidation of the benefit” of the crime or to “prevent the impunity of the offenders”.

139. Argentine law enforcement authorities have utilised many of these investigative techniques in its foreign bribery cases including search and seizure; forensic audits and forensic examination of digital evidence; use of corporate registries and witness interviews; information from UIF and other domestic agencies; interception of private communications; and production orders.

Commentary

The lead examiners welcome the steps taken by Argentina to increase investigative tools available to law enforcement since Phase 3bis, including the operationalisation of the national corporate registry and beneficial ownership registry.

B.3.3. Time limits for investigations and statute of limitation for natural persons

Legislative framework and jurisprudence

140. Argentina's legal framework provides for generous time limits for investigations and statute of limitation in corruption and foreign bribery matters. The time limit for investigations of foreign bribery was already determined to be sufficient under the CPC but has been improved by the CPPF. In Phase 3bis, Argentina stated that in practice four-month limitation period on the length of investigations under Article 207 CPC is not applied to complex economic crime cases. Under the CPPF, complex crimes which includes foreign bribery, are expressly exempt from the standard investigative time limits; the maximum time limit for a formal investigation, prior to issuing a formal indictment, in complex cases is six years (Art. 334-336 CPPF). The foreign bribery offence is subject to a six-year limitation period, which is suspended and restarted by major procedural acts. Hence, Argentine authorities have six years to summon a person (*declaración indagatoria*), another six years to investigate before filing the indictment (*requerimiento de elevación a juicio*), another six years to summon the accused for trial (*citación a juicio*), and a final six years from conviction (if appealed) until execution of the sentence (Art. 62(2) and 67 CC). Argentina states that while no formal rule allows for suspension of the limitation period due to MLA, in practice, "the processing of such requests is considered a valid procedural act that interrupts the statute of limitations, insofar as it is part of the investigation carried out by the court", although no jurisprudence appears to exist in foreign bribery matters to test this principle.

141. Recent jurisprudence in foreign bribery cases demonstrate that lower courts have taken a broad interpretation of the statute of limitations, in line with the 2014 Supreme Court ruling that lower courts should tend towards trying cases on their merits in corruption cases rather than applying the statute of limitation ((OECD, 2019^[3]), para 84) (Argentine Supreme Court, 2014^[21]). In **Mapping System (Panama)**, after formal accusations of foreign bribery were filed, the defendants challenged the action as time barred and moved to dismiss the matter. The lower court held that the statute of limitations should begin to run from the termination of the contractual relationship between the company under investigation and the foreign State, rather than from the initial acts of foreign bribery, as argued by the defence. The Court also held that the typical conduct referred to in Article 258bis CC cannot be limited to the date on which the contract was initially awarded, given that the criminal offence is not considered complete if the contract remains in force and is subject to subsequent amendments. Thus, the calculation of the statute of limitations may begin either from the moment the crime is committed or from the moment the criminal conduct ceases. The Court interpreted the statute of limitation consistent with international conventions ratified by Argentina, such as the Anti-Bribery Convention, which requires ensuring a sufficiently long limitation period to allow for the full development of investigations. This broad interpretation of the statute of limitations in foreign bribery matters was upheld on appeal.

Delay in foreign bribery cases persist

142. Despite Argentina's relatively long limitation periods, the Working Group has previously observed exorbitant delays in corruption investigations and trials against natural persons in Argentina. In Phase 3bis, the Working Group expressed concern about the slow pace at which Argentina's foreign bribery investigations had progressed and recommended that Argentina take steps to ensure that prosecutors and judges in economic crime cases act promptly and proactively without delay (Phase 3bis, recommendation 5(c)). The Working Group found this to be partially implemented at the 2YWFU, noting statistics showed little improvement in the average delay of corruption cases.

143. Since Phase 3bis, Argentina has made some progress in completing foreign bribery investigations and prosecutions; however, significant challenges persist in bringing cases to resolution. Law enforcement authorities continue to cite the statute of limitations as an obstacle in foreign bribery investigations, and many proceedings have faced motions from defendants claiming actions were time-barred. For instance,

in addition to the **Mapping System (Panama)** case, defendants in **Technological Services (El Salvador)** raised such motions before ultimately entering a NTR. Prolonged timelines for concluding investigations and initiating trials undermine enforcement effectiveness. Furthermore, extended limitation periods may inadvertently discourage authorities from acting proactively, weakening Argentina's ability to secure timely prosecutions.

144. On the positive side, Argentina has advanced some cases since Phase 3bis. One foreign bribery case concluded through an abbreviated trial procedure, resulting in a conviction (**Technological Services (El Salvador)**), and another progressed to indictment against three individuals (**Mapping System (Panama)**), surviving a statute of limitation challenge. However, most ongoing investigations have seen limited progress, with few cases reaching oral trial or resolution. Two investigations were already under discussion in 2017 and appear largely stalled, with one dating back to 2009 (see Annex A). Of Argentina's eight ongoing investigations, only one was opened less than five years ago, and the average duration is 8.4 years. In three cases, authorities are still awaiting responses to international cooperation requests (see section B.4). Four other cases have shown no investigative activity in the past three years, and notably, two of these cases have had limited reported investigative steps for over five years (see Annex A. Argentina's foreign bribery enforcement actions: **Agribusiness Firms (Venezuela)** and **Election Equipment and Services (Venezuela)**). While courts have interpreted limitation periods broadly, some of these cases will likely face statute of limitation challenges if prosecuted, compounded by difficulties in securing evidence and witnesses after such prolonged delays.

Delays in complex economic crimes do not yet appear to have improved despite encouraging institutional reforms

145. As outlined above, the Working Group previously found that delays in criminal proceedings constituted one of the principal impediments to effective foreign bribery enforcement in Argentina. Therefore, the Working Group also recommended that Argentina (i) urgently take further steps to reduce delays in complex economic crime cases, including by addressing the causes of delay that originate in the criminal procedural system and (ii) maintain and analyse statistics on delay and economic crime cases to assess the effectiveness of the measures to reduce delay (Phase 3bis, recommendation 5(e)). The 2019 2YWFU considered this recommendation partially implemented, as Argentina had taken some steps to free up federal courts for corruption cases but updated statistics on case delay were not available.

146. Reducing delays. There are high expectations among Argentine authorities that the implementation of the CPPF will ameliorate delay in the criminal procedural system, with very initial statistics showing positive developments in alleviating processing times. To monitor its impact, the MOJ has conducted two empirical studies. The first focused on the use of abbreviated procedures to obtain convictions, showing significantly higher adoption rates in federal districts using the CPPF (see section B.6 for further discussion on considerations for NTRs). The second study examined the duration of all criminal proceedings, particularly the time between the opening of the investigation and the issuance of a conviction, in jurisdictions implementing the CPPF. The median time to conviction was approximately six months. The MOJ study does not provide a breakdown of the offences. In addition, the PPO conducted an empirical study in Salta, a jurisdiction that implemented the CPPF in 2019. Average durations in a life span of a criminal matter included 70-80 days to formalise an investigation, 170-180 days to indictment, and approximately 400 days to resolution. Convictions were reached faster (e.g. in less than one year) than other outcomes such as dismissals or alternative resolutions. Comparative data between the accusatorial system (CPPF) and the previous CPC (mixed system) in Salta also showed that 70% of cases reached an outcome within 18 months, compared to 29% under the mixed system. Argentina contends that such data shows that the CPPF significantly reduces case processing times and increases conviction rates compared to the prior system, although broader implementation is still in early stages and data consolidation is ongoing. An automated case management system is currently under development to collect detailed metrics under the CPPF.

147. The PPO is developing a comprehensive statistical system to support performance monitoring under the CPPF generally. The system aims to produce standardised, reliable data for institutional management and accountability. Initial metrics will focus on case-level data, including origin, formalisation rates, offence types, outcomes, and duration from initiation to key milestones. Future phases will expand to include detailed procedural actions and participant data. However, this system is not yet operational, and Argentina has not provided a concrete timeline for its phased implementation.

148. While expedited processing times under the CPPF are promising, they likely do not reflect corruption or complex economic crime cases, which remain concentrated in the Buenos Aires judicial district. Argentina has not yet assessed processing times by offence, but the PPO is working to adapt its case registration system to enable future data collection and analysis. Several representatives of the PPO, judiciary, and MOJ felt that such case management and statistics would be beneficial not only for statistical purposes but for case coordination. Continued monitoring and data collection will be essential to assess the CPPF's effectiveness in foreign bribery matters once in place.

149. Foreign bribery statistics. While the PPO's comprehensive statistical system is still being developed, Argentine authorities have been collecting foreign bribery data since Phase 3bis, including year-over-year data on investigations, discontinued cases (without sanctions), prosecutions with formal charges, total ongoing foreign bribery matters, as well as whether the prosecuted and concluded cases involve natural or legal persons. These statistics do not include case processing times on the average time taken for a case to reach indictment, oral trial or judgement.

Foreign bribery cases under Art. 258bis CC

	Investigations	Discontinued investigations (without sanctions)	Prosecutions (with formal charges)	Total ongoing foreign bribery cases (investigations and court proceedings)
2019	15	4	1	16
2020	15	1	1	16
2021	14	4	1	15
2022	10	2	2	12
2023	9	1	2	11
2024	8	1	2	10

Source: DAJUDECO

Note: 2024: Prosecutions with formal charges includes **Technological Services (El Salvador)** which was at the prosecution stage in 2024.

150. In light of limited concluded enforcement in foreign bribery matters, Argentina also provides statistics on concluded domestic bribery cases. Between 2017 and 2024, there have been 42 domestic bribery cases (active and passive). In total, Argentina reports that between 2017-2024 it opened 815 cases regarding various economic crime offences *inter alia* fraud, extortion, illegal enrichment and influence peddling. Of these, 33 have been indicted (4%), 50 are in trial (6%) and 59 have been concluded with a judgement (7%). According to Argentina, the average processing times in these matters are approximately 13 months to reach indictment, 27–37 months for proceedings or oral trial, and 52 months for cases that proceed to sentencing. Despite these timeframes, the statistics demonstrate that Argentina continues to

experience delays in bringing economic crime cases to final resolution, with only 13% of these matters concluding through trial or with a final judgment.

Other measures contemplated to reform Argentina's Criminal Justice system

151. On 1 March 2024, Argentina's MOJ established the Commission for the Amendment of the CC through Resolution No. 25/2024. Its mandate is to draft a bill to modernise and consolidate the CC and CLL into a single legal instrument. Initially composed of legal experts and the Minister of Justice, the Commission was later expanded by Resolution No. 48/2024 to include a broader group of academics, judges, and criminal law specialists to ensure a comprehensive and expert-driven approach.

152. The Commission completed its draft in early 2025, and a new team was appointed under Resolution No. 114/2025 to review and refine the proposal. A draft bill has recently been submitted to the Congress for legislative consideration and potential approval. The Working Group only considers enacted legislation in its assessment; thus, it is too early to assess whether such measures will improve the administration of justice and reduce delays in Argentina's criminal justice system but remains an important measure to watch as implementation progresses.

Commentary

Argentine authorities have high expectations that the implementation of the CPPF will help reduce delays in the criminal justice system. Representatives from the private sector, civil society, and the legal community also expressed optimism that the CPPF will positively impact the PPO's handling of economic crime cases. No foreign bribery cases have yet been investigated or prosecuted under the CPPF, making it too early to assess its practical efficiency in such cases. Data on the CPPF's impact on economic crime is also limited, as most of these cases fall under the jurisdiction of Buenos Aires, which has yet to implement the CPPF and is scheduled to do so in April 2026. Continued data collection and monitoring will be essential to evaluate the system's effectiveness over time.

The lead examiners remain seriously concerned about persistent delays in the present foreign bribery investigations. Few cases have progressed to prosecution or resulted in sanctions, and a substantial number of formal foreign bribery investigations have been closed over the last five years. Although recent jurisprudence has supported a generous statute of limitations for foreign bribery, investigative delays continue to hinder law enforcement's ability to bring cases to trial. The lead examiners thus consider Phase 3bis recommendation 5(c) and 5(e) to remain only partially implemented.

The lead examiners therefore recommend that Argentina (a) continue to implement measures to reduce delays in complex economic crime cases, including by addressing procedural bottlenecks arising from the criminal justice framework and monitoring the impact of the CPPF on such cases, (b) ensure that pending foreign bribery cases are actively advanced and brought to prosecutorial decision without undue delay, and (c) continue to maintain and analyse statistics on delay and economic crime cases to assess the effectiveness of the measures to reduce delay, including collecting statistics of processing time broken down by offence in economic crime matters.

B.3.4. Judicial and prosecutorial independence under Article 5 of the Convention

153. Article 5 of the Convention requires that investigation and prosecution of the bribery of a foreign public official shall not be influenced by considerations of national economic interest, the potential effect upon relations with another State or the identity of the natural or legal persons involved.

154. The Working Group has expressed long-standing concerns – dating back to Phase 2 – that Argentina's judicial system “suffers from a significant degree of political interference.” This report considers

five issues of particular relevance examined during Phase 3bis: (i) the composition of the Judicial Council (Phase 3bis recommendation 6(a)), (ii) taking additional measures to substantially reduce the number of judicial vacancies and surrogate judges (Phase 3bis recommendation 6(e)), (iii) protections of AG and prosecutors in relation to appointment, transfer and dismissal (Phase 3bis recommendation 6(b)), (iv) political or undue interference in the form of disciplinary action, application of opportunity principle, and AG's supervision powers over prosecutors (Phase 3bis recommendation 6(c)), (v) raising awareness of Art 5 of the Convention (Phase 3bis recommendation 6(d)). At the time of the 2019 2YWFU, the recommendations remained unimplemented, as described in subsequent sections.

Composition of Judicial Council

155. The potential for government influence over the judiciary stems in part from its role in the Judicial Council, which oversees the nomination, promotion, and discipline of judges (except for those on the Supreme Court). The Council also investigates judicial misconduct and refers serious cases to an impeachment tribunal. In 1999, Congress adopted Law 24 937 (Judicial Council Law), which regulated, the composition of the Council, the majorities for decision-making, and the composition of the impeachment tribunals. Argentina's Constitution (Art. 114) requires a balanced composition of political and non-political representatives in the Council.

156. Successive reforms to the Judicial Council Law have repeatedly sought to alter this balance, raising concerns about judicial independence. The original 1999 law established 20 total members, with a majority from non-political branches (9 which came from the political branch and 11 from non-political branches (5 judges, 4 lawyers, and 2 academics). Subsequent reforms in 2006 (Law 26 080) and 2013 (Law 26 855) shifted this balance, increasing political influence, including through popular elections of non-political members in 2013. The Supreme Court declared the 2013 law unconstitutional in June 2013, citing risks of political dominance. In December 2021, the Court also struck down parts of the 2006 law for violating constitutional requirements of balance and non-hegemony (e.g. by giving the political branch a simple majority of members coupled with decision-making in some instances by simple instead of two-thirds majority), reinstating the 1999 law and ordering the Council to return to 20 members by April 2022. The Court also urged the Congress to adopt a new law within a reasonable time. Although the Senate approved a new bill (151/2021) in April 2022, the deadline passed without legislative action, resulting in the reactivation of the original provisions of Law 24 937 including a Council comprised of 20 members, with the President of the Supreme Court as president, 4 judges, 8 legislators and 1 member of the Executive, 4 lawyers, and 2 academics. In 2024, the new Argentine government appointed a member to fill the Executive's vacant seat.

157. In Phase 3bis (2017), the Working Group raised concerns about the composition of the Judicial Council and the Executive's outsized influence in appointing members from political branches to the Council. At the time, the Council operated under the 2006 reform, giving the political branch 7 out of 13 seats on Council (rather than 9 out of 20), enough to control quorum to initiate disciplinary proceedings and block disciplinary actions or judicial removals. The Working Group recommended that Argentina adjust the composition of the Judicial Council, and ensure that the Council effectively protect the independence of judges (Phase 3bis recommendation 6(a)). The 2019 2YWFU, the Working Group considered this recommendation not implemented as the composition of the Judicial Council remain unchanged with political members outweighing non-political members.

158. As discussed above, the Judicial Council composition has been restored to the 20-member Council with a majority of non-political members due to 2021 Supreme Court ruling. To date, the government has not enacted reforms to the Judicial Council Law. As of the time of this report, several bills to amend the Judicial Council Law were under review by legislative committees, though none had reached Congress. While the Working Group only considers enacted legislation, continued politicisation of the

Council remains a concern, with potential implications for independence of judges and Argentina's compliance with Article 5 of the Anti-Bribery Convention.

Commentary

The Supreme Court rulings striking down various modifications of the Judicial Council Law, including 2006 and 2013 reforms, have restored the Council to its original composition under Law 24 937, where the non-political members outnumber the government members. While this adjustment addresses past Phase 3bis concerns, the lead examiners note that, to date, the government has not adopted a new law, as urged by the Supreme Court in their 2021 ruling. There are several draft bills currently under review by legislative committees, which could reintroduce the risk of Executive interference by modifying the composition of the Council and rules governing decision-making within the Council.

Therefore, although the Council's current composition has a majority of non-political members, the lead examiners consider that issues underlying Phase 3bis recommendation 6(a) remain relevant and recommend that Argentina ensure that the Judicial Council effectively protects the independence of judges, including by maintaining a majority of non-political members in any future reforms of the Judicial Council.

Rate of judicial vacancies undermines efforts to alleviate delay

159. Since Phase 2 in 2008, the Working Group has expressed significant concerns about judicial vacancies and the use of surrogate judges. At the time of Phase 3bis, the Supreme Court had found that the high number of vacancies was the result of substantial delay by the Judicial Council in appointing new judges (Argentine Supreme Court, 2015^[22]). As a result, many positions were temporarily filled by surrogate judges, who, despite reforms aimed at strengthening their independence, lack the constitutional safeguards of independence and qualifications afforded to regular judges, since they are not appointed through the standard procedure. The Working Group also noted that these delays disrupted continuity in criminal investigations, particularly under the inquisitorial system (CPC) where investigative judges played a central role. Replacement of an investigative judge with a surrogate who in turn could be replaced undermined the consistency and integrity of the proceeding. Accordingly, the Working Group recommended that Argentina take additional measures to substantially reduce the number of judicial vacancies and surrogate judges, and increase continuity of investigative personnel for particular cases, including judges and prosecutors, to the greatest degree possible (recommendation 6(e)).

160. In Argentina's 2YWFU, the Working Group noted that while new rules improved surrogate judges' independence, the vacancy rate remained exceptionally high, and the recommendation was considered partially implemented. Since Phase 3bis, the implementation of the accusatorial criminal procedure system (CPPF) has significantly mitigated concerns related to investigative judges. Under the CPPF, criminal investigations are led by federal prosecutors rather than investigative judges, reducing the procedural disruptions previously caused by judicial turnover. Appointment and removal procedures are governed by different procedures, as discussed in subsequent sections. As the CPPF is progressively implemented nationwide, the role of investigative judges in criminal investigations is being phased out, rendering the earlier concerns about their continuity in recommendation 6(e) less relevant.

161. **Judicial vacancy rate and Judicial Council procedures.** The judicial vacancy rate has worsened in Argentina since Phase 3bis. Based on data provided by Argentina 31.4% of federal judicial positions in Buenos Aires and 35.2% of all federal and national judicial posts (353 out of 1,002) remain vacant, while media sources estimate the national vacancy rate at 33–36% (La Nacion, 2025^[23]). The judicial vacancy rate in Phase 3bis was approximately 25%. Argentina is also not keeping pace with replacing judges who retire or leave the court. Media reports indicate that around 160 judges have exited the system, including 28 resignations from labour and federal criminal courts in 2025; an additional 10

judges are expected to reach mandatory retirement age by 2026. Media sources indicate that some are retiring early to ensure access to their current pension framework (Análisis, 2025^[24]). Judicial vacancy rates may reach 38% by the first trimester of 2026, according to projections reported in the media (Análisis, 2025^[24]).

162. At the time of the Phase 3bis report (2017), the selection process appeared stalled at the Judicial Council stage with not enough consensus being reached by its members (OECD, 2017^[5]), para 126). For each vacant federal judgeship (excluding the Supreme Court, see below), the Council conducts a public competition process that includes written examinations, committee interviews, and an assessment of candidates' qualifications, culminating in the selection of a shortlist by the Council. The President selects a candidate from this list, which is then subject to confirmation by two-thirds of the Senate.

163. Since Phase 3bis, the Judicial Council has made notable progress in advancing judicial appointments. It has conducted public examinations, completed jury reports and interviews, and significantly increased the number of shortlisted candidates. In 2023, the Council adopted exceptional measures to authorise advance competitions to fill vacancies (Resolution No. 377/2023). Between 2017 and 2024, the Council selected 454 candidates, while 284 additional positions became vacant during the same period. Notably, the number of shortlisted candidates rose from 26 in 2023 to 96 in 2024. According to the latest data provided by Argentina, 184 shortlists have been submitted to the Executive for approval, and 156 selection procedures are underway to fill existing vacancies.

164. Despite improved efforts and exceptional measures taken by the Judicial Council to conduct selection procedures and shortlist candidates, no new judges have been approved by the Executive or Senate since December 2023. In September 2025, four major Argentine lawyer associations, jointly filed an administrative complaint against the Executive branch for the delay in the appointing judges in the national and federal courts, pointing to the serious institutional impact caused by the high vacancy rate. The legal associations raised concerns with the high vacancy rate and the lack of action being taken by the Executive as no nominations have been sent to the Senate since December 2023, and some previously submitted nominations were withdrawn. The last Senate approval of judicial candidates occurred in April 2023 (CPACF, 2025^[25]). At the on-site visit, a representative of the MOJ stated that the government placed a high priority in addressing judicial vacancies and underscored the rigorous continuing work conducted by the Judicial Council to select candidates. The Judicial Council underscored that it activated exceptional measures to progress competitions, and noted that it selected a nearly record-breaking number of shortlists in 2024. In a press conference, the government indicated that nominations would be submitted following the October 2025 legislative elections, but no nominations have yet been forwarded (Perfil, 2025^[26]). On 15 March 2026, the Minister of Justice publicly announced the submission of various shortlisted candidates to the Senate for its consideration and confirmation. Argentine authorities reiterate that the government is prioritising the selection and appointment of qualified judges, though it characterises the process as “complex”. The authorities also refer to existing CPC mechanisms (Arts. 196 and 196bis) that allow investigative judges to delegate cases to federal prosecutors, with the aim of speeding up the processing of cases. However, these procedural tools do not address the underlying issue: the high judicial vacancy rate, for which no concrete timeline for appointments has been provided.

165. Argentine NGOs, media and legal community have raised concerns about the paralysis in judicial appointments, citing its impact on access to justice, procedural delays, and public confidence in the system (Ambito, 2025^[27]). Legal associations warn of an “overload for judges, magistrates, officials and employees of the Judicial Branch,” which worsens delays and renders proceedings “uncertain and costly.” (Infobae, 2025^[28]) In its submission to the WGB, *Poder Ciudadano* (TI's Argentine chapter) highlighted judicial delays as a major concern as well as the use of surrogates due to inability to appoint judges. During the on-site visit, civil society, media, and legal representatives consistently raised alarm over the high vacancy rate, with some noting that it undermines anti-corruption enforcement. While Argentina is progressing with the implementation of the accusatorial criminal procedure system, intended in part to enhance efficiency, its

success hinges on sufficient judicial staffing and resources once cases reach resolution, which remain critically limited.

166. **Supreme Court vacancies.** As of 2025, two seats on Argentina’s Supreme Court remain vacant. Under Article 99(4) of the Constitution, the President nominates justices, subject to Senate confirmation by a two-thirds majority. In February 2025, after the Senate rejected President Milei’s nominees (García-Mansilla and Lijo) the President invoked Article 99(19), a clause typically reserved for executive appointments, to temporarily appoint the justices during the congressional recess. García-Mansilla was sworn in immediately, while Lijo’s swearing in was not immediate as he requested leave from his federal court post. This unprecedented use of the clause for Supreme Court appointments raised concerns about Executive overreach and judicial independence.

167. Legal experts, NGOs, and the UN Special Rapporteur criticised the move, warning it undermined transparency and threatened judicial independence. The UN Special Rapporteur noted that the move “sets a dangerous precedent by politicising appointments, eroding transparency, and limiting avenues for public scrutiny and contestation”; further, the temporary nature of the appointments threatens judicial tenure and making judges vulnerable to political influence (UN, 2025^[29]). A constitutional challenge filed by *Poder Ciudadano* and others remains pending.

168. On 3 April 2025, the Senate formally rejected both nominees. García-Mansilla was barred from issuing rulings and resigned days later; Lijo returned to his federal post. The Supreme Court continues to operate with only three justices.

Commentary

The lead examiners have serious concerns over the escalating judicial vacancy rate in Argentina. Since Phase 3bis, vacancies have increased significantly nationwide, and no new appointments have been made since December 2023. Legal associations and other stakeholders highlighted the resulting strain on the justice system, including delays and heightened reliance on surrogate judges—issues that directly undermine judicial independence and continuity of proceedings, as previously noted in this report.

The lead examiners acknowledge the Judicial Council’s strengthened efforts to progress competitions, prepare shortlists and advance selection procedures. However, despite these steps, approximately 184 shortlists remain pending before the Executive with no subsequent action. During the on-site visit, Argentine authorities indicated that addressing vacancies is a priority, which the lead examiners welcome.

Nevertheless, given the persistent and worsening judicial vacancy rate, the lead examiners reiterate Phase 3bis recommendation 6(e) and recommend that Argentina urgently take measures to substantially reduce the number of judicial vacancies and surrogate judges, including by promptly advancing the appointment process for pending shortlisted candidates.

Rules governing appointment, transfer and dismissal of the AG and prosecutors

169. The PPO is a hierarchal organisation headed by the AG. As first raised in Phase 3, the role of the AG and the PPO will become significantly more important with the nationwide implementation of the CPPF, as prosecutors will assume exclusive responsibility for investigations and prosecutions and apply the opportunity principle rather than mandatory prosecution. While these changes may help reduce prosecutorial and judicial delays, they also increase the risk of political or undue interference by the Executive on the AG, who leads the PPO. As a result, in Phase 3bis, the Working Group expressed concern about the lack of safeguards to ensure that the AG and the prosecutors who conduct foreign bribery cases are free from political or other undue interference. Argentina has made progress in ensuring that prosecutors who conduct foreign bribery cases are not subject to political or undue interference.

However, it has not taken concrete measures to strengthen the independence of the AG and PPO, particularly regarding rules on appointment, transfer, and dismissal.

170. **Independence of the AG and ensuring foreign bribery cases are not subject to undue interference.** The AG heads the PPO and plays a decisive role in appointments, supervision and discipline of prosecutors under Law 27 148. In Phase 3 bis (para. 109), the Working Group noted that the safeguards for the AG and prosecutors were not subject to the same safeguards as those for judges. The Constitution (Article 120) states that the PPO is an independent body, but unlike judges, prosecutors do not benefit from an independent body equivalent to the Judicial Council (see rules for prosecutors below). The Executive appoints the AG with the approval of a two-thirds majority of the Senate. The appointment is until the mandatory retirement age (75 years), which can be exceptionally extended for 5 years. Removal is otherwise subject only to impeachment. The lower house of Congress may begin impeachment proceedings on grounds of “misconduct or crimes committed in the fulfilment of their duties” or of “ordinary crimes” (the latter requires the approval of a two-thirds majority of the lower house). The Senate must then confirm the impeachment by a two-thirds majority. Other matters related to appointing, regulating, disciplining and dismissing the AG and prosecutors are governed by statute (Law 27 148). In Phase 3bis, the Working Group expressed concern that the legal framework did not provide sufficient safeguards against political influence over the AG, particularly in light of past instances where political actors sought the AG’s resignation or attempted to modify dismissal rules, or where the AG allegedly interfered in an investigation involving a senior Argentine official (Phase 3bis report, commentary after para. 118). For this reason, the Working Group recommended that Argentina take urgent steps to ensure the independence of the AG and the PPO, including by protecting the appointment, transfer and dismissal of the AG from political influence (recommendation 6(b)). At the time of the Phase 3bis 2YWFU, this recommendation was considered partially implemented: although Argentina had introduced an opportunity for public input on AG candidates, the underlying rules governing the appointment, supervision, transfer, discipline and dismissal of the AG remained unchanged.

171. Since the resignation of the previous AG in 2017, the PPO has been led by an interim AG, Eduardo Casal. Prosecutors and judges interviewed during the on-site visit expressed appreciation for Casal’s technical competence as a career prosecutor, his apolitical stance, which they view as conducive to neutrality in day-to-day operations, and his respect for prosecutorial independence. At the same time, NGOs such as *Poder Ciudadano* and Human Rights Watch have raised concerns that this prolonged interim generates institutional uncertainty, limits the AG’s authority to drive institutional reform and leaves the position vulnerable to political bargaining. No reforms have been adopted since Phase 3bis to strengthen structural safeguards governing appointment, transfer or dismissal of the AG.

