

Federal Prosecutor's Office

Registered letter  
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Federal Prosecutor : Urs Köhli  
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Procedure number : SV.14.1681-KOU

Bern, 27 April 2023

**SV.14.1681-KOU; criminal investigation against SICPA SA et al.**

Ladies and Gentlemen

In the context of the conclusion of criminal proceedings by means of a criminal order, we will provide you, at your request, with the following declarations for use by you in relation to third parties:

On 27 April 2023, the Office of the Attorney General of Switzerland ("OAG") issued a criminal order against SICPA AG pursuant to Article 352 et seq. of the Swiss Criminal Code. The criminal order entered into force on the same day.

This criminal order was issued pursuant to Art. 102 of the Swiss Criminal Code (corporate liability) and relates to events that occurred between 2008 and 2015 and in which SICPA AG did not take all necessary and reasonable organisational measures to prevent employees and consultants from violating the law. Corporate responsibility does not mean that SICPA SA itself committed these offences by former employees or consultants, nor that it wanted or accepted them. Since then, SICPA AG has voluntarily and fully remedied this organisational deficiency.

With the issuance of the criminal order, all criminal investigations of the MPC against SICPA SA for the period 2008 to 2015 are closed. During the criminal investigation, SICPA SA cooperated fully with the MPC.

Article 102 of the Criminal Code provides for a fine of up to CHF 5 million against an offending company. In this case, a fine of CHF 1 million is imposed on SICPA SA. In addition, SICPA SA is ordered to pay a compensation claim of CHF 80 million pursuant to Art. 71 of the Swiss Criminal Code.

In contrast to countries such as the United States and the United Kingdom, the Swiss legal system does not have an instrument that makes it possible to terminate criminal proceedings under Art. 102 StGB without punishing the offending company. In particular, Switzerland lacks the possibility of a deferred prosecution agreement ("DPA").

To this extent, the issuance of a criminal order against an offending company for violation of Article 102 of the Criminal Code is the most appropriate form of settlement of the proceedings. This criminal order does not imply any admission of guilt on the part of SICPA SA, and no judgment has been rendered by a court on the facts alleged against SICPA SA.

Friendly greetings

Federal Prosecutor's Office BA

Urs Köhli, Federal Prosecutor