



Webcast: European Enforcement Update

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GIBSON DUNN

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Agenda

01 **View on EU Enforcement from Washington**

02 **EU Enforcement Architecture**

03 **Enforcement Coordination across Europe**

04 **EU Anti-Corruption Directive**

05 **France: Recent Developments**

06 **Germany: Recent Developments**

View on EU Enforcement from Washington



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U.S. – Changes to Enforcement

February 5, 2025: Bondi Memoranda Shift Enforcement Priorities

- On her first day in office, Attorney General Pamela Bondi issued 14 memoranda resetting DOJ priorities. The “Total Elimination of Cartels and Transnational Criminal Organizations” memo:
 - Directed the FCPA Unit to prioritize foreign bribery that facilitates the operations of cartels and transnational criminal organizations (“TCOs”), such as human smuggling and narcotics and firearms trafficking, and to shift focus away from cases without that connection. The Money Laundering and Asset Recovery Section was likewise directed to prioritize cartel and TCO cases.
 - Disbanded Task Force KleptoCapture, DOJ’s Kleptocracy Team, and the Kleptocracy Asset Recovery Initiative.
 - Allowed U.S. Attorney’s Offices to bring cartel- and TCO-related FCPA cases without Main Justice approval (on 24 hours’ notice to the FCPA Unit), initially for 90 days.

February 10, 2025: Executive Order 14209 Pauses FCPA Enforcement

- Directed the Attorney General, for 180 days, to cease initiating new FCPA investigations and enforcement actions absent an individual exception, citing harm to U.S. competitiveness and foreign policy.
- Required review of existing FCPA matters (including possible remedial measures for past actions) and issuance of revised enforcement guidelines. The review period could be extended by another 180 days.

U.S. – Changes to Enforcement

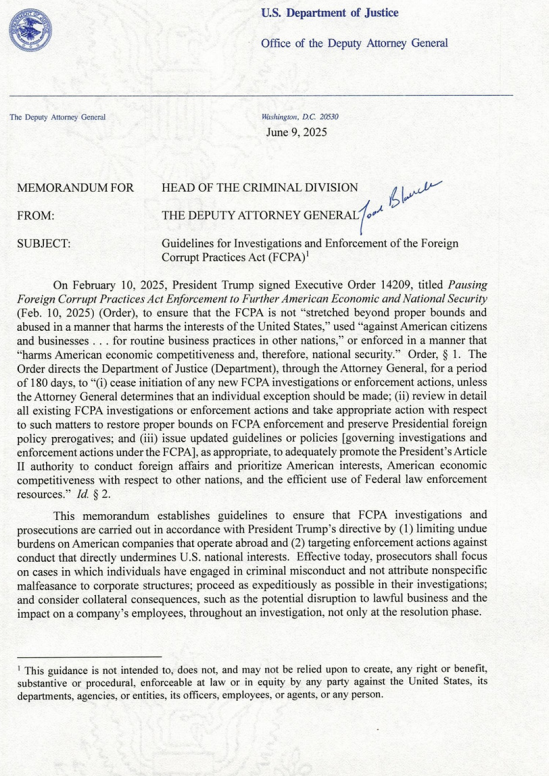
June 9, 2025: DOJ Guidelines for FCPA Investigations and Enforcement

The guidelines aim at “limiting undue burdens on American companies that operate abroad” and “targeting enforcement actions against conduct that directly undermines U.S. national interests.”

Prosecutors must consider four “non-exhaustive” factors:

- **Cartels and TCOs:** consistent with the Bondi memo, a “primary consideration” is whether the misconduct is associated with cartels or TCOs, including their money launderers or shell companies.
- **Fair opportunities for U.S. companies:** whether the misconduct deprived “specific and identifiable” U.S. entities of fair access to compete, or caused them economic injury.
- **National security:** bribery involving “critical minerals, deep-water ports, or other key infrastructure or assets.”
- **Serious misconduct:** conduct that “bears strong indicia of corrupt intent tied to particular individuals,” not routine business practices or de minimis, generally accepted business courtesies.