172. **Rules for appointment, transfer and dismissal of prosecutors.** Concerns identified in Phase 3bis regarding insufficient protections for prosecutors remain largely unchanged, noting that; appointments and disciplinary processes continue to be concentrated within the PPO hierarchy. For these reasons, the Working Group recommended that Argentina strengthen safeguards to protect the appointment, transfer and dismissal of prosecutors from political influence (Phase 3bis recommendation 6(b)) and ensure that prosecutors handling foreign bribery cases are protected from undue interference, including through disciplinary pressure, actual or threatened, or supervisory powers (recommendation 6(c)). At the time of the Phase 3bis 2Y WFU, recommendation 6(b) was considered partially implemented: although Argentina had introduced a more transparent procedure for appointing prosecutors, the underlying rules governing the appointment, supervision, transfer, discipline and dismissal of prosecutors remained unchanged. Recommendation 6(c) was considered not implemented, as the supervisory powers of the AG had not been meaningfully curtailed, and no additional safeguards had been adopted.

173. Since Phase 3bis, rules regarding the appointment, supervision, transfer, discipline and dismissal of prosecutors remain largely the same (cf. Phase 3bis para. 111). As the head, the AG exerts substantial control over the PPO’s operations. Following a competitive public competition, the AG submits lists of

candidates for prosecutors to the Executive for appointment with Senate approval (Arts. 48-50 of Law 27 148; Resolution No. 1457/17). Cases are assigned by a co-ordinator who is appointed by the AG and who must provide information to the AG upon request (Arts. 18-19 of Law 27 148). The AG can also assign additional prosecutors to specific cases as they deem appropriate (Art. 12(d) of Law 27 148). Disciplinary proceedings can be commenced by the AG ex officio or upon a complaint. Disciplinary sanctions against prosecutors (apart from removals) are imposed by the AG after considering a non-binding opinion of an Evaluation Board, or by a court if the misconduct occurred during proceedings (Arts. 66-70 of Law 27 148; Resolution 2627/15; Art. 95 CPPF). Dismissals of prosecutors are referred to a seven-member disciplinary tribunal. Since 2015, the tribunal has been composed of three members who meet the constitutional requirements of being prosecutors (one each appointed by the Executive, the Senate, and the National Inter-University Council); two lawyers who also meet the constitutional requirements of being prosecutors; and two PPO prosecutors (Arts. 77-80 of Law 27 148). In Phase 3 (para. 123) and Phase 3bis (paras. 114-115), the Working Group raised concerns that these statutory safeguards were not sufficient due to examples of the then-AG using threat of disciplinary proceedings, including transferring prosecutors, as pressure tactics in sensitive cases. At Phase 4, Argentina reiterates the legal framework from Law 27 148 and resolutions that were already in place during Phase 3bis and the 2YWFU (PGN Resolutions 2627/15), which the Working Group already found to be insufficient.

174. No reports of inappropriate conduct by the current AG have surfaced, though Argentina did not provide data on the number of candidates for prosecutors that had been forwarded by the interim-AG, disciplinary proceedings commenced by the AG in corruption or foreign bribery related matters, or dismissals approved by the tribunal. During the on-site visit, prosecutors and investigative judges stated that they conduct their work free of political influence, and no concerns were raised among prosecutors or judges regarding the AG's use in transferring, disciplining and dismissing prosecutors involved in corruption or foreign bribery matters. The prosecutors working on foreign bribery matters were not aware of any instance of interference through disciplinary measures, actual or threatened.

Argentina raised awareness on Article 5 of the Convention with prosecutors and judges

175. In Phase 3bis, Argentine authorities had not taken steps to raise awareness of Article 5 of the Convention, despite concerns that at least one investigation from Phase 2 may have stalled due to a diplomatic dispute. As a result, the Working Group recommended that Argentina raise awareness of Article 5 of the Convention among investigative judges and prosecutors, to ensure that foreign bribery investigations and prosecutions are not influenced by considerations of national economic interest, the potential effect upon relations with another State, or the identity of the natural or legal persons involved (Phase 3bis recommendation 6(d)). In the 2019 2YWFU, the Working Group found that Argentina had provided limited training on Article 5, only to a small group of judges in Salta and none to prosecutors, leading to the recommendation considered partially implemented.

176. Since then, Argentina has made concerted efforts to train prosecutors and judges on the Convention (see section B.2). Training and resource dissemination now include content related to Article 5. During the on-site visit, federal prosecutors working on foreign bribery cases, primarily from the judicial district of Buenos Aires, confirmed they had received materials on Article 5 of the Convention and demonstrated a high level of awareness of the provision.

Commentary

The lead examiners note that, although the legal framework governing the AG and the PPO has not changed since Phase 3bis, the environment has evolved. Prosecutors and judges reported that they work without interference, and no concerns were raised regarding the conduct of the interim AG. Nonetheless, the prolonged interim status of the AG continues to create institutional uncertainty and leaves the office structurally exposed to political influence at a time when the CPPF will greatly expand the PPO's responsibilities nationwide.

While the lead examiners welcome the more stable operational climate reported by prosecutors and judges under the current PPO leadership, they nevertheless note that the legal framework governing the appointment, transfer and dismissal of the AG and prosecutors has not been strengthened since Phase 3bis, and that, while no instances of undue interference with prosecutors handling foreign bribery cases have been identified, the underlying safeguards are the same. The situation regarding Phase 3bis recommendations 6(b) and 6(c) remains unchanged. To ensure lasting institutional safeguards, independent of the individual occupying the AG position, the lead examiners therefore recommend that Argentina reinforce the structural guarantees protecting the independence of the AG and prosecutors, including by strengthening rules on appointment, tenure, disciplinary procedures and transfers. They further recommend that the Working Group follow up on whether prosecutors remain protected in practice from political or other undue influence, including through disciplinary mechanisms or supervisory powers.

Finally, the lead examiners acknowledge the training efforts undertaken by the PPO to raise awareness of the Convention, including Article 5, and recognise the solid understanding shown by prosecutors and judges present during the on-site visit. The lead examiners therefore consider that Phase 3bis recommendation 6(d) has been fully implemented.

B.4. International co-operation

B.4.1. Mutual legal assistance

177. Article 9 of the Convention requires Parties to co-operate with each other to the fullest extent possible in providing “prompt and effective legal assistance” with respect to criminal investigations, and non-criminal proceedings against a legal person, that are within the scope of the Convention.

178. The Anti-Bribery Recommendation recommends Parties in particular to “make full use of existing agreements and arrangements for MLA and where necessary, enter into new agreements or arrangements for this purpose”, and “provide prompt and effective processing of outgoing and incoming mutual legal assistance requests.” It also details under section XIX standards for effective MLA procedures, enhancing international cooperation and multijurisdictional cases.

Legal and procedural framework for MLA

179. In Phase 3bis, the Working Group considered that Argentina’s MLA legislative framework was adequate but decided to follow up on two issues in practice: (i) whether Argentina executes MLA requests from foreign authorities without undue delay (Phase 3bis follow up issue 14(i)), (ii) whether Argentina can grant MLA requests submitted in the context of criminal and non-criminal proceedings within the scope of the Convention and brought by a Party against a legal person (Phase 3bis follow up issue 14(h)).

180. The legal framework for MLA remains unchanged since Phase 3bis, although additional MLA treaties have entered into force strengthening the legal basis for Argentina’s international cooperation. MLA requests in Argentina are governed by the Law on International Cooperation in Criminal Matters (Law 24 767, LICCM). In the absence of a treaty, MLA may be granted if the requesting party provides an “express offer of reciprocity” (Art. 3). In addition, Article 68 LICCM provides that dual criminality is not required to grant assistance whenever the requesting State has not concluded a treaty with Argentina. Currently, Argentina has bilateral MLA treaties with 17 countries, 5 regional ones, and 7 multilateral ones, covering 15 Parties to the Convention.⁷ In addition to the Convention, Argentina is a Party to the UN Convention against Corruption since 2006, the UN Convention against Transnational Organised Crime since 2002, and a member of FATF since 2000.

181. The Directorate for International Legal Assistance of the MFA (DAJIN) is the Central Authority responsible for most MLA requests, except for those concerning the United States and Uruguay. In such cases, competence lies with the MOJ, through its National Division for International Affairs (DNAI). Nonetheless, DAJIN remains responsible for handling MLA requests from those countries under regional and multilateral treaties. DAJIN oversees the negotiation and conclusion of bilateral, regional, and multilateral treaties, and is currently negotiating more than 20 bilateral treaties. PROCELAC provides investigative support on most incoming requests regarding foreign bribery. Moreover, the General Directorate of Regional and International Cooperation of the AG's Office (DIGCRI) provides support to the PPO and specialised units of the PPO, such as PROCELAC, in matters related to money laundering, joint investigative teams, and direct co-operation. Additionally, Argentina is a member of several international cooperation networks, as discussed below.

Incoming MLA requests in foreign bribery cases

182. Argentina collects comprehensive data on the time taken to seek and provide MLA in foreign bribery matters for both incoming and outgoing requests. In Phase 3bis, the Working Group decided to follow up on whether Argentina executes MLA requests foreign authorities without undue delay (Phase 3bis follow-up issue 14(i)).

183. Argentine authorities assert that MLA requests are executed without delay, typically within one to six months. To facilitate this, authorities rely on digital systems and inter-agency coordination. Upon receipt of an incoming request, the DAJIN in coordination with DIGCRI conducts a preliminary classification based on factors such as the type of measures requested and urgency. The MOJ uses an online platform to register and classify requests by offence type, institutional relevance, and urgency. Additionally, PROCELAC's Anti-Corruption Division maintains a registry of pending foreign bribery requests, and all relevant institutions cross-reference their data to ensure that it's up to date.

184. Argentina has experienced an increase in incoming MLA requests related to foreign bribery since Phase 3bis, with most executed in a timely manner. Between 2019 and 2025, Argentina received 15 MLA requests related to five foreign bribery or associated offences involving four Parties to the Convention. Of these, nine were granted, one was denied due to *ne bis in idem*, one was withdrawn, and four remain pending. The median processing time was around four months. One request faced a significant delay of over three years due to a jurisdictional dispute that required legal proceedings to determine the competent authority. Despite this, the request was ultimately executed.

185. A survey of Working Group members on Argentina's responsiveness to MLA requests revealed mostly positive experiences. Four members reported no challenges and were satisfied with the quality and timeliness of responses. One Party described cooperation as "direct and fluid," while another referred to Argentina as "cooperative and highly responsive." However, at least three countries noted occasional delays or incomplete information, though overall cooperation was considered adequate.

186. International cooperation has begun to contribute to the detection of foreign bribery cases in Argentina. In Phase 3bis, incoming MLA or extradition requests had not been a source of detection of foreign bribery matters for Argentine authorities. Since Phase 3bis, Argentine authorities opened one foreign bribery investigation that was detected through an incoming MLA request from a Party to the Convention. The case was triggered after law enforcement, while executing the request, gathered testimony that revealed potential foreign bribery offences had been committed by Argentine nationals. This case remains under investigation (see Annex A: **Hydraulics Sector Company (Peru)**).

Ability to grant MLA requests in criminal and non-criminal proceedings

187. At the time of Phase 3bis, Argentina had not yet established criminal liability for legal persons in cases of foreign bribery. As a result, it was unable to grant MLA requests related to criminal proceedings

under the Convention. Coercive investigative measures, such as search and seizure, surveillance, and wiretapping, were not available in such cases. Argentina indicated that cooperation might be possible under its MLA regime for civil matters. The Working Group therefore decided to follow up whether Argentina can grant MLA requests submitted in the context of criminal and non-criminal foreign bribery proceedings and brought by a Party against a legal person (Phase 3bis follow up issue 14(h)).

188. Since Phase 3bis, Argentina has enacted the CLL, establishing criminal liability for legal persons. Argentina reports that its current legislative framework now provides a legal basis for processing MLA requests involving legal persons. The LICCM offers broad provisions for assistance in the investigation, prosecution, and punishment of offences within the jurisdiction of the requesting State. However, Argentina notes that it has not yet received any incoming MLA requests concerning legal persons.

Outgoing MLA requests in foreign bribery cases

189. According to Argentine authorities, obtaining evidence from some jurisdictions is one of the principal challenges encountered in investigating and prosecuting foreign bribery. Indeed, this is a long-standing challenge in Argentina's enforcement of foreign bribery matters. In Phase 3bis, Working Group noted that Argentine authorities could be more proactive in pursuing all available means to secure international cooperation and recommended that: (i) investigative judges and prosecutors in foreign bribery cases use all available means to secure MLA, in particular through contact with foreign authorities via informal channels and through the Working Group (Phase 3bis recommendation 7(a)); and (ii) the MFA work more closely with prosecutors and judges to pursue MLA requests in specific foreign bribery cases, include engaging Argentine embassies overseas to facilitate the execution of requests (Phase 3bis recommendation 7(b)). At the time of the 2YWFU, these recommendations remained partially implemented.

Proactivity of prosecutors and judges to secure MLA in foreign bribery cases

190. According to Argentina, unanswered or delayed responses to MLA requests continue to be an obstacle in pursuing foreign bribery cases. Argentina describes institutional efforts made by the PPO to work with foreign law enforcement counterparts to tackle this problem since Phase 3bis. This includes joining informal networks and entering into agreements with other PPOs. The PPO entered 2 regional and 16 bilateral agreements to enable direct cooperation with counterparts in complex crimes, including foreign bribery. In addition, the PPO is part of 17 cooperation networks, including the Ibero-American Association of Public Prosecutors (AIAMP), Ibero-American Network for International Legal Cooperation (IberRed), the OECD LAC LEN, the GAFILAT Asset Recovery Network (RRAG), UN's Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE), the OECD WGB LEO, and the OECD GLEN. PROCELAC is Argentina's contact point in most informal cooperation networks and frequently encourages prosecutors to use all cooperation tools available to secure MLAs.

191. Since Phase 3bis, Argentina has issued 32 MLA requests across 9 active-side foreign bribery investigations. These include cases that have since been closed, such as three legacy Phase 3bis investigations (***Tax Collection (Guatemala)***, ***Oil Sector Construction (Brazil)***, and ***Oil Combustibles, (Brazil)***), and one that concluded with sanctions (***Technological Services (El Salvador)***). Currently, three ongoing active-side foreign bribery cases have pending or partially executed MLA requests (or follow up requests) from several jurisdictions. Some of these requests involve jurisdictions that are not Parties to the Convention, such as Panama and Venezuela. In one ongoing investigation, Uruguay recently fully executed an MLA request that had been pending for nearly five years, completing it in November 2025, after several follow-up requests by authorities. Argentina report that the materials have since been transmitted to the competent Argentine court for incorporation into the domestic proceedings (***Electricity Transmission (Brazil)***).

192. Among Argentina's eight ongoing foreign bribery investigations, outgoing MLA requests since Phase 3bis (2017) can be summarised as follows:

- *Not issued*: No MLA requests have been issued in four investigations.
- *Executed or partially executed*:
 - **Machinery and Equipment Contract (Venezuela)**: two MLA requests were sent and executed by a Party to the Convention.
 - **Electricity Transmission (Brazil)**, legacy Phase 3bis case: two additional MLA requests since Phase 3bis, both which were executed. A subsequent follow-up request remains pending (see below).
 - **Gas Pipeline Contract (Brazil)**: two MLA requests - one was executed while the other was rejected.
- *Pending*: One investigation (**Manufacturing Services Company (Venezuela)**) involving money laundering and foreign bribery allegations resulted in 15 MLA requests - 5 have been executed, 3 were rejected, while 7 remain pending across multiple jurisdictions.

193. In cases that have either concluded with sanctions or reached the prosecution stage, Argentina has received timely international cooperation. For example, in **Technological Services (El Salvador)**, which resulted in sanctions, Argentina obtained prompt responses to its MLA requests. In **Mapping System (Panama)**, a legacy Phase 3bis case, Argentina initially received cooperation from several jurisdictions up to and around 2017 and later secured additional evidence through two further MLA requests submitted in 2019 and 2023.

194. During the on-site visit, Argentine authorities highlighted specific challenges in obtaining international cooperation from some regional counterparts, notably Brazil and Venezuela.

195. **Brazil**. In response to the wide-reaching Lava Jato corruption scandal involving Odebrecht and other companies across Latin America, Argentina and Brazil sought to improve cooperation on related investigations. To streamline MLA and avoid duplicative requests, Argentina's MFA, MOJ, and PPO formed a working group and negotiated bilateral evidence-sharing agreements with Brazil from 2019-2022. This resulted in the execution of requests and more streamlined information sharing in at least three foreign bribery cases. Despite this effort, Argentine authorities reported that follow-up requests for information from Brazil have recently faced delays. In two ongoing matters, Brazilian authorities indicated they must first determine whether a 2023 Supreme Federal Tribunal (STF) ruling (STF Ruling, 2023_[30])⁸, which invalidated the use of evidence obtained through the 2016 Odebrecht leniency agreement in all criminal proceedings, applies to Argentina's follow-up requests. In **Electricity Transmission (Brazil)**, Brazilian authorities have repeatedly asked their Argentine counterparts to confirm explicitly whether the Argentine investigation contains any evidence rendered inadmissible by 2023 STF ruling. Argentina's follow up request - in the context of their bilateral evidence sharing agreement - remains pending. In this same case, Argentina received cooperation from a non-Party to the Convention (*Uruguay*) and responses from another Party to the Convention (*United States*), some dating back to Phase 3bis. Argentina does not appear to have issued MLA requests to any additional jurisdictions who may have information related to this multi-jurisdictional matter. A similar challenge has arisen in the **Gas Pipeline Contract (Brazil)** case. A follow-up request submitted by Argentina to Brazil in 2023 remains unanswered. Again, Argentina's law enforcement authorities and the MFA report that they have reached out to their Brazilian colleagues to see whether assistance can be provided based on their evidence sharing agreement. Argentina has not sought information from other jurisdictions in this latter matter.

196. **Venezuela**. Of Argentina's eight ongoing foreign bribery investigations, four concern alleged bribery involving Venezuelan officials. Argentina has taken a mixed approach to securing evidence in these investigations: in two of these cases, Argentina has not issued any MLA requests to any jurisdiction since 2017, not even to third countries that may hold relevant information to advance the investigations

(*Agribusiness Firms* and *Election Equipment*). In the other two investigations – *Machinery and Equipment Contract* and *Manufacturing Services Company* – it has successfully sent MLA requests to third jurisdictions who have executed requests for evidence, including one investigation where prosecutors have taken a notably proactive approach, issuing 15 MLA requests to over 9 jurisdictions. This level of initiative in seeking international cooperation from third jurisdictions is a particularly welcome response in cases where access to foreign evidence is limited or counterparts are unresponsive.

197. Argentina asserts that it has increasingly used informal channels, such as the OECD’s LAC LEN and UN’s GlobE network, to enhance international cooperation efforts in corruption and foreign bribery cases. In one case, Argentine law enforcement coordinated with its counterparts during the LAC LEN to support a successful MLA request.⁹ In another, informal exchanges did not lead to a formal investigation in Argentina, but the foreign jurisdiction (Peru) continues to pursue their bribery investigation.¹⁰ In a third case, informal cooperation with US authorities led to a formal MLA request, which was executed in 2023; Argentina’s investigation remains ongoing. Additionally, PROCELAC received relevant information from Interpol on related investigations in multiple countries in corruption and money laundering cases. Finally, Argentina has assisted other WGB members in passive-side foreign bribery cases via informal channels. Through GlobE, Argentina assisted US prosecutors with a demand side foreign bribery matter that involved alleged bribe payments to officials of an Argentine SOE from a US-based company and Brazilian intermediary. Consequently, US authorities opened an investigation into this matter based on the informal cooperation provided by Argentina.

Role of MFA in supporting law enforcement to pursue outstanding MLA requests

198. Phase 3bis recommendation 7(b) asked the MFA to work more closely with prosecutors and judges to pursue MLA requests in specific foreign bribery cases, including by engaging Argentine embassies overseas to facilitate the execution of requests. At the time of the 2YWFU, the MFA did not provide information on efforts by Argentine embassies to pursue these requests. The recommendation was deemed partially implemented.

199. Argentina highlights cooperation between DAJIN (MFA) and the PROCELAC to track outstanding MLA requests. Argentina indicates that regular meetings are held between PROCELAC and the Board of Auditors of the Judicial Council to consolidate a list of pending MLA requests in foreign bribery cases. PROCELAC then shares this list with DAJIN to devise strategies for executing these requests. DAJIN holds regular meetings with foreign counterparts regarding pending MLA requests and consults directly with the competent authorities responsible for fulfilling them. As mentioned above, MFA officials, along with the MOJ and PPO, created a working group with Brazil to streamline international cooperation through its evidence sharing agreement. At the on-site visit, Argentine officials confirmed that embassies have been engaged when needed to support MLA efforts in international corruption and money laundering cases.

200. DAJIN also underscores that it uses contact points from various law enforcement networks, such as Interpol, to facilitate cooperation in transnational crime, and coordinates between courts, prosecutors, diplomatic missions, embassies, and border authorities. DAJIN also has provided training to civil servants, judges, and prosecutors on facilitating international cooperation, highlighting the Anti-Bribery Convention as a legal basis for MLA and extradition requests.

Joint investigation teams

201. As a special form of enhanced, close co-operation, Argentine law enforcement authorities can form Joint Investigation Teams (JITs), which has been primarily done in organised crime and trafficking cases. DAJIN serves as the Central Authority for JITs under various international instruments, including the MERCOSUR Framework Agreement as well as the United Nations Conventions against Corruption, Transnational Organized Crime, and Illicit Drug Trafficking. These legal frameworks allow Argentina to collaborate with other states through formal treaties or, where no treaty exists, ad hoc agreements. To

facilitate JITs with non-MERCOSUR countries, DAJIN was authorised under Resolution 74/2022 to sign ad hoc agreements and developed a model agreement that significantly reduced processing times. For example, the time to finalise a JIT agreement with Chile dropped from 346 to 92 days. DAJIN also provides legal guidance, coordinates with judicial and prosecutorial authorities, and ensures compliance with treaty requirements throughout the JIT formation process.

202. Argentina has not yet formed a JIT for a foreign bribery or corruption matter but has experience with at least ten JITs to date: four with Chile, two each with Paraguay and Uruguay, one jointly with Italy and Spain, and one with Italy. Seven additional JITs are currently under negotiation with countries including Paraguay, Uruguay, Italy, Panama, and Spain. These teams have focused on crimes such as human trafficking, drug and arms trafficking, money laundering, incompatible negotiations, fraud against public administration, illicit enrichment, and terrorist financing. During the on-site visit, law enforcement authorities noted that JITs could be a useful tool in international corruption investigations. DAJIN states that its annual training for law enforcement authorities addresses the use of JITs as well as other international cooperation tools, including extradition and MLA requests.

Commentary

The lead examiners note Argentina's progress in addressing the Working Group's Phase 3bis concerns on MLA. In Phase 3bis, the Working Group decided to follow-up on whether Argentina executes requests from foreign authorities without undue delay (follow up issue 14(i)). They commend Argentina for maintaining detailed statistics on incoming and outgoing MLA requests in foreign bribery cases, including jurisdiction, legal basis, execution times, type of assistance, outcomes, and reasons for refusal. Since Phase 3bis, Argentina has received more MLA requests and generally processed them promptly.

Further, the enactment of corporate criminal liability now allows Argentina to grant MLA requests in both criminal and non-criminal proceedings against legal persons. However, there is no case practice yet to assess the effectiveness of this reform on executing MLA requests for legal persons. Therefore, the lead examiners recommend that the Working Group continue to follow up on Phase 3bis follow up issue 14(h) on whether Argentina, to the full extent possible under its laws, effectively executes MLA requests submitted in the context of criminal and non-criminal proceedings within the scope of the Convention and brought by a Party against a legal person.

While obtaining evidence through outgoing MLA requests or other international cooperation avenues remains a challenge in some foreign bribery investigations, Argentina has made efforts to pursue requests through various channels. PROCELAC in coordination with DIGCRI has actively supported prosecutors and investigative judges by encouraging the use of informal law enforcement channels (e.g., Interpol and regional networks) to facilitate pending requests. The lead examiners also commend Argentina for assisting regional counterparts through informal cooperation in foreign bribery and corruption cases via the OECD LAC LEN and other law enforcement networks. They also note that the MFA has worked more closely with prosecutors, including through the conclusion of an evidence-sharing agreement with a regional counterpart and liaising with overseas missions as needed. Thus, the lead examiners consider Phase 3bis recommendations 7(a) and 7(b) fully implemented.

Despite these positive steps, there are various foreign bribery investigations where Argentina has not requested MLA at all and in other cases no new MLA requests have been made since Phase 3bis, including some cases that have been ongoing for several years. In some instances, cases were closed without seeking MLA. Thus, the lead examiners recommend that Argentina (i) ensure its law enforcement authorities proactively seek international co-operation, where appropriate in foreign bribery investigations, using all available means and (ii) continue to use informal contacts, as appropriate, to seek and provide MLA in foreign bribery cases in line with international practice.

Finally, the lead examiners note Argentina's increased use of JITs in complex, cross-border organised crime cases, and DAJIN's role in facilitating such co-operation. During the on-site visit, Argentine prosecutors observed the potential of such measures for corruption and foreign bribery matters. However, to date, this type of enhanced, close cooperation has not been considered or entered into in foreign bribery matters. The lead examiners therefore recommend that Argentina consider setting up joint or parallel investigative teams when conducting foreign bribery investigations and prosecutions, in conformity with national laws and relevant treaties and arrangements.

B.4.2. Extradition

Legal and procedural framework

203. The legislative framework for extradition has not substantively changed since Phase 3bis, although additional extradition treaties have entered into force. As with MLA, extradition in Argentina is governed by the LICCM (Law 24 767) as well as the bilateral and multilateral treaties. Argentina's extradition framework includes 20 bilateral treaties, 2 regional instruments, and 9 multilateral treaties in force (6 and 3 UNTOC Protocols). The PPO is the main authority responsible for handling extradition requests, while DAJIN serves as the central authority in receiving, analysing, and processing requests (Art. 25 LICCM). DIGCRI plays an important role in the extradition process. Among other functions, DIGCRI collaborates with the PPO in the preparation of outgoing cooperation requests, provides guidance in extradition processes, offers training courses in extradition, and monitors outgoing and incoming requests. DIGCRI maintains a database with all extradition requests. Argentina has additionally reported the adoption of several regulatory measures aimed at strengthening general extradition procedures. Amendments to Law 27 784 introduced through Law 23 984 provide for the possibility of conducting trials in absentia under specified conditions. Argentina also noted the adoption of regulations concerning procedural timelines in matters involving migrants and refugees (Decree 646/2025 (DECTO-2025-646-APN-PTE) and Decree 366/2025 (DNU-2025-366-APN-PTE)), which include provisions relevant to the processing of extradition cases.

Processing time for extradition

204. In Phase 3bis, the Working Group decided to follow up on the time needed to reach a final decision on extradition in corruption cases (Phase 3bis follow-up issue 14(k)). DAJIN indicates that between 2021 and 2025, the average time to process extradition requests was 107 days, showing an improvement compared to Phase 3bis where the average processing time was 129 days. Moreover, Argentina states that in some cases, such as those for international drug trafficking, processing time has taken 20 days. The majority of extradition requests relate to drug trafficking (11.3%), with fraud/economic crimes accounting for 3% of requests from 2021-2025. No extradition requests were made in foreign bribery related matters since Phase 3bis. In the WGB Survey, no specific concerns were raised regarding the processing times for extradition requests.

Denial of cooperation due to essential public interests

205. Argentina may deny extradition or MLA if the granting of the request "would prejudice Argentina's sovereignty, security, public order or other essential public interests" (Art. 10 LICCM). The Argentine central authority, judicial authorities, and Executive assess whether this condition is met. The decisions of the central authority and judicial authorities, but not the Executive, can be appealed.

206. Application of Article 10 LICCM has been followed up by the Working Group since Phase 2 as it could allow for a wide range of factors, conceivably including those listed in Article 5 of the Convention, to influence the provision of MLA and extradition (Phase 3bis follow-up issue 14(j)). The last reported

application of Article 10 LICCM was in 2015, and this provision has never been applied to a foreign bribery or corruption matter.

Commentary

The lead examiners commend Argentina for improving time to process extradition requests since Phase 3bis.

The lead examiners note that Article 10 LICCM has never been applied in practice in foreign bribery or corruption cases. Nevertheless, given the broad wording of this provision, which could conceivably include considerations prohibited under Article 5 of the Convention, the lead examiners recommend that the Working Group continue to follow-up on Phase 3bis follow up issue 14(j) to ensure that Article 5 factors do not influence extradition or MLA in Argentina.

B.5. Offences related to foreign bribery

B.5.1. Money-laundering predicated on foreign bribery

Legal framework

207. Although Argentina reformed its money laundering legislation in 2024, some of the issues identified in Phase 3bis remain outstanding. In particular, the Working Group has been following up whether foreign bribery would always constitute a predicate offence to money laundering, ‘without regard to the place where the bribery occurred’ (Article 7 of the Convention). In Phase 3bis, the Working Group noted doubts arising from Article 303(5) CC which requires that, where the predicate offence was committed “outside the spatial scope of application of this Code”, it must also have been punishable in the place where it occurred. Argentina considers that foreign bribery does not fall within this limitation, as Article 1(3) CC establishes extraterritorial jurisdiction over foreign bribery committed abroad by Argentine nationals or legal persons domiciled in Argentina. In Argentina’s view, this renders foreign bribery within “the spatial scope of application” of the CC and therefore not subject to a dual criminality requirement as a predicate offence. It remains that the legal framework does not expressly exclude foreign bribery from the operation of Article 303(5), and, as in Phase 3bis, no case law is available to clarify how this provision would apply in practice in cross-border situations.

