NAVACELLE

Bastille Day

14 July 2026

Happy Bastille Day!

Trust, Resilience, Sovereignty: Navigating an era of transformation

On this 14th of July 2026, as France celebrates the values at the heart of its Republic — Liberty, Equality and Fraternity — it is difficult not to recognize how essential these principles remain in a world shaped by uncertainty, geopolitical tensions, technological transformation and growing demands for accountability.

Over the past twelve months, companies have continued to adapt to an increasingly complex legal environment. Expectations relating to compliance, business ethics, data protection, corporate sustainability due diligence and governance have continued to strengthen. At the same time, the rapid rise of artificial intelligence, the growing importance of digital sovereignty, the proliferation of economic sanctions regimes and the gradual fragmentation of regulatory frameworks have required businesses to exercise greater caution. In response to these developments, one conviction has become increasingly clear: **trustworthyness** has become a strategic asset. It is built through a thorough understanding of one's counterparties, effective risk management, strong governance and the ability of organizations to demonstrate consistency between their commitments and their actions.

This year again, Navacelle team has assisted clients with internal investigations, multi-jurisdictional regulatory and criminal proceedings, complex disputes, international arbitration matters, and the design and enhancement of compliance programs tailored to emerging challenges. These are a reminder that the law is not merely a framework of constraints; it is also a source of stability, predictability and value creation.

Bastille Day also invites us to reflect on the notion of resilience. At a time when crises chase one another and often overlap, the ability to anticipate, adapt and preserve stakeholders' trust has become an essential component of sustainable performance. Legal and compliance departments are playing an increasingly important role in this endeavor.

Finally, the debates shaping our societies reflect a growing aspiration for sovereignty, whether economic, technological, environmental or legal. This pursuit of autonomy sometimes stands in tension with the need for cooperation, which remains indispensable in addressing risks and disputes that are increasingly cross-border in nature.

As we look ahead, we remain convinced that rigor, independence of judgment and technical excellence are the best guides for navigating the transformations to come.

White collar criminal defense **Regulatory enforcement**

CSR compliance related enforcement **Ethics & compliance**

Arbitration

Happy Bastille Day to all!

Roxane Castro Stephane de Navacelle Vincent Filhol

Jeanne Despits Julie Zorrilla

White collar criminal defense

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Bastille Day

July 2026

White collar crime:
Strengthening the criminal justice response at the national and European levels

White collar crime law is undergoing a period of increased enforcement through a strengthening of the fight against public fraud and the harmonization of enforcement standards across Europe.

Since the summer of 2025, white collar crime has not undergone any major comprehensive reform. Nevertheless, several legislative, regulatory, and case law developments reflect a targeted and converging strengthening of oversight and enforcement mechanisms.

On the legislative front, Law No. 2025-532 of 13 June 2025, known as the "drug trafficking" law, has substantially overhauled the framework for combating money laundering and organized crime and consolidated the treatment of money laundering as a cornerstone offense. At the same time, the bill on combating social security and tax fraud, which was ultimately adopted in the spring of 2026, at one stage contemplated abolishing the judicial public interest agreement (*convention judiciaire d'intérêt public*, CJIP).

At European level, the first anti-corruption directive was formally adopted on 21 April 2026, opening a new phase of binding harmonization of national criminal laws.

Finally, on the judicial front, the year was marked by several significant decisions: the upholding of Nicolas Sarkozy's conviction in the Bygmalion case, the landmark conviction of Lafarge for financing terrorism, and the signature of two CJIP in the Cum Cum and Surys cases. At the same time, data published by Transparency International, the Court of Auditors, and the French Anti-Corruption Agency reveal a worrying deterioration in the perception of public integrity and probity.

Combating fraud against public finances: legislative strengthening and judicial enforcement

The bill on combating social security and tax fraud

Combating social security and tax fraud has been at the forefront of recent developments.

Adopted at first reading by the National Assembly on 7 April 2026, and subsequently expanded during parliamentary debates, this bill aims to enhance the effectiveness of the public response to increasingly sophisticated fraud schemes.

It is structured around three main pillars:

1. improving information-sharing among government agencies,
2. strengthening investigative resources,
3. and increasing penalties where fraud is carried out through structured organizations.