The guidelines are expressly not exhaustive, as “myriad factors must be considered” in deciding whether to investigate or prosecute.



U.S. – 2025 Enforcement Decisions

DOJ Termination of FCPA Investigations

- Following the February 10, 2025 Executive Order, DOJ reviewed its pending FCPA matters and, by June 10, 2025, reported that it had closed approximately half of its open investigations. Closures continued after the June 9, 2025 Blanche memo guidelines.
- Publicly disclosed DOJ closures include:
 - PetroNor
 - Digicel
 - Stryker
 - Bombardier (two investigations closed; one remaining was not reported closed)
 - Toyota
 - GE HealthCare
 - Calavo Growers
- In several of these matters, parallel or related investigations remained open at the time of disclosure (e.g., Stryker, PetroNor, Bombardier).

U.S. – 2025 Enforcement Decisions

Recent Corporate Enforcement Developments

Fewer, sharper federal priorities—but more ways for the government to find problems

- **DOJ's new fraud focus:** The National Fraud Enforcement Division (Oct. 1 guidance) prioritizes procurement, health care, revenue-evasion, and tariff fraud—and will originate cases from its own data analytics, no whistleblower required.
- **FCPA recalibration:** June 2025 guidelines narrow corporate enforcement to cartels, harm to U.S. competitors, and national security; individual prosecutions continue, limitations periods run 5+ years, and foreign enforcers remain active.
- **SEC “back to basics”:** Refocus on fraud and financial reporting, including a new Financial Reporting and Accounting Unit; revised Enforcement Manual permits zero-penalty resolutions but reserves self-reporting credit for companies that come in first.
- **Race to the government:** A single DOJ-wide self-disclosure policy (declination, 50–75% “near miss” NPA, or up to 50% reduction); DOJ Corporate Whistleblower Awards Pilot Program, with a 120-day outer limit for self-disclosure; DOJ whistleblower awards up to 30% of the first \$100M forfeited; FCA relators receive 15–30%.
- **Cartels as terrorist organizations:** 21 Latin American and Caribbean criminal groups designated as FTOs—payments through intermediaries, including extortion, can create material-support and Anti-Terrorism Act exposure.
- **Trade and customs fraud:** DOJ's Trade Fraud Task Force passed \$1B in recoveries and charged losses in under a year; a permanent Global Trade and Commerce Enforcement Section carries the work forward.

Bottom Line:

- Data-driven detection, richer whistleblower incentives, and long limitations periods mean compliance programs cannot stand down—even where enforcement priorities narrow.

Consequences for Europe?

Europe is strengthening its own enforcement capacity as U.S. FCPA enforcement recedes

Expanding EU institutional architecture

- **EPPO** began operations in June 2021; 25 Member States now participate, including Hungary, where operations start separately
- **AMLA** in Frankfurt began operating in July 2025; direct supervision of financial institutions from 2028
- **OLAF, Europol and Eurojust** gain closer cooperation duties under the new Directive

Harmonized European offenses

- **EU Anti-Corruption Directive** (EU) 2026/1021 in force since May 2026; transposition by June 2028
- **EU Environmental Crime Directive** (EU) 2024/1203 in force since May 2024; transposition by May 2026
- **EU Sanctions Violation Directive** (EU) 2024/1226 in force since May 2024; transposition by May 2025

Coordinated European enforcement

- **UK SFO, French PNF and Swiss OAG** launched the International Anti-Corruption Prosecutorial Taskforce on March 20, 2025
- **First Taskforce conference** (London, May 2026) brought together 100+ investigators and prosecutors

EU Enforcement Architecture



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EU Enforcement Architecture

EU Agencies:

	EPPO	OLAF	Europol	Eurojust
What it is	Independent EU prosecutor, Luxembourg, since 2021	Commission anti-fraud office, Brussels, since 1999	EU police cooperation agency, The Hague	EU judicial cooperation agency, The Hague
Remit	Crimes against the EU budget, incl. cross-border VAT fraud ≥EUR 10M	Fraud and corruption involving EU funds and EU staff	Serious organized crime affecting 2+ Member States	Serious cross-border crime, incl. fraud and corruption
Powers	Investigates, indicts and prosecutes in national courts	Administrative probes, on-the-spot checks, interviews	Criminal intelligence, data exchange and analysis	Coordinates prosecutors; funds joint investigation teams
Limits	25 participating states; Denmark and Ireland do not participate*	Cannot prosecute; recommends recovery or charges	No arrest or search powers of its own	No investigative powers; acts via national authorities

* Hungary joined on August 2, 2026. Operations there start 20 days after appointment of its European Prosecutor.

Enforcement Coordination across Europe



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European Coordination

International Anti-Corruption Prosecutorial Taskforce: UK SFO, French PNF and Swiss OAG

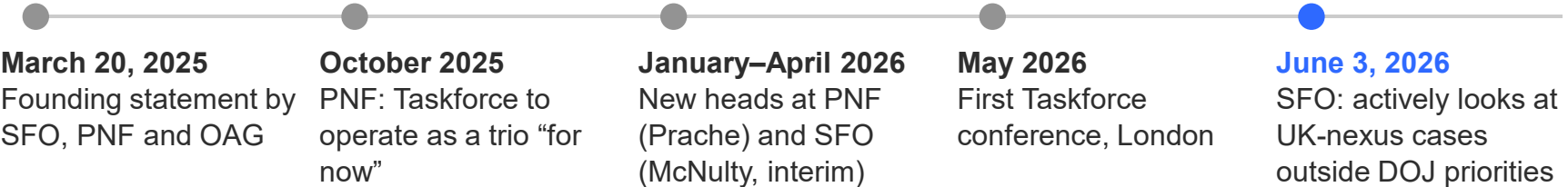


100+

investigators and prosecutors at the Taskforce’s first conference (London, May 2026)

Status as of October 2026

- **Structure:** Leaders’ Group for strategy; Working Group for case-cooperation proposals.
- **Membership:** still the three founders. Open to “like-minded agencies,” but none announced; Germany, Italy, the Netherlands and Spain expressed interest in cooperating (May 2025).
- **Outlook:** a “healthy pipeline of cases,” with results expected in two to four years; no Taskforce case publicly identified to date.
- **U.S.:** not a member, but U.S. agencies attended the May 2026 conference. The SFO says it actively looks at UK-nexus cases outside DOJ priorities.



Based on public statements by the SFO, PNF and OAG (checked October 7, 2026).

EU Anti- Corruption Directive



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Overview

Background:

- Directive (EU) 2026/1021 of April 29, 2026 on combating corruption (the “**EU Anti-Corruption Directive**” or “**Directive**”) was published in the Official Journal on May 11, 2026 and entered into force on May 31, 2026.
- The Commission **proposed the Directive on May 3, 2023**, following the December 2022 “Qatargate” scandal and long-standing criticism of the fragmented EU anti-corruption framework (1997 Convention, Framework Decision 2003/568/JHA).

Timeline:

- Member States are required to transpose most of the provisions into national law by **June 1, 2028**.
- For certain specific requirements (e.g. national anti-corruption strategies), Member States have up to **June 1, 2029** to transpose the provisions into national law.
- ***Importantly***, the Directive defines minimum requirements only. Member States are free to go beyond and introduce stricter requirements.
- ***Denmark is not bound by the Directive.***

Key Changes

The Directive

- harmonizes **eight corruption offenses** (Articles 3-10), facilitating cross-border enforcement;
- introduces **trading in influence**: an undue advantage for improper influence over a public official to obtain an undue advantage;
- sets **minimum levels for national maximum corporate fines**: 5% of worldwide turnover or EUR 40 million for the higher tier; 3% or EUR 24 million for the lower tier (see slide 20);
- requires corporate liability for leading-person conduct and for **supervisory failures** enabling a subordinate's offense for the company's benefit;
- identifies compliance programs as **potential mitigation**, subject to national implementation and case-specific assessment; and
- permits specified **extensions of jurisdiction** beyond national territory and strengthens cooperation within each authority's remit.