208. Since Phase 3bis, Argentina adopted Law 27 739 in March 2024, which did not address the above issue, but significantly increased penalties for money laundering and introduced a more structured approach to low-value cases. Argentina considers that earlier reforms, including the introduction of extraterritorial jurisdiction for foreign bribery under the CLL, address concerns related to dual criminality. However, the 2024 reform did not amend Article 303(5) CC or otherwise clarify the interaction between the dual criminality requirement and foreign bribery as a predicate offence.

209. Furthermore, at Phase 1bis, the Working Group noted that, with the adoption of new legislation on liability of legal persons (CLL), Argentina now operates two parallel corporate liability regimes:

- The CLL for foreign bribery, which include incentives such as self-reporting and cooperation agreements, and
- Article 304 CC for money laundering, with no comparable incentives.

210. The WGB warned that this discrepancy could deter companies from resolving foreign bribery cases that also involve money laundering. Argentina argues that CLL mechanisms could be applied to money laundering, but this interpretation has no basis in the law.

Enforcement in practice

211. Enforcement of the money laundering offence has strengthened since Phase 3bis, with Argentina reporting 91 convictions between 2019 and 2024, including in large domestic corruption schemes involving asset confiscation and international cooperation. Authorities also described ongoing high-profile investigations involving public officials and business groups, suggesting greater prosecutorial capacity and more systematic use of financial analysis.

212. However, no completed case has yet applied the money laundering offence to proceeds of foreign bribery (only domestic). The only investigations potentially involving foreign bribery, concerning contracts with Venezuelan SOEs, remain pending, and difficulties obtaining evidence from Venezuela have so far prevented the laying of bribery charges. As a result, despite broader enforcement progress, Argentina has not demonstrated in practice that Article 303 CC is being used to prosecute laundering predicated on the foreign bribery offence.

Commentary

The lead examiners regret that the 2024 reforms to Argentina’s money laundering framework did not address the specific uncertainty previously identified by the Working Group regarding the operation of Article 303(5)CC, and whether foreign bribery would always constitute a predicate offence to money laundering “without regard to the place where the bribery occurred.” Although Argentina considers that the introduction of extraterritorial jurisdiction for foreign bribery under Article 1(3) CC resolves this concern, no jurisprudence has confirmed this interpretation. The lead examiners therefore recommend that the Working Group continue to follow up on application of the money laundering offence in Argentina, including:

- i) whether foreign bribery is always a predicate offence to money laundering, without regard to the place where the bribery occurred,
- ii) the coexistence of two corporate liability regimes (the CLL for foreign bribery and Article 30 CC for money laundering), to ensure this does not discourage companies from resolving cases involving both offences, and
- iii) the application of Article 303 CC in practice to cases involving laundering of the proceeds of foreign bribery.

B.5.2. False accounting offence*Legal framework*

213. At Phase 3bis, the Working Group found significant deficiencies in Argentina’s false accounting framework: sanctions for natural persons under Article 300(2) CC were very low; administrative fines by regulators applied only to certain entities; there had been virtually no enforcement; and corporate liability did not extend to false accounting. Recommendation 9(b) therefore called on Argentina to strengthen sanctions, extend liability to legal persons, and ensure effective enforcement in bribery cases.

214. Since then, the CLL has substantially improved the framework. Article 37 CLL introduced Article 300bis CC, which criminalises false accounting committed to conceal an act of bribery and increases sanctions to 1-4 years’ imprisonment and fines of 2-5 times the falsified amount. Article 300bis also extends corporate liability to aggravated false accounting, with sanctions aligned to those applicable to foreign bribery, including substantial fines, suspension, and debarment. Compared to the pre-CLL framework, these reforms represent a significant strengthening of Argentina’s legal regime.

215. At the Phase 3bis 2Y WFU, the Working Group therefore considered the recommendation only partially implemented: although legislative requirements had been met, Argentina had not yet

demonstrated effective enforcement, and administrative sanctions by sectoral regulators remained insufficient substitutes for criminal enforcement under the Convention.

Enforcement in practice

216. As of Phase 4, enforcement continues of the false accounting offence in relation to bribery remains extremely limited. Argentina reports no convictions of legal persons under Article 300bis CC, and has not cited any concluded case where aggravated false accounting was applied as a standalone offence in a foreign bribery or corruption investigation.

217. Argentina refers to a 2022 case in which false accounting appeared as a predicate offence in a money laundering prosecution involving three legal entities. While this demonstrates that accounting fraud may arise in complex corruption-related schemes, in this specific case, false accounting functioned as a supporting predicate rather than an independently pursued offence. No other jurisprudence or statistical data demonstrate proactive use of Article 300bis CC to detect or prosecute bribery-related accounting misconduct. Phase 3bis recommendation 9(b) therefore remains only partially implemented where enforcement in practice is concerned.

Commentary

The lead examiners welcome the significant strengthening of Argentina's false accounting framework following the adoption of the Corporate Liability Law, which introduced aggravated false accounting, increased sanctions, and extended liability to legal persons. Nevertheless, they note that enforcement remains minimal, and the offence has not yet been applied in practice in a foreign bribery context, and consider Phase 3bis recommendation 9(b) remains partially implemented.

The lead examiners therefore recommend that Argentina ensure effective enforcement of the false accounting offence in foreign bribery cases, including by promoting its use where accounting manipulations are used to conceal improper payments, and by monitoring the application of the false accounting offence to both natural and legal persons.

B.5.3. Non-tax deductibility of bribes

218. Since 2016, Argentina expressly prohibits the tax deductibility of bribes to domestic and foreign public officials. Decree 1246/2016 amended the Income Tax Law to exclude illicit payments, including bribes, from deductible expenses. At Phase 3bis 2Y WFU, the Working Group considered this sufficient to meet the standards in the 2009 Recommendation on Tax Measures for Further Combating Bribery of Foreign Public Officials in International Business Transactions and found recommendation 11(a) implemented.

219. In practice, the Federal Tax Agency (*Administración Federal de Ingresos Públicos*, formerly AFIP, now ARCA) applies Instruction 1001/2016, which provides auditors with search patterns and red flags based on the OECD Bribery Awareness Handbook for Tax Examiners and Tax Auditors, designed to help recognise indicators of potential bribery and corruption practices (both nationally and internationally) during audits. Argentina explains that the aim is to raise awareness among tax officials regarding these crimes, with the ultimate goal of ensuring their timely and effective detection, notifying the appropriate authorities, and preventing the tax deduction of bribes. Officials reported that these tools have been used in domestic bribery contexts, but no adjustment has yet arisen from a foreign bribery case. ARCA does not operate a dedicated or risk-based audit programme specifically aimed at detecting bribe-related deductions. Rather, under Instruction 1001/2016, potential bribery indicators may be identified either in the course of general tax audits or in audits initiated following allegations of bribery, and suspicious expenses are then escalated internally, and, where appropriate, referred to legal units or law enforcement.

220. With respect to the reopening of tax returns following a potential foreign bribery conviction, ARCA indicated that tax returns can be reassessed within five years for registered taxpayers and ten years for unregistered taxpayers. Given the length of many foreign bribery investigations and prosecutions in Argentina, it seems uncertain whether these time limits would allow ARCA to fully enforce non-deductibility in cases where bribery comes to light only after several years. Argentina clarified that ARCA is notified of court rulings where it participates in proceedings (e.g. as a complainant under Article 82 CPC or when recognised as a victim under Article 80 CPPF). Argentina also indicated that evidence of bribery, even prior to the conclusion of proceedings, may trigger action under Instruction 1001/2016. However, Argentina confirmed that no automatic or systematic notification mechanism currently exists to ensure that ARCA is informed of all concluded foreign bribery cases for the purpose of reassessing relevant tax returns, although it has indicated its intention to design such a system.

221. With respect to awareness, ARCA staff interviewed during the on-site visit appeared well-informed and well-trained on Convention and related non-tax deductibility standards. Tax auditors report that they receive mandatory anti-corruption training, including periodic reminders of their obligations, and that ARCA hosts the Latin America Tax Academy, which includes a course on the Anti-Bribery Convention.

Commentary

The lead examiners note Argentina’s clear legal prohibition on the tax deductibility of bribes, and welcome efforts to raise awareness and provide guidance to tax authorities in this regard.

Nevertheless, they are concerned that ARCA may not always be informed of foreign bribery resolutions in a systematic manner that enables effective reassessment of past returns. While ARCA may be notified when it participates in proceedings, no automatic notification mechanism exists to ensure that all concluded foreign bribery cases are brought to its attention. The lead examiners therefore recommend that Argentina establish a mechanism to ensure ARCA is systematically notified of all concluded foreign bribery cases, and welcome Argentina’s expressed commitment to address this issue.

Furthermore, given the length of foreign bribery proceedings in Argentina, the lead examiners also recommend that the Working Group follow up whether the current reassessment time limits allow ARCA to deny deductions effectively in practice.

B.6. Concluding and sanctioning foreign bribery cases

B.6.1. Overview

222. To date, Argentina has concluded one foreign bribery case through a NTR (*Technological Services (El Salvador)*). This proceeding resulted in a conviction, an acquittal, and a suspended trial agreement (e.g. whose terms, if completed, result in a discontinued prosecution with sanctions), as discussed further below. No foreign bribery case has yet been resolved through the completion of an oral trial.

223. This section will consider accessibility of judicial decisions, NTR mechanisms and sanctions for natural persons.

B.6.2. Accessing judicial decisions on concluded cases

224. In principle, criminal judgments are publicly accessible (Art. 363 CPC and Art. 285 CPPF). Exceptions apply when publicity could harm morality, public order, privacy, or safety. Since 2013, the Supreme Court has required for federal and national courts of appeal, as well as trial courts, to publish to publish their rulings. In May 2025, Operating Rule No. 10/2025 mandated that all federal Courts of Appeals,

trial courts, and first instance courts systematically publish their judgments, rulings, and decisions on a government website (CSJN, 2025^[31]). Other government platforms of the PPO and judiciary also publish information on pending cases, updates on judicial administration, and publish resolutions, reports and updates on cases.

225. At the on-site visit, prosecutors, members of the judiciary and government officials stated that judicial decisions were easily accessible and searchable on government websites. This view was also shared by the representatives of the legal community during the on-site visit, who raised no issues with accessing judicial decisions. In contrast, some NGOs including *Poder Ciudadano* (the local TI chapter) raised the lack of transparency in enforcement information, including resolutions. They noted that while the PPO and PROCELAC publish annual reports outlining general trends in foreign bribery enforcement, these reports do not include specific case details, even for concluded cases. Additionally, the information available on the government platform is “not clearly presented,” and resolutions related to foreign bribery are “difficult to access without specific information on the file (file number, name of the case, etc.),” due to the platform’s restrictive search mechanism.” This obstacle is more pronounced for the judicial decisions approving certain NTR, as described in the next section.

B.6.3. Non-trial resolutions for natural persons

Overview

226. Anti-Bribery Recommendation XVII recommends that member countries consider resolving foreign bribery enforcement actions through a variety of means. This includes NTR, which are mechanisms for “resolving matters without a full court or administrative proceeding, based on a negotiated agreement between a natural or legal person and a prosecuting or other authority.” If NTRs are available in foreign bribery cases, then Anti-Bribery Recommendation XVIII further recommends that NTR mechanisms meet a range of criteria for due process, transparency and accountability. Effective collaboration agreements under the CLL, a NTR available to legal persons, will be discussed in section C.2.2.

227. Argentina has various types of NTRs of foreign bribery proceedings against natural persons: abbreviated procedure (*juicio abreviado*), trial suspension agreements (*probation*). In addition, Law 27 304 on Repentance (*Imputado Arrepentido*) (Art. 41ter CC) provides for sentence reductions at the time of sentencing.

228. The abbreviated procedure (*juicio abreviado*) is available in foreign bribery cases where the prosecution seeks a sentence of less than six years’ imprisonment (Art. 431bis CPC and Arts. 323-327 CPPF). The prosecution and the defence can reach an agreement about guilt and the sentence up to when the prosecutor commences the oral trial. A court may reject the agreement if it needs more information about the facts or disagrees with the legal classification of the case. The court, however, cannot reject the settlement if it disagrees with the agreed sentence, or to impose a more severe sentence than agreed (Art. 325 CPPF and Art. 431bis CPC).

229. Trial suspension (*probation*) under Articles 76bis to 76quater CC allows a defendant to avoid conviction for crimes punishable by up to three years’ imprisonment, subject to prosecutorial consent and judicial approval. It is not available for charges against domestic public officials or when the only sanction involves permanent disqualification of public office. If the offense carries a fine, the defendant must pay at least the minimum and forfeit any assets subject to confiscation. The suspension period ranges from one to three years, during which the statute of limitations is paused. If conditions are met, the case is dismissed; otherwise, the trial resumes. While foreign bribery offenses would exceed the penalty threshold, jurisprudence shows that probation has been applied in at least one such case, as discussed further below.

230. The Repentance Law (Law 27 304, Article 41ter CC) allows for sentence reductions in exchange for relevant information that aids in clarifying or preventing crimes. It applies to certain offences, including

foreign bribery. Factors considered include the quality and usefulness of the information, the seriousness of the crimes clarified, and the defendant's role. Priority is given to the first cooperator. The agreement is approved by a judge, and the benefit is granted at sentencing. To date, no foreign bribery cases have used this mechanism.

231. Argentina's first resolved foreign bribery case involved NTRs with three natural persons (*Technological Services (El Salvador)*). The case concluded with one conviction and one acquittal through an abbreviated trial, and a trial suspension agreement for the third defendant.

Accountability and transparency of NTR systems

Criteria regarding the use of NTRs and sentencing reductions

232. Abbreviated trial agreements, suspended trial agreements, and repentance collaboration agreements require judicial approval, limited to assessing the legality of the agreement, not the sanction. Beyond the legislative framework (CC, CPC, CPPF, and CLL), no published prosecutorial or judicial guidelines exist to guide the use of these mechanisms in foreign bribery cases. Argentina asserts that statutory criteria are sufficient and that there is "no high degree of discretion" in these NTRs as they are regulated by statute and approved by a court.

233. In practice, prosecutors and investigative judges exercise broad discretion in determining sanctions under NTRs, with no standard methodology for calculating sanctions. The absence of detailed sentencing guidelines or a structured framework for applying mitigating or aggravating factors in foreign bribery cases raises concerns about consistency and predictability. This issue is illustrated in the *Technological Services (El Salvador)* case, where both an abbreviated trial agreement and a suspended trial agreement were applied. In the abbreviated trial, the court referenced mitigating and aggravating factors but provided limited detail on how the prosecution calculated the sentence reduction that resulted in a one-year conditional sentence, community service, and a donation of ARS 2 million (EUR 1 267) to a public welfare institution. Mitigating factors include co-operation and lack of prior record. This limited transparency of how a sentence reduction was determined is notable given the statutory penalty range of one to six years' imprisonment under Article 258bis CC.

234. Additionally, the court approved a suspended trial agreement for the third defendant, despite the statutory requirement that such agreements apply only where the maximum penalty does not exceed three years. The court, citing Supreme Court jurisprudence raised by the prosecution when consenting to the suspended trial agreement, determined that such an agreement could be applied not based on the statutory maximum penalty of the offence but on the likely sentence in the event of conviction (i.e. the "hypothetical case of conviction in the proceeding"). Since the prosecution anticipated a sentence of three years or less, it found that the case would qualify for conditional sentencing under Article 26 CC, which permits suspended sentences for first-time offenders, thus making the case eligible for suspended trial agreement.¹¹ This interpretation, while reviewed by the court for its legality, demonstrates the significant flexibility afforded to prosecutors in applying NTRs in foreign bribery matters.

Publication and accessibility of NTRs

235. Anti-Bribery Recommendation XVIII (iv) calls on countries to make "public elements of NTRs, where appropriate, and consistent with data protection rules and privacy rights, as applicable."

236. Judicial decisions approving abbreviated trial, suspended trial, and repentance agreements are reportedly published on a government-supported website. However, given that the negotiations surrounding the NTR agreement are confidential, the published court decisions approving such agreements generally contain limited information, thereby constraining the extent of publicly accessible details. Decisions approving abbreviated trial agreements typically summarise the case facts, supporting

evidence, mitigating/aggravating factors, agreed sanctions, and assess legal validity. Decisions concerning suspended trial agreements are likewise sparse, and outline the general facts, legal basis for suspension, and its terms. Argentina states that the actual agreements may be accessed through a request for access to public information.

237. The judicial decisions approving the NTRs in *Technological Services (El Salvador)* are published on a government website. No press release was issued by the PPO, nor was the case mentioned in annual foreign bribery enforcement reports due to confidentiality terms. NGO and media representatives at the on-site were unaware of the case, though nearly all prosecutors and judges present at the on-site visit were familiar with the court's decisions in that matter.

Sanctions imposed through NTRs in practice

238. Argentina's only resolved foreign bribery case involving natural persons is the *Technological Services (El Salvador)* case, as previously discussed. Three individuals were formally accused and prosecuted. One was convicted through an abbreviated trial and received a one-year conditional prison sentence, permanent disqualification from public office, a donation of ARS 2 million (EUR 1 316) to a public welfare institution, and was ordered to pay legal costs. No fine was imposed under Article 259bis CC, which allows for fines of two to five times the undue benefit *sought* or received. This was likely due to the case being initiated before the 2018 amendment introducing Article 259bis, and under Article 2 CC, the more lenient law in force at the time of the offense must apply. However, this is not explicitly addressed in the court's decision. The second defendant was acquitted under the abbreviated trial procedure due to insufficient evidence of involvement. The third entered a one-year suspended trial agreement under Article 76bis CC, which remains ongoing.¹² The agreement requires the defendant to complete community service, comply with non-recidivism conditions, and pay ARS 1 million (EUR 658) to a public welfare institution. If these conditions are met, the charges will be dismissed.

239. While the defendant's co-operation may have influenced the outcomes, the leniency of the sanctions, particularly the conditional sentence at the lowest end of the range under Article 258bis (one to six years' imprisonment) and the suspended trial agreement, raises concerns about their effectiveness, proportionality, and deterrent value. These concerns are compounded by the limited transparency surrounding NTRs: the agreements provide limited information on how the prosecution determined the appropriate sanction within the statutory range. Although this is a single case, the use of NTRs against natural persons raises concerns whether, in practice, they are punishable by transparent, as well as effective, proportionate and dissuasive sanctions as required by Article 3 of the Convention.

Commentary

The lead examiners recognise Argentina's efforts in making NTRs available in foreign bribery and other corruption cases for natural and legal persons under its legislative framework (see section C.2.2. for discussion on effective collaboration agreements for legal persons). These frameworks have the potential to enhance efficiency in foreign bribery enforcement in Argentina. However, the lead examiners are concerned that some aspects of NTRs involving natural persons may not sufficiently guarantee transparency and consistency. Beyond the statutory provisions that define eligibility thresholds for abbreviated and suspended trial agreements, there is no guidance outlining the range of sentence reductions or criteria for determining appropriate sanctions. Judicial oversight is limited to verifying the legality of the agreement, without authority to assess the adequacy of its terms.

Accordingly, prosecutors and/or investigative judges (for those legacy cases under the CPC) retain substantial discretion over whether to use a particular resolution and over the sanction to be sought. Argentina has expressed concern that additional guidelines could impact the functional autonomy of prosecutors in the conduct of their cases. However, as the Working Group has

previously noted, the lack of clear criteria for exercising this discretion leaves prosecutors more vulnerable to criticisms of being arbitrary or improperly motivated (OECD, 2021^[32]). Written guidance would also help ensure a consistent approach regardless of the prosecutor assigned to the case. This will be particularly important with the full transition to the CPPF where prosecutors will play the central role in inviting natural persons to an agreement, and the exercise of prosecutorial discretion may attract greater public scrutiny.

For these reasons, the lead examiners recommend that Argentina develop and publish clear and transparent guidance to prosecutors specifying the criteria for using NTRs in foreign bribery cases, including abbreviated trial agreements, suspended trial agreements, and use of Law on Repentance, as well as for ensuring that sanctions imposed through these mechanisms are effective, proportionate and dissuasive, in line with Article 3 of the Convention and Anti-Bribery Recommendation XVIII.v.

B.6.4. Sanctions against natural persons

240. Under Article 258bis CC, foreign bribery is punishable by imprisonment (*reclusión*) ranging from one to six years, along with permanent disqualification from holding public office. If an offence is committed “with the aim of monetary gain”, then a fine of up to ARS 90 000 may be imposed (Art. 22bis CC). In Phase 3bis, the Working Group observed that the monetary penalties were “exceptionally low.” In response, Argentina enacted the CLL in 2018, which introduced Article 259bis CC. This provision significantly increased financial sanctions for natural persons in domestic and foreign bribery matters. Article 259bis of the CC allows courts to impose fines ranging from two to five times the “amount or value of the money, gratuity, benefit, or monetary advantage offered or given.” According to Argentina, this refers specifically to the value of the bribe provided to the foreign public official, rather than the benefit obtained by the briber. These fines may be imposed alongside imprisonment and disqualification sanctions.

241. To date, there is no jurisprudence clarifying how courts would calculate fines under Article 259bis CC. As discussed in section B.6.3, Argentina’s only resolved foreign bribery case involving natural persons was concluded through an abbreviated trial agreement, where sanctions are negotiated by the prosecution. In that case, no fine under Article 259bis was imposed, as the provision was not in force at the time of the offence or the formal accusation.¹³ It also remains unclear how fines would be determined in cases where the monetary value of the bribe cannot be established. In Phase 1bis (2019), Argentina stated that such a scenario was “very improbable,” although no case examples have been provided to date. The absence of jurisprudence and practical examples leaves uncertainty around the implementation of Article 259bis in foreign bribery matters.

Sentencing factors in determining sanctions

242. The Argentina CC contains provisions on the elements to be considered by judges in sentencing, although there is no standardised methodology on the application of these factors. Sentencing for criminal offences is governed primarily by the CC, which sets out statutory ranges for penalties and allows judges to exercise their discretion to impose sanctions within those limits. Articles 40-41 CC allow judges to consider mitigating and aggravating circumstances when determining the appropriate sanctions. These include assessing the nature of the act, the means used, extent of damage, the degree of participation, and the personal circumstances of the offender, among other relevant factors. Article 26 CC permits conditional sentencing for first-time offenders where the sentence does not exceed three years.

243. In Phase 2 (para. 221), Argentina indicated that the prevalence of bribery in a foreign jurisdiction and the tolerance of such payments by the foreign authorities could be mitigating factors at sentencing. This raised concerns about compliance with Commentary 7 of the Convention. Commentary 7 states that the offence of foreign bribery should be “irrespective of, *inter alia*, the value of the advantage, its results,

perceptions of local custom, the tolerance of such payments by local authorities, or the alleged necessity of the payment in order to obtain or retain business or other improper advantage.” The Working Group has been following up on this issue since Phase 3 in 2014 (Phase 3bis follow up issue 14(d)), as no case practice existed to elucidate this matter. In *Technological Services (El Salvador)*, the prevalence of bribery in a foreign jurisdiction was not considered as a stated mitigating factor.

Statistics on sanctions imposed in bribery and economic crime cases

244. In Phase 3bis the Working Group could not assess the adequacy of sanctions in practice because of a lack of concluded foreign bribery cases. At the time, statistics on sanctions imposed in domestic bribery cases were also unavailable. Accordingly, the Working Group asked Argentina to maintain detailed statistics of sanctions (including confiscation) imposed in cases of bribery and other economic crimes (Phase 3bis recommendation 4(c)). Argentina’s 2019 2YWFU did not provide comprehensive statistics, although Argentina provided data on seizures ordered in all cases. Argentina indicated that the PPO intended to collect statistics on sanctions and confiscation in the future. This recommendation was deemed partially implemented.

245. Argentina has made progress in collecting statistics on bribery cases. Due to limited foreign bribery cases concluded with sanctions, Argentina provides statistics on sanctions and confiscation measures imposed in 55 economic crime cases in the last five years (including passive and active bribery, extortion, embezzlement, illegal enrichment, embezzlement and other public administration crimes). Argentina provides the average and median sentence for each offence: 3 years for active and passive bribery cases, and around 5 years for aggravated passive bribery. Argentina states that in 30 out of 55 of the economic crime cases, financial penalties (totalling ARS 9 598 816) or confiscation were ordered, although it does not provide a detailed breakdown of the amounts per case. Moreover, no information was provided on how many cases have imposed sanctions, if any, using Article 259bis CC since its implementation. Argentina provides statistics on seized asset as well as confiscation in domestic bribery matters (see below, B.6.5.). The data on sanctions provided by Argentina is a welcome step; however, comprehensive statistics on the number of financial sanctions imposed (broken down by amount and offence) would be necessary in the future to assess whether sanctions imposed in foreign bribery cases are comparable to domestic corruption and bribery matters.

Commentary

In light of the limited number of convictions and sanctions in foreign bribery cases, the lead examiners welcome Argentina’s efforts to collect statistics on sanctions imposed in economic crime matters. However, they note that the available data lacks sufficient detail on financial sanctions, such as the amount imposed and the specific legal provisions applied for such fines, making it difficult to assess whether financial penalties are being effectively used in practice. Argentina has indicated that a new case statistics system will include more granular information, which could improve the tracking of sanctions, including confinement sentences and financial penalties.

The lead examiners therefore find Phase 3bis recommendation 4(c) remains only partially implemented and recommend that Argentina continue to maintain detailed statistics on sanctions (including confiscation) imposed in cases of bribery and other economic crimes. This should include comprehensive data on financial sanctions, specifying the amount imposed, the legal basis for the fine, and any related enforcement measures.

Moreover, due to limited jurisprudence on sanctions in foreign bribery cases, the lead examiners also recommend that the Working Group continue to follow up on sanctions imposed for foreign bribery in practice, including whether sentences imposed comply with Commentary 7 of the Convention.

B.6.5. Confiscation

246. Argentina has made some changes to its confiscation framework since Phase 3bis. Notably, non-conviction-based confiscation is now available in the context of proceedings related to criminal organisations, including transnational corruption (Law 27 683). This mechanism allows for restitution to the State or monetary compensation when the illicit assets cannot be located.

247. Further institutional developments have supported implementation. In September 2017, the General Directorate of Asset Recovery and Asset Forfeiture (DGRADB) issued a guide on precautionary measures for asset recovery. More recently, the AG issued Resolution PGN 58/2024, instructing prosecutors to proactively seek precautionary measures on assets suspected of illicit origin. These measures aim to preserve assets for eventual confiscation or to secure the enforcement of fines and compensation orders. The resolution also requires prosecutors to register ordered measures and linked assets in the internal PPO system (*Coirón*) to improve statistical tracking and institutional oversight. Further, Argentina reports that several 2025 regulatory measures, most notably Decree 575/25 establishing the comprehensive regime for the preservation, administration and disposal of assets and Decree 582/25 creating the Office of Recovered Assets (OBR), have strengthened its asset-recovery framework. Additional instruments, including Resolution 543/25, Joint Resolution 3/25, and related cooperation agreements, set out the operational procedures and coordination mechanisms for the effective management of seized and recovered assets.

Value confiscation remains unavailable in foreign bribery cases

248. Value confiscation remains unavailable in foreign bribery cases under the CC. Article 23(1) CC provides for confiscation upon conviction of “things that have been used to commit the offence, and the things or profits that constitute the proceeds or gains from the offence.” While this allows for the confiscation of the bribe and its direct proceeds, it does not permit confiscation of assets equivalent in value when the original assets are no longer traceable, commonly referred to as value confiscation.

249. In Phase 3bis, the Working Group noted that Argentina was developing legislation to introduce non-conviction-based confiscation, including value confiscation, for listed offences such as foreign bribery. Accordingly, the Working Group recommended that Argentina amend its legislation to provide for confiscation of property the value of which corresponds to that of the bribe and the proceeds of bribery, or monetary sanctions of comparable effect (Phase 3bis recommendation 4(d)). In the 2019 2YWFU, this recommendation was deemed not implemented, as no legislative changes had been introduced to enable value confiscation.

250. In Phase 4, Argentina states that the MOJ is drafting a bill to address confiscation by equivalent value and to strengthen non-conviction-based confiscation mechanisms. However, the bill appears to be at early stages as it has not yet been submitted to legislative committees. No timeline has been provided for its adoption.

Confiscation in practice and statistics

251. To date, Argentina has not applied confiscation in a foreign bribery matter and its application in economic crimes – while improving – remains limited. The Working Group previously raised concerns about the infrequency of confiscation orders, delays in enforcement, and the failure to reflect the full value of illicit gains. In Phase 3bis, Argentina had not identified concrete steps to ensure confiscation is routinely ordered and executed without delay. As a result, the Working Group recommended that Argentina take further steps to ensure that confiscation is routinely ordered in foreign bribery cases, that the amount of confiscation represents the full benefits of the offence, and that confiscation orders are executed without unreasonable delay (recommendation 4(e)). In the 2019 2YWFU, this recommendation was deemed

partially implemented as Argentina had not provided data on confiscation in bribery cases, and most statistics related to seizures or unrelated offences.