For companies and their executives, vigilance now extends beyond mere compliance with their own obligations. Criminal liability may indeed arise with relationships with service providers, subcontractors, or intermediaries involved in illegal employment, fraud, handling stolen goods, or money laundering.

The bill to combat social security and tax fraud passed its first reading in the French Assemblée Nationale

The bill against social security and tax fraud adopted at second reading by the National Assembly

Continued use of CJIPs despite legislative debate over their abolition

Several CJIPs have been concluded and approved in recent months.

On 3 September 2025, the Paris Judicial Court approved the CJIP concluded on 8 July 2025 by Surys, in relation to the bribery of a foreign public official, misappropriation of public funds, and money laundering of the proceeds of those offenses, committed in Ukraine via an Estonian intermediary. In addition to a public

interest fine of 18,363,007 euros and a three-year compliance program supervised by the French Anti-Corruption Agency (AFA), the agreement provided for direct and unprecedented compensation to the Ukrainian State – as victim – in the amount of approximately 3.3 million euros.

Surys CJIP: A Fine, a Compliance Order, and Compensation for the Victim]

On 8 September 2025, the Paris Judicial Court also approved the CJIP concluded by Crédit Agricole CIB for acts of money laundering of the proceeds of aggravated tax fraud, imposing a fine of 88.2 million euros. On 8 January 2026, HSBC Bank plc in turn signed a CJIP providing for a fine of 267.5 million euros for laundering the proceeds of aggravated tax fraud relating to intra-group trading arrangements used to avoid taxation on dividends between 2014 and 2019. The National Financial Prosecutor's Office (PNF) has confirmed its intention to prosecute the other institutions under investigation (BNP Paribas, Société Générale, and Natixis) with total financial exposure exceeding four billion euros.

Review of the CJIP agreement between HSBC and the PNF for aggravated tax fraud

The CJIP has now become a central enforcement tool for certain economic and financial offenses, particularly corruption, tax fraud, money laundering of the proceeds of tax fraud, and, more broadly, breaches of probity and integrity. It enables a legal entity to be required to pay a public-interest fine, compensate harm, and, where appropriate, implement compliance measures without any formal admission of guilt.

Ten years after the Sapin II Act, more than 90 CJIPs have been concluded in France. This instrument has notably facilitated structured cooperation with foreign prosecuting authorities in several major cases.

Observatory of Judicial Agreements of Public Interest

Although widely used, its future was nevertheless called into question during the legislative process. In April 2026, in the course of examining the bill on combating social security and tax fraud, the National Assembly adopted an amendment aimed at abolishing the CJIP, which its critics portrayed as a symbol of a two-tier justice system. The amendment proposed repealing Articles 41-1-2, 41-1-3, and 180-2 of the Code of Criminal Procedure. However, it was ultimately rejected by the Joint Committee on 28 April 2026.

For many practitioners, the retention of the CJIP confirms its effectiveness in addressing financial and environmental offenses, by fostering the accountability of legal entities. Its abolition would likely have undermined France's credibility on the international stage.

This episode nonetheless highlights the structural fragility of the instrument, which may ultimately require substantive reform.

Combatting money laundering and organized crime: the rise of a "pivotal offense"

The "Drug trafficking law": implications for white collar crime

Law No. 2025-532 of 13 June 2025, known as the "Drug Trafficking law", reinforces the recognition of money laundering as a true "pivotal offense". Recent developments in this area confirm that economic and financial offenses are no longer viewed solely as standalone offenses, but also as mechanisms for concealing, circulating, and reinvesting illicit proceeds.

Several innovations illustrate this shift : the creation of the National Anti-Organized Crime Prosecutor's Office (Parquet national anti-criminalité organisée, PNACO), the recognition of the concealed nature of money laundering, and the extension of the presumption of money laundering to transactions involving anonymized crypto-assets.

The drug trafficking law thus reinforces the asset-based approach to criminal enforcement. The objective is no longer limited to identifying perpetrators, but extends to tracing financial flows, detecting suspicious assets, and durably depriving criminal organizations of their resources.