Harmonization of Offenses

The Directive mandates criminalization of eight offenses (Articles 3–10):

1. Bribery in the public sector (Art. 3)
2. Bribery in the private sector (Art. 4)
3. Misappropriation (Art. 5)
4. Trading in influence (Art. 6)
5. Unlawful exercise of public functions (Art. 7)
6. Obstruction of justice (Art. 8)
7. Enrichment from corruption offenses (Art. 9)
8. Concealment (Art. 10)

Practical Consequences:

- Common offense definitions support cross-border enforcement.
- Retain group-wide controls, with local adjustments for stricter national rules.

Standalone Offense Trading in Influence

- The Directive introduces a standalone offense of trading in influence that will be **new at least in some Member States**.
- The offense concerns an **undue advantage** offered, given, requested or received for **improper influence** over a public official, with a view to obtaining an **undue advantage**.
- **Legitimate representation of interests** is outside the offense where it does not involve an undue exchange of advantages.
- **Access versus expertise is not the legal test**. Examine the purpose of the arrangement, the promised influence and the advantage sought; the influence need not succeed.

Practical Recommendations:

- Review politically connected advisers and government-facing engagements; connections or access alone do not establish an offense.
- Check legitimate services, deliverables and remuneration. Success fees are review triggers, not proof of wrongdoing.

Sanctions

Legal persons – fines (floors for the national maximum)

Tier	Offenses	Fine
Higher	Bribery in the public sector (Art. 3), bribery in the private sector (Art. 4), misappropriation (Art. 5)	At least 5% of total worldwide turnover or at least EUR 40 million
Lower	Trading in influence (Art. 6), obstruction of justice (Art. 8), enrichment from corruption offenses (Art. 9)	At least 3% of total worldwide turnover or at least EUR 24 million

Art. 14(3): numeric fine floors apply at least to the leading-person route (Art. 13(1)), not necessarily to both liability routes.

Natural persons – imprisonment (floors for the national maximum)

Years	Offenses
5	Bribery in the public sector where the official's act breaches a duty
4	Public-sector misappropriation (Art. 5(1)); enrichment (Art. 9); concealment (Art. 10)
3	Public-sector bribery without breach of duty (Art. 3); private-sector bribery (Art. 4); trading in influence (Art. 6)

Practical Recommendations:

- These are floors for national maximum fines, not automatic fines or uniform EU ceilings; Member States may go higher.
- Germany's proposed EUR 40 million cap could meet the higher fixed-amount floor; no automatic further increase follows in 2028.

Corporate Liability

Two grounds for corporate liability



1. Classical attribution route

Offenses committed for the company's benefit by a person in a leading position.



2. Supervisory failures

Lack of supervision or control by a leading person made it possible for a subordinate to commit the offense for the company's benefit.

Practical Recommendations:

- Both liability routes are required for covered offenses; Art. 7 is outside the Directive's corporate-liability requirement.
- Map leading roles, supervision and escalation across EU entities. Criminal corporate liability is not required.

Mitigating Factors

- Article 16 lists compliance programs among **potential mitigating circumstances**; Member States must enable one or more listed circumstances to be considered under national law.
- The list includes effective controls and compliance programs implemented before or after the offense.
- It also includes cooperation and, for companies, rapid voluntary disclosure together with remedial measures.
- There is **no guaranteed reduction** or Directive-wide adequate-procedures defense; national law and case-specific assessment remain decisive.



Practical Recommendations:

- Document how controls operated before an incident and what improved afterwards.
- Assess disclosure, cooperation and remediation under applicable national rules; do not assume automatic credit.

Jurisdiction & Cross-Border Cooperation

Jurisdiction (Art. 18):

- **Mandatory:** offenses committed in whole or in part on a Member State's territory, or by its nationals – without requiring a complaint from the state where the offense occurred.
- **Optional extensions** (notified to the Commission): offenses by habitual residents, against nationals or residents, or for the benefit of a legal person established there or doing business there.
- **Overlapping claims:** Member States cooperate on who prosecutes, with referral to Eurojust where appropriate.