252. While confiscation has not been imposed in a foreign bribery case, in one ongoing proceeding (*Mapping System (Panama)*), assets worth ARS 500 million (EUR 323 497) have been seized under Article 518 CPC, a necessary preliminary step toward confiscation. Such proactive steps by prosecutors are a positive step in ensuring that confiscation is routinely ordered in foreign bribery cases. In Argentina's only concluded foreign bribery case (*Technological Services (El Salvador)*), confiscation was not ordered as no benefits were obtained by the accused. As mentioned above, in the absence of confiscation measures in foreign bribery matters, Argentina provided statistics on 55 economic crime cases in the last five years (including passive and active bribery, extortion, embezzlement, illegal enrichment, embezzlement and other public administration crimes). These conviction-based cases resulted in the confiscation of six properties, fourteen vehicles, aircraft or boats, twenty-four electronic devices, and additional movable assets. In addition, the amount of money confiscated totalled ARS 2 089 900. The exact breakdown of confiscation measure applied per case was not provided.

253. Argentina also indicates that prosecutors receive support from the DGRADB at the trial stage for confiscation measures, while PROCELAC and General Director for Economic and Financial Advice in investigation (DAFI) provide support at the investigative stage. While most measures reported by Argentina relate to money laundering and trafficking cases, DGRAB has requested confiscation in corruption cases, including EUR 49 000 and real property. Between 2020–2025, non-conviction-based forfeiture orders totalled EUR 435 000, with 37 orders on real property and other assets, related mostly to money laundering and trafficking cases. Argentina indicates that non-conviction-based confiscation have not yet been ordered in corruption cases. Based on the FATF 2024 Evaluation, Argentina imposed confiscation in seven money laundering cases that were predicated on corruption.

254. Argentina maintains statistics on precautionary measures and seized assets for corruption matters as well. From January 2020 to June 2025, the DGRADB has worked with prosecutors in 113 corruption cases and requested precautionary measures in several corruption matters (mainly seizure of real property and vehicles from 2020-2023, and some virtual assets in 2025).

255. Argentina also provided data on the timing of asset recovery measures. The percentage of cases where confiscation or seizure was ordered within the same or following year of initiation improved significantly: 44% in 2018, 0% in 2019 and 2021, 27% in 2020, 92% in 2022, and 100% in 2023. This is based on 69 measures monitored by DGRADB over this time period. Argentina attributes this to a growing tendency among authorities to initiate asset recovery measures early in proceedings.

Commentary

The lead examiners are encouraged by Argentina's recent efforts to strengthen the use of confiscation in foreign bribery cases. They note the proactive steps taken by prosecutors in one foreign bribery proceeding (*Mapping System (Panama)*), where assets have been seized ahead of trial, a critical preliminary measure to enable confiscation. The lead examiners note that these actions reflect growing awareness among prosecutors of the importance of asset recovery in corruption enforcement.

The lead examiners also acknowledge the issuance of guidance by the DGRADB, the adoption of AG Resolution 58/2024, and the institutional support provided by DGRADB to prosecutors at the trial stage to pursue confiscation measures. Despite these positive developments, confiscation in practice in bribery matters remains limited and therefore, Phase 3bis recommendation 4(e) remains partially implemented. Accordingly, the lead examiners recommend that Argentina ensure that, in practice, confiscation is systematically ordered in foreign bribery cases, that the amount of confiscation represents the full benefits of the offence, and that confiscation orders are executed without undue delay.

Moreover, while Argentina has made progress by introducing non-conviction-based confiscation mechanisms since Phase 3bis, the lead examiners regret that long-standing legislative gaps persist. Notably, Argentina has still not addressed the Working Group's long-standing concern regarding lack of value confiscation in foreign bribery matters. Therefore, the lead examiners reiterate Phase 3bis recommendation 4(d) and recommend that Argentina amend its legislation to provide for confiscation of property the value of which corresponds to that of the bribe and the proceeds of bribery, or monetary sanctions of comparable effect.

B.6.6. Debarment from public procurement

256. The National Procurement Office (*Oficina Nacional de Contrataciones*, ONC) oversees federal public procurement in Argentina, as per Delegated Decree 1023/2001. Article 28 provides grounds for ineligibility to contract with the National Administration, including (i) conviction for intentional crimes (Art. 28(d)) and (ii) persons being prosecuted for crimes against property, against the National Public Administration, against public faith, or for crimes covered by the Inter-American Convention against Corruption (Art. 28(e)). The public procurement framework also includes Decree 1030/2016, which sets forth procurement rules for goods and services and Decree 1169/2018, which applies to public works contracts. Argentina notes that procurement regulation is dispersed across several instruments and that Decree 206/2025 establishes the contractor information system (SICO-CON) for certain concessions.

257. The Working Group had identified several shortcomings in Argentina's public procurement framework since Phase 2, consolidated into Phase 3bis recommendation 4(f), which called on Argentina to: (i) extend the grounds for debarment across all federal procurement (including public works) to cover all offences falling within Article 1 of the Convention; (ii) ensure the effectiveness of the exclusion mechanism, including by routinely checking multilateral development bank (MDB) debarment lists; and (iii) extend disqualification to legal persons engaged in foreign bribery in conjunction with reforms to corporate liability. At the Phase 3bis 2YWFU, the recommendation was assessed as partially implemented. Argentina had extended debarment to legal persons through the CLL, replicated debarment provisions for public works contracts, and introduced references to MDB debarment lists. However, deficiencies remained regarding the scope, coherence, and operation of the regime.

258. With regard to the scope of offences covered, gaps remain at Phase 4 in the federal procurement framework. Decree 1023/2001 still refers to crimes included in the Inter-American Convention against Corruption (ICAC). However, the ICAC does not cover the bribery of public officials of public international organisations. As a result, this form of foreign bribery is not explicitly covered by the debarment regime under Decree 1023/2001. Although Argentina contends that reference to the ICAC does not exclude cases covered by the CC, the Working Group has consistently rejected this interpretation since Phase 2. Decree 1023/2001 remains in force and has not been amended since Phase 3bis to expressly cover all offences falling within Article 1 of the Convention.

259. With respect to the effectiveness of the exclusion mechanism, Decrees 1030/2016 and 1169/2018 introduced ineligibility based on debarment by the World Bank or the Inter-American Development Bank (IDB). At the time of the 2YWFU, procuring authorities were therefore required to verify the debarment lists of these institutions. However, Argentina also explained that the wording referencing MDB lists was difficult to operationalise in practice, as the World Bank and IDB debarment lists do not specify the conduct for which the person was disbarred. Following the Phase 4 onsite visit, Argentina adopted Decree No. 5/2026 (published on 6 January 2026), amending Article 68(i) of Decree 1030/2016 and Article 5(i) of Decree 1169/2018. The amendments reformulate the ineligibility grounds related to the World Bank and IDB debarment lists: rather than limiting exclusion to cases involving conduct covered by the OECD Convention, the revised provisions now render ineligible any natural or legal person included on the World Bank or IDB debarment lists for corrupt, fraudulent, collusive, coercive, obstructive, misappropriation practices, or for any other reason specified in those lists. The decree also requires contracting authorities

to verify bidders' inclusion on these lists during the evaluation process. These amendments appear to address the practical implementation difficulties previously identified in relation to checking MDB debarment lists.

260. Regarding the disqualification of legal persons engaged in foreign bribery, the adoption of the CLL introduced criminal liability of legal persons and provided for debarment from public tenders and other State-related activities as a possible sanction for foreign bribery. As noted by the WGB at the time of the 2YWFU, this addressed part of the concern identified in Phase 3bis that legal persons were not clearly subject to disqualification. Nevertheless, debarment under the CLL remains an additional and discretionary sanction, rather than an automatic consequence of conviction. Furthermore, Argentina's debarment regime continues to be structured across multiple instruments (Decree 1023/2001, Decrees 1030/2016 and 1169/2018, and the CLL), which differ in scope and triggering mechanisms. While Argentina considers that legal persons prosecuted or convicted domestically for foreign bribery are covered by the general ineligibility provisions, the framework has not been streamlined into a single, coherent regime expressly covering all situations contemplated by Article 1 of the Convention.

261. In practice, the ONC confirmed during the Phase 4 onsite visit that it issues regulatory guidance and supervisory instructions to contracting authorities, including on ineligibility grounds and verification of debarment lists. The ONC clarified that, while it acts as the governing body for federal public procurement (with regulatory, advisory, and supervisory powers), it does not itself manage or audit individual procurement procedures, except in the context of framework agreements. Furthermore, since 2025, pursuant to Articles 22–24 CLL, private legal entities seeking to contract with the state must register with the Integrity and Transparency Registry for Companies and Entities (RITE), which aims to strengthen private sector integrity and implementation of the CLL. (See also section C.4.)

Commentary

The lead examiners note that since Phase 3bis, Argentina has taken important steps to strengthen its debarment framework. In particular, and as noted by the Working Group at the time of the Phase 3bis 2Y WFU, debarment has been extended to legal persons through the CLL; furthermore, the framework for consultation of MDB debarment lists has been clarified, and further reinforced recently through Decree No. 5/2026.

Nevertheless, two issues identified since Phase 2 remain unresolved:

- **Decree 1023/2001 continues to refer to offences covered by the Inter-American Convention against Corruption (ICAC), which does not encompass all forms of foreign bribery falling within Article 1 of the Convention, notably bribery of officials of public international organisations. As a result, not all foreign bribery offences are expressly covered across the federal debarment framework.**
- **While the CLL introduced criminal liability of legal persons and made debarment available as a possible sanction for foreign bribery, the regime remains structured across multiple instruments with different triggers. Decrees 1030/2016 and 1169/2018 refer to legal persons convicted abroad, whereas disqualification under Decree 1023/2001 and the CLL may arise in other circumstances and remains discretionary in the case of the CLL. Although Argentina considers that, taken together, these provisions ensure coverage of legal persons convicted domestically for foreign bribery, the framework has not been consolidated into a single, clearly articulated regime expressly covering all situations contemplated by Article 1 of the Convention, as recommended by the WGB.**

The lead examiners therefore consider that Phase 3bis recommendation 4(f) remains only partially implemented. They thus recommend that Argentina (i) amend Decree 1023/2001, or otherwise clarify through binding legislative or regulatory measures, that debarment across all federal procurement regimes expressly covers all forms of foreign bribery falling within Article 1 of the

Convention, including bribery of officials of public international organisations; and (ii) streamline and clarify the debarment framework applicable to legal persons convicted of foreign bribery, including by ensuring that such legal persons are clearly and consistently subject to disqualification across all federal procurement regimes, regardless of whether the conviction occurs in Argentina or abroad, and without reliance on overlapping or fragmented provisions.

Given the dispersed regulatory regime currently in place, the Working Group will also follow up, as implementation of recent reforms advances, on the practical application of the amended ineligibility provisions and the coherence of the debarment regime across the various applicable decrees.

C. Legal persons

C.1. Scope of liability of legal persons

C.1.1. Standard of liability

262. At Phase 1bis, the Working Group considered Argentina's CLL a significant improvement to the legal framework but identified several issues requiring follow-up in subsequent evaluations. These included the interpretation of key terms in Article 2 CLL (e.g. acts committed "with its intervention/participation," "on its behalf," or "for its benefit"; third-party acts; tacit ratification), as well as the treatment of situations where both the natural and legal person benefit. The Working Group also sought to follow up on the level of authority required to trigger corporate liability, in line with Annex I.B.3 to the Anti-Bribery Recommendation, and on liability for bribery committed through intermediaries or subsidiaries, consistent with Annex I.C.1. All of these issues remain untested at Phase 4, and are therefore reviewed below as continued matters for follow-up.

263. *Undefined terms in Article 2 CLL (acts giving rise to liability):* At Phase 1bis, the Working Group highlighted the need to follow up how courts interpret key terms in Article 2 CLL, such as acts committed "with its intervention/participation," "on its behalf," "in its interest," or "for its benefit," as well as liability arising from third parties without authority and from ratification, including tacit ratification. Argentina confirms that no jurisprudence has yet interpreted these concepts. Authorities referred generally to ongoing domestic corruption cases, but these did not provide clear interpretations of how these elements of Article 2 have been applied in practice. These issues therefore remain matters for follow-up.

264. *Benefit to both the natural and the legal person:* At Phase 1bis, Argentina stated that a legal person would be liable where foreign bribery benefits both the natural person and the entity, but there was no case law. Argentina cites the **Private Security [domestic]** case as an example of a situation where both the company and several managers are being prosecuted under the CLL. A December 2024 appellate decision in that case describes a systematic bribery scheme aimed at obtaining and maintaining public contracts and maximising the group's commercial operations, and refers to the use of the corporate structure to generate benefits for the companies involved. These factual findings support the premise that the alleged conduct was carried out, at least in part, for the benefit of the legal persons. However, the decision does not explicitly analyse or apply the concept of "benefit" under Article 2 CLL, nor does it set out how prosecutors or courts assessed the existence of dual benefit as a legal condition for corporate liability. As such, while the case provides useful factual indications, the interpretation of "benefit" under the CLL remains to be verified through further case law.

265. *Level of natural person triggering liability:* Argentina maintains that the CLL adopts a flexible approach: the level of authority of the perpetrator does not determine whether liability is triggered, provided the conditions of Article 2 are met. While the **Private Security [domestic]** case involves individuals at multiple levels, from senior executives to mid-level managers, Argentina has not supplied documentation showing how prosecutors or courts analysed this element. Whether authorities apply a fully flexible approach in line with Annex I.B.3(a) of the Anti-Bribery Recommendation therefore remains a follow-up issue.

266. *Liability for bribery through intermediaries, including subsidiaries:* Argentina asserts that Article 2 CLL (“directly or indirectly”) captures bribery committed through intermediaries, agents, or subsidiaries, and authorities emphasised in Phase 1bis that a parent company can be liable for bribery committed by its subsidiary. In Phase 4, Argentina again cites the *Private Security [domestic]* case as evidence, although only the Argentine subsidiary, not the foreign parent, was sanctioned. Thus, no case law yet clarifies how far parent-company liability extends, and this question merits continued follow-up.

267. *Successor liability:* This issue had not been reviewed at the time of Phase 1bis as the standard had not yet been adopted by the WGB in the Anti-Bribery Recommendation, which requires that countries “have appropriate rules or other measures to ensure that legal persons cannot avoid liability or sanctions for foreign bribery and related offences by restructuring, merging, being acquired, or otherwise altering their corporate identity”. Article 3 CLL provides for successor liability in cases of mergers, transformations, absorptions, spin-offs, or situations where a company continues its economic activity under a new form.

Commentary

The lead examiners note that case law under the CLL remains insufficient to clarify the issues identified for follow-up in Phase 1bis. They therefore recommend that the Working Group continue to follow up on:

- i) **the interpretation and practical application of the key terms in Article 2 CLL, including “with its intervention/participation,” “on its behalf,” “in its interest/benefit,” third-party acts, and tacit ratification,**
- ii) **the treatment of situations where both the natural and legal person benefit,**
- iii) **whether the level of authority of the natural person is applied flexibly in line with Annex I.B.3(a) of the Anti-Bribery Recommendation, and**
- iv) **the liability of parent companies for foreign bribery committed through subsidiaries or other intermediaries, consistent with Annex I.C. of the Anti-Bribery Recommendation.**

C.1.2. Autonomy of the liability of legal persons

268. In accordance with the Anti-Bribery Recommendation, Annex I.B(2), the liability of legal persons should not be restricted to cases where the natural person or persons who perpetrated the offence are prosecuted or convicted. While the CLL states that a legal person may be sentenced even where it is not possible to identify or prosecute the individuals involved, it also adds a condition that the offence must have been committed without the legal person’s “tolerance” (Art. 6 CLL).

269. In Phase 1bis (2019), the Working Group raised two concerns with Article 6 CLL: (i) the “tolerance” threshold from Article 6 CLL appears to duplicate the ratification threshold in Article 2(2) CLL, which was found to be problematic (see standard of liability) and (ii) further, the tolerance condition appears to create an additional defence to corporate liability. For example, if a natural person cannot be identified or prosecuted, then the legal person would escape liability by showing that it did not “ratify” or “tolerate” the crime by reason of Article 6 CLL. In Phase 1bis, Argentina stated that the that the term “tolerance” should be interpreted by “look[ing] beyond formalities of the compliance programme and assess[ing] where a real and parallel (and illegal) way to contact either local or foreign public officials exists within the entity. The law is aimed to focus on actions, not on legal or formal appearances.” As outlined in the Phase 1bis evaluation, the Working Group recommended that Argentina amend Article 6 CLL to remove the requirement of the legal entity’s “tolerance”.

270. No changes have been made to the CLL in this regard. In Phase 4, Argentina reiterates that Articles 2 and 6 sufficiently establish the “autonomy of criminal liability of legal persons, without making it contingent on the prior conviction of the individual involved.” Argentina further explained that the term “tolerance” in Article 6 has been interpreted to mean “failure to take adequate control, prevention, or

supervision measures, which is equivalent to a structural or organisational failure.” It also stated that the “absence or ineffectiveness of an integrity program in accordance with Article 23 CLL constitutes sufficient evidence of such ‘tolerance’ and therefore enables criminal liability to be attributed to the legal person.”

271. However, Argentina has not provided any court jurisprudence to support this interpretation. It refers only to one domestic corruption case resolved through an effective collaboration agreement (***Private Security [domestic] case***) and another ongoing corporate investigation, which has not yet resulted in convictions or sanctions. Crucially, there is no judicial interpretation of Article 6 in either case.

Commentary

Since the enactment of the CLL, Argentina has not taken concrete steps to amend provisions raised as an issue in Phase 1bis. Argentina maintains that the CLL Article 6 clearly allows for autonomous liability of legal persons (e.g. does not require that a natural person be identified or prosecuted for a legal person to be sentenced). However, the lead examiners remain concerned regarding the additional condition in Article 6 CLL that the offence must have been committed without the legal entity’s “tolerance”. The lead examiners therefore recommend that Argentina amend Article 6 CLL and remove the requirement of the legal entity’s “tolerance”.

C.1.3. Defence for legal persons

272. In Phase 1bis, the Working Group raised concerns about Article 9 CLL, which provides a defence that exempts legal persons from both criminal sanctions and “administrative responsibility”. Article 9 CLL provides a defence if the following three conditions are met:

Art. 9. - Exemption from sanctions. The legal person will be exempt from punishment and administrative responsibility when the following circumstances concur simultaneously:

- a) Spontaneously has denounced an offence provided for in this law as a result of an internal detection and investigation activity,
- b) Would have implemented an adequate control and supervision system under the terms of Articles 22 and 23 of this law, prior to the fact of the process, the violation of which would have required an effort from the parties involved in the commission of the offense, and
- c) Would have returned the undue benefit obtained.

273. In Phase 1bis, the Working Group found that each element of this defence contained ambiguities, as outlined below.

274. **(i) Requirements for self-reporting.** Regarding the first element of “spontaneous denunciation”, the Working Group raised concerns in Phase 1bis on whether the provision is limited to self-reporting and whether the crime denounced by the legal person must be unknown to the authorities; the Working Group also noted the absence of requirements to verify or investigate the legal person’s denunciation. Thus, the Working Group recommended that Argentina amend Article 9 CLL to (i) make clear that exemption from sanctions applies only when a legal person self-reports an offense that it has committed; and (ii) the legal person satisfies a court that it has conducted an appropriate internal investigation and reported all relevant wrongdoing. Relatedly, the Working Group decided to follow up whether the reported offence must be unknown to the authorities.

275. No changes have been made to Article 9 CLL since Phase 1bis in 2019, and Argentina has not indicated plans to amend it. Argentina states that there is currently no case law interpreting this provision and that its applicability “has not yet been analysed.”

276. **(ii) Adequate control and supervision system (integrity programmes).** The second condition (Art. 9(2)) requires that the legal person had an adequate integrity programme in place at the time of the

offence. The integrity programme should be consistent with a legal person's size, economic capacity, and the risks it faces. Article 23 CLL lists 3 mandatory and 10 optional elements for all integrity programmes. "[Integrity Guidelines](#)" developed by the OA complement the CLL but are not legally binding, unlike Articles 22-23 CLL (OA, 2019^[33]).

277. In Phase 1bis (paras. 45-50), the Working Group found that the requirements of an adequate integrity programme outlined in Arts. 22-23 CLL do not appear robust. Many optional elements listed in Article 23 CLL are essential to an effective compliance programme (e.g. visible top-level management support; a periodic assessment of the company's risk profile; regular monitoring, assessment and updating of the integrity programme; a channel to report irregularities and whistleblower protection; and a procedure for investigating and sanctioning breaches). Further, inadequate consideration is given to elements identified in the Annex II Good Practice Guidance on Internal Controls, Ethics and Compliance of the Anti-Bribery Recommendation (e.g. limited guidance on gifts and political campaign financing, policies on solicitation and extortion are not mentioned at all). Therefore, the Working Group recommended that Argentina amend Article 23 CLL and the Integrity Guidelines to include additional elements that are vital to an effective anti-foreign bribery compliance programme.

278. Argentina has not amended Article 23 or the Integrity Guidelines since Phase 1bis. During the on-site visit, a representative of the OA stated that updates to the Guidelines are under consideration to align with Annex II of the Anti-Bribery Recommendation.

279. *Exemption when senior corporate officers involved.* Relatedly, Article 9 CLL would allow a company to escape liability if it can demonstrate that an adequate integrity programme was implemented at the time of the offence but was circumvented by the perpetrators, and if the other conditions in Art. 9 CLL are met. However, Annex I.B.3.b of the Anti-Bribery Recommendation states that a legal person should be directly liable whenever high-level managers themselves commit, direct or authorise foreign bribery.

280. In Phase 1bis, Argentina disagreed that Article 9 CLL was contrary to Annex 1.B.3 to the Anti-Bribery Recommendation, since Article 9 CLL provides exemption from liability but not from sanctions. However, the Working Group found that the provision effectively prevents punishment and contravenes Annex I of the Anti-Bribery Recommendation. Thus, the Working Group recommended that Argentina amend Article 9(2) CLL to ensure that the exemption from sanctions is not available when senior corporate officers commit or authorise foreign bribery, consistent with the Anti-Bribery Recommendation.

281. Argentina has not amended Article 9(2) since Phase 1bis and did not report any steps taken to address this recommendation in its 2025 Questionnaire.

282. **(iii) Return of undue benefit.** The third condition requires the legal person to return any undue benefit obtained (Art. 9(3) CLL). In Phase 1bis, Argentina stated that if the benefit cannot be returned (e.g. consumed or transferred), the company must pay an equivalent amount. The Working Group decided to follow up on whether this requirement is enforced in practice. No case practice yet exists on this provision.

Commentary

Argentina has not amended Article 9 of the CLL since Phase 1bis, despite concerns raised by the Working Group after its enactment. Additionally, no case practice or jurisprudence exist that would assuage concerns raised in Phase 1bis. The lead examiner, therefore, recommend that Argentina: (i) amend Article 9 CLL to clarify that exemption from sanctions applies only when a legal person self-reports an offence it has committed and demonstrates to a court that it conducted an appropriate internal investigation and disclosed all relevant wrongdoing, (ii) amend Article 23 CLL and the Integrity Guidelines to include additional elements that are vital to an effective anti-foreign bribery compliance programme, (iii) amend Article 9(2) CLL to ensure that the exemption from sanctions is not available when senior corporate officers commit or authorise foreign bribery, consistent with the Anti-Bribery Recommendation. The lead examiners recommend that the

Working Group continue to follow up on case practice to assess whether the requirement to return undue benefits is enforced in practice.

C.1.4. Statute of limitations for legal persons

283. The limitation period to prosecute legal persons under Article 5 CLL is identical to that for natural persons (see also section B.3.3) and is unchanged since Phase 1bis. Despite the relatively generous limitation period, the Working Group raised two concerns specific to enforcement against legal persons.

284. First, effective collaboration agreements do not suspend the limitation period. Under the CLL, legal persons may enter into such agreements with certain conditions. Prosecution is then suspended for one year, resuming if the legal person fails to meet the conditions. However, the limitation period continues to run during this suspension. This creates a risk that companies with less than one year remaining may lack incentive to comply. The Working Group recommended amending the CLL to suspend the limitation period during the term of the agreement. No legislative changes have been made since Phase 1bis in this regard. Argentina states the issue is “under review” and that, in practice, the “authority responsible for the CLL ensures that cooperation agreements don’t interfere with effective investigations or the possibility of imposing sanctions.” Argentina also notes that no corporate investigation has encountered statute of limitations issues during an effective collaboration agreement. However, this claim appears to be based on a single concluded agreement with a legal person, providing insufficient basis for broader conclusions.

285. Second, the Working Group expressed concern about delays in corruption investigations and trials involving natural persons, and noted that proceedings against legal persons, often more complex, may face similar or greater delays. The Working Group decided to follow up on whether the statute of limitations under the CLL is sufficient in practice for legal persons. Due to limited enforcement since the law’s enactment, this remains difficult to assess. At the time of this report, Argentina does not have any ongoing foreign bribery investigations where legal persons could face charges under the CLL. The timely resolution of cases against legal persons would help demonstrate the sufficiency of the limitation periods as well as Argentina’s capacity to investigate and prosecute legal persons in a timely manner.

Commentary

Argentina asserts that the current statute of limitation framework under the CLL is sufficient. However, there is very limited corporate enforcement to support this position. In particular, there is no case practice demonstrating that corporate proceedings in foreign bribery matters can be resolved within the time limits prescribed, including when entering effective collaboration agreements. The lead examiners, therefore, reiterate the Working Group’s recommendation from Phase 1bis and recommend that Argentina amend the CLL so that the limitation period is suspended for the duration of an effective collaboration agreement. The lead examiners also recommend that the Working Group continue to follow up on case practice on whether the statute of limitations is sufficient to investigate and prosecute complex economic crime cases against natural and legal persons in practice.

C.2. Enforcement of corporate liability

C.2.1. Enforcement of legal person liability in foreign bribery cases in practice

286. There have not been any sanctions or resolved proceedings against legal persons in foreign bribery cases. Since the enactment of the CLL over seven years ago, no legal entities have been formally accused, indicted, acquitted or sanctioned for foreign bribery.

287. In the absence of foreign bribery proceedings against legal persons, Argentina provided information on cases involving legal persons for other economic crime matters under the CLL. Notably, Argentina imposed its first sanctions against an Argentine company in the *Private Security [domestic]* case through an effective collaboration agreement (see section C.2.2.). Argentina also cites three other cases (domestic corruption, tax crimes, and smuggling cases) where legal persons have been summoned or indicted, but only one appears to be an investigation under the CLL.

288. During the on-site visit, representatives from the PPO as well as the legal community highlighted that Argentina had recently adopted general guidelines for criminal prosecution of organised crime (AG Resolution No. 27/25). These guidelines emphasise the need for specialisation, asset recovery, parallel financial investigations, corporate liability, inter-institutional coordination, and international co-operation to combat organised crime. However, AG Resolution No. 27/25 does not expressly incorporate foreign bribery offences within its strategic framework, nor does it reference the Convention. The only direct reference to foreign bribery appears in a footnote acknowledging that the CLL criminalises foreign bribery, among other offences. Nevertheless, the Resolution urges prosecutors to actively pursue corporate actors involved in “crimes associated with organised crime, such as money laundering, acts of corruption, or tax and customs crimes”, rather than limiting enforcement efforts to individuals. This reference to proactively pursuing legal persons is a welcome development, although the practical impact and relevance of AG Resolution No. 27/25 for foreign bribery enforcement appears limited.

Commentary

Nearly eight years after the enactment of CLL, only one legal person has been held liable and sanctioned in a domestic corruption matter. The lead examiners are concerned that very limited corporate enforcement has resulted from the CLL and notes that no foreign bribery cases with formal accusations has been brought against legal persons. The lead examiners recommend that Argentina enhance the usage of CLL especially in foreign bribery cases. The lead examiners also recommend that Argentina conduct further training with law enforcement and judiciary on corporate enforcement including available sanctions.

C.2.2. Non-trial resolutions for legal persons

289. NTRs are available to legal persons in foreign bribery cases in Argentina following the enactment of the CLL. However, enforcement under the CLL remains limited, both in foreign bribery and other offences. A notable development in 2023 was the first sanction imposed on a legal person through Argentina’s effective collaboration agreement mechanism.

290. This section examines Argentina’s NTR framework for foreign bribery in light of the Anti-Bribery Recommendation XVII, focusing on its alignment with principles of due process, transparency, and accountability. Additionally, Anti-Bribery Recommendation XVIII. v. provides that countries should ensure that foreign bribery matters resolved through an NTR are punishable by transparent, as well as effective, proportionate and dissuasive sanctions, as required by Article 3 of the OECD Anti-Bribery Convention.

