

FUNCTIONEEL PARKET

PRESS RELEASE

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Trafigura's punishment final, top executive settles

Within the Probo Koala investigation the Dutch Public Prosecutor's Office for Financial, Economic and Environmental Offences and the Procurator's General Offices have reached a comprehensive settlement with Trafigura Beheer BV (hereinafter: 'Trafigura'), its president-director, and with an employee of the company. The public prosecution service ('OM') considers the settlement a fitting ending to a series of prolonged proceedings. Continuing the proceedings might take many more years. The cases will be concluded in a way that makes clear that violation of international regulations for hazardous waste will not be tolerated.

The settlement provides for the following:

Trafigura

Trafigura was sentenced by the Amsterdam Court of Appeal to a fine of 1 million Euros for the illegal export of waste to Ivory Coast in the middle of 2006 and for concealing the hazardous nature of those materials.

Trafigura and the OM filed appeal in cassation with the Supreme Court but agreed to withdraw the appeal in cassation. This means that the Court of Appeal's ruling has become final, and Trafigura will pay the fine of one million Euros.

In addition Trafigura will pay another 300,000 Euros to the Public Prosecutor's Office as a compensation for the assets acquired through the illegal export.

President-Director

Trafigura's president-director was prosecuted for his executive role in the illegal export of the waste. He filed a complaint against his prosecution which by the Amsterdam Court of Appeal was declared ungrounded on 30 January 2012 after the Court of Amsterdam, the Amsterdam Court of Appeal and the Supreme Court handled the case. The president-director lodged an appeal at the Supreme Court against this decision.

The Public Prosecutor's Office and Trafigura's president-director agreed to withdraw the appeal upon the payment of 67,000 Euros settlement offered by the Public Prosecutor's Office. This financial transaction is acceptable for the Public Prosecutor's Office now that it has become part of the comprehensive settlement. The amount of 67,000 Euros is equal to the maximum fine that can be imposed for illegal export of waste.

Employee

On 23 July 2010 the Court of Amsterdam imposed on Trafigura's employee a suspended prison sentence of 6 months and a 25,000 Euros fine for his executive role and for concealing the hazardousness of the waste. On 1 July 2011 the Amsterdam Court of Appeal decided that the Court was not competent. The Public prosecutor's Office filed appeal in cassation against this decision but has agreed to withdraw its appeal in cassation upon payment by the employee of 25,000 Euros.

For more information please contact Esther Schreur, Marieke van der Molen or Paul van der Zanden at +31 (0) 70 302 32 00 or mobile:+31 (0)6 481 35 272