Cooperation and Enforcement Tools:

- **Information exchange:** SIENA between law enforcement authorities (Art. 28); Member States, Europol, Eurojust, EPPO, OLAF and the Commission cooperate within their competences (Art. 32) – EPPO does not gain general corruption jurisdiction.
- **Limitation periods:** at least 5 or 8 years, depending on the offense (Art. 19).
- **Transparency:** annual statistics, incl. companies prosecuted, convicted and fined and non-trial resolutions (Art. 34); whistleblower protection for all Directive offenses (Art. 25).

Practical Consequences:

- Business done in a Member State can be enough: non-EU groups should map EU touchpoints and expect interest from more than one authority.
- Align document retention with the longer limitation periods and coordinate any disclosure across jurisdictions early.

Recommendations

Most provisions must be transposed by June 1, 2028 – companies may wish to consider acting now rather than waiting for national laws.

Assess

- **Targeted EU anti-corruption risk assessment** of the business model: sales, procurement, sponsorships, events, public-sector relationships and other government-facing activity.
- **Map the group's EU nexus:** entities established in, and business done in, each Member State (Art. 18).
- **Track national transposition** in key Member States, including stricter local rules and Germany's pending OWiG reform.

Remediate

- **Review high-risk third parties:** lobbyists, public-affairs consultants, politically connected advisers, intermediaries and agents whose value proposition is access to decision-makers.
- **Review their contracts and remuneration:** success fees, commissions, vague scopes of work, payment routing, audit rights and anti-corruption undertakings.
- **Update or validate policies** on gifts, hospitality, travel, events, political activity, public-official interactions, sponsorships, donations and conflicts of interest.

Prepare and Document

- **Keep a documented compliance record:** policies reviewed, controls updated, legacy third parties reassessed – can support mitigation under national law (Art. 16).
- **Check whistleblowing channels** cover all Directive offenses (Art. 25).
- **Prepare an incident-response and disclosure protocol** for multi-jurisdiction matters: privilege, blocking statutes and record retention for longer limitation periods.

France: Recent Developments



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Privilege – Recent Developments

Background and Purpose

- Need to protect legal advice provided by French in-house counsel for reasons of alignment with international standards
- **Communication with lawyers:** communications between a lawyer and client, and between lawyers, are protected by professional secrecy
 - Emerging limit: in competition / antitrust matters, the reach of privilege is being narrowed

The main legislative texts and leading court decisions

- Act No. 71-1130 of **December 31, 1971** creating the possibility for in-house counsel to give legal advice to their employer or to any company within the group to which it belongs
- Bill of **January 14, 2026** on the confidentiality of legal advice provided by in-house counsel (**creation of a legal privilege for in-house counsel**)
- Decision of the French Constitutional Council of **February 18, 2026** (No. 2026-900 DC) approving the bill
- Act No. 2026-122 of **February 23, 2026**
- The law will **enter into force on the earlier of the following two dates:** (i) the publication of an implementing **decree** of the *Conseil d'État* or (ii) **February 1st, 2027**.

Privilege – Substantive Provision of New French Law

Cumulative criteria for the application of confidentiality to legal advice:

- Author: the in-house counsel, or any member of his or her team acting under his or her supervision, must hold a **Master's degree in law or an equivalent French or foreign qualification**
- Ethical training: the in-house counsel must have received **training related to the ethical rules applicable to the profession**;
- Express mention: the inclusion on the advice of the following mention: “***confidentiel - consultation juridique - juriste d'entreprise***”, together with identification of its author
- Addressee: the advice must be **addressed exclusively to specifically designated members of the company**

Scope of the protection:

- Definition of the legal advice: it is a **personalized intellectual service aimed at providing an opinion or advice based on the application of a rule of law**
- **Protection of original and subsequent versions**

Privilege – Limits and sanction of new French Law

What is covered/excluded:

- The protected document may **neither be seized nor relied upon in civil, commercial or administrative proceedings**
- Confidentiality **cannot be invoked in criminal or tax matters, nor against European Union authorities**
- **Confidentiality denied** where:
 - (i) the statutory criteria are not met; or
 - (ii) the advice was intended to facilitate or encourage fraud against the law or the rights of a third party (para 19-20, Decision of the French Constitutional Council of 18 February 2026)

Sanction:

- **Penalty for the wrongful use of the confidentiality mention:** one year of imprisonment and a fine of EUR15,000

Privilege – Guidelines

First guidelines to mitigate the above risk:

- Implement a clear, documented, and traceable internal confidentiality policy governing the use of the “Confidential – Legal Advice – In-house Counsel” designation, ensuring it reflects a consistent, good-faith process rather than an automatic or blanket practice.
- Establish robust governance measures, including defined eligibility criteria, an up-to-date list of authorized personnel, formal approval workflows, and decision logs to demonstrate good faith and support the company's position in the event of regulatory or judicial scrutiny.

French Blocking Statute – Scope (1/2)

Legal Sources (3 texts)

Law No. 68-678 of July 26, 1968 (as amended by Law No. 80-538 of July 16, 1980): prohibits the communication of “sensitive sovereign information” to foreign public authorities.

Decree No. 2022-207 of February 18, 2022: reformed the implementing procedures and designated the SISSE as the single point of contact for notification and opinion.

Ministerial Order (*Arrêté*) of March 7, 2022: specifies the supporting documents required for SISSE filings.

Material Scope – Article 1 and Article 1 *bis*

Article 1	Article 1 bis
Prohibits communicating/disclosing economic, commercial, industrial, financial, or technical information to foreign public authorities where the disclosure is likely to affect French sovereignty, security, essential economic interests, or public order . → The nature/sensitivity of the data and the implications of making it accessible to a foreign authority are central.	Prohibits requesting, seeking, or communicating the same categories of information for the purpose of establishing evidence in foreign judicial or administrative proceedings (pending or contemplated), including pre-trial discovery. → The aim (evidence) and the connection to foreign proceedings , rather than any “harm to France” test, are central.

Personal Scope

Subject to the prohibition: any **French national** or habitual resident, and any **director, representative, agent, or officer of any legal entity** with its registered office or an establishment in France. **Sanctions (Article 3):** 6 months' imprisonment and/or a EUR18,000 fine (individuals); EUR 90,000 fine (legal entities).

French Blocking Statute – Scope (2/2)



Persons Concerned ?

- French nationals;
- Individuals habitually residing in France;
- Directors, officers, representatives, agents or employees of a legal entity having its head office or an establishment in France;
- Any person involved in the search for or collection of documents or information.



Foreign Authority ?

- **Council Regulation (EC) No. 2271/96 of 22 November 1996**, protecting against the effects of the extraterritorial application of legislation adopted by a third country, and of actions based thereon or resulting therefrom ;
- Council Regulation (EC) No. 2271/96 has no known remaining legal effect under UK law.



Subject Matter Concerned ?

- Criminal matters;
- Commercial matters;
- Administrative matters.

⇒ What about internal investigations?
⇒ What about voluntary disclosures?



Application to Lawyer

- French Supreme Court (Criminal Chamber), Christopher X, 12 December 2007, n°07-83.228: conviction of a lawyer to a EUR 10,000 fine for breach of Article 1 bis of the French Blocking Statute. The lawyer had contacted a former director of MAAF in order to obtain information regarding the circumstances in which decisions had been taken by the company's board of directors at the time of the Executive Life acquisition.

The SISSE Procedure and the Opinion's Effect

The Notification Obligation – Article 2

Any person subject to a covered information request must **notify the competent minister without delay**. Since the 2022 reform through the Decree 2022-207, the **SISSE** (*Service de l'Information Stratégique et de la Sécurité Économiques*) is the **sole point of contact** (*guichet unique*).