Overview of effective collaboration agreements and range of sanctions

291. Articles 16-18 of the CLL provide for effective collaboration agreements, which legal persons may enter into under specific conditions. The prosecutor and a legal person may enter into such an agreement if the legal person undertakes to disclose information or accurate, useful and verifiable data to elucidate facts, or to identify a crime’s participants or proceeds. The legal person must also pay a fine equal to at least half the minimum stipulated in Article 7(1) CLL (e.g. equivalent to the value of the undue benefit obtained or sought), agree to restitution of the product or benefit of the crime, and surrender property that would have been confiscated upon conviction. Additional obligations may include compensating for

damages, performing community service, disciplinary measures involving individuals, and implementing or enhancing an integrity programme (Art. 18 CLL).

292. Effective collaboration agreements are subject to judicial approval. Under Article 19 CLL, the PPO must submit the agreement to a judge, who evaluates the legality of its terms and the proposed co-operation before deciding to approve, amend, or reject it. The judge cannot impose new conditions to the agreement. Within one year, the PPO or the judge must assess whether the legal person has complied with the agreement, particularly regarding the credibility and usefulness of the information provided by the legal person (Art. 21 CLL).

Accountability and transparency of NTR systems

293. In accordance with Anti-Bribery Recommendation XVII, countries must ensure that NTRs in foreign bribery cases uphold due process, transparency, and accountability. In its Phase 1bis evaluation, the WGB raised concerns about the limited transparency and accountability in Argentina's legislative framework for effective collaboration agreements.

294. **Criteria for entering into agreements.** In Phase 1bis, the WGB noted that while judges assess the legality of agreements, they do not evaluate the appropriateness of the terms or the prosecutor's reasons for not pursuing a trial. Within one year of the collaboration agreement, a judge reviews whether the information provided by the company is authentic and useful, and whether the other terms in the agreement have been satisfied. The Working Group, therefore, recommended that Argentina publish criteria that prosecutors should consider before entering into a collaboration agreement, the essential elements of each agreement, and the outcome of the verification conducted one year after the agreement to assess the information provided by the legal person and compliance with the agreement. Further, the Working Group also recommended that Argentina ensure effective review mechanisms and transparency of NTRs.

295. Since the CLL's adoption, no legislative amendments or supplementary regulations for effective collaboration agreements have been introduced, whether in domestic or foreign bribery cases. During Phase 1bis (2019), Argentina indicated that a "future Attorney General (AG) instruction or guideline would address transparency concerns." However, Argentina now maintains that further guidance is unnecessary, asserting that Article 16 CLL sufficiently outlines the criteria for entering into collaboration agreements. According to Argentina, prosecutors assess the relevance of the information provided by the legal person in clarifying facts, identifying perpetrators, or recovering illicit gains, and consider the sanctions the legal person is prepared to accept under Article 18 CLL. Nevertheless, in the absence of standardised guidance, there is a risk that prosecutorial discretion may appear arbitrary, particularly in determining which companies are offered the opportunity to enter into collaboration agreements.

296. **Publication and accessibility.** Anti-Bribery Recommendation XVIII (iv) calls on countries to make "public elements of NTRs, where appropriate, and consistent with data protection rules and privacy rights, as applicable."

297. The CLL does not require the publication of essential elements of the collaboration agreement, such as the reasons for entering into the agreement, main facts of the case, the parties to the agreement, sanctions imposed, and information provided by the legal person. Additionally, the outcome of the one-year compliance verification (Art. 21 CLL) by the judge or PPO is not made public.

298. Effective collaboration agreements with legal persons are not systematically published and are accessible only to the parties involved. Argentina has confirmed that these agreements are not public, although they may become partially known through related judicial decisions involving *natural persons*. This occurred in Argentina's first corporate sanction under a collaboration agreement in a domestic corruption case (**Private Security [domestic]**). On 4 December 2024, a judge indicted several individuals, including public officials, for offences such as criminal association, bribery, and abuse of office. The ruling

referenced elements of the effective collaboration agreement between the PPO and the legal person, including the companies involved, the misconduct in question, and the agreed sanctions.

299. During the on-site visit, Argentine law enforcement and judicial authorities cited this case as evidence of transparency, noting that judicial decisions approving collaboration agreements are accessible. However, the referenced decisions pertain solely to proceedings against natural persons (Cases FSM 3084/2020/25/1/CA32 and FSM 3084/2020/35/CA7). The actual effective collaboration agreement with the legal person, the judicial approval decision of the agreement, and the results of the one-year compliance verification under Article 21 CLL remain unpublished and confidential. Argentina notes that Supreme Court Operating Rule 10/2025, which mandates the online publication of federal court judgments including first-instance resolutions, has strengthened judicial transparency. However, this requirement does not extend to the judicial approval decision of the effective collaboration agreement with the legal person, the agreements themselves, or court decisions issued under Article 21 of the CLL. It is not clear if these may be published pending resolution of the sanction (see below). In any event, this approach aligns with Argentina's original position at the time of the CLL's enactment, which anticipated such confidentiality.

300. In cases where only legal persons are sanctioned and no individuals are prosecuted, it remains unclear how, if at all, the existence or terms of the collaboration agreement would be disclosed. To date, Argentina has not developed any guidance or mechanisms to ensure the publication of relevant elements of these agreements, limiting transparency and public accountability in such cases. During the on-site visit, some representatives from the legal community expressed concern that the current framework lacks sufficient incentives for legal persons to self-disclose along with weak corporate enforcement (as discussed in section A.8). One participant noted persistent uncertainty around how authorities intend to apply effective collaboration agreements in practice and observed that the handling of the first such agreement has done little to clarify expectations or build confidence in the system.

301. **Effective collaboration agreement sanctions in practice.** To date, Argentina has imposed only one sanction under the CLL. In the *Private Security [domestic]* case, the company was sanctioned in accordance with Articles 7 and 18 of the CLL. Under the collaboration agreement, the company agreed to: (i) pay a fine equal to the value of the undue benefit obtained; (ii) return the illicit gains; (iii) forfeit assets subject to confiscation upon conviction; (iv) undertake measures to repair the harm caused; and (v) provide community service by purchasing goods for a diocese and a charitable institution. The exact amounts for the fine, restitution, and confiscation are still being determined through an "accounting expert study." During the on-site visit, Argentine authorities indicated that these amounts would be made public, although the mechanism for such disclosure remains unclear.

Commentary

To date, one domestic bribery case has been resolved through an effective collaboration agreement and remains the only concluded case since the enactment of the CLL in 2018. The lead examiners find that the lack of guidance on the mechanism significantly undermines its use. Increased information on how effective collaboration agreements can be applied in practice could boost its efficiency.

The lead examiners are also concerned that the public cannot readily access information about actual NTRs. As a result, the public cannot determine whether the use of NTRs is justified in a particular case, or whether the resulting penalties are effective, proportionate, and dissuasive. This could in turn undermine the public's confidence in the administration of justice.

For these reasons, the lead examiners recommend that Argentina (a) develop and publish clear and transparent guidance to prosecutors specifying the criteria for using NTRs in foreign bribery cases, as well as for ensuring that sanctions imposed through these mechanisms are effective, proportionate and dissuasive (see related commentary under section B.6.3), and (b) make public,

where appropriate and consistent with data protection rules and privacy rights, as much information about its NTRs as possible, such as the essential elements of each effective collaboration agreement and the outcome of the verification conducted one year after the agreement, in line with the Anti-Bribery Recommendation XVIII.iv, with a view to building trust in this system. The lead examiners further recommend that the Working Group follow up on whether effective collaboration agreements have effective review mechanisms and whether such agreements allow for effective, proportionate and dissuasive sanctions in practice.

C.3. Sanctions against legal persons

C.3.1. Mandatory fines upon conviction of a legal person

302. Since the enactment of the CLL, there have been no amendments to the sanctions applicable to legal persons. Article 7(1) of the CLL stipulates that legal persons may be fined between two to five times the undue benefit obtained or that could have been obtained. In addition to Article 7(1) CLL, Articles 7(2) - (6) CLL provide for supplementary penalties, including the publication of excerpts from the judgment and administrative sanctions. Article 8 CLL outlines aggravating and mitigating factors for sentencing, such as non-compliance with internal procedures, the number and seniority of individuals involved, voluntary self-reporting, and post-offence conduct.

303. In Phase 1bis, the Working Group observed ambiguity regarding whether fines under Article 7(1) are mandatory upon conviction. At the time, Argentina asserted that fines are obligatory, while additional sanctions are discretionary. However, this interpretation is not explicitly supported by the text of the CLL. The Working Group expressed concern that if fines are not mandatory, sanctions for foreign bribery may not be sufficiently effective, proportionate and dissuasive.

304. In Phase 4, Argentina revised its position, stating that fines under Article 7(1) CLL are not mandatory and that this is not an “obstacle” to prosecuting legal persons. Argentina indicates that Article 7 CLL establishes a hierarchy of penalties, with fines generally preferred unless exceptional circumstances justify alternatives. For instance, if a company is merely a shell entity with no assets, imposing a fine may be disproportionate, and other penalties, such as those under Article 7(4), may suffice. Argentina maintains that mandating fines could conflict with “principles of legality, proportionality, and culpability.” Nonetheless, this interpretation raises ongoing concerns about the adequacy of sanctions for foreign bribery against legal persons.

305. The lack of corporate enforcement under the CLL to date makes it difficult to assess how sanctions under Article 7 are applied in practice. Since the law’s enactment, only one company has been sanctioned, and that was through an effective collaboration agreement. The specific fine imposed in that case has not yet been evaluated. Moreover, the legal framework governing fines in collaboration agreements differs from that applicable to convictions, further limiting the ability to determine whether sanctions under Article 7 CLL are sufficient in practice.

C.3.2. Calculation of sanctions for legal persons

306. In Phase 1bis, the Working Group found that it was not clear how the amount of a fine will be determined based on the provisions governing sanctions (Art. 7 CLL) and sentencing factors (Art. 8 CLL).

307. *Interpretation of benefit.* Article 7(1) CLL (and Art. 259bis CC) provides that a legal person may receive a fine of two to five times the value of the “undue benefit that was obtained or could have been obtained” through a foreign bribery offence. It is not entirely clear how the “benefit” would be determined, however. In Phase 1bis (2019), Argentina stated that the “benefit” would “take into account the type of business obtained or intended to be obtained, and the profit that he/she allowed or should allow”. The

provision is unclear on what the fine would be if the contract generates a loss instead of a profit. In Phase 4, there is no jurisprudence to further clarify this issue, although the pending assessment of the fine under the first effective collaboration agreement may provide some guidance into how the PPO and courts are determining benefit.

308. *Fines imposed when benefit not quantifiable.* Article 7 CLL does not outline how fines will be determined if a fine is unquantifiable. The Working Group observed that “companies are known to bribe to enter a new market or to increase their reputation. These benefits can be substantial for large companies but may not be readily quantifiable with certainty” (OECD, 2019^[4]). The CLL does not indicate how fines would be determined in these circumstances. In Phase 1bis (2019), Argentina indicated that it believed that the “benefit” in such cases could be “reduced to a reasonable value to calculate the fine”. In Phase 4, Argentina did not provide any further interpretation on this matter and no jurisprudence has arisen.

309. *Other relevant factors in sentencing - payment of fines in instalments and maintaining continuity of operations.* In Phase 1bis, the Working Group noted that the sentencing provisions of the CLL contained factors that could ultimately impact the imposition of sanctions in practice. Article 8(3) CLL states that the suspension of a legal person’s activities or its dissolution and liquidation cannot be imposed if “it is essential to maintain the operational continuity of the entity, or of a work, or of a particular service”. Under Article 8(4) CLL, a legal person may pay a fine in instalments over up to five years if a single payment may “jeopardise the survival of the legal person or the maintenance of jobs”. In Phase 1bis (2019), Argentina explained that these exemptions apply only when the legal person’s activity is essential to the public interest and cannot be provided by another entity. To date, there has been no jurisprudence or case practice on this matter.

C.3.3. Imposition of corporate integrity programmes upon conviction of a legal person

310. In Phase 1bis (2019), the Working Group raised concerns that the sanctions available for legal sanctions *upon conviction* does not allow courts to impose the implementation of an effective integrity programme to prevent future offences. In contrast, the requirement to implement such an integrity programme is mandatory as part of an effective collaboration agreement of foreign bribery charges (Art. 18(g) CLL). These provisions remain unchanged since Phase 1bis.

311. Despite lack of legislative amendments, Argentina asserts that there are several instances where compliance programmes are relevant (e.g. contracting with national authorities, mitigating factor in sanctioning). None apply to the case of a company being sanctioned for foreign bribery and being required to implement an adequate compliance programme. Argentina states that it may consider this in possible future reforms.

C.3.4. Sanctions against legal persons require anti-bribery compliance expertise

312. While courts cannot mandate corporate compliance programmes as part of a legal person’s sanction upon conviction, the CLL recognises their relevance in at least three ways: (i) mitigation of sentencing if a programme existed before the offence (CLL Art. 8); (ii) exemption from liability if an adequate programme was in place at the time of the offence, alongside two other conditions (CLL Art. 9: see also defence for legal persons); (iii) as a condition to enter an effective collaboration agreements, a company is required to implement a programme (CLL Art. 18).

313. In the first and second scenarios, where a corporate integrity programme may serve as a mitigating factor in sentencing or as part of a legal person’s defence, there appears to be no case law indicating how the PPO or courts assess whether such a programme as “adequate.” In the third scenario, while Argentina has concluded one effective collaboration agreement in a domestic corruption case, there is limited public information on the agreement’s terms (see section C.2.2.), including the exact terms of the integrity programme that must be implemented by the sanctioned company, how the PPO or courts are supervising

its conditions, and whether the PPO or court has a mechanism for assessing and monitoring the integrity programme.

314. The CLL framework assumes that enforcement authorities have the expertise to evaluate corporate integrity programmes. Anti-Bribery Recommendation XXIII.D.iv provides that, when countries incentivise companies to develop effective internal controls, ethics, and compliance programmes or measures, including in the form of mitigating factors, they should consider providing training and guidance on assessing the adequacy and effectiveness of such programmes or measures for the purpose of preventing and detecting foreign bribery, as well as on how they are taken into consideration in the context of foreign bribery enforcement. Member countries should also ensure that such information or guidance is publicised and easily accessible for companies, where appropriate.

315. Argentina has not provided evidence of training for prosecutors or judges on evaluating corporate compliance programmes. During the on-site visit, judges stated that to assess compliance programmes, they would rely on subject matter experts, similar to how they do for other technical subjects. One judge stated that such general training for judges however could be useful with the increasing importance of corporate enforcement.

Commentary

As noted in Phase 1bis and in the absence of jurisprudence, the lead examiners remain concerned that sanctions under Article 7 of the CLL may not meet the standards required by Article 3 of the Convention, especially if fines are not mandatory upon conviction. To address this, the lead examiners recommend that Argentina clarify whether fines are mandatory upon convictions, including through legislative amendments to ensure the sanctions framework under the CLL is sufficiently robust.

Furthermore, several Phase 1bis interpretative issues concerning the calculation of sanctions remain untested. The lead examiners, therefore, recommend that the Working Group continue to follow up on: (i) the interpretation of “benefit” under Article 7 CLL; (ii) the fine imposed when the benefit is not quantifiable under Article 7 CLL; (iii) the payment of fines in instalments (Article 8(4) CLL); and (iv) the sanctions imposed where “it is essential to maintain the operational continuity of the entity, or of a work, or of a particular service” under Article 8(3) CLL.

The lead examiners further reiterate Phase 1bis concerns regarding the courts’ inability to impose compliance programmes upon conviction of a legal person under the CLL. They therefore recommend that Argentina amend the CLL to allow the requirement to implement an adequate integrity programme to be imposed upon conviction, as is currently possible in NTRs of foreign bribery cases.

Finally, given that, under the CLL, corporate compliance programmes may be considered as a mitigating factor in sentencing, a defence to liability, and a condition of effective collaboration agreements, the lead examiners recommend that Argentina take measures to develop the expertise of prosecutors and judges on corporate compliance systems to prevent and detect foreign bribery, including by providing adequate guidance and training, and ensuring such guidance is publicised and easily accessible for companies.

C.3.5. Confiscation for foreign bribery

316. The legal framework for confiscation against a legal person remains unchanged since Phase 1bis. Article 10 of the CLL extends the CC provisions on confiscation to cases under the CLL, applying the same rules to both legal and natural persons in foreign bribery matters. Article 23(1) CC allows for confiscation upon conviction of items used to commit the offence, as well as the proceeds or profits derived from it. As noted in section B.6, this includes the bribe and its direct proceeds but does not allow for value-based

confiscation. Argentina has indicated that a bill to address this gap is being drafted, though it has not yet been submitted to a legislative commission.

317. To date, no confiscation measures have been applied to legal persons in foreign bribery cases. In the absence of case law under the CLL, Argentina highlights the ***Private Security [domestic]*** case, where the company agreed to return undue benefits, proceeds, or profits from the offence. However, the amount has not yet been determined or publicly disclosed. No other confiscation actions have been taken against legal persons since the CLL's enactment, which reflects the limited number of corruption cases involving legal entities that have progressed to prosecution or trial.

Commentary

The lead examiners welcome Argentina's commitment to address legislative gaps, including value confiscation, through a proposed bill. As also outlined in section B.6.5, the lead examiners recommend amending Article 10 CLL and Article 23(1) CC to allow for the confiscation of property equivalent in value to the bribe and its proceeds, or to ensure that monetary sanctions of comparable effect are available.

Further, in the face of very limited confiscation practice under the CLL, the lead examiners recommend that Argentina develop, publish, and disseminate guidance and training to law enforcement authorities for identifying, quantifying and confiscating bribes and proceeds involving legal persons.

C.4. Engaging the private sector

C.4.1. Efforts to raise awareness of foreign bribery among the private sector

318. Argentina has taken some steps to continue raising awareness of foreign bribery with the private sector, including with SMEs, in response to Phase 3bis recommendation 11, which was considered partially implemented at the time of the Phase 3bis 2YWFU. At that stage, the Working Group noted that although the OA and CNV had met with over 100 representatives of large companies and SMEs to discuss the Convention, most other activities focused on the CLL rather than on foreign bribery risks themselves. Awareness-raising did not sufficiently address concrete foreign bribery risk areas (e.g. specific countries, sectors or transactions), and outreach to SMEs remained limited, with only one SME-focused event identified.

319. Argentina's questionnaire responses list, for example, more than 30 engagements with the private sector since 2021. Most of these engagements (26) were trainings for companies on how to use a new online platform, RITE, which was developed with the support of World Bank, the IDB and the UN Development Program (UNDP) to strengthen private sector integrity and implementation of the CLL. Argentina reports that, as of December 2025, RITE has 535 registered companies and entities registered (registration is free and voluntary), composed of large companies (18.5%), medium-sized companies (40.3%), and MSMEs (41.1%) operating in the following sectors: agriculture (4.4%), commerce (12.7%), construction (4%), industry and mining (24%) and services (54.8%).^{14,15} Several State agencies and companies have incorporated RITE as a requirement or way to certify the existence of their suppliers' integrity programs.

320. In addition to the above OA efforts, PROCELAC has participated in some private sector events, including on the CLL and raising awareness of RITE. The CNV also carries out actions to raise awareness in the private sector on issues of integrity, corporate ethics, and the preventing of foreign bribery, targeting both large issuers and SMEs under its supervision. The OA and CNV jointly organised in August 2024 a virtual workshop on the OECD Anti-Bribery Convention, targeting SMEs and issuers that was attended by over 60 participants. Another edition of this training is scheduled for early 2026. Further, the Argentine

Corporate Governance Code, which is mandatory for large, listed companies and optional for SME issuers, promotes as good practice the adoption of a Code of Ethics and Conduct, the implementation of integrity programmes, and the development of internal compliance and control systems, though the code does not explicitly mention corruption risk (or foreign bribery).

321. Despite these efforts, however, the overall awareness of foreign bribery risk is low. Several stakeholders, including from the private sector (businesses and business organisations), academia, civil society, and the media consider that Argentine companies are not exposed to foreign bribery risk, which is inconsistent with Argentina's economic profile as a major exporting economy.

C.4.2. Efforts to promote corporate anti-corruption compliance

322. As of Argentina's Phase 3bis 2YWFU, the Working Group had considered as partially implemented its recommendation that Argentina 'continue to promote corporate compliance, internal controls and ethics programmes to prevent and detect foreign bribery, including for SMEs that are internationally active (recommendation 9(g)). At that time, the Working Group noted that the CLL created incentives for integrity programmes (e.g. for public procurement, NTRs and sentence mitigation) and that Integrity Guidelines had been issued, alongside outreach to large companies. However, efforts targeting SMEs were minimal, and most additional measures referenced by Argentina concerned public-sector training or sector-specific initiatives rather than broader promotion of anti-corruption compliance.

323. Overall, Argentina has not taken significant steps since Phase 3bis to promote, specifically, anti-corruption compliance programmes or measures to prevent and detect foreign bribery. Companies and business associations participating in the on-site visit cited, generally, two incentives for the adoption of anti-corruption compliance programmes or measures: to comply with anti-bribery legislation of foreign jurisdictions (i.e., to list on foreign exchanges or do business with multinational enterprises headquartered outside of Argentina), or to be considered for public procurement contracts with the government by registering for RITE. Representatives of the private sector and legal profession also noted during the onsite visit that the culture of compliance is evolving in Argentina with the introduction of the CLL in 2018 and that law's measures to incentivise self-disclosure by companies of misconduct such as foreign bribery and the adoption of effective anti-corruption compliance programmes or measures. This evolution, however, is progressing slowly with the lack of implementation of that law.

Commentary

The lead examiners acknowledge Argentina's efforts to engage the private sector, including through the expansion of RITE, joint OA–CNV outreach activities, and PROCELAC's participation in awareness-raising events. These initiatives show continued interest in strengthening private-sector integrity mechanisms.

However, consistent with the findings of Phase 3bis and the 3bis 2YWFU, the lead examiners note that awareness of foreign bribery risks remains low and that most recent outreach has focused on RITE or the CLL rather than on foreign bribery itself. Engagement with SMEs, identified as insufficient in Phase 3bis, has only marginally improved.

Similarly, while the CLL introduced important incentives for corporate integrity programmes, Argentina has taken limited steps since Phase 3bis to promote anti-corruption compliance programmes specifically aimed at preventing and detecting foreign bribery. Stakeholders confirmed that adoption of compliance programmes is still driven mainly by foreign legal requirements or access to public procurement, rather than by domestic guidance or dedicated outreach.

In light of the above, the lead examiners consider that Phase 3bis recommendations 11 and 9(g) remain only partially implemented. They therefore recommend that Argentina:

1. intensify targeted outreach to raise awareness of foreign bribery risks among companies of all sizes, including SMEs, and address misunderstandings regarding Argentina's risk exposure, and
2. promote more actively the adoption of anti-corruption compliance measures, including by developing practical guidance on what constitutes an effective programme for the purposes of the CLL and by clarifying the incentives associated with self-disclosure.

Conclusions

324. The Working Group welcomes Argentina's efforts since Phase 3bis to implement the Convention and related instruments. In particular, Argentina secured its first conviction and sanction against a natural person for foreign bribery through a non-trial resolution and has multiple ongoing foreign bribery investigations, with one case nearing trial. The Working Group also commends Argentine law enforcement for strengthening media-monitoring technology to detect foreign bribery allegations. Further, the Working Group notes steps to enhance international co-operation, including PROCELAC's active participation in informal law-enforcement networks and improved co-ordination among law-enforcement authorities, the AGO DIGCRI, and the MFA DAJIN. The Working Group also notes measures to enhance the anti-money laundering framework, including extending reporting obligations to legal professionals and expanding the PEP regime. Finally, the Working Group commends Argentina for raising awareness of foreign bribery among public officials since Phase 3bis and for providing training on the Convention, including Article 5, to law enforcement and members of the judiciary.

325. Notwithstanding these positive developments, the Working Group remains seriously concerned about the timely resolution of foreign bribery cases. While court processing times under the CPPF appear promising in jurisdictions where it has been implemented, Argentina has repeatedly postponed rolling out the CPPF in Buenos Aires, the judicial district which oversees the majority of economic crime matters, with implementation now expected only in April 2026. This challenge is compounded by a long-standing WGB concern regarding judicial vacancies, which have increased since Argentina's last evaluation under the Convention and continue to strain judicial capacity and reliance on surrogate judges. Moreover, the detection and reporting of foreign bribery allegations by public officials, remains minimal, and no cases have been detected through accounting, auditing, or tax channels. Finally, the Working Group urges Argentina to adopt, as a priority, a comprehensive framework for the protection of whistleblowers in both the public and private sectors who report foreign bribery and related offences, consistent with the standards under the Anti-Bribery Recommendation.

326. Regarding progress in the implementation of the outstanding Phase 3bis recommendations, the Working Group considers that since the 2 Y WFU in 2019, Argentina has fully implemented recommendations 6(d) (raising awareness on Article 5), 7(a) and (b) (mutual legal assistance), and 8(a) (extending AML reporting obligations), 10(a) (training ARCA officials) and 12(a) (reporting by public officials), and partially implemented recommendation 9(e) (foreign bribery risk-awareness of auditors). Phase 3bis recommendations that remain outstanding (i.e. not or only partially implemented) are incorporated into the WGB's Phase 4 recommendations to Argentina below.

327. Based on the findings in this report, the Working Group acknowledges the good practices and positive achievements set out in Part 1 below and makes the recommendations set out in Part 2; the Working Group will also follow up issues identified in Part 3. Argentina will report to the Working Group in writing in March 2028 on its implementation of all recommendations, on its foreign bribery enforcement actions, and on any relevant developments related to the follow up issues.

Part 1. Good practices and positive achievements

328. The report identifies several positive developments and promising practices regarding Argentina's implementation of the Convention and related instruments, the effectiveness of which will need to be demonstrated in practice.¹⁶ In particular, the Working Group welcomes:

- **Specialised prosecutorial expertise:** Argentina has strengthened the role of specialised bodies such as PROCELAC in supporting foreign bribery and complex economic crime cases. PROCELAC combines dedicated analytical expertise with proactive case support, including enhanced media-monitoring capabilities through new technological tools.
- **Strengthened international cooperation:** Argentina has increased outreach and made more systematic use of international and regional law-enforcement cooperation networks in foreign bribery and corruption cases, assisting several WGB jurisdictions in advancing investigations. The MFA has also strengthened coordination with prosecutors, including by facilitating evidence-sharing arrangements and liaising with overseas missions where needed.
- **Operational integration of financial intelligence:** The UIF has played a meaningful role in foreign bribery detection through the analysis of suspicious transaction reports and active cooperation with prosecutors, contributing to the initiation of several foreign bribery cases since Phase 3bis. Building on this progress, further efforts to strengthen awareness of foreign bribery-related red flags and enhance guidance and capacity among relevant reporting entities would help consolidate and expand this detection channel.

Part 2. Recommendations of the Working Group on Bribery to Argentina

Recommendations to enhance detection of foreign bribery

1. Regarding detection by tax authorities, the Working Group recommends that Argentina expressly and unambiguously authorise tax information to be provided to criminal law-enforcement authorities abroad for foreign bribery investigations, including through appropriate MLA or other criminal-cooperation channels [Anti-Bribery Recommendation XXI.iii.].
2. Regarding export credits, the Working Group recommends that Argentina adhere to the OECD Recommendation of the Council on Bribery and Officially Supported Export Credits if and when it resumes the provision of official supported export credits [Anti-Bribery Recommendation XXV].
3. Regarding detection of foreign bribery through anti-money laundering mechanisms, the Working Group recommends that Argentina develop practical guidance, training and typologies on money laundering predicated on foreign bribery, including for the handling of PEPs and other high-risk indicators, to support reporting entities in identifying and reporting relevant suspicious transactions [Convention Article 7; Anti-Bribery Recommendation IV.i. and XX.I.ii.].
4. Regarding detection of foreign bribery through accounting and auditing, the Working Group recommends that Argentina [Anti-Bribery Recommendation XXIII.A and B.]:
 - a. Complete convergence of national accounting and auditing standards with IFRS and ISA, including clarifying the requirements applicable to SOEs and unlisted companies,
 - b. Strengthen audit quality and oversight through clearer qualification requirements for auditors and more consistent quality-control reviews, and
 - c. Develop practical tools, such as foreign-bribery red flags, guidance notes, and targeted training, to support auditors across both the public and private sectors in identifying and appropriately escalating suspicions of foreign bribery, including where company responses are inadequate.

5. Regarding detection through self-reporting by companies, the Working Group recommends that Argentina issue guidance on voluntary disclosure measures in the CLL, with a view to increasing clarity and transparency on the process of self-reporting and the enforcement outcome [Anti-Bribery Recommendation XVIII.ii-iii.].
6. Regarding detection by whistleblowers, the Working Group recommends that Argentina [Anti-Bribery Recommendations IV.i., IV.vi., and XXII.]:
 - a. As a matter of priority, adopt a comprehensive legal and institutional framework to protect persons in both the public and private sectors who report suspected foreign bribery and related offences, and
 - b. In light of current confusion on the matter, undertake awareness-raising and capacity-building across public institutions, regulators, and the private sector to clarify the purpose and scope of whistleblower protection, including how it differs from other forms of protection and why it is essential for detecting foreign bribery.
7. Regarding detection by the media, the Working Group recommends that Argentina ensure and safeguard robust access to information and an enabling environment for independent reporting on corruption-related matters [Anti-Bribery Recommendation VIII.].

