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## French Anti-Corruption Law

# Will France Continue Aggressive Bribery Enforcement Efforts in the Wake of a U.S. “Pause”?

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Over the last decade, France has reinvented itself as a leader in the global fight against corruption, with novel legal frameworks and an active enforcement culture. In doing so, it has responded to and been a vocal critic of what it perceived as the extraterritorial overreach of U.S. enforcement agencies, citing as examples several large French companies that have faced steep fines for corruption- or sanctions-related misconduct.

In a recent executive order (FCPA EO), it appears that the current U.S. president has come around to the idea that U.S. enforcement has overreached, and called for a “pause” in FCPA cases while enforcement priorities are reassessed.

Ironically, it is precisely the U.S. pressure that catalyzed France’s reforms and resulted in a more robust French enforcement environment that is poised to fill any gaps left by the pause in FCPA enforcement. In this article, we discuss how France has an opportunity to further distinguish itself as an influential partner in the global fight against corruption. With the United States appearing to step back, France may be well-positioned to step forward.

See [“How the New DOJ and PNF Corporate Enforcement Guidelines Affect Self-Reporting, Cooperation and Remediation”](#) (Mar. 29, 2023).

## Adaptations to French Legal Framework

On December 9, 2016, France signed into law a sweeping set of changes to its anti-corruption legal framework. The Law on Transparency, the Fight against Corruption and Modernization of Economic Life (now referred to as Sapin II) introduced a series of significant changes to French anti-corruption enforcement efforts.

## **Mandatory Compliance Programs**

Sapin II mandated that companies above a certain threshold – at least 500 employees and more than €100 million in revenue – adopt and maintain an effective compliance program designed to prevent and detect corruption and influence peddling. These must include eight mandatory compliance program elements, or “pillars,” that include:

- a code of conduct;
- a whistleblower alert system;
- a comprehensive risk mapping;
- third-party due diligence procedures;
- corruption-related accounting and internal controls;
- tailored training plans focused on at-risk personnel;
- a disciplinary regime to sanction noncompliant personnel; and
- a compliance program monitoring system.

## **Creation of the AFA**

Sapin II also created a new agency – the French Anti-corruption Agency (Agence française anticorruption (AFA)) – with a mandate of helping companies and public administrations prevent and detect corruption and influence peddling. Notably, its remit is largely preventive – it does not undertake investigations into corrupt conduct in the judicial sense. As part of its mandate, however, the AFA also conducts proactive “controls” of companies subject to the above-referenced Sapin II compliance program requirements, which are aimed at ensuring that such programs are in place and robust. These controls can be quite in-depth, requiring companies to provide significant documentation relating to their compliance program – including as it is implemented in subsidiaries they control – and routinely involve interviews by AFA personnel of key members of management, compliance personnel and even third parties with which a company works. Companies considered not to have an effective compliance program can be referred to a Sanctions Commission, even in the absence of any underlying criminal activity. The Sanctions Commission, which oversees the application of any administrative sanctions, has the authority to impose corrective measures and financial penalties if a company’s compliance program is considered to be noncompliant with the eight mandatory pillars set forth in the law. If the AFA, through its control process, uncovers evidence of potential criminal activity, such as potential corruption or anti-competitive practices, it is required to turn such evidence over to the prosecuting authorities.

## **Introduction of the CJIP**

The Convention judiciaire d’intérêt public (CJIP), which is somewhat similar to a U.S. deferred prosecution agreement, was also introduced through Sapin II. The CJIP allows corporates to resolve corruption and influence peddling charges (and several related corporate offenses) through a negotiated resolution while avoiding a formal conviction, something that had not existed previously. As discussed further below, prosecutors seem keen to continue making use of this mechanism, and legislators have

expanded the scope of its application, such that CJIPs can now also be used to resolve certain corporate environmental offenses.

## **A New Confiscation Law**

A more recent law, Law No. 2024-582, was aimed at “improving the effectiveness of systems for the seizure and confiscation of criminal assets” and introduced a new obligation that may be imposed on companies concluding a CJIP. Companies now may not only be required to pay a fine or implement a compliance program under the control of the AFA, but also be subject to a mandatory confiscation of the proceeds of the offense. In practice, this confiscation mechanism may influence negotiations conducted between public prosecutors and companies on the amount of the fine that companies will be required to pay under a CJIP.

See “[Lessons Learned From the First-Ever French Convention Judiciaire d’Intérêt Public Concluded With HSBC](#)” (Jan. 24, 2018).

## **French Corruption Prevention and Enforcement Efforts**

Since Sapin II’s passage, France can point to an impressive track record in its fight against corruption by both the PNF and the AFA.