Drug Trafficking Law Finally Passed by Parliament

Strengthening the AML/CFT framework and the first conviction for real estate money laundering based on presumption

This same period was marked by the first conviction handed down by the Paris Criminal Court based on the presumption of real estate money laundering. Following this decision, in May 2026, the Paris Court of Appeals upheld the seizure of a villa and assets owned by Russian oligarchs on this basis, confirming the extension of presumptive mechanisms to complex international asset structures.

Reporting vigilance has likewise increased. In 2024, Tracfin recorded a record number of suspicious activity reports. Meanwhile, in an advisory opinion dated 23 January 2025, the Council of State reiterated the scope of the obligations imposed on regulated professionals.

The growing strength of the AML/CFT framework is now undeniable, even for regulated professions subject to professional secrecy.

Presumption of Real Estate Money Laundering: The Paris Public Prosecutor's Office secures judicial approval in the First Case

The Europeanization of white collar crime

The new European anti-corruption directive: a gradual harmonization of white collar crime

The adoption of the first European directive dedicated to combating corruption by the European Parliament on 26 March 2026, and its approval by the Council on 21 April 2026, constitutes one of the year's most notable developments.

The directive establishes a common framework of criminal offenses, covering in particular

- active and passive corruption in both the public and private sectors,
- the misappropriation of funds,
- influence peddling,
- obstruction of justice,
- concealment,
- and illicit enrichment resulting from acts of corruption.

It also strengthens corporate liability, particularly where offences result from a failure to supervise or control.

For companies, the implications are considerable. Sanctions may be calculated on the basis of global turnover and take into account compliance measures, cooperation with authorities, and remedial actions.

The European Union Takes a New Step in the Fight Against Corruption

The strengthening of public prevention policies

The year was also marked by the entry into force of the 2025–2029 National Anti-Corruption Plan, presented on 14 November 2025. It is structured around four strategic pillars, namely:

1. strengthening integrity within public administration,
2. supporting local authorities,
3. protecting economic actors,
4. combating corruption internationally.

This development comes in a challenging context, with several indicators pointing to a deterioration in perceptions of public integrity.

These developments serve as a reminder that compliance is no longer merely a risk mitigation tool but has become a central element of corporate governance.

National Anti-Corruption Plan 2025–2029: A Strengthened and Ambitious Framework

Some noteworthy case law

Public Integrity: The Bygmalion Case

On 26 November 2025, the criminal chamber of the *Cour de Cassation* dismissed Mr. Nicolas Sarkozy's appeal, rendering final his one-year prison sentence, including six months' custodial term, eligible for adjustment of sentence, final for the illegal financing of his 2012 presidential campaign.

This decision, which pertains more to the financing of political life than to white collar crime *stricto sensu*, is part of a series of legal developments marked by his first-instance conviction in the Libyan funding case and by debates over the provisional enforcement of sentences.

Appeal proceedings in the Libyan campaign financing case: the second chapter in a major state affair.

Lafarge: the first conviction of a multinational for the financing of terrorism

On 13 April 2026, the Paris Criminal Court sentenced Lafarge to the maximum fine of 1.125 million euros for financing terrorism, in relation to payments made to jihadist groups in 2013 and 2014 to maintain a Syrian cement plant operating in a war zone.

The company was also ordered to pay a customs fine of 4.57 million euros jointly and severally with four former executives for violating international sanctions. Finally, the former CEO was sentenced to six years' immediate imprisonment with immediate custody. This marks the first conviction in France of a company for financing terrorism.

Two issues remain unresolved: first, the application of ne bis in idem (in light of the 2022 U.S. settlement), and second, the proportionality of the maximum fine.

All defendants have appealed.

Lafarge: A Landmark Decision for Corporate Criminal Law and Compliance Systems in France

The 2025–2026 period confirms a clear trend towards strengthened enforcement in white-collar crime and greater accountability of implicated actors.

Beyond a mere increase in penalties, this reflects a shift in enforcement philosophy: companies are now expected to proactively identify, prevent and manage the criminal risks to which they are exposed.

NAVACELLE
Focus

Observatory of Judicial Agreements of Public Interest

July 2026

21 judicial agreements of public interest (CJIP) were signed these past twelve months.

More than 90 CJIP have been concluded since the creation of this alternative to judicial pursuit in 2016 by the Sapin II, including **32 with the PNF**.