Recommendations to enhance enforcement of foreign bribery and related offences

8. Regarding the investigative and prosecutorial framework, the Working Group recommends that Argentina [Convention Article 5, Anti-Bribery Recommendation VI.i.-iii and XI.]:
 - a. Ensure that foreign bribery cases are systematically assigned to, and supported by, designated prosecutorial teams with demonstrable expertise, and that clear arrangements are in place to provide such teams with adequate expertise and resources, and
 - b. Ensure the timely and effective implementation of the CPPF across all remaining federal jurisdictions and take steps to preserve relevant investigative expertise during the transition.
9. Regarding the conduct of investigations and prosecutions, the Working Group recommends that Argentina [Convention Article 5; Anti-Bribery Recommendation III, VI, and X.i.]:
 - a. Continue to implement measures to reduce delays in complex economic crime cases, including by addressing procedural bottlenecks arising from the criminal justice framework and monitoring the impact of the CPPF on such cases,
 - b. Ensure that pending foreign bribery cases are actively advanced and brought to prosecutorial decision without undue delay,
 - c. Continue to maintain and analyse statistics on delay and economic crime cases to assess the effectiveness of the measures to reduce delay, including collecting statistics of processing time broken down by offence in economic crime matters,
 - d. Ensure that the Judicial Council effectively protects the independence of judges, including by maintaining a majority of non-political members in any future reforms of the Judicial Council,
 - e. Urgently take measures to substantially reduce the number of judicial vacancies and surrogate judges, including by promptly advancing the appointment process for pending shortlisted candidates, and
 - f. Reinforce the structural guarantees protecting the independence of the Attorney General and prosecutors, including by strengthening rules on appointment, tenure, disciplinary procedures and transfers.
10. Regarding international co-operation, the Working Group recommends that Argentina [Anti-Bribery Recommendation XIX.A.x and C.v]:

- a. (i) Ensure its law enforcement authorities proactively seek international co-operation and MLA, where appropriate in foreign bribery investigations, using all available means and (ii) continue to use informal contacts, as appropriate, to seek and provide MLA in foreign bribery cases in line with international practice, and
 - b. Encourage competent law enforcement authorities to consider setting up joint or parallel investigative teams when conducting foreign bribery investigations and prosecutions, in conformity with national laws and relevant treaties and arrangements.
11. Regarding related offences of false accounting and non-tax deductibility of bribes, the Working Group recommends that Argentina:
- a. Ensure effective enforcement of the false accounting offence in foreign bribery cases, including by (i) promoting its use where accounting manipulations are used to conceal improper payments, and (ii) monitoring the application of the false accounting offence to both natural and legal persons [Convention Article 8], and
 - b. Establish a mechanism to ensure ARCA is systematically notified of all concluded foreign bribery cases [Anti-Bribery Recommendation XX.i.; 2009 Tax Recommendation].
12. Regarding the conclusion and sanctioning of foreign bribery cases, the Working Group recommends that Argentina [Convention Article 3; Anti-Bribery Recommendations XVI and XVIII.]:
- a. Develop and publish clear and transparent guidance for prosecutors specifying the criteria for using NTRs in foreign bribery cases with natural persons and legal persons, including abbreviated trial agreements, suspended trial agreements, the use of Law on Repentance, and effective collaboration agreements under the CLL, as well as for ensuring that sanctions imposed through these mechanisms are effective, proportionate and dissuasive, in line with Article 3 of the Convention and Anti-Bribery Recommendation XVIII.v.,
 - b. Maintain detailed statistics on sanctions (including confiscation) imposed in cases of bribery and other economic crimes, including comprehensive data on financial sanctions, specifying the amount imposed, the legal basis for the fine, and any related enforcement measures,
 - c. Ensure that, in practice, confiscation is systematically ordered in foreign bribery cases, that the amount of confiscation represents the full benefits of the offence, and that confiscation orders are executed without undue delay, and
 - d. Amend its legislation to provide for confiscation of property the value of which corresponds to that of the bribe and the proceeds of bribery, or monetary sanctions of comparable effect.
13. Regarding debarment from public procurement, the Working Group recommends that Argentina [Convention Article 3(4); Anti-Bribery Recommendation XXIV.i-ii.]:
- a. Amend Decree 1023/2001, or otherwise clarify through binding legislative or regulatory measures, that debarment across all federal procurement regimes expressly covers all forms of foreign bribery falling within Article 1 of the Convention, including bribery of officials of public international organisations, and
 - b. Streamline and clarify the debarment framework applicable to legal persons convicted of foreign bribery, including by ensuring that such legal persons are clearly and consistently subject to disqualification across all federal procurement regimes, regardless of whether the conviction occurs in Argentina or abroad, and without reliance on overlapping or fragmented provisions.

Recommendations to enhance liability of, and engagement with, legal persons

14. Regarding the legal framework for liability of legal persons, the Working Group recommends that Argentina [Convention Article 2; Anti-Bribery Recommendations XV.i-ii and XVIII.iv, and Annex I.B. and Annex II]:

- a. Amend Article 6 CLL and remove the requirement of the legal entity's "tolerance",
 - b. Amend Article 9 CLL to clarify that exemption from sanctions applies only when a legal person self-reports an offence it has committed and demonstrates to a court that it conducted an appropriate internal investigation and disclosed all relevant wrongdoing,
 - c. Amend Article 23 CLL and the Integrity Guidelines to include additional elements that are vital to an effective anti-foreign bribery compliance programme,
 - d. Amend Article 9(2) CLL to ensure that the exemption from sanctions is not available when senior corporate officers commit or authorise foreign bribery,
 - e. Enhance the usage of CLL especially in foreign bribery cases,
 - f. Conduct further training with law enforcement and judiciary on corporate enforcement including available sanctions,
 - g. Make public, where appropriate and consistent with data protection rules and privacy rights, as much information about its NTRs as possible, such as the essential elements of each effective collaboration agreement and the outcome of the verification conducted one year after the agreement, with a view to building trust in this system.
15. Regarding statute of limitation for legal persons, the Working Group recommends that Argentina amend the CLL so that the limitation period is suspended for the duration of an effective collaboration agreement [Convention Articles 2 and 6; Anti-Bribery Recommendation VI.i.].
16. Regarding sanctions and confiscation against legal persons, the Working Group recommends that Argentina [Convention Articles 2 and 3; Anti-Bribery Recommendation VI.i, XVI.iii and XXIII.D.iv):
- a. Clarify whether fines are mandatory upon convictions, including through legislative amendments to ensure the sanctions framework under the CLL is sufficiently robust,
 - b. Amend the CLL to allow the requirement to implement an adequate integrity programme to be imposed upon conviction, as is currently possible in NTRs of foreign bribery cases,
 - c. Take measures to develop the expertise of prosecutors and judges on corporate compliance systems to prevent and detect foreign bribery, including by providing adequate guidance and training, and ensuring such guidance is publicised and easily accessible for companies,
 - d. Amend Article 10 of the CLL and Article 23(1) of the CC to allow for the confiscation of property equivalent in value to the bribe and its proceeds, or to ensure that monetary sanctions of comparable effect are available, and
 - e. Develop, publish, and disseminate guidance and training to law enforcement authorities for identifying, quantifying and confiscating bribes and proceeds involving legal persons.
17. Regarding engagement with legal persons, the Working Group recommends that Argentina [Anti-Bribery Recommendation XXIII.C. and Annex II.B]:
- a. Intensify targeted outreach to raise awareness of foreign bribery risks among companies of all sizes, including SMEs, and address misunderstandings regarding Argentina's risk exposure, and
 - b. Promote more actively the adoption of anti-corruption compliance measures, including by developing practical guidance on what constitutes an effective programme for the purposes of the CLL and by clarifying the incentives associated with self-disclosure.

Part 3. Follow-up issues

18. The Working Group will follow up as case law and practice develop with regard to the following issues:

- a. Whether law enforcement authorities systematically and promptly assess credible foreign bribery allegations reported in the media, including sources from the Working Group’s media monitoring [Anti-Bribery Recommendation VIII.],
- b. Application of the foreign bribery offence in practice, to ensure that the following elements are interpreted in conformity with the requirements of the Anti-Bribery Convention and Recommendation: (i) the placement and effect of “unduly” in Article 258bis CC; (ii) the scope of the definition of “foreign public official”, including officials of state-controlled enterprises and persons exercising legislative, administrative, or judicial functions; (iii) the coverage of bribes paid for acts performed outside an official’s authorised competence; and (iv) that solicitation (“illicit demand”) by a foreign official cannot be invoked as a defence to active foreign bribery [Convention Article 1],
- c. The impact of the CPPF rollout on investigative capacity, foreign bribery enforcement, and delays as implementation advances [Convention Article 5; Anti-Bribery Recommendation VI.i-iii.],
- d. Whether prosecutors remain protected in practice from political or other undue influence, including through disciplinary mechanisms or supervisory powers [Convention Article 5],
- e. Whether Argentine authorities, to the full extent possible under its laws, effectively executes MLA requests submitted in the context of criminal and non-criminal proceedings within the scope of the Convention and brought by a Party against a legal person [Convention Article 9; Anti-Bribery Recommendation XIX.A.],
- f. Whether Article 5 factors influence extradition or MLA in Argentina [Convention Articles 5 and 10],
- g. Application of the money laundering offence including (i) whether foreign bribery is always a predicate offence to money laundering, without regard to the place where the bribery occurred, (ii) the coexistence of two corporate liability regimes (the CLL for foreign bribery and Article 304 CC for money laundering) to ensure this does not discourage companies from resolving cases involving both offences, and (iii) the application of Article 303 of the CC in practice to cases involving laundering of the proceeds of foreign bribery [Convention Articles 2 and 7],
- h. Whether the current reassessment time limits allow ARCA to deny deductions effectively in practice [Anti-Bribery Recommendation XX.],
- i. Sanctions imposed for foreign bribery in practice, including whether sentences imposed comply with Commentary 7 of the Convention [Convention Article 3],
- j. Practical application of the amended ineligibility provisions and the coherence of the debarment regime across the various applicable decrees [Convention Article 3(4); Anti-Bribery Recommendation XXIV],
- k. With respect to the corporate liability framework under the CLL:
 - (i) The interpretation and practical application of the key terms in Article 2 of the CLL, including “with its intervention/participation,” “on its behalf,” “in its interest/benefit,” third-party acts, and tacit ratification,
 - (ii) the treatment of situations where both the natural and legal person benefit,
 - (iii) whether the level of authority of the natural person is applied flexibly, and
 - (iv) the liability of parent companies for foreign bribery committed through subsidiaries or other intermediaries [Convention Article 2, Anti-Bribery Recommendation Annex I.B. and C].
- l. Whether the requirement to return undue benefits is enforced in practice [Convention Article 3],
- m. Whether the statute of limitations is sufficient to investigate and prosecute complex economic crime cases against natural and legal persons in practice [Convention Article 6], and

- n. Whether effective collaboration agreements have effective review mechanisms and allow for effective, proportionate and dissuasive sanctions in practice [Anti-Bribery Recommendation XVIII.v. and viii.],
- o. With respect to the corporate sanctions under the CLL:
 - (i) the interpretation of “benefit” under Article 7 CLL,
 - (ii) the fine imposed when the benefit is not quantifiable under Article 7 CLL,
 - (iii) the payment of fines in instalments (Article 8(4) CLL), and
 - (iv) the sanctions imposed where “it is essential to maintain the operational continuity of the entity, or of a work, or of a particular service” under Article 8(3) CLL [Convention Article 3].

References

- Ambito (2025), *It has been 18 months since judges and prosecutors have been appointed in Argentina*, <https://www.ambito.com/politica/hace-18-meses-que-no-se-nombran-jueces-y-fiscales-la-argentina-n6098346>. [27]
- Analisis (2025), *Preocupación en la Corte Suprema: las vacantes llegarán al 38% en 2026*, <https://www.analisisdigital.com.ar/judiciales/2025/09/29/preocupacion-en-la-corte-suprema-las-vacantes-llegaran-al-38-en-2026>. [24]
- Argentina (2024), *Decreto Reglamentario 780/2024*, <https://www.argentina.gob.ar/normativa/nacional/decreto-780-2024-403572/texto>. [19]
- Argentine Ministry of Economy (2025), *Argentine Foreign Trade Statistics, Vol. 9, no. 8*, https://www.indec.gob.ar/ftp/cuadros/ingles/i_argent_05_2510A53F743B.pdf. [11]
- Argentine Supreme Court (2015), *Uriarte, Rodolfo Marcelo y otro c/ Consejo de la Magistratura de la Nación*, <https://www.csjn.gov.ar/archivo-cij/nota-18819-La-Corte-Suprema-declar--por-unanimidad-la-inconstitucionalidad-de-la-ley-de-jueces-subrogantes.html>. [22]
- Argentine Supreme Court (2014), *Cirigliano, Sergio Claudio y Jaime, Ricardo Raúl s/ causa n° 36/2013 y 38/2013*, <https://www.saij.gob.ar/corte-suprema-justicia-nacion-federal-ciudad-autonoma-buenos-aires-cirigliano-sergio-claudio-jaime-ricardo-raul-causa-36-2013-38-2013-fa14000136-2014-08-26/123456789-631-0004-1ots-eupmocsollaf>. [21]
- CAME (2024), *Between January and November 2024, exports of the SMES grew 21.7% in dollars and 27,5% in volume*, Confederación Argentina de la Mediana Empresa, https://www.redcame.org.ar/prensa/14077/entre-enero-y-noviembre-de-2024-las-exportaciones-de-las-pymes-crecieron-217-en-dolares-y-275-en-toneladas?utm_. [13]
- CPACF (2025), *Claim for the coverage of judicial vacancies*, <https://www.cpacf.org.ar/public/noticia/6566/reclamo-por-la-cobertura-de-vacantes-judiciales>. [25]
- CSJN (2025), *Corte Suprema de Justicia de la Nación*, <https://www.csjn.gov.ar/>. [31]
- FATF/OECD-GAFILAT (2024), *Anti-money laundering and counter-terrorist financing measures*, <https://www.fatf-gafi.org/content/fatf-gafi/en/publications/Mutualevaluations/Mer-Argentina-2024.html>. [16]
- Infobae (2025), *Bar associations demanded that Javier Milei send lists to fill judicial vacancies*, <https://www.infobae.com/judiciales/2025/09/03/asociaciones-de-abogados-le-reclamaron-a-javier-milei-el-envio-de-pleigos-para-cubrir-vacantes-judiciales/>. [28]

- La Nacion (2025), *El triunfo electoral le da al Gobierno una nueva oportunidad en el Senado para completar las vacantes judiciales*, <https://www.lanacion.com.ar/politica/el-triunfo-electoral-le-da-al-gobierno-una-nueva-oportunidad-en-el-senado-para-completar-las-nid27102025/>. [23]
- OA (2019), *Guidelines for the implementation of integrity programs*, https://www.argentina.gob.ar/sites/default/files/lineamientos_para_la_implementacion.pdf. [33]
- OECD (2023), *OECD Anti-Bribery Convention Phase 4 Monitoring Guide*, <https://www.oecd.org/content/dam/oecd/en/topics/policy-sub-issues/fighting-foreign-bribery/phase-4-guide-2023.pdf>. [10]
- OECD (2021), *Implementing the OECD Anti-Bribery Convention in Peru: Phase 2 Report*, <https://doi.org/10.1787/fdee983e-en>. [32]
- OECD (2021), *Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0378>. [2]
- OECD (2019), *Follow-Up Report on the Implementation of the Phase 3bis Recommendations: Argentina*, <https://doi.org/10.1787/5beab250-en>. [3]
- OECD (2019), *Review of Implementation of the Convention and 1997 Recommendation Phase 1bis Report: Argentina*, <https://doi.org/10.1787/edc7e154-en>. [4]
- OECD (2017), *Implementing the OECD Anti-Bribery Convention Phase 3bis Report: Argentina*, <https://doi.org/10.1787/a6eb0a02-en>. [5]
- OECD (2017), *The Detection of Foreign Bribery*, <https://doi.org/10.1787/8ab65bd4-en>. [17]
- OECD (2016), *Recommendation of the Council for Development Co-operation Actors on Managing the Risk of Corruption*, <https://legalinstruments.oecd.org/public/doc/347/347.en.pdf>. [15]
- OECD (2014), *Implementing the OECD Anti-Bribery Convention Phase 3 Report: Argentina*, <https://doi.org/10.1787/d3d5dfd0-en>. [6]
- OECD (2014), *OECD Foreign Bribery Report: An Analysis of the Crime of Bribery of Foreign Public Officials*, <https://doi.org/10.1787/9789264226616-en>. [12]
- OECD (2010), *Implementing the OECD Anti-Bribery Convention Phase 2 Follow-Up Report: Argentina*, <https://doi.org/10.1787/78955d08-en>. [7]
- OECD (2008), *Phase 2 Report on the Application of the Convention On Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions: Argentina*, <https://doi.org/10.1787/0568160b-en>. [8]
- OECD (2001), *Review of Implementation of the Convention and 1997 Recommendation Phase 1 Report: Argentina*, <https://doi.org/10.1787/23d3ca3e-en>. [9]
- OECD (1997), *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0293>. [1]

- Perfil (2025), *The Secretary of Justice announced that they will appoint new judges after the elections: "It is the duty of every government"*, <https://www.perfil.com/noticias/judiciales/el-secretario-de-justicia-adelanto-que-designaran-nuevos-jueces-luego-de-las-elecciones-es-el-deber-de-todo-gobierno.phtml>. [26]
- Reporters Without Borders (2025), *2025 Press Freedom Index: Argentina*, <https://rsf.org/en/country/argentina>. [20]
- Saccani, R. (2024), *Luces y sombras en la sanción a empresas por corrupción*, <https://www.gobernabilidadytransparencia.com/2024/05/08/luces-y-sombras-en-la-sancion-a-empresas-por-corrupcion/>. [18]
- STF Ruling (2023), *Judgment of 6 September 2023, RCL 43007 / DF (Toffoli)*. [30]
- Transparency International (2025), *Corruptions Perceptions Index*, https://www.transparency.org/en/cpi/2024?gad_source=1&gad_campaignid=15272914516&gclid=Cj0KCQjw-4XFBhCBARIsAAAdNOkv3dV1KP3trpxZ8Z_fONC1wk_4fd1kCnjkXkJbmffQCO0nMybsa9EQaAvUWEALw_wcB. [14]
- UN (2025), *Argentina: UN expert concerned by appointment of Supreme Court judges by presidential decree*, <https://www.ohchr.org/en/press-releases/2025/03/argentina-un-expert-concerned-appointment-supreme-court-judges-presidential>. [29]

Annex A. Argentina's foreign bribery enforcement actions

Table A 1. Concluded proceeding(s)

Case	Date of decision(s)	Source of Detection	Parties charged	Facts	Resolution
Technological Services (EI Salvador)	2025	Media	3 NPs	<p>The case involved three Argentine executives who worked for an Argentine company specialising in technological services. The Argentine company met with executives of an El Salvadorean state-owned enterprise that oversaw a public transit contract to update the country's transit system. Executives of the Argentine company allegedly agreed to pay bribe payments, in the form of monthly consultancy fees, to officials of the SOE in exchange for information on the bid requirements and competitors. The arrangement was formalised through a consulting contract between the Argentine company and the three SOE officials from El Salvador. Due to allegations of misconduct, the process was cancelled - the Argentine company and individuals did not deliver any services or pay the bribes under the consulting contract.</p> <p>PROCELAC detected this through its media monitoring and opened a preliminary investigation into this matter. In 2018, federal prosecutors in Buenos Aires indicted three individuals on foreign bribery charges. The trial commenced in 2019 but was later postponed. In 2025, the court approved the abbreviated trial agreement with NP1 (company's legal representative) and NP2, resulting in one sanction and one acquittal. NP2 was acquitted due to insufficient evidence. The court also approved a suspended trial agreement with NP3, which remains ongoing.</p>	<p>1 NP: Conviction for foreign bribery (Article 258bis CC), one-year conditional prison sentence, ARS 2 million (EUR 1 316) fine destined to a public welfare institution, and a permanent disqualification from holding public office.</p> <p>1NP: acquitted of foreign bribery</p> <p>1NP: suspended trial agreement (ongoing); a one-year community service term and ordered to pay ARS 1 million (EUR 658) to a public welfare institution.</p>

Table A 2. Ongoing prosecution(s)

Case	Date opened	Source of Detection	Parties charged	Facts	Date of last procedural step
Mapping System (Panama) <i>*(Phase 3 bis legacy case)</i>	2016	WGB media monitoring	3 NPs	In 2010, Argentine subsidiaries of a foreign company allegedly obtained contracts with Panamanian authorities for the purchase of a digital mapping system for the fight against organised crime and drug trafficking by paying a commission to intermediaries. These payments were purportedly funnelled from the intermediaries' shell companies to high level government officials in Panama.	2025

Note: In this table, "NP" refers to "natural person", "LP" refers to "legal person".

Table A 3. Ongoing investigations

Case	Source of Detection	Date opened	Facts	Last reported step
Agribusiness Firms* (Venezuela) <i>*(Phase 3 bis legacy case)</i>	Media and complaint by parliamentarians	2009	In 2005, Argentina and Venezuela signed an agreement under which Argentina would sell agricultural machinery to Venezuela in return for fuel oil. Argentine companies exporting machinery under the scheme allegedly were allegedly required to pay a 15% commission destined to public officials. The funds were deposited in US bank accounts belonging to a company in Miami, Florida, and to two Panamanian companies. Some 20 Argentine companies purportedly paid commissions under the scheme. The money allegedly flowed to both Venezuelan and Argentine officials.	~2021
Electricity Transmission* (Brazil) <i>*(Phase 3 bis legacy case)</i>	Media and complaint by parliamentarians	2016	According to media reports beginning in December 2015, a former Brazilian SOE officer and a Brazilian businessman admitted to taking USD 300 000 in bribes in 2006-2007 from two former Argentine government ministers. The purpose of the alleged bribes was to divert the sale of an Argentine electricity transmission company from an American buyer to two Argentine firms. The Argentine firms eventually completed the purchase in 2007. A formal investigation was opened in 2016, following a preliminary investigation. Prosecutors have conducted searches of company premises, seizure of documents, and tracing financial flows. International cooperation requests were sent and executed by Brazil and Uruguay.	2023
Machinery and Equipment Contract (Venezuela)	UIF	2021	Around 2012 to 2014, an Argentine machinery company received a contract with a Venezuelan SOE for the export of machinery and equipment for a contract valued at over USD 6.5 million. The UIF detected irregularities in relation to this contract, and an investigation uncovered inflated prices and irregular payments made to third parties, which are allegedly related to bribe and kickback payments made in relation to the contact with the Venezuelan SOE. A formal investigation was started in 2021, following a preliminary investigation. International cooperation requests were sent and executed by United States.	2023
Gas Pipelines Contract (Brazil)	Media and OA complaint	2017	Representatives of an Argentine construction and engineering company allegedly paid bribes through its Brazilian subsidiary to officials of a Brazilian state-owned enterprise, with the aim of being favoured in the award of contracts in projects for the construction of gas pipelines. An intermediary in the scheme confessed to Brazilian judicial authorities that he facilitated bribes for the Argentine company to the SOE's executives. An executive of the Argentine company purportedly ordered a bank transfer in November 2013 to be sent to the account of the intermediary, with the intent to channel some as bribes, and to simulate payments for legitimate consulting services. Beneficiaries of the payments were identified as senior SOE officials.	2025
Oil and Gas Equipment (Brazil)	Media and WGB media monitoring	2017	A subsidiary of an Argentine-Italian controlled corporate group allegedly paid bribes to officials of a Brazilian SOE between 2009-2013. The payments were made so that the company would be awarded contracts for the provision of pipes valued at nearly EUR 796 million. Bribe payments were allegedly concealed through several international and offshore companies and accounts. An Argentine national was purportedly involved in the scheme and in charge of orchestrating improper payments.	2024
Election Equipment and Services (Venezuela)	UIF	2019	In 2017, an Argentine company signed a contract with Venezuela's National Electoral Council to provide election software. A money laundering investigation later revealed that exorbitant amounts were funnelled through intermediaries and shell companies, with ultimate beneficiaries including high level public officials from Venezuela. Several Argentine executives related to various firms are now under investigation for offences of foreign bribery and money laundering involving the election services contract.	2019

Hydraulics Sector Company (Peru)	MLA	2017	Between 2006 and 2010, a consortium - composed of Brazilian and Argentine companies - was allegedly involved in a scheme to bribe Peruvian municipal officials in exchange for securing a transit contract. The case came to light following an MLA request from Peru seeking support in an investigation into local officials. While executing Peru's request to interview witnesses, Argentine authorities obtained testimony suggesting potential foreign bribery offences committed by Argentine nationals.	2025
Manufacturing Services Company (Venezuela)	UIF	2017	A representative of an Argentine company allegedly paid bribes to public officials in Venezuela and Argentina to secure high-value contracts in Venezuela for the supply of various household goods. One of these contracts with a Venezuelan SOE was reportedly worth USD 120 million. The scheme allegedly involved significant price inflation, with illicit payments funnelled through intermediaries to senior public officials.	2024

Table A 4. Closed investigations and known foreign bribery allegations

Case	Source of Detection	Facts	Status (Date closed)
Tax Collection (Guatemala) (Phase 3 bis legacy case)	Media	<i>Ongoing investigation during Phase 3bis (paras. 18-20).</i> An Argentine consulting firm was allegedly involved in the "La Linea" corruption scandal in Guatemala in a scheme where businesses bribed officials to clear their imports through customs at a lower tax rate. The Argentine company allegedly secured a multimillion-dollar contract for outsourcing the collection of taxes and custom revenues. The company's executive purportedly met with the then-President and a senior tax official approximately 35 times. In 2019, an investigative judge dismissed the foreign bribery investigation due to insufficient evidence.	Closed in 2019
Oil Sector Construction (Brazil) (Phase 3 bis legacy case)	WGB media monitoring	<i>Ongoing investigation during Phase 3bis (paras. 21-24).</i> An Argentine-Italian steelmaker - with headquarters in Milan, Italy and Buenos Aires, Argentina, and comprised of numerous Latin American subsidiaries - was implicated in various allegations of foreign bribery as part of the Lava Jato scandal. PROCELAC conducted preliminary investigations into various foreign bribery allegations concerning the company's operations in Brazil between 2016 and 2017. A formal complaint was filed against the CEO of one of the company's subsidiaries based in Argentina. Law enforcement took various investigative measures (witness testimonies, obtained financial information, searches of the company's offices), and received MLA from various countries. In May 2022, the criminal investigation against the company's CEO, was closed by the investigative judge due to insufficient evidence, as well as <i>inter alia</i> delay in responses from other countries and time lapsed in the investigation. In July 2022, the Federal Chamber upheld the judge's decision to close the investigation.	Closed in 2022
Oil Sector Construction #2 (Brazil)	WGB Media Monitoring	According to media reports, an Italian Argentine steelmaker company, allegedly paid bribes to a Brazilian SOE to secure contracts for work on a refinery in the state of Bahia, a petrochemical complex in the state of Rio de Janeiro, and a pipeline in Rio de Janeiro. The amount of the bribe purportedly amounted to 2% of the value of each contract, totalling 60 million real (EUR 26.6 million). The bribe payments were purportedly funnelled through Swiss bank accounts owned by offshore companies. In 2019, PROCELAC became aware of this case through the WGB's media monitoring. Upon reviewing the allegations, it determined that other ongoing investigative files already existed in Argentina, which involved the analysis of "[...] various tenders in which some of the companies belonging to that business group had participated, mainly in Brazil. At the same time, various investigations involving the company were pending in Brazil." No new investigation was opened into this matter.	No new investigation opened; law enforcement determined that allegation was connected to existing investigations in Argentina and Brazil; did not take further action (2019)
Grain Export (Venezuela) (Phase 3 bis legacy case)	WGB media monitoring	<i>Ongoing investigation during Phase 3bis (paras 29-30).</i> According to media reports, Argentina signed an agreement with Venezuela in 2013 to export grain. In February 2014, the owners of an Argentine agricultural wholesaler, travelled to Caracas and met a family member of a high-level Venezuelan public official. Shortly thereafter, the Argentine company signed a contract to export grain to Venezuela at substantially over market prices and was the only company that received an export permit from the Argentine government. A foreign bribery investigation was opened in 2016. With the	Closed in 2020

		support of PROCELAC, the prosecutor analysed information on exportation prices, tax information, FIU reports, and telephone records. An international cooperation request to Bolivia went unanswered. In May 2020, the prosecution closed the investigation against three individuals concluding that there was insufficient evidence to proceed and concluded it was not possible to confirm any irregularities with the grain exports contract.	
Oil Combustibles (Brazil) (Phase 3 bis legacy case)	Complaint by parliamentarians	<p><i>Ongoing investigation during Phase 3bis (paras. 31-32).</i> In 2013, a foreign bribery investigation was opened following a complaint from a legislator against an Argentine businessman. The individual allegedly paid bribes to officials of a Brazilian SOE to secure the purchase of an oil refinery in Argentina, as well as petrol stations and associated oil reserves. Between 2013 and 2017, prosecutors conducted open-source searches, gathered information from the Buenos Aires Province Property Registry, Federal Tax Administration, and General Inspectorate of Justice related to several companies that may have been involved in the alleged bribery operation. Authorities also searched the accused companies' premises, and the SOE was required to provide documents related to the selling of the Refinery. In 2020, prosecutors liaised with Brazilian counterparts and received MLA in relation to this matter.</p> <p>Following the death of the previous investigative judge, newly appointed judges closed the investigation, concluding that there was insufficient evidence to support allegations of bribery. The investigative judge concluded that there was no conclusive evidence from Argentina or Brazil indicating that bribes were paid in connection with the 2011 acquisition of the refinery or the Petrobras stations.</p>	Closed in 2024
Military Horses (Bolivia) (Phase 3 bis legacy case)	WGB media monitoring	<p><i>Ongoing investigation during Phase 3bis (paras. 35-36).</i> According to media articles, an Argentine company signed a contract with the Bolivian military in September 2014 to sell horses. The contract was awarded without tender. The Bolivian Ministry of Defence, the Bolivian Army, and the Vice President of Bolivia gave conflicting statements on the amount paid and the number of horses received. The contract apparently stipulated a sale price of BOB 3.2 million (USD 460 000) but one letter from the military indicated that USD 15 million would be paid. A formal investigation was opened in August 2016. Investigative measures reportedly included obtaining financial information, tax data, open-source searches, and reviewing mobile phone records. In November 2018, Bolivia executed Argentina's MLA request.</p> <p>In June 2023, the investigation was closed. The judge determined that the contract had been legitimate, no criminal proceedings existed in Bolivia in relation to the contract, and there was no evidence of illicit payments or suspicious transactions. Thus, the investigation was closed on the grounds of insufficient evidence of foreign bribery.</p>	Closed in 2023
Electricity Company (Brazil)	Member of Parliament	In 2016, one of Argentina's largest electricity companies purchased the Argentine subsidiary of Brazil's state-owned oil company at a substantially below-market price. Around 2017, an investigation was opened into irregularities related to this transaction. According to Argentina, the investigation did not concern foreign public officials, and there were no indices of the existence of foreign bribery. The accused were investigated for negotiations incompatible with the public function. The latter investigation was closed by a court in 2019.	Closed in 2019
Construction and Public Services Sector company (Venezuela)	UIF	<p>An Argentine Construction and Public Services Sector company entered a contract with a Venezuelan SOE for engineering services and provision of equipment that was paid through a trust. Irregularities in the contracting services and sale prices were then detected. Allegedly, USD 15 million was paid in bribes to the Venezuelan SOE officials between 2012 and 2014.</p> <p>PROCELAC uncovered the alleged misconduct through a UIF report and opened a preliminary investigation in relation to foreign bribery and money laundering offences. In October 2021, the case moved to formal investigation. Investigative measures included open-source searches and the receipt of information from tax authorities, financial institutions, airlines, the Central Bank, the General Comptroller's Office. In April 2022, the prosecutor assigned to the matter filed a motion to close the investigation against the defendants due to insufficient evidence to proceed, which was approved by the court.</p>	Closed in 2022
Airport Construction (Peru)	Media	Around 2017, an Argentine and Peruvian construction company allegedly paid bribes to modify the conditions of a contract that had been previously awarded in 2014 to build an airport. The payments were made to a Peruvian political party, which prominent high-level officials belonged to. Several intermediaries were allegedly involved in the scheme.	Closed in 2019