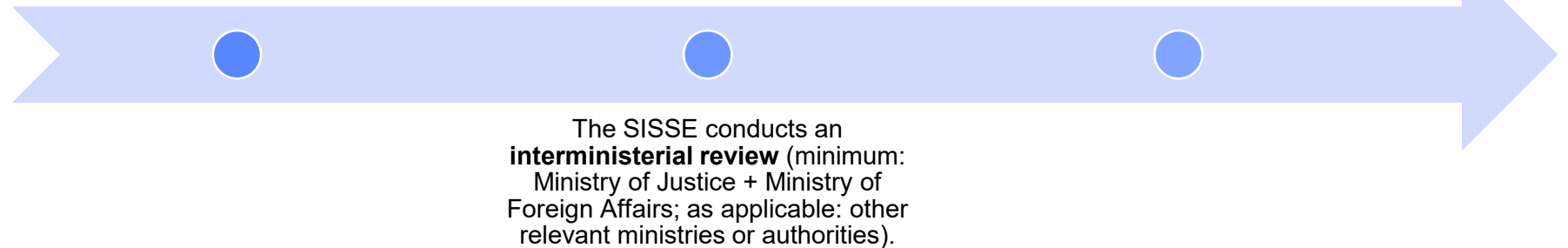
Contact: loi.deblocage@finances.gouv.fr.

The Procedure

Following the receipt of the **notification** (request from foreign authority + supporting documents specified in the *Arrêté*). The SISSE issues an **acknowledgment of receipt**.

The SISSE has **1 month** to issue its opinion regarding the law's applicability.

Can issue an opinion on an **expedited** basis in case of urgency.



Effects of the SISSE Opinion

The opinion is **non-binding** but carries significant practical weight:

- **Favorable opinion (Art. 1 applies):** Company may refuse to communicate (in whole or in part) and oppose the SISSE opinion to the foreign authority.
- **No objection:** Company may communicate without legal risk.

French Blocking Statute-Issues

Key Issues and Associated Risks

- **Risk of Circumventing the French Blocking Statute:** company subject to the authority or periodic oversight of a foreign authority → does such authority claim the right to conduct operations?
 - For example, in the pharmaceutical sector, does the U.S. FDA have the right to come to France to verify that production conditions are not problematic?
 - Key question: how can a legitimate regulatory inspection be carried out without unlawfully communicating information within the meaning of the French Blocking Statute?
 - Consequences for companies that refuse to cooperate with the FDA?
- **Risk of diversion of the information communicated:** can information communicated in a certain context for a certain purpose be used to pursue another objective?
 - Class Action
 - Under French law: principle of specialty
- **Grey area:**
 - Does arbitration fall within the scope of the French Blocking Statute?
 - Versailles Court of Appeal: *“It follows from the very wording of this statute that it applies only to requests made in the context of foreign judicial or administrative proceedings, and therefore does not concern arbitration proceedings.”* (Versailles Court of Appeal, 11th Chamber, Section 1, 9 February 2017, No. 15/01760)
- **Risk relating to confidentiality and control of information:**
 - Risk of overreach and issues relating to the management of confidentiality?

French Blocking Statute-Reform (1/2)

A Bill to Toughen the French Blocking Statute – Proposition de loi No. 2558, March 3, 2026

- **Status and origin:**
 - *Proposition de loi “de sécurisation de l’économie française et de défense de notre industrie de souveraineté”, No. 2558, tabled on **March 3, 2026** and referred to the **Finance Committee**. No committee report or plenary debate scheduled as at the date of this presentation – the text is **not law**.*
 - Legislative follow-up to the National Assembly’s **July 2025 report on economic warfare** (16 recommendations, 4 implementable by ordinary statute). Stated rationale: 500–550 characterized attacks per year against the defense industrial base and c. 800 economic-security alerts, 80% targeting SMEs.
 - Four pillars: defense savings account (Art. 1), proxy board for authorized foreign investments (Art. 2), **heavier blocking-statute penalties (Art. 3)**, binding effect of export licenses on banks (Art. 4).
- **Article 3 – the sanctions regime of the 1968 statute rewritten:** current penalties, described in the explanatory memorandum as derisory, would be aligned with those applying to offenses against the fundamental interests of the Nation.