General trends:

- **Affirming the role of self-disclosure.**
  (CJIP Colas Rail Asia et Blat USA).
- **Greater alignment with the Deferred Prosecution Agreement (DPA)** in common law jurisdictions.
- **Implementation by local public prosecutors' offices of the CJIP-E and the redress of ecological damage.**

Offenses & fines

Offenses	Number of CJIP	Associated fines
in **environmental** matters	12 (57%)	**€150,000 on average** *from €250 to €1,200,000* *(Association Plaine Escapade ; SAS Naphtachimie)*
in matters of **breaches of integrity** (i.e., influence peddling, corruption)	5 (24%)	**€13,200,000 on average** *from €499,150 to €29,745,974* *(Société Périphériques et matériels de contrôle SAS ; Société Colas Rail Asia)*
in **tax matters**	4 (19%)	**€95,000,000 on average** *from €2,259,000 to €267,531,000* *(Société SHAD SA ; Société HSBC Bank plc)*

Deterrent fines

- **€1,200,000** SAS Naphtachimie
- **€29,700,000** Société Colas Rail Asia
- **€267,500,000** Société HSBC Bank plc

Developments in the CJIP in 2026?

Assessment carried out by the *Club des juristes* in a dedicated report

Criticisms of its mechanism and procedures:

→ lack of criminal liability for legal persons
→ liability of natural persons
→ victims' rights
→ transparency

Proposed improvements:

→ limiting recourse to specialised public prosecutors' offices
→ strengthening victims' access to information and their right to observe proceedings
→ determining the fate of procedural documents in the event of the CJIP's failure

Failed attempt to abolish the CJIP via the draft bill on social security fraud.

Although passed by the National Assembly, the amendment was ultimately dropped by the Joint Committee.

Key takeaways

1. **Steady progress in the environmental strand**
   since its introduction by the Act of 24 December 2020, as illustrated by the distribution of CJIPs.
2. **Application of the scheme to entities of very different kinds,**
   including multinational groups, international banks, SMEs, local authorities, associations and local public bodies.
3. **A proactive approach valued by the public prosecutors' offices,**
   such as
   - the management of compliance programmes,
   - corporate cooperation,
   - self-disclosure,
   - voluntary implementation of corrective measures.

CSR compliance related enforcement

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New Trends in Duty of Vigilance and Environmental Criminal Law in France

Both of these areas are gaining momentum, each according to its own dynamics, often contrary to initial predictions regarding their development.

On the one hand, although European obligations in this area are becoming less stringent, the duty of vigilance continues to have an impact through an ever-increasing number of cases before French courts, which continue to rigorously apply national standards.

On the other hand, environmental criminal law is being strengthened both in terms of its standards and its enforcement mechanisms, as evidenced by the opening for signature of the Council of Europe Convention on the Protection of the Environment through Criminal Law and the proliferation, at the national level, of judicial agreements in the public interest (*conventions judiciaires d'intérêt public*, "CJIP") in environmental matters.

The duty of vigilance is dead - long live the duty of vigilance!

After several months of debate over the costs and administrative burdens associated with corporate social and environmental responsibility in Europe, the Omnibus I Directive was finally adopted by the Council of the European Union on 24 February 2026 and subsequently published in the Official Journal of the European Union on 26 February 2026. Through this directive, the European Union is not abandoning its sustainability framework, but it is significantly reducing its scope.

A reduced European sustainability framework, but the duty of vigilance remains

The first directive affected by the changes introduced by the Omnibus I Directive is the CSRD, which requires companies to disclose sustainability-related information. The main change lies in the increase of the application thresholds: from now on, only companies with more than 1,000 employees and net turnover exceeding €450 million will be subject to these obligations. In practice, this change is likely to exclude a large number of companies initially covered by the directive, as listed SMEs are now also outside its scope. These new provisions must be transposed into national law by mid-March 2027 at the latest.

The scope of the CS3D Directive is also restricted by the Omnibus I Directive. From now on, the European duty of vigilance applies only to companies with more than 5,000 employees and global turnover exceeding €1.5 billion.

In addition, several requirements have been loosened:

- **the European Commission's review of the directive will now take place every five years;**
- **the requirement to adopt a climate transition plan aligned with the Paris Agreement has been removed;**
- **and the cap on penalties has been lowered from 5% to 3% of global turnover.**

These amendments must be transposed into national law by July 2028 at the latest.

