

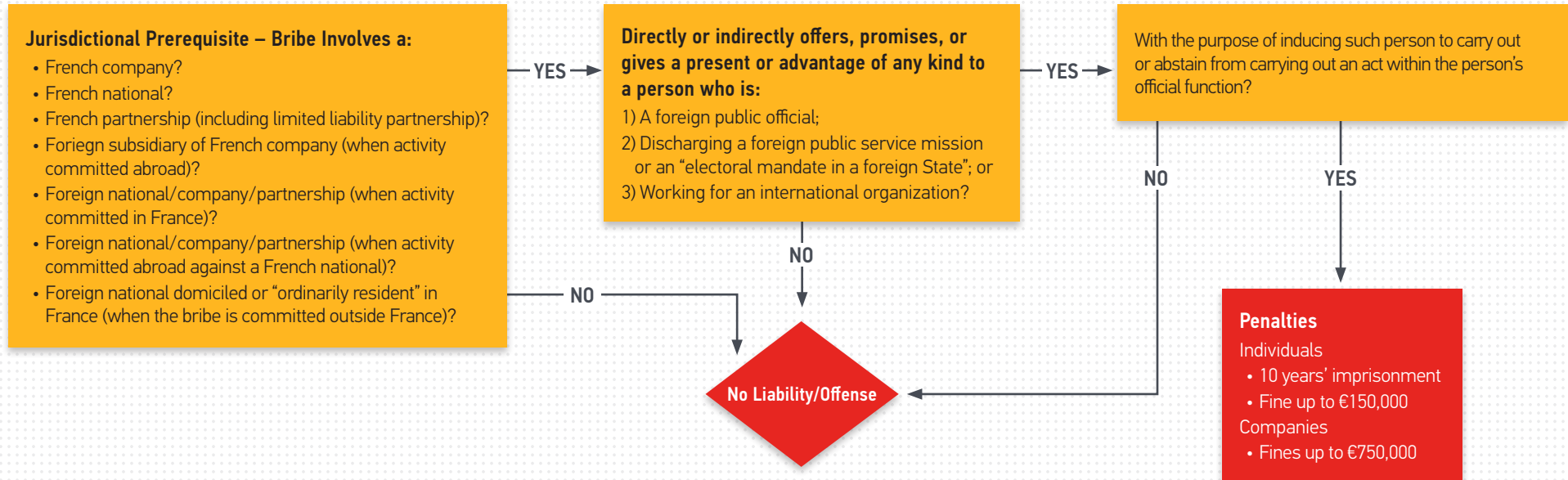


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## France's Foreign Public Corruption Law (Article 435-3)



### Service Central de Prévention de la Corruption (“SCPC”) – 2015 Compliance Guidelines

- 1) Management commitment at the highest level to “zero tolerance”
- 2) Ongoing risk assessments
- 3) Establishment of an anti-corruption compliance program (e.g., drafting of a written policy, designation of a compliance officer, and implementation of an internal reporting system)
- 4) Internal and external control mechanisms
- 5) Communication, training, and monitoring of the anti-corruption compliance program
- 6) Establishing a sanctions policy with appropriate disciplinary proceedings

### Pending Legislation – “For the Transparency of Economic Life” (“Loi Sapin II”)

(Anticipated submission to National Assembly, 2016)

- Creates new anti-corruption authority with investigative power (replaces the current SCPC)
- Ramped-up measures aimed at preventing and punishing corruption (explicitly inspired by the “monitoring” procedures and practices in the United States and United Kingdom)
- Provides enhanced protection for whistleblowers
- Implements the Fourth EU Anti-Money Laundering Directive promulgated on May 20, 2015

### Note:

- Accepting/receiving bribes is punishable by the same penalties
- No “adequate procedures” defense
- No “facilitation payments” or hospitality exception
- No “de minimis” exception
- Extraterritorial application
- Dual criminality requirement – act must also be illegal in the foreign country of performance
- Other French laws prohibit private sector/ “commercial” corruption and domestic public sector bribery