		<p>PROCELAC detected this allegation through its internal media searches. Investigative measures included requests for information from hotels, the inspection of legal entities, review of contract addendums, and open-source searches. Argentina received international cooperation assistance from Peru through a letter rogatory, but no relevant information was obtained. The prosecutor leading the investigation was then replaced and went to a different office of the PPO. In 2019, the investigation was closed.</p>	
Construction and Engineering Parent Company (Bolivia)	WGB Media Monitoring	<p>In 2017, a Spanish construction and engineering company - through its Argentinean branch - was awarded two lucrative contracts by the Bolivian government: to construct a hydroelectric dam and a major highway. Based on media reports, the company allegedly had set up a network of bribes in South America, including the payment of USD 1 million to Bolivian officials to obtain favourable treatment.</p> <p>PROCELAC detected this case through the WGB's media monitoring and conducted "inquiries" to gather more information to determine whether to initiate a preliminary investigation, including requesting information from the Bolivian PPO on the allegations. The Bolivian PPO responded that they were not investigating any Argentine individuals or legal persons for bribes paid to Bolivian officials in relation to this matter. Subsequently, PROCELAC/PPO determined that they could not identify sufficient elements that would allow for a preliminary investigation into alleged acts of foreign bribery.</p> <p>While separate individuals and entities were implicated in the media allegations for Roads and Highway (Bolivia) and Construction and Engineering Parent Company (Bolivia), Argentina noted that law enforcement treated these matters as a common foreign bribery scheme, rather than two separate allegations. Following the review by PROCELAC, no formal investigation—under the CPC—was opened into these allegations.</p>	No formal investigation opened (2021)
Construction and Engineering Parent Company #2 (Chile)	WGB Media Monitoring	<p>In 2014, media reported allegations of a Chilean construction company, a subsidiary of Spanish conglomerate paying for the plane tickets, World Cup tickets, and accommodation for a former education official to win contracts with a Chilean university. The general manager of the Argentine subsidiary of the Spanish parent company, as well as a Chilean lobbyist, were allegedly involved in the scheme to get the University to make advance payments on work that had not yet been completed by the company.</p> <p>PROCELAC detected the case through the media reports by the WGB, and conducted open source searches into the companies and individuals. Argentina determined that the case did not involve the Argentine subsidiary. In regard to Argentine national allegedly involved, Argentina concluded there was no evidence to conclude that he was related to the scheme under investigation. Argentina further stated that even if the Argentine national had been related to the facts, the acts were committed prior to the enactment of Law 27 401, which allowed for the exercise of nationality jurisdiction, and there was no evidence permitting the PPO to exercise territoriality jurisdiction. No preliminary investigation was opened, citing the lack of evidence and lack of nationality jurisdiction at the time of the misconduct.</p>	No formal investigation opened (2022)
Hazardous Waste (Ecuador)	WGB Media Monitoring	<p>From 2003-2016, various individuals – including an Argentine national – allegedly paid USD 3.2 million in bribes to Ecuadorian SOE officials to obtain refinery contracts to manage hazardous waste. The scheme allegedly used a series of intermediaries and offshore accounts.</p> <p>In 2018, PROCELAC detected this case through the WGB's media monitoring. Based on its open-source searches, it determined an Argentine national was convicted of bribery in Ecuador. PROCELAC obtained a copy of the court decisions from the Ecuadorian criminal court, which convicted the individual of bribery resulting in a five-year imprisonment term and fine. According to Argentina, there was no evidence to allow it to exercise territoriality jurisdiction over the matter: the company conducted business only in Ecuador; all contracts were executed in Ecuador; no financial transactions were made in Argentina; and the investigated Argentinean national had already been convicted in Ecuador. Moreover, Argentina notes that it would not have been able to exercise nationality jurisdiction, as Law 27 401 was not in force during the alleged misconduct. Therefore, the PPO did not open a formal investigation into the matter.</p>	No formal investigation opened (2022)
Natural Gas Consortium (Peru)	WGB Media Monitoring	<p>According to media reports, a natural gas consortium, comprised of an Argentine company and various other partners, allegedly paid bribes to high level Peruvian officials in exchange for being awarded the contract to operate a gas field in Peru. Argentina detected this case through the WGB's media monitoring.</p>	No formal investigation opened (2022)

			<p>PROCELAC carried out open-source and media searches on the allegations and found no relevant investigations that could be linked to foreign bribery. Argentina's General Directorate for Regional and International Cooperation liaised with the Attorney General's Office in Peru to identify any ongoing or closed criminal proceedings in relation to this matter. Peru indicated that there were no related investigations, complaints, and/or proceedings. Consequently, PROCELAC decided to close the matter, citing the lack of evidence to open a preliminary investigation.</p>	
Roads and Highway (Bolivia)	WGB Monitoring	Media	<p>According to media reports, in 2010, the subsidiary of an Argentine engineering and construction company was awarded a roads and highway contract with the Bolivian government valued at nearly USD 250 million. Later it was discovered that it had been the sole bidder. In 2015-2016, the contract was rescinded for non-compliance and irregularities. Subsequent media reports covering a domestic bribery case ("notebooks of corruption") alleged that the executive of the Argentine subsidiary and the company were implicated in various bribery schemes, including the Bolivian contract.</p> <p>In October 2021, PROCELAC detected the allegations through the WGB's media monitoring and made initial searches to determine whether the allegations merited opening a preliminary investigation, including consulting with Bolivia's International Affairs Unit of the Attorney General's Office. Bolivia stated that it was not investigating any Argentine national nor any Argentine subsidiaries of the corporate groups for acts of bribery or corruption. From these searches, PROCELAC found that there was no indication of foreign bribery offences committed by Argentine nationals or entities, and decided not to open a formal preliminary investigation.</p> <p>While separate individuals and entities were implicated in the media allegations for Roads and Highway (Bolivia) and Construction and Engineering Parent Company (Bolivia), Argentina noted that law enforcement treated these matters as a common foreign bribery scheme, rather than two separate allegations. Following the review by PROCELAC, no formal investigation—under the CPC—was opened into these allegations.</p>	No formal investigation opened (2021)
Gas Transport (Peru)	WGB Monitoring	Media	<p>According to media reports, two subsidiaries of an Italian-Argentine corporate group allegedly bribed a high level Peruvian public official in exchange for favouring its Gas Transport company, which the parent group was a main shareholder, by pre-paying subsidies which should only have been paid after the work had started. Subsequently, the high-level public official joined the company's Board and was paid more than USD 1 million, as well as received payments from over 22 companies located abroad.</p> <p>PROCELAC detected the case through the WGB's media monitoring and conducted open-source searches. At the same time, Argentina authorities discovered that a complaint had already been filed in Argentina on the same facts in 2019. Based on the information gathered, PROCELAC ordered two preliminary measures – requested information from the court overseeing the complaint filed against the parent group on these facts and liaised with the Peruvian PPO through the Argentina's General Directorate of Regional and International Cooperation. PROCELAC followed up on informal law enforcement cooperation through various networks. Argentina states that it forwarded this new information from the media reports to the prosecutor that had worked on the parent group cases for appropriate action. This federal prosecutor investigating the parent company reportedly co-operated informally with the Peruvian PPO but did not find sufficient indices to pursue foreign bribery against the Argentine entities. The parent case looking at the general foreign bribery scheme was closed due to impossibility of proceeding.</p>	Referred to prosecutor working on related matter; no new or separate investigation was opened (Closed 2019)

Annex B. On-site visit participants

Public Sector	
<ul style="list-style-type: none"> • Ministry of Justice (MOJ) <ul style="list-style-type: none"> ○ Under-Secretariat of Criminal Policy ○ National Directorate of International Legal Cooperation and Judicial Systems ○ Anti-Corruption Office (OA) • Ministry of Foreign Affairs, International Trade and Workshop (MFA) • Ministry of Security <ul style="list-style-type: none"> ○ National Directorate of the National Program for the Protection of Witnesses and Defendants 	<ul style="list-style-type: none"> • Ministry of Economy • Financial Intelligence Unit (UIF) • National Securities Commission (<i>Comisión Nacional de Valores, CNV</i>) • Investment and Foreign Trade Bank (<i>Banco de Inversión y Comercio Exterior - BICE</i>) • National Procurement Office (ONC) • National Audit Office (AGN) • Tax Collection and Customs Control Agency (ARCA) • Office of the Comptroller General (SIGEN)
Law Enforcement and Judiciary	
<p>Public Prosecutor's Offices</p> <ul style="list-style-type: none"> • Prosecutors from the Special Office for Economic Crimes and Money Laundering (PROCELAC) • Federal Prosecutors working on foreign bribery cases • General Directorate for Regional and International Cooperation 	<p>Judiciary</p> <ul style="list-style-type: none"> • Federal investigative judges • Judges from Federal Court of Cassation • Judges from Federal Court of Appeal in Criminal matters • Directorate for Judicial Assistance in Complex Crimes and Organised Crime (DAJUDECO) <p>Judicial Council members</p>
Private Sector	
<p>Enterprises and financial institutions</p> <ul style="list-style-type: none"> • YPF • Aerolíneas Argentinas • Banco de la Nación Argentina • ARSAT • Agua y Saneamientos (AySA) • Trivento Bodegas y Vinedos S.A. • Buenos Aires Energía S.A. • Metrogas S.A. • Techint Group • MercaodLibre Inc. Argentina • Globant • Sin Par S.A. • ABC Control SRL • GYT SRL • Promedon S.A 	<p>Business associations and organisations</p> <ul style="list-style-type: none"> • Argentina Chamber of Commerce (<i>Cámara Argentina de Comercio - CAC</i>) • AHK Argentina • German-Argentine Chamber of Commerce (GACOC) • Argentine Association of Ethics and Compliance (AAEC) <p>Legal Profession and Academia</p> <ul style="list-style-type: none"> • Private sector lawyers, members of the CABA Bar Association • Criminal defence lawyers • Centre of Anti-Corruption Studies, Universidad de San Andrés. • Professor, University of Buenos Aires (UBA) • Professor, IAE Argentina Austral University <p>Accounting and Auditing Profession, Professional Associations</p> <ul style="list-style-type: none"> • PwC • Ernest & Young • Deloitte • Argentine Federation of Professional Councils of Economic Sciences (<i>Federación Argentina de Consejos Profesionales de Ciencias Económicas -FACPCE</i>)
Civil Society and Media	
<p>Civil Society</p> <ul style="list-style-type: none"> • <i>Poder Ciudadano</i> (Transparency International – Argentina chapter) • Instituto de Estudios Comparados en Ciencias Penales y Sociales (INECIP) 	<p>Media</p> <ul style="list-style-type: none"> • Clarín
Parliament	
<ul style="list-style-type: none"> • Deputy of the Nation 	

Annex C. Excerpts of relevant legislation

Corporate Liability – Law 27 401

Art. 1. - Purpose and scope. The present law establishes the criminal liability regime applicable to private legal persons, whether of national or foreign capital, with or without State ownership, for the following offenses:

- a) Bribery and peddling in influence, national or transnational, established in Articles 258 and 258bis of the Criminal Code;
- b) Negotiations incompatible with public office, as established in Article 265 of the Argentine Criminal Code;
- c) Illegal exactions established in Article 268 of the Criminal Code;
- d) Illicit enrichment of public officials and employees, established in Articles 268 (1) and (2) of the Criminal Code;
- e) Aggravated false account balance sheets and reports, established in Article 300 bis of the Criminal Code.

Art. 2º. - Responsibility of the legal person. Legal persons are liable for the offenses established in the preceding Article which have been directly or indirectly committed with its intervention or in its behalf, interest or benefit.

They are also responsible if the person acting in the benefit or interest of the legal person is a third party lacking attributions to act on behalf of it, provided that the legal entity had ratified the act, even if the ratification was tacit.

The legal person will be exempt from liability only if the physical person who committed the offense was acting in its own benefit and its act did not generate any advantage to the legal person.

Art 3º. - Successor liability. In case of conversion, merger, acquisition, split or any other corporate transformation, the liability of the legal person shall be transferred to the resulting or absorbent legal person.

The legal person remains liable also when, in a concealed or merely apparent manner, it continues its economic activity and maintains the substantial identity of its customers, suppliers and employees, or of the most relevant part of all of them.

Art. 4º. - Termination of the criminal action. The criminal action against the legal person shall only terminate by the grounds enumerated in Articles 59 (2) and (3) of the Criminal Code.

The limitation of the right to bring a criminal action against the individuals who committed or participated in the commission of a crime shall not affect the validity of the criminal action against the legal entity.

Art. 5º. - Statute of limitations. The limitation period for bringing a criminal action against the legal person prescribes after six (6) years from the time the crime was committed.

For this purpose, the rules of suspension and interruption of the criminal action provided for in the Criminal Code shall apply.

Art. 6° - Independent actions. The legal person may be sentenced even where it is not possible to identify or prosecute the individuals involved, provided that the circumstances of the case allow the establishment that the offense could not be committed without the tolerance of the bodies of the legal person.

Art. 7° - Sanctions. The sanctions applicable to the legal persons are the following:

- Fine of two (2) to five (5) times of the undue benefit obtained or that could have been obtained;
- Partial or total suspension of the activities, which in no case shall exceed ten (10) years;
- Suspension to participate in public tenders or bidding processes or any other
- State-related activities, which in no case shall exceed ten (10) years;
- Dissolution and liquidation of the legal person when it was created for the sole purpose of committing the offense, or such acts constitute the main activity of the entity;
- Loss or suspension of any State benefit that it may have;
- Publication of an extract of the condemnatory sentence at the expense of the legal person.

Art. 8° - Graduation of the penalty. In order to calibrate the sanctions provided in Article 7° of the this law, the Court will take into account the failure to comply with internal rules and procedures; the number and hierarchy of officials, employees and collaborators involved in the offense; the omission of vigilance over the activity of the authors and participants; the extent of the damage caused, the amount of money involved in the commission of the offense, the size, nature and economic capacity of the legal entity; the self-reporting to the authorities by the legal entity as a result of an internal detection or investigation activity; its subsequent behaviour; the disposition to mitigate or repair the damage, and recidivism.

It will be understood that there is recidivism when the legal entity is sanctioned for an offense committed within three (3) years following the date of the final judgment of a previous conviction.

In the cases in which it is essential to maintain the operational continuity of the entity, or of a work, or of a particular service, the sanctions provided in Articles 7 (2) and (4), hereof shall not apply.

The Judge may order the payment of the fine in a fractioned form for a period of up to five (5) years when its amount and single-payment compliance jeopardize the survival of the legal person or the maintenance of jobs.

The provisions of Article 64 of the Criminal Code shall not apply to legal persons.

Art. 9° - Exemption from sanctions. The legal person will be exempt from punishment and administrative responsibility when the following circumstances concur simultaneously:

- a) Spontaneously has denounced an offense provided for in this law as a result of an internal detection and investigation activity;
- b) Would have implemented an adequate control and supervision system under the terms of Articles 22 and 23 of this law, prior to the fact of the process, the violation of which would have required an effort from the parties involved in the commission of the offense; and
- c) Would have returned the undue benefit obtained.

Art. 10° - Confiscation. In all the cases provided in this law, the rules of the Criminal Code regarding confiscation will be applicable.

Art. 11° - Procedural status of legal persons. Legal persons shall have the rights and obligations prescribed for an accused individual pursuant to the applicable provisions of the procedural codes, where applicable.

Art. 12°. - Notices. If the legal person has not appeared in the proceedings, notices shall be sent to its legal domicile, which will be deemed to be its valid address for the purposes of the proceedings. Notwithstanding this, notices may be sent to any other known address.

Art. 13°. - Representation. Legal persons shall be represented by their legal representative or by any other individual holding a special power of attorney for such purpose compliant with all formalities relevant to the type of entity; in any case, they shall appoint a defence attorney. Upon failure to do so, a public defender shall be appointed, which shall be the public defender on duty at the time of the appointment.

The representative shall inform the entity's address and establish an address for notification purposes on the first submission. Thereafter, notices addressed to the legal person shall be sent to that address.

Legal persons may replace their representative at any time throughout the proceedings. Replacements made after the trial begins must be justified and may only interrupt proceedings in accordance with the applicable procedural terms.

The replacement shall not affect the validity of the acts performed by the previous representative.

The faculties, number and intervention of the defenders that assist it will be governed by the corresponding procedural provisions.

Art. 14°. - Default. Should the legal person fail to enter an appearance, it shall be declared to be in default by the Judge, at the request of the prosecutor.

The judge that declares the default shall inform the GENERAL INSPECTION OF JUSTICE or the equivalent entity in local jurisdictions, and the FEDERAL ADMINISTRATION OF PUBLIC REVENUE, and the NATIONAL REGISTER OF RECIDIVISM, to its effects.

In addition, it must immediately order all the necessary precautionary measures to ensure the timely continuation and purpose of the process, in accordance with the last paragraph of Article 23 of the Criminal Code.

Art. 15°. - Conflict of interests. Abandonment of representation. In the event of a conflict of interest between the legal person and its appointed representative, the former will be required to replace its representative.

Art. 16°. - Effective cooperation agreement. The Public Prosecutor's Office and the legal entity may enter into an effective cooperation agreement, whereby the latter undertakes to cooperate through the disclosure of information or accurate, useful and verifiable data for the elucidation of the facts, the identification of its authors or participants or the recovery of the product or the profits of the crime, as well as through the fulfilment of the conditions established by virtue of the provisions of Article 18 of this law.

The cooperation agreement can be held until the summons to trial.

Art. 17°.- Confidentiality of the negotiation. The negotiation between the legal person and the Public Prosecutor's Office, as well as the information exchanged in the context of the negotiation until the approval of the agreement, shall be classified as strictly confidential. The release of such information may be subject to the provisions Chapter III - Breach of secrecy and privacy, Title IV of Volume Two of the Argentine Criminal Code.

Art. 18°.- Content of the agreement. The agreement shall identify the type of information, data or evidence to be provided by the legal person to the Public Prosecutor's Office, under the following conditions:

- Payment of a fine equivalent to half of the minimum established in Article 7 (1) of this law;
- Restitution of the things or profits that are the product or the benefit of the crime; and
- Surrender in favour of the State the property that would presumably be confiscated in the event of a conviction;

- The following conditions may also apply, without prejudice to others which may be agreed upon according to the circumstances of the case:
- Performing the necessary actions to repair the damage caused;
- Rendering a specific service to the community;
- Applying disciplinary measures against those who have participated in the crime;
- Implementing an integrity programme in the terms of Articles 22 and 23 of this law or make improvements or modifications to a pre-existing program.

Art. 19°.- Form and judicial control of the cooperation agreement. The agreement must be in writing. It will bear the signature of the legal representative of the legal entity, its defence counsel and the representative of the PUBLIC PROSECUTOR'S OFFICE and it will be submitted before the judge, who will assess the lawfulness of the agreed-upon terms and cooperation before deciding on its approval or rejection.

Art. 20°. - Rejection of the collaboration agreement. If the effective collaboration agreement is not reached or is rejected by the court, the information and the evidence submitted by the legal entity during the negotiations will be returned or destroyed and shall not be used by the Courts, except where the Public Prosecutor's Office had known them independently or could have obtained them on the grounds of a course of investigation already existing in the proceedings before the agreement.

Art. 21°.- Monitoring compliance with the effective collaboration agreement. Within a period not exceeding one (1) year, the PUBLIC PROSECUTOR'S OFFICE or the judge will corroborate the authenticity and usefulness of the information provided by the legal entity in compliance with the effective collaboration agreement.

If the authenticity and usefulness of such information is confirmed, the sentence must respect the conditions established in the agreement, and no other penalties may be imposed.

Otherwise, the judge shall nullify the agreement and the proceedings will continue in accordance to the general rules.

Art. 22°.- Integrity Program. The legal persons included in the present regime may implement integrity programs, consisting of a set of internal actions, mechanisms and procedures for the promotion of integrity, supervision and control, aimed at preventing, detecting and correcting irregularities and unlawful acts included in this law.

An appropriate integrity programme should be consistent with the risks inherent in the activities carried out by the legal person, as well as its size and economic capacity, in accordance with the relevant regulations.

Art. 23°.- Content of the Integrity Program. The Integrity Program shall contain, in accordance with the guidelines established in the second paragraph of the preceding Article, at least the following:

- a) A code of ethics or conduct, or integrity policies and procedures that apply to all directors, managers and employees, irrespective of their position or functions, for the purpose of guiding the planning and fulfillment of their tasks or duties in such a way as to prevent the commission of the offenses described in this Law;
- b) Specific rules and procedures to prevent unlawful acts in bidding processes, during the implementation of administrative contracts, or in any other interaction with the public sector;
- c) The conduct of regular training sessions on the integrity program for directors, managers, and employees.

Integrity Programmes may also contain the following:

- i. A periodic analysis of risk and the subsequent adaptation of the integrity program;

- ii. Visible and unequivocal support for the integrity program by top managers and directors;
- iii. Internal channels to report irregularities, open to third parties and appropriately disclosed;
- iv. A policy for the protection of whistle-blowers against retaliation;
- v. An internal investigation system that respects the rights of the persons under investigation and imposes effective sanctions for violations against the code of conduct;
- vi. Procedures to verify the integrity and track record of third parties or business partners, including suppliers, distributors, service providers, agents and intermediaries, at the time of engaging their services during the business relationship;
- vii. Due diligence during company transformation processes and acquisitions, in order to monitor irregularities, unlawful acts or the existence of vulnerabilities in the legal entities involved;
- viii. Continuous monitoring and assessment of the effectiveness of the integrity program;
- ix. An internal officer responsible for the development, coordination and monitoring of the integrity program;
- x. The fulfilment of the regulatory requirements imposed on these programmes by the relevant authorities holding federal, provincial, municipal or local police power over the activities carried out by the legal person.

Art. 24°.- Contracting with the National State. The existence of an adequate integrity program in accordance with Articles 22 and 23 will be a necessary condition to contract with the National State, within the framework of the contracts that:

- a) According to the regulations in force, because of their amount, must be approved by a competent authority with a rank not inferior to Minister; and
- b) Are included in Article 4 of Delegated Decree No. 1023/01 and/or governed by laws 13.064, 17.520, 27.328 and public service concession or license contracts.

Art. 25°.- National Register of Recidivism. The National Registry of Recidivism, under the Ministry of Justice and Human Rights of Argentina, will record the sentences that fall for the crimes foreseen in this law.

Art. 26°.- Competence. The court having competence over the imposition of the sanctions on legal person shall be competent to decide on the offence attributable to the human person.

Art. 27°.- Complementary application. This Law complements the Argentine Criminal Code.

Art. 28°.- Supplementary application. In the cases of national and federal jurisdiction reached by this Law, the Argentine Criminal Procedural Code shall apply in a supplementary manner.

The provinces and the Autonomous City of Buenos Aires are invited to adequate their legislations to the guidelines of this law.

Art. 29°.- ARTICLE 1° of the Argentine Criminal Code is hereby replaced as follows: "ARTICLE 1.- This Code shall apply to:

- 1.- Offences committed or whose consequences take place in the territory of the ARGENTINE REPUBLIC, or in places under its jurisdiction;
- 2.- Offences committed abroad by representatives or employees of Argentine authorities in the exercise of their duties.

3.- The offence provided in Article 258bis that is committed abroad by Argentine citizens or legal entities with domicile in the Argentine Republic, whether they be the address established in their Articles of Incorporation or those of their establishments or branches in the Argentine territory."

Art. 30°.- ARTICLE 258 bis of the Argentine Criminal Code is hereby replaced as follows:

"ARTICLE 258 bis.- It shall be punished with a prison term from one to six years and perpetual special debarment for the exercise of public functions the person who, directly or indirectly, offers, promise or gives, unduly, to a public official of a foreign State or of a public international organization, whether in their own benefit or that of a third party, a monetary sum or any other object of monetary value or other compensations such as gratuities, favours, promises or advantages, in exchange for the public official to do or abstain from doing an act related to the exercise of their public functions, or to assert the influence derived from their position, in a matter related to a transaction of an economic, financial or commercial nature.

A public official of a foreign State, or of any territorial entity recognized by the Argentine Republic, shall be defined as any person who has been designated or elected to exercise public functions, at any level or territorial division of the Government, or within any kind of body, agency or state-owned enterprise where that State exerts a direct or indirect influence".

Art. 31°.- It is hereby incorporated as ARTICLE 259 bis of the Criminal Code the following:

"ARTICLE 259 bis. – With respect to the offences provided in this chapter, a fine shall be imposed jointly, from two (2) to ten (10) times the amount or value of the money, gratuity, benefit or monetary advantage offered or given".

Art. 32.- ARTICLE 265 of the Criminal Code is hereby replaced with the following:

"ARTICLE 265.- Shall be punished with imprisonment or imprisonment of one (1) to six

(6) years and special perpetual disqualification, the public official who, directly, by interposed person or by simulated act, is interested in view of his own benefit or that of a third party, in any contract or operation in which it intervenes due to its position.

A fine of two (2) to five (5) times of the value of the improper benefit sought or obtained shall also be applied.

This provision shall apply to the arbitrators, amicable conciliators, experts, accountants, guardians, curators, executors, liquidators and liquidators, with regard to the functions fulfilled in the character of such".

Art. 33°.- ARTICLE 266 of the Criminal Code is hereby replaced with the following:

"ARTICLE 266.- A prison term of one (1) to four (4) years and a special prohibition to hold public office for one to five years will be imposed on any public official who, abusing his position, solicits, demands or requires the undue payment or delivery, in person or by proxy, a contribution, a fee or a gift or charges higher fees than those that correspond.

A fine of two (2) to five (5) times the amount of the levy will also be applied."

Art. 34°.- ARTICLE 268 of the Criminal Code is hereby replaced with the following:

"ARTICLE 268.- Shall be punished with imprisonment of two (2) to six (6) years and absolute perpetual disqualification, the public official who converts the exactions expressed in the previous Articles to his own or a third party's benefit.