Omnibus I thus represents a clear shift away from the initial ambition of European sustainability legislation, without, however, eliminating the duty of vigilance. On the one hand, companies that remain within the scope of EU legislation are still subject to substantial obligations. On the other hand, these requirements will continue to cascade, through contractual chain effects, to business partners and suppliers. Furthermore, for French companies, the law of 27 March 2017 on the duty of vigilance remains applicable until the new European framework has been transposed and will therefore continue to fuel an already rapidly growing body of litigation.

Finally, companies now excluded from the European scope cannot be considered entirely free from constraints, as the expectations of clients, investors, business partners and French courts will continue to make the duty of vigilance a central issue in compliance and risk management.

> *"make the duty of vigilance a central issue in compliance and risk management.*

- *Directive - 2019/2161*
- *Directive (UE) 2026/470*

EU Due Diligence Navigator for Partner Countries

At the same time, the European Union is seeking to support the practical implementation of this new framework. On 16 March 2026, the European Commission launched the *EU Due Diligence Navigator for Partner Countries*, an online service designed to help stakeholders in the EU's partner countries understand the requirements of the CS3D Directive and prepare for their implementation ahead of its transposition, which must take place no later than July 2028. The tool centralizes guidance on the directive and the duty of vigilance, along with risk assessment and reporting tools, capacity-building resources –particularly in the areas of training and technical assistance – as well as an overview of more than 300 funding and support initiatives available at the European, bilateral, and multilateral levels.

Even as narrowed by the Omnibus I Directive, the duty of vigilance framework will continue to have effects beyond the companies directly subject to it. Suppliers, business partners, professional organizations, and public authorities in third countries will, in practice, need to familiarize themselves with these requirements, as large European companies will remain compelled to identify and document risks throughout their supply chains.

Alongside this trend toward streamlining, French courts are giving increasingly concrete effect to the law of 27 March 2017, regarding the duty of vigilance. This duty is no longer limited to a mere compliance requirement or an annual reporting exercise, but is gradually establishing itself as a genuine basis for liability.

> *"gradually establishing itself as a genuine basis for liability.*

For further information:

EU Due Diligence Navigator for Partner Countries - International Partnerships

Yves Rocher: Parent company held liable for events occurring abroad

Following an initial phase of litigation focused on the formal compliance of vigilance plans, courts are now turning to the assessment of their actual effectiveness and the consequences of any shortcomings. In this regard, the ruling against Laboratoires Yves Rocher, handed down on 12 March 2026 by the 34th Civil Chamber of the Paris Judicial Court, underscores the very tangible litigation risk associated with the duty of vigilance under French law.

The case originated in the dismissal of employees at a Turkish factory operated by Kosan Kozmetik Sanayi (KKS), a subsidiary of Laboratoire de Biologie Végétale Yves Rocher, the parent company of the Yves Rocher Group, in a context of social tensions. In April 2020, NGOs and a Turkish trade union active at the factory sent a formal notice to the parent company, requesting compliance with its legal duty of vigilance obligations and compensation for the harm suffered by the dismissed employees. The parent company responded a few months later by publishing the vigilance plans it had adopted since 2017. The NGOs, the union, and former employees then brought proceedings before the Paris Judicial Court, seeking both injunctive relief relating to the vigilance plan and compensation on the basis of the law of 27 March 2017. During the proceedings, however, the claimants withdrew their claims specifically grounded in the duty of vigilance.

The Paris Judicial Court nevertheless held Laboratoire de Biologie Végétale Yves Rocher liable for breaching its obligations under the duty of vigilance.

By affirming the mandatory nature of the duty of vigilance, including with respect to damage occurring abroad, the court confirmed that the 2017 law is not limited to regulating activities carried out in France, but also seeks to hold French parent companies accountable for risks arising within their international value chains. The Court accordingly ruled out the application of Turkish law. Furthermore, through a rigorous assessment of the content of the vigilance plan, it criticized the parent company for excluding its foreign subsidiaries from its risk mapping and for failing to adequately identify risks of serious violations of workers' rights, in particular freedom of association.

