

# Airbus reveals UK and France cross-border cooperation

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France's financial prosecutor is said to be cooperating with the UK SFO to investigate French aerospace company Airbus, in an investigation that French lawyers say could be made easier by Sapin II.

The Parquet National Financier's (PNF) investigation was made public by Airbus on 16 March. The company released a statement that it was under investigation by French authorities, who join the UK Serious Fraud Office (SFO) in investigating allegations of fraud, bribery and corruption within the company's civil aviation arm.

"Airbus has now been informed that the French authorities, the Parquet National Financier, has also opened a preliminary investigation into the same subject and that the two authorities will act in coordination going forward,"

[Airbus said in the statement.](#)

The [SFO's investigation into Airbus](#) began in July 2016, after the company self-reported a number of irregularities related to how much third parties were paid. Airbus uncovered these during financing applications to UK Export Finance, the UK's export credit agency, and reported them to the SFO in April 2016.

An Airbus spokesperson declined to comment on which countries the third parties were operating in.

Airbus's chief executive, Tom Enders, reportedly said he wasn't surprised by the French authority's decision to open an investigation into the matter. Speaking at a new pilot training centre in India on 17 March, Enders said that the French probe into the company was "the result of us self-reporting on observations made on irregularities with respect to business partners".

Airbus had its export credits suspended by the UK, France and Germany in April 2016, after it self-reported to the SFO.

The SFO did not comment on whether there is a joint investigation with the PNF into Airbus, in keeping with the agency's "longstanding convention, to protect our investigations and proceedings, and those of other authorities".

The SFO spokesperson added: "We are aware of the PNF's investigation and we continue to work with and assist our overseas law enforcement partners whenever it is appropriate to do so."

French lawyers have told GIR that the recent introduction of Deferred Prosecution Agreements (DPA) in France could allow for easier cooperation between the two countries' prosecutors.

"It now allows for French prosecutors to be part of a team that will have the same kind of goal and that will think along the same lines," Stéphane Bonifassi, of Bonifassi Avocats in Paris, said.

[The UK introduced DPAs in February 2014](#), while France has been able to offer companies Deferred Prosecution Agreements (DPA) since December 2016, and is expected to [announce its first settlement](#) in the coming months. The settlement process was introduced as part of sweeping changes to France's investigative landscape that came in under the Transparency, Fight Against Corruption and Economic Modernisation Act, nicknamed "Sapin II" after Michel Sapin, France's minister of finance.

Bonifassi told GIR that in the past, cooperation between France and the UK would have been difficult because of the divergent objectives of each country's prosecutors. According to Bonifassi, UK prosecutors are usually focused on reaching a settlement, while France's prosecutors traditionally prepared cases for trial.

Stéphane de Navacelle at Navacelle Law in Paris said that the ability to agree DPAs may change French prosecutors' attitudes towards settlements over time. "I think it will in the future, I'm not sure it is the case yet," he said. France is still adapting to its new enforcement environment, and de Navacelle pointed to a new prosecuting unit, the Anti-Corruption Agency (ACA), created under Sapin II, which is yet to become fully operational.

The ACA is to replace the Central Service for the Prevention of Corruption. It is set to be better resourced than its predecessor, with the provision of 70 extra staff and an annual budget of €10-15 million.

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