	Current Article 3, Act No. 68-678	Proposed Article 3 (Bill No. 2558)
Individuals	6 months’ imprisonment and/or a EUR 18,000 fine	5 years’ imprisonment and a fine of up to EUR 1,000,000
Legal entities	EUR 90,000 fine (Art. 131-38 Criminal Code)	Fine of up to EUR 5,000,000 or 10% of turnover
Failure to notify (Art. 2)	No express criminal penalty	6 months’ imprisonment and a EUR18,000 fine, expressly provided for

- **Points to watch:**
 - The turnover basis is not defined (French or worldwide, annual or aggregate), nor is the interplay between the EUR 5 million cap and the 10% cap – both are likely to be clarified in committee.
 - The offense would remain anchored in Articles 1 and 1 bis, whose scope is left unchanged; entry into force is set at six months after promulgation (Art. 5).

French Blocking Statute-Reform (2/2)

Bill No. 2558 – Practical Implications

- **Blocking-statute exposure would shift from nominal to material:** a turnover-based fine puts non-compliance on a par with competition or sanctions exposure, and five years' imprisonment turns the personal risk for directors, compliance officers and in-house counsel handling foreign requests into a real one.
- **Sharper tension with U.S. and UK discovery and regulatory demands:** a documented SISSE notification and a structured engagement with the requesting authority become the default defensive step rather than an option.
- **Interaction with the new in-house counsel privilege** (Section 1 above): legal assessments of a foreign request may be protected, while the underlying business information remains squarely within the blocking statute – the two regimes need to be mapped together in internal protocols.

Source: Proposition de loi n° 2558, Assemblée nationale, 17th legislature, tabled March 3, 2026 (assemblee-nationale.fr).

Germany: Recent Developments



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Reform of OWiG

Germany's proposed OWiG reform would quadruple general corporate fine caps for predicate crimes, not only environmental crimes.

Fine caps: current → proposed

Intentional offense

€10M → **€40M**

Negligent offense

€5M → **€20M**

Punitive caps under § 30(2) OWiG;
recovery of economic benefit can
exceed them.

Other proposed changes

- **Broader scope:** the higher caps would cover predicate crimes such as bribery, fraud and money laundering, not only environmental crimes.
- **Proposed § 30(2a):** statutory criteria would include the offense's severity, the company's responsibility and its financial position.
- **Compliance and remediation:** preventive or remedial controls and efforts to uncover the offense and repair harm would be factors in assessing the fine.
- **Fixed-amount approach:** the bill chooses fixed caps; the Environmental Crime Directive also permits turnover-based maxima.
- **Bundesrat proposal (June 12, 2026):** codify compliance requirements in § 130 OWiG; infringement proceedings concern the missed transposition deadline.

May 21, 2026
EU transposition deadline
passes

May 26, 2026
Government bill (BT-Drs.
21/6133)

June 11, 2026
First reading in the
Bundestag

July 6, 2026
Legal Affairs Committee
hearing

Proposal; current caps remain EUR 10M / EUR 5M (checked October 2, 2026).

Upcoming
October
Programs

2026/2027
White Collar
Webcast
Series

Date and Time	Program	Registration Link
Tuesday, October 20, 2026 9:00 AM – 10:00 AM PT 12:00 PM – 1:00 PM ET	Attorney-Client Privilege Best Practices Speakers: Melissa Farrar, Diana Feinstein, George Hazel, Katharina Humphrey, Allan Neil	Event Details
Thursday, October 22, 2026 9:00 AM – 10:00 AM PT 12:00 PM – 1:00 PM ET	Protecting Your Executives Speakers: Douglas Fuchs, Barry Berke, Reed Brodsky, Sarah Eddy, Patrick Stokes	Event Details
Thursday, October 29, 2026 9:00 AM – 10:00 AM PT 12:00 PM – 1:00 PM ET	Global Platform Liability Speakers: Gus Eyler, Jonathan Griffin, Nick Hanna, Patrick Doris	Event Details



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