The vigilance plan thus no longer appears as a mere compliance tool or a vehicle for non-financial reporting, but rather as a genuine preventive instrument, the shortcomings of which may give rise to the civil liability of the parent company.

> *A genuine preventive instrument, the shortcomings of which may give rise to the civil liability of the parent company.*

The climate lawsuit against TotalEnergies

This pattern of litigation is also evident in the climate lawsuit brought against TotalEnergies. After being declared admissible by the Paris Court of Appeal on 18 June 2024, the action – initiated by several NGOs and the City of Paris – was heard on the merits by the Paris Judicial Court in February 2026. The claimants asked the court to order TotalEnergies to reduce its greenhouse gas emissions – particularly by scaling down its hydrocarbon production – in order to align its strategy with the Paris Agreement's objective of limiting global warming to 1.5°C.

The implications of the case extend far beyond the specific situation of TotalEnergies, as it raises the question of whether climate change-related risks can be characterised as serious environmental harm within the meaning of the law of 27 March 2017 on the duty of vigilance. TotalEnergies contends that climate change is a global phenomenon and therefore cannot be attributed to the vigilance plan of a single company. The public prosecutor adopts a similar line of reasoning, arguing that the scope of the duty of vigilance should not be extended to encompass climate change.

In its decision of 25 June 2026, however, the 34th Civil Chamber of the Paris Judicial Court ordered TotalEnergies to revise its vigilance plan within six months, requiring it to include indirect greenhouse gas emissions resulting from the use of its products, as well as the measures designed to address them. The court also stayed proceedings in respect of the remaining claims pending such revision and adjourned the case to a further hearing scheduled for 27 January 2027.

This decision marks an important first step in the recognition by French courts that corporate climate strategies fall within the scope of the duty of vigilance. It thus contributes in a tangible way to the emergence of climate litigation grounded in this legal framework.

> *"It thus contributes in a tangible way to the emergence of climate litigation grounded in this legal framework.*

Environmental criminal law seeking to expand its scope

The Council of Europe Convention on the Protection of the Environment through Criminal Law

Alongside the duty of vigilance, environmental criminal law continues to gain momentum. This trend is no longer confined to the national or European levels, but has now taken on an international dimension, reflecting the reality that environmental harm often extends beyond the borders of a single State.

Against this backdrop, the Council of Europe Convention on the Protection of the Environment through Criminal Law was opened for signature on 3 December 2025. Signed by the Republic of Moldova, Portugal, and the European Union, it seeks to establish the foundations for a more coherent criminal justice response to serious environmental offences.

This instrument reflects a significant shift: certain forms of conduct can no longer be addressed solely through administrative sanctions or compensation mechanisms, but now call for a fully-fledged criminal response. To this end, the Convention provides for the creation of several criminal offences, one of the most notable of which enables the prosecution of intentional acts causing environmental damage of a severity comparable to ecocide. The text goes further by establishing the criminal liability of legal entities, defining the applicable penalties and measures, and taking into account the frequently transnational nature of these offences, particularly where they are committed as part of structured cross-border criminal networks.

The practical impact of this treaty, which is contingent upon ratification by at least ten States, is expected to confirm a broader trend:

> *environmental crime is increasingly regarded as a central concern for prosecution, sanctioning, and international cooperation.*

For further information:

New Council of Europe convention marks milestone in the fight against environmental crime

Environmental CJIPs are becoming an established part of the French law enforcement landscape

The environmental CJIPs concluded in recent months demonstrate that this mechanism is now fully integrated into prosecutorial practice. It is no longer limited to addressing high-profile cases of industrial pollution, but has become a tool for delivering a criminal response to a wide range of situations, from marine pollution to harm affecting protected species, as well as industrial discharges and failures in wastewater treatment systems.

In the autumn of 2025, the Marseille Public Prosecutor's Office entered into several CJIPs in environmental matters with companies operating vessels, in connection with offences relating in particular to the use of fuels that did not comply with sulphur content standards, as well as the use of open-loop exhaust gas cleaning systems leading to the discharge of wash water while vessels were at anchor. The amounts of the public interest fines – €180,000 for Melvin Navigation Enterprise, €165,000 for Ignazio Messina, and €120,000 for KLC SM Co. – illustrate the sustained criminal scrutiny applied to pollution linked to maritime transport.