### **AFA Activity**

As of its 2023 annual report, between 2017 and the end of 2023, the AFA has conducted 119 controls on private companies, and 84 controls on public institutions. Although it has, to date, only resulted in two companies being referred to the AFA’s Sanctions Commission (and in both cases, the Commission largely sided with the referred companies, who avoided being fined), the AFA’s emphasis is clearly on inducing voluntary compliance rather than punishment. Its mission – to assist companies in preventing and detecting corruption – is more focused on ensuring that companies and public institutions are putting in place systems and safeguards to mitigate the risk that corrupt acts occur within the scope of their activities. Given the dramatic increase in resources devoted to compliance in France over the years, and its emergence as a career path for many French professionals, the AFA’s efforts appear to be a success. During initial controls, the AFA identified legal shortcomings in the compliance programs of nearly all companies it controlled, with the most common issues involving risk mapping (82% of cases), third-party due diligence (88%), and accounting and internal control procedures (between 86% and 95%). Other frequent shortcomings included training programs (63%) and codes of conduct (51%). More recent initial AFA controls have resulted in significant improvements, with 16 companies between 2020 and 2023 found to be fully compliant, reflecting stronger executive commitment and better adoption of Sapin II compliance program elements.

Most of the AFA controls launched in 2022 and carried out in 2023 were part of sectoral audit waves that aimed to gain a comprehensive view of specific sectors, compare compliance program levels among entities within the same sector, and identify best practices. The 2022-2023 sectoral wave

targeted companies in the automotive and automotive equipment sectors, including both French groups and French subsidiaries of foreign groups.

In January 2022, the French Minister of Justice instructed public prosecutors to inform the AFA in advance when considering the use of a CJIP that may include the monitoring of a company's compliance program. Upon the prosecutor's request, the AFA may provide its expertise to assess the appropriateness of including such a requirement in the CJIP, and define its scope and duration as well as the budget necessary for the agency to oversee its implementation. In 2023, the AFA conducted eight preliminary assessments at the request of prosecutors – an increase compared to the 10 assessments it conducted between 2017 and 2022 – with courts generally following the AFA's recommendations regarding the scope of implementation and duration of the compliance program's requirement.

See [“AFA Sanctions Commission Considers Risk Mapping Requirements in Its Second Case”](#) (Mar. 4, 2020).

## **PNF Activity**

The enforcement activity of France's Parquet national financier (PNF) and other regional prosecutors (parquets) in the fight against corruption is arguably even more impressive. To date, the PNF and other regional prosecutorial bodies have secured 23 CJIPs relating to bribery or related offenses. By comparison, since DPAs were introduced to the U.K. in 2014 (under the provisions of Schedule 17 of the Crime and Courts Act of 2013), the SFO has secured 11 DPAs and the U.K. Crown Prosecution Service has secured one.

The CJIPs entered into by French prosecutors to date involve a wide range of conduct across multiple jurisdictions and include instances of “active” corruption (a company making corrupt payments) and “passive” corruption (a company receiving corrupt payments). Three of the CJIPs were concluded for “influence peddling” (trafic d'influence), a specific provision of the French criminal code that involves providing advantages to a third party for it to abuse its influence (real or presumed) in order to obtain distinctions, employment, contracts or other favorable decisions from a public authority. The average fine of CJIPs concluded to date for corruption-related offenses amounts to approximately €116 million, which includes – at the high end – total fines and penalties of nearly €2.1 billion assessed against Airbus S.E. in 2020, and – at the low end – total fines and penalties of €420,000 assessed against SAS Poujaud in 2018. Thirteen out of the 23 CJIPs have required some form of compliance program monitoring by the AFA.

## **Potential Second-Order Effects**

Although the longer-term effects of the United States' new approach remain uncertain, the experience of France shows that aggressive anti-corruption enforcement no longer rests solely (or even primarily) with the U.S. By building a robust infrastructure around compliance, and devoting resources at the governmental level, France has emerged as a formidable example for other countries looking to advance their anti-corruption agendas.

Looking forward, a divergent approach from the U.S. could have several knock-on effects for French enforcement.

## A History of Cooperation

The first French and U.S. coordinated resolution came not long after the passage of Sapin II.

In June 2018, authorities in France and the U.S. announced negotiated resolutions with **Société Générale** for conduct arising out of improper payments in Libya and manipulation of the London Interbank Overnight Rate (LIBOR). These matters resulted in fines and penalties of \$585 million and \$275 million assessed in the U.S. in connection with the FCPA case and the LIBOR manipulation case, respectively, and €250 million in France, marking the first nine-figure resolution that the PNF had ever achieved related to bribery offences.