A fine of two (2) to five (5) times the amount of the levy will also be applied."

Art. 35°.- It is hereby incorporated as second paragraph to ARTICLE 268 (1) of the Criminal Code the following text:

"A fine of two (2) to five (5) times of the profit obtained will also be applied."

Art. 36°.- Amend the first paragraph of ARTICLE 268 (2) of the Criminal Code, which will be worded as follows:

"Shall be punished with imprisonment of two (2) to six (6) years, a fine of two (2) to five (5) times the value of the enrichment, and perpetual absolute disqualification, which upon being duly required, will not justify the provenance of an appreciable two (2) to five (5) times the amount of enrichment and an absolute perpetual prohibition to hold any public office will be imposed on any person who, upon due request, fails to justify the origin of any substantial enrichment on their part or on the part of a third party for concealment purposes, after taking office and up to two (2) years after leaving office."

Art. 38°.- ARTICLE 33 of the Code of Criminal Procedure, Law No. 23.984, is hereby replaced by the following:

"ARTICLE 33. - Federal courts will exercise jurisdiction over:

(1). In the preliminary investigation of the following offences:

- a) Those ones committed in the high seas, on board national vessels or by pirates, citizens or foreigners;
- b) Those ones committed in Argentine waters, islands or ports;
- c) Those ones committed within the territory of the City of Buenos Aires or of the provinces, in violation of federal laws, such as crimes against Argentina's sovereignty or security, crimes aimed at embezzling its revenues, crimes aimed at obstructing or perverting the good conduct of their employees, crimes aimed at stealing or tampering with mail, crimes aimed at obstructing or rigging national elections, or crimes aimed at falsifying national documents or counterfeiting national currency or notes issued by banks authorized by Congress;
- d) Those ones committed in places or establishments where the national government has absolute and exclusive jurisdiction, with the exception of those that by this law are subject to the ordinary jurisdiction of the investigating judges of the City of Buenos Aires;
- e) The offenses set forth in Articles 41d, 142a, 142b, 145a, 145b, 149b, 170, 189 bis (1), (3) and (5), 212, 213 bis and 258 bis and 306 of the Criminal Code.

(2). In the trial in a single instance of those crimes indicated in the previous paragraph that are repressed with non-custodial penalty or deprivation of liberty whose maximum does not exceed three (3) years.

Criminal Code – Law 11 179

Art. 1°.- This Code shall apply to:

Offences committed or whose consequences take place in the territory of the ARGENTINE REPUBLIC, or in places under its jurisdiction;

Offences committed abroad by representatives or employees of Argentine authorities in the exercise of their duties.

The offence provided in Article 258bis that is committed abroad by Argentine citizens or legal entities with domicile in the Argentine Republic, whether they be the address established in their Articles of Incorporation or those of their establishments or branches in the Argentine territory.

Art. 258bis°.- It shall be punished with a prison term from one to six years and perpetual special debarment for the exercise of public functions the person who, directly or indirectly, offers, promise or gives, unduly,

to a public official of a foreign State or of a public international organization, whether in their own benefit or that of a third party, a monetary sum or any other object of monetary value or other compensations such as gratuities, favours, promises or advantages, in exchange for the public official to do or abstain from doing an act related to the exercise of their public functions, or to assert the influence derived from their position, in a matter related to a transaction of an economic, financial or commercial nature.

A public official of a foreign State, or of any territorial entity recognized by the Argentine Republic, shall be defined as any person who has been designated or elected to exercise public functions, at any level or territorial division of the Government, or within any kind of body, agency or state-owned enterprise where that State exerts a direct or indirect influence.

Art. 259bis°.- With respect to the offences provided in this chapter, a fine shall be imposed jointly, from two (2) to five (5) times the amount or value of the money, gratuity, benefit or monetary advantage offered or given”.

Art. 300°.- Prison from six months to two years shall be imposed on: [...]

Any incorporator, director, manager, liquidator or receiver of any corporation or cooperative or any other partnership who publishes, certifies or approves an untrue or incomplete balance sheet, profit and loss statement, or their respective reports, minutes, annual reports, or informs the meeting of members distorting the truth or with reticence regarding facts which are important for the appreciation of the economical situation of the company, regardless of the purpose he had to inform it.

Art. 300bis°.- When the criminal acts provided for in subsection 2) of Article 300 have been carried out in order to conceal the commission of the offenses set forth in Articles 258 and 258 bis, a prison sentence of one (1) to four (4) shall be imposed years and fine of two (2) to five (5) times the value falsified in the documents and acts referred to in the aforementioned clause.

Art. 303°.- (1) A prison term of three (3) to ten (10) years and a fine equal to two (2) to ten (10) times the amount of the relevant transaction will be imposed on any persons who transform, transfer, manage, sell, tax, conceal or in any other way circulate goods originating from criminal offences, with the possible consequence of having the origin of the original or surrogate goods appear lawful, and as long as they have a value equal to or over three hundred thousand Argentine pesos (ARS 300 000),¹⁷ whether the crime constitutes a single act or repeated and related different actions.

(2). The punishment established in 1) above will be increased by a third of its maximum value and half of its minimum in the following cases:

- a) Where the offender regularly engages in the activity or is a member of an association or group created for the purpose of regularly engaging in activities of such a nature; and
- b) Where the offender is a public official committing the crime during the exercise or as part of its functions. In the latter case, the offender will also be punished with a special ban on engaging in business for a term of three (3) to ten (10) years. This penalty will also be applied to any person acting within the scope of a profession or trade that requires any special authorization.

(3) Any person who receives money or other goods originating from in a criminal offence with a view to using them in any of the transactions described in 1) above and giving them a legitimate appearance will be punishable by a prison term of six (6) months to three (3) years.

(4) Where the value of the goods is below the amount stated in 1) above, the offender will be punishable by a prison term of 6 (six) months to 3 (three) years.

(5) The provisions hereof will apply even where the predicate criminal offence was committed outside the scope of the territorial implementation of this Code, as long as the crime committed is punishable in the place where it was committed.

Art. 304°.- Where the crimes punishable by the above Article are committed in the name, with the participation, or for the benefit of a legal entity, the entity will be punishable by the following sanctions, either jointly or alternatively:

- 1) A fine equal to two (2) to 10 (ten) times the value of the goods involved in the crime.
- 2) Total or partial suspension of activities for a maximum term of ten (10) years.
- 3) Ban from participating in public calls for bids for public works or services, or in any other activities related to the Government, for a maximum term of ten (10) years.
- 4) Cancellation of legal entity status in the event that the corporation has been created for the sole purpose of committing the crime, or where said activities are the main activity of the entity.
- 5) Loss or suspension of any State benefits that may have been granted.
- 6) Publication of an excerpt of the conviction, to be paid by the legal entity.

In order to determine the punishment to be imposed, the courts will take into consideration the infringement of internal rules and procedures, the lack of supervision over the activities of principal and accomplices, the extent of the damage caused, the amount of money involved in the commission of the crime, and the size, nature, and economic capacity of the legal entity.

Where it is of the essence to preserve the operational continuity of the entity or of a given work or service, the sanctions provided for in (2) and (4) above will not be applied.

Annex D. Phase 3bis recommendations to Argentina (2017) and assessment at 2Y WFU (2019) – Phase 1bis conclusions (2019)

Phase 3bis recommendations to Argentina (2017) and assessment at 2YWFU (2019)

<i>Phase 3bis Recommendations – 2017¹⁷</i>	<i>Written Follow-Up – 2019¹⁸</i>
Recommendations for ensuring effective investigation, prosecution and sanctioning of foreign bribery:	
1. Regarding the <u>foreign bribery offence</u> , the Working Group recommends that Argentina:	
a) Introduce an autonomous definition of foreign public officials (Convention Article 1(4); 2009 Recommendations III.ii and V);	<i>Fully implemented</i>
b) Ensure that the definition of foreign public officials covers, in a manner consistent with the Convention, officials of foreign public enterprises and public officials of organised foreign areas or entities that do not qualify or are not recognised as States (Convention Article 1(4) and Commentaries 12-18; 2009 Recommendations III.ii and V);	<i>Fully implemented</i>
c) Eliminate the vagueness in the offence resulting from the absence of a requirement that the advantage provided to an official be “undue”, or that the advantage obtained by the briber be “improper” (Convention Article 1; 2009 Recommendations III.ii and V).	<i>Fully implemented</i>
2. With regards to <u>jurisdiction</u> over foreign bribery cases, the Working Group recommends that Argentina adopt nationality jurisdiction to prosecute foreign bribery cases on a priority basis (Convention Article 4(2); 2009 Recommendation V).	<i>Fully implemented</i>
3. With respect to <u>liability of legal persons</u> , the Working Group recommends that Argentina:	
a) Urgently adopt legislation on a priority basis to ensure that legal persons can be held liable for foreign bribery (Convention Articles 2 and 3; 2009 Recommendation Annex I.B)	<i>Fully implemented</i>
b) Consider harmonising its corporate liability provisions so that a single regime of liability covers foreign bribery and related offences such as money laundering and false accounting (Convention Articles 2 and 3; 2009 Recommendation Annex I.B).	<i>Fully implemented</i>
4. With regard to sanctions and confiscation, the Working Group recommends that Argentina:	
a) Substantially increase the maximum fine available for foreign bribery (Convention Article 3(1));	<i>Fully implemented</i>
b) ensure that fines are available where the gain obtained by a briber is not pecuniary or does not go to the briber but his/her company (Convention Article 3(1) and Commentary 7);	<i>Fully implemented</i>
c) maintain detailed statistics of sanctions (including confiscation) imposed in cases of bribery and other economic crimes (Convention Articles 3(1)-(3));	<i>Partially implemented</i>

Phase 3bis Recommendations – 2017¹⁷		Written Follow-Up – 2019¹⁸
d)	Amend its legislation to provide for confiscation of property the value of which corresponds to that of the bribe and the proceeds of bribery, or monetary sanctions of comparable effect; (Convention Article 3(3));	<i>Not implemented</i>
e)	Take further steps to ensure that confiscation is routinely ordered in foreign bribery cases, that the amount of confiscation represents the full benefits of the offence, and that confiscation orders are executed without unreasonable delay (Convention Article 3(3));	<i>Partially implemented</i>
f)	Regarding debarment, (i) extend the grounds for debarment for all federal procurement (including public works) where appropriate to cover all offences falling within Article 1 of the Convention; (ii) ensure the effectiveness of the exclusion mechanism, including by routinely checking debarment lists of multilateral development banks; and (iii) in conjunction with the reform of the liability of legal persons for bribery, extend the disqualification to legal persons engaged in foreign bribery where appropriate (Convention Article 3(4); 2009 Recommendation X).	<i>Partially implemented</i>
Regarding investigations and prosecutions:		
5. Regarding <u>investigations and prosecutions</u> , the Working Group recommends that Argentina:		
a)	continue to take steps to ensure that foreign bribery cases may be commenced based on information provided anonymously (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Fully implemented</i>
b)	continue to use proactive steps to gather information from diverse sources of allegations and enhance investigations (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Fully implemented</i>
c)	take steps to ensure that prosecutors and judges in economic crime cases act promptly and proactively without delay.	<i>Partially implemented</i>
d)	promptly implement the CPC 2014, and ensure that the law effectively reduces delay in practice (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Partially implemented</i>
e)	regarding delay, (i) urgently take further steps to reduce delays in complex economic crime cases, including by addressing the causes of delay that originate in the criminal procedural system and (ii) maintain and analyse statistics on delay and economic crime cases to assess the effectiveness of the measures to reduce delay; (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Partially implemented</i>
f)	take urgent steps to ensure that adequate resources are made available for foreign bribery investigations and prosecutions and consider assigning investigative bribery and corruption investigations and prosecutions to specialised investigative judges and prosecutors who have expertise in complex economic crime cases (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Partially implemented</i>
g)	provide additional foreign bribery-specific training, including on the practical aspects of and best practices on seeking MLA, to all investigative judges and prosecutors who have jurisdiction to investigate and prosecute this crime (Convention Article 5 and Commentary 27; 2009 Recommendation III.(ii) and V);	<i>Fully implemented</i>
h)	accelerate efforts to implement an effective national register of information relating to all Argentine companies (2009 Recommendation II).	<i>Fully implemented</i>

Regarding judicial and prosecutorial independence:		
6. With regard to <u>judicial and prosecutorial independence</u> , the Working Group recommends that Argentina:		
a)	adjust the composition of the Judicial Council, and ensure that the Council effectively protects the independence of judges (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Not implemented</i>

Phase 3bis Recommendations – 2017¹⁷	Written Follow-Up – 2019¹⁸
b) take urgent steps to ensure the independence of the Offices of the federal Attorney General and Public Prosecutors, including by protecting the appointment, transfer and dismissal of the Attorney General and prosecutors from political influence (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Partially implemented</i>
c) ensure that prosecutors who conduct foreign bribery cases are not subjected to political or other undue interference, including through the use of actual or threatened disciplinary action, the application of the opportunity principle, and the AG's power of supervision and general direction over prosecutors (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Not implemented</i>
d) raise awareness of Article 5 of the Convention among investigative judges and prosecutors, to ensure that foreign bribery investigations and prosecutions are not influenced by considerations of national economic interest, the potential effect upon relations with another State, or the identity of the natural or legal persons involved (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);	<i>Partially implemented</i>
e) take additional measures to substantially reduce the number of judicial vacancies and surrogate judges, and increase continuity of investigative personnel for particular cases, including judges and prosecutors, to the greatest degree possible (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D).	<i>Partially implemented</i>
Regarding mutual legal assistance (MLA):	
7. Regarding <u>mutual legal assistance</u> , the Working Group recommends that:	
a) investigative judges and prosecutors in foreign bribery cases use all available means to secure MLA, in particular through contact with foreign authorities via informal channels and through the Working Group (Convention Article 9(1); 2009 Recommendation XIII.v);	<i>Partially implemented</i>
b) the MFA work more closely with prosecutors and judges to pursue MLA requests in specific foreign bribery cases, include engaging Argentine embassies overseas to facilitate the execution of requests (Convention Article 9(1); 2009 Recommendation XIII.v).	<i>Partially implemented</i>
Regarding money laundering:	
8. With regard to <u>money laundering</u> , the Working Group recommends that Argentina:	
a) extend money laundering reporting, due diligence and record keeping obligations to lawyers, <i>síndicos</i> and other legal professionals (subject to appropriate qualifications) (Convention Article 7);	<i>Not implemented</i>
b) further enhance AML measures for financial transactions involving PEPs, including by adding important political party officials to the definition of PEPs; ensuring that due diligence of former PEPs is based on an assessment of risk and not on prescribed time limits; and issuing guidelines on the handling of PEPs (Convention Article 7; 2009 Recommendation III.i);	<i>Partially implemented</i>
c) provide better feedback to entities who file STRs to improve the quality of these reports (Convention Article 7; 2009 Recommendation III.i);	<i>Fully implemented</i>
d) raise awareness about foreign bribery as a predicate offence to money laundering, including by preparing typologies on foreign bribery-related money laundering (Convention Article 7; 2009 Recommendation III.i);	<i>Partially implemented</i>
e) continue to ensure that UIF processes and forwards relevant information contained in STRs to law enforcement without undue delay (Convention Article 7; 2009 Recommendation IX.i).	<i>Fully implemented</i>
9. With regards to <u>accounting and auditing, corporate compliance, internal control and ethics</u> , the Working Group recommends that Argentina:	
a) continue to strengthen accounting standards, such as by allowing all unlisted companies and SOEs to choose IFRS (Convention Article 8; 2009 Recommendations X.A.i and iii);	<i>Partially implemented</i>

Phase 3bis Recommendations – 2017¹⁷	Written Follow-Up – 2019¹⁸
b) take measures to enforce the accounting fraud offence and accounting requirements more effectively in bribery cases; increase applicable sanctions where appropriate; and ensure that the Corporate Liability Law, if enacted, applies to foreign bribery-related accounting misconduct (Convention Article 8; 2009 Recommendations X.A.i and iii);	<i>Partially implemented</i>
c) work with the accounting profession to raise awareness of the foreign bribery offence, and encourage the profession to develop specific training on foreign bribery in the framework of their professional education and training systems (Convention Article 8; 2009 Recommendation III.i);	<i>Fully implemented</i>
d) clarify the entities that are legally required to submit to external audit; ensure full ISA implementation in Buenos Aires and all 23 provinces; and further improve audit quality standards, including with regard to certification of auditor qualifications and quality control of audits (Convention Article 8; 2009 Recommendations X.B.i and ii);	<i>Partially implemented</i>
e) ensure that external auditors and audit firms take greater account of the risks of foreign bribery in the companies that they audit (Convention Article 8; 2009 Recommendation III.i);	<i>Not implemented</i>
f) continue its efforts to ensure that auditors and síndicos that are not in SOEs promptly report suspicions of foreign bribery by employees or agents of the company to the competent authorities, notably in the face of inaction after appropriate disclosure within the company (2009 Recommendations X.B.iii and v);	<i>Not implemented</i>
g) continue to promote corporate compliance, internal controls and ethics programmes to prevent and detect foreign bribery, including for SMEs that are internationally active (2009 Recommendation X.C).	<i>Partially implemented</i>
Regarding tax measures:	
10. With regard to <u>tax-related measures</u> , the Working Group recommends that Argentina:	
a) continue to train its officials at AFIP on detecting foreign bribery and remind them of their obligations to report suspected crime (2009 Recommendation III.i and VIII.i; 2009 Tax Recommendation II);	<i>Partially implemented</i>
b) promptly take steps to ensure that tax information can be provided to foreign authorities for use in foreign bribery investigations (Convention Article 9(1); 2009 Recommendation XIII.iv; 2009 Tax Recommendation I.iii).	<i>Partially implemented</i>
11. With regard to <u>awareness-raising</u> , the Working Group recommends that Argentina continue its efforts to proactively raise awareness of foreign bribery within the private sector, with particular emphasis on SMEs that are at risk of committing foreign bribery (2009 Recommendation III.i)	
12. With regards to <u>reporting and whistleblower protection</u> , the Working Group recommends that Argentina:	
a) (i) ensure the consistency of the reporting thresholds and channels in administrative instruments, the Reporting Decree and the CPC; (ii) ensure that sanctions for non-reporting of alleged foreign bribery are appropriate and effective; and (iii) further remind all public officials, and not only those in MFA and AFIP, of their obligations under the CPC and Reporting Decree to report alleged offences of foreign bribery directly to Argentine law enforcement (2009 Recommendations IX.i and ii);	<i>Partially implemented</i>
b) ensure as a matter of priority that appropriate measures are in place to protect from discriminatory or disciplinary action public and private sector employees who report in good faith and on reasonable grounds to the competent authorities suspected acts of bribery of foreign public officials in international business transactions. (2009 Recommendation IX.iii).	<i>Not implemented</i>
13. With regards to export credits, the Working Group recommends that Argentina adhere to the 2006 Recommendation on Bribery and Officially Supported Export Credits if and when it resumes the provision of officially supported export credits (2009 Recommendation XII.i).	

14. The Working Group will follow up the issues below as case law and practice develop:

- a) Whether Article 258bis CC covers cases where a bribe is paid in order that an official acts outside his/her authorised competence (Convention Article 1 and Commentary 19);
- b) Whether the solicitation or “illicit demand” of an undue payment or other advantage by a foreign public official can exclude the liability of the active briber (Convention Article 1; 2009 Recommendation Annex I.A);
- c) Application of territorial jurisdiction in foreign bribery cases (Convention Article 4(1));
- d) Sanctions imposed for foreign bribery in practice, including whether sentences imposed comply with Commentary 7 of the Convention (Convention Article 3);
- e) Confiscation of indirect proceeds of foreign bribery, and confiscation against a legal person of the proceeds of offences committed by a *de facto* manager (Convention Article 3);
- f) Whether law enforcement authorities routinely and systematically assess credible foreign bribery allegations that are reported in the media on a timely basis (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);
- g) Application of the money laundering offence in Argentina, including: (i) whether the offence covers the laundering of a bribe and the laundering of indirect proceeds of crime, (ii) whether foreign bribery is always a predicate offence to money laundering, without regard to the place where the bribery occurred, and (iii) enforcement of the money laundering offence in practice (Convention Article 7);
- h) Whether Argentina can grant MLA requests submitted in the context of criminal and non-criminal proceedings within the scope of the Convention and brought by a Party against a legal person (Convention Article 9);
- i) Whether Argentina executes MLA requests from foreign authorities without undue delay (Convention Article 9(1); 2009 Recommendation XIII.v);
- j) Whether Article 5 factors influence extradition or MLA in Argentina (Convention Articles 5 and 9);
- k) Time needed to reach a final decision on extradition in corruption cases (Convention Article 10).

Phase 1bis Recommendations to Argentina by the WGB (2019) ¹⁹

Responsibility of Legal Persons

Exemption from Sanctions:

1. The Working group recommends that Argentina amend Art. 9 CLL to make clear that exemption from sanctions applies only when a legal person self-reports and offense that it has committed; and the legal person satisfies a court that it has conducted an appropriate internal investigation and reported all relevant wrongdoing (para. 99).
2. The Working Group recommends that Argentina amend Art. 23 CLL and the Integrity Guidelines to include additional elements that are vital to an effective anti-foreign bribery compliance programme (para. 100).
3. The Working Group recommends that Argentina amend Art. 9(2) CLL to ensure that the exemption from sanctions is not available when senior corporate officers commit or authorise foreign bribery, consistent with Annex I of the 2009 Anti-Bribery Recommendation (para. 100).

Proceedings against Legal Persons:

4. The Working Group recommends that Argentina amend Art. 6 CLL and remove the requirement of the legal entity’s “tolerance” (para. 102).

Sanctions for Foreign Bribery

Penalties against Natural and Legal Persons:

5. The Working Group recommends that Argentina amend the CLL to make clear that fines are available in cases where the monetary value of the bribe cannot be determined (para. 103).
6. The Working Group recommends that Argentina take steps to clarify whether fines are mandatory upon conviction (para. 104).

Confiscation:

7. The Working Group recommends that Argentina amend [Art. 10 CLL and Art. 23(1) CC] to provide for the confiscation of property the value of which corresponds to that of the bribe and the proceeds of bribery, or that monetary sanctions of comparable effect are applicable (value confiscation) (para. 105).

Additional Civil and Civil Administrative Sanctions:

8. The Working Group recommends that Argentina streamline its debarment provisions and ensure that they set out a consistent regime. It also recommends that Argentina ensures that debarment for foreign bribery applies to the same extent as debarment for domestic bribery, as required by the 2009 Anti-Bribery Recommendation XI. (para. 106).
9. The Working Group recommends that Argentina amend the CLL so that [the requirement to implement an adequate integrity programme] can also be imposed upon conviction as it is for non-trial resolutions of foreign bribery (para. 107).

Enforcement – non-trial resolutions

10. The Working Group recommends that Argentina publish criteria that prosecutors should consider before entering into a collaboration agreement; the essential elements of each agreement; and the outcome of the verification conducted one year after the agreement to assess the information provided by the legal person and compliance with the agreement (para. 108).
11. The Working Group recommends that Argentina ensure effective review mechanisms and transparency of non-trial resolutions (para. 108).

Statute of Limitation

12. The Working Group recommends that Argentina amend the CLL so that the limitation period is suspended for the duration of a collaboration agreement (para. 110).
13. The Working Group will follow up, as case law and practice develops, the following issues:

Foreign Bribery Offence

- a) the Working Group will follow up the remaining textual differences between the Convention and Argentine legislation, namely the phrase “unduly offers, promises or gives”, and the bribery of persons holding legislative, administrative or judicial office as well as employees of foreign state-controlled enterprises (para. 97).

Responsibility of Legal Persons*Standard of Liability*

- b) the Working Group will follow up the interpretation of new terms and concepts introduced by Art. 2 CLL, such as (i) “with [a legal person’s] intervention or in its behalf, interest or benefit”; and (ii) “a third party lacking attributions to act on behalf of” a legal person; and ratification of an act of a third party, including tacit ratification.” (para. 98)
- c) The Working Group will also follow up issues such as the level of authority of the natural person committing foreign bribery that would trigger the liability of a legal person; whether a legal person would be liable if foreign bribery generates a benefit to both the natural person and the legal person; and the liability of a parent company for foreign bribery committed by a subsidiary (para 98).

Exemption from Sanctions

- d) The Working Group will also follow up whether the reported offence must be unknown to the authorities (para. 99).
- e) The Working Group will follow up whether a legal person would be required to pay an amount equivalent to the value of the benefit if the benefit itself cannot be returned. (para 101).

Sanctions for Foreign Bribery*Penalties against Natural and Legal Persons*

- f) The Working Group should also follow up several issues, namely the interpretation of “benefit”; the fine imposed when the benefit is not quantifiable; the payment of fines in instalments (Art. 8(4) CLL); and the sanctions imposed where “it is essential to maintain the operational continuity of the entity, or of a work, or of a particular service” (Art. 8(3) CLL) (para. 104).

Enforcement

- g) The Working Group will also follow up whether collaboration agreements result in effective, proportionate and dissuasive sanctions in foreign bribery cases (para. 109).

Statute of Limitations

- h) The Working Group should also follow up whether the statute of limitations is sufficient in practice, given the enormous systemic delays in many complex economic crime cases in Argentina (para 110).

Money Laundering

- i) The Criminal Code, not the CLL, provides for corporate liability for money laundering. The Working Group will follow up how these parallel regimes of corporate liability operate in cases involving both foreign bribery and money laundering (para 111).

Notes

¹ As of January 2026, the Working Group includes the 38 OECD member countries and 8 non-members (Argentina, Brazil, Bulgaria, Croatia, Peru, Romania, Russian Federation, and South Africa).

² All cases referred to were detected and investigated according to the former Criminal Procedure Code.

³ Other groups include: “public notaries and accountants in cases of fraud, tax evasion, money laundering, human trafficking and exploitation of individuals” and Persons who, by virtue of law, authority, or legal act, are in charge of the management, administration, care or control of assets or interests of an institution, entity or person, regarding the crimes committed to the detriment of the latter, or of the estate or patrimony placed under their charge or control, provided that they take notice of the fact by the exercise of their functions.

⁴ According to data collected by the DAC, Argentina does provide some bilateral support and participates in South-South/triangular co-operation. The DAC lists Argentina as an ODA recipient as well as an ‘official provider of aid not reporting to the OECD’, providing USD1.5 million of bilateral support to developing countries in 2022, according to the DAC list of ODA Recipients for reporting on aid in 2024 and 2025. Argentina states that the figures cited by the DAC have since been updated and that the amount of ODA delivered via technical assistance between 2020 and 2024 totalled USD 765,896.53.

⁵ Under its previous wording, the WGB had been concerned that the offence may criminalise legitimate payments seeking proper official action.

⁶ The threshold of 10% shareholding and/or voting rights does not apply to entities incorporated, domiciled, established, or located abroad that do not make a public offering of their securities (Article 3 of the RG AFIP 5529/2024).

⁷ Australia, Canada, Colombia, Costa Rica, Korea, Spain, France, Italy, Mexico, Peru, Portugal, Russia, South Africa, Switzerland, and the United States, according to the last published DAJIN international cooperation in legal matters compendium.

⁸ Judgment of 6 September 2023, RCL 43007 / DF (Toffoli). The 2023 STF ruling invalidating the use of evidence obtained through the 2016 Odebrecht leniency agreement was issued by a single justice and remains under appeal as of February 2026. See also: Brazil Phase 4 Report, para. 23 and 235.

⁹ See Annex A: *Natural Gas Consortium (Peru)*

¹⁰ See Annex A: *Gas Transport (Peru)*

¹¹ The judge’s decision cited *A. 2186 XLI Factual Appeal, Acosta, Alejandro Esteban on violation of paragraph 1, section 14 of Law 23.737 (Case No. 28/05)*

¹² The suspended trial agreement will be reviewed in late February 2026, at which time the procedural status of NP3 may be updated through formal notice and/or request for information.

¹³ This reflects the application of Article 2 CC, which requires the use of the law most favourable to the accused.

¹⁴ Further RITE user statistics: <https://www.rite.gob.ar/riteNumeros/estadisticas>

¹⁵ RITE was included in the March 2024 OECD / UN Global Compact publication, *A Resource Guide on State Measures for Strengthening Business Integrity*, as an example of government initiatives to provide private sector integrity guidance. (OECD/UN (2024), *A Resource Guide on State Measures for Strengthening Business Integrity*, OECD Publishing, Paris/UN, New York, <https://doi.org/10.1787/c76d7513-en>.)

¹⁶ The [Phase 4 Monitoring Guide](#) states that Phase 4 evaluations should also reflect good practices and positive achievements which have proved effective in combating foreign bribery and enhancing enforcement.

¹⁷ This column sets out the recommendations of the Working Group on Bribery to Argentina in its Phase 3bis Report, as adopted in 2017.

¹⁸ This column sets out the findings of the Working Group on Bribery concerning implementation of Phase 3bis recommendations, based on Argentina's Phase 3bis Written Follow-Up Report, as adopted by the Working Group in 2019.

¹⁹ This sets out the recommendations of the Working Group on Bribery to Argentina in its [Phase 1bis Report](#), as adopted in 2019. There is no follow up report for a Phase 1 evaluation.