Observatory of Judicial Agreements of Public Interest

Environmental CJIPs are also increasingly used in relation to more localized infringements affecting natural habitats or protected species. The cases involving the Marsillargues ASA, the Plaine Escapade association, and the Basque Country Urban Community concern construction works carried out without authorization or in breach of applicable regulations. In these instances, the criminal response is not limited to the payment of a public interest fine, but is coupled with concrete obligations relating to restoration, replanting, environmental rehabilitation, or ecological monitoring.

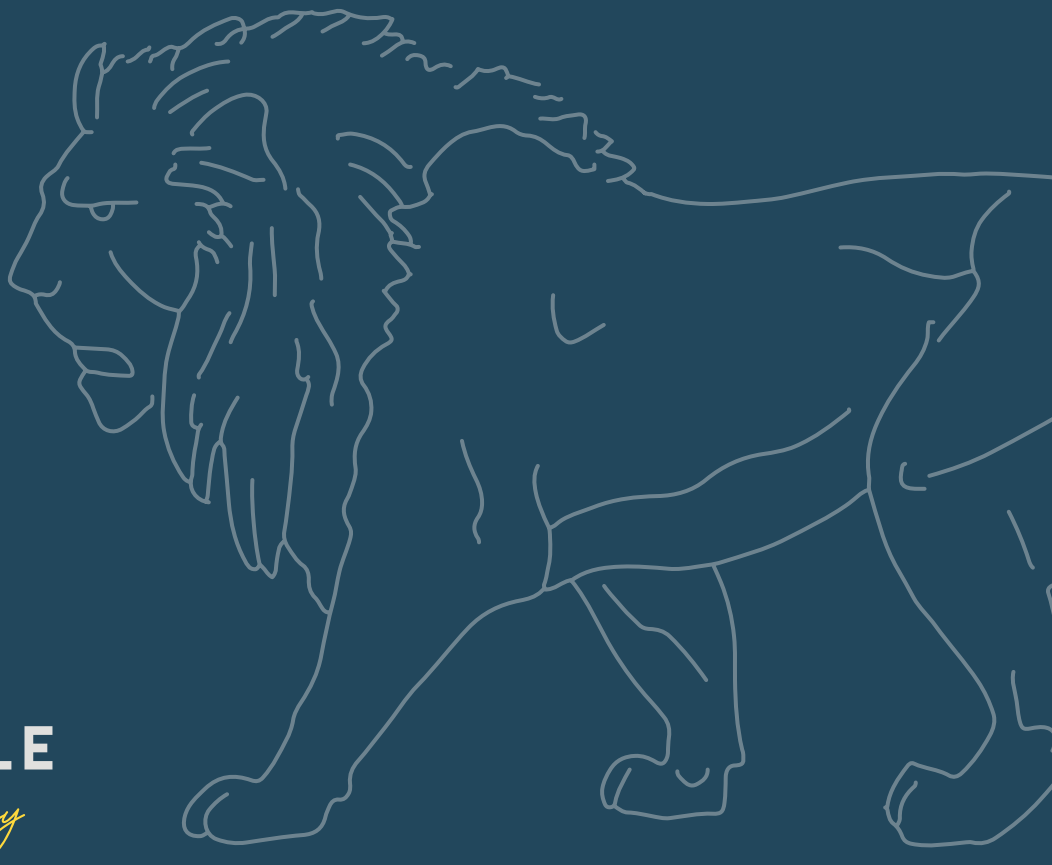
> *"The criminal response is not limited to the payment of a public interest fine, but is coupled with concrete obligations relating to restoration, replanting, environmental rehabilitation, or ecological monitoring*

The environmental CJIP has also been applied in more technical cases, as illustrated by the Sodexo and Naphthachimie matters. The pollution of the Noxe river, linked to a malfunction at a wastewater treatment plant, resulted in a public interest fine of €25,000 and compensation for the municipality. Similarly, the accidental pollution caused by pyrolysis oil, for which Naphthachimie was held responsible, led to a fine of €1.2 million, together with ecological remediation measures, including, in particular, the implementation of a bioremediation pilot project.

For further information:

Judicial Agreements of Public Interest (en