Less than two years later, French, U.K., and U.S. authorities coordinated to bring landmark resolutions against **Airbus S.E.**, for corruption-related offenses. Looking back, it is quite possible that these marked a high point in French – U.S. coordination. While the DOJ may scale back its engagement with foreign authorities on anti-bribery and corruption collaboration, it will likely remain obligated to respond to international requests under mutual legal assistance treaties (MLATs).

See “**2024 in Review: International Cooperation Continues to Drive ABAC Enforcement**” (Dec. 18, 2024).

## New Alliances

The shifting enforcement landscape is prompting new international alliances and partnerships. On March 18, 2025, the PNF, U.K. SFO and Office of the Attorney General of Switzerland announced the creation of an International Anti-Corruption Prosecutorial Taskforce (Taskforce) aimed at strengthening their collaboration in the fight against international bribery and corruption. The Taskforce will include:

1. a leaders’ Group for strategic discussions;
2. a working group to propose case cooperation;
3. best practice sharing; and
4. a stronger foundation for operational collaboration.

The founding agencies plan to invite other like-minded authorities involved in tackling international bribery and corruption to join. They emphasized that the initiative is “in no way a reaction” to the recent U.S. pause on FCPA enforcement and noted continued collaboration with U.S. authorities, despite shifting domestic priorities. In statements made at an FCPA conference on May 7, 2025, the head of the PNF, Jean-François Bohnert, indicated that the task force would be focused on sharing information in real time on investigations and would welcome the addition of other enforcement agencies, including the U.S. He also noted that French authorities would treat companies equally, regardless of their country of origin, when conducting investigations into potentially corrupt activity.

Similarly, enforcement agencies outside the U.S., along with international organizations like multilateral development banks, may become more assertive in response to the perceived gap in enforcement. The AFA also carries out bilateral technical cooperation activities with various countries, including execution of a memorandum of understanding in January 2023 with the Iraqi Federal Commission of Integrity and sending a delegation to Kazakhstan in October 2023 to discuss areas of future cooperation.

See “[The International Anti-Corruption Taskforce and U.S. FCPA Enforcement: A Look Ahead](#)” (May 7, 2025).

## Blocking Statute

In 1968, France passed the Loi n°68-678 relative à la communication de documents et renseignements d'ordre économique, commercial, industriel, financier ou technique à des personnes physiques ou morales étrangères (loi de blocage or French Blocking Statute), in an effort to restrain extraterritorial overreach in the context of litigations in other jurisdictions or regulatory inquiries from non-French agencies. Its primary aim, focused largely on the U.S. discovery tools (*e.g.*, production orders, subpoenas), was to require litigants or regulatory agencies to proceed through formal conventions (such as MLATs and the Hague Convention) in furtherance of any requests for information. Violating the French Blocking Statute can result in up to six months in prison and a fine of €18,000 for individuals, and fines of up to €90,000 for companies.

Although it has only been enforced once by the French Cour de Cassation in 2007, it has taken on increased prominence in an era of cross-border enforcement and has been strengthened through notification requirements involving any requests that implicate the statute. Since 2022, a French agency – the Service de l'Information Stratégique et de la Sécurité Economiques (SISSE) – is now responsible for assessing all requests that potentially implicate the French Blocking Statute and issuing a decision on whether complying with a foreign request would risk violating the French Blocking Statute.

In light of the current pause in FCPA enforcement, non-U.S. enforcement authorities and international organizations may adopt a more proactive stance to fill the perceived gap in global anti-corruption efforts. In an era of more limited cooperation – or outright skepticism as to the motivations of other countries – there may also be a more stringent application of the French Blocking Statute, particularly as relates to requests from authorities pursuing investigations that may seem to bear a political motive against French companies. This trend reflects a broader reassertion of national sovereignty and legal safeguards in cross-border investigations, especially where French interests are implicated. However, the SISSE has emphasized a collaborative approach with foreign authorities and companies in navigating foreign enquiries, particularly by encouraging the use of formal MLAT channels.

## Looking Ahead

Looking ahead, France is well-positioned to double down on its anti-corruption efforts, both as a means of reinforcing its international credibility and as a strategic move to protect its national industries from any disproportionate foreign legal prosecution actions. As the U.S. takes a step back, France



has a unique opportunity to assert itself as a leading force in global anti-corruption enforcement. This shift may lead to an increase in enforcement actions against foreign firms operating in France, and transnational cooperation is likely to be channeled increasingly through European frameworks, such as the recently established Taskforce, which aim to strengthen operational collaboration, share best practices and promote a more multi-jurisdictional enforcement agenda.

See “[Navigating French Internal Investigations and Self-Reporting Post-Sapin II](#)” (May 15, 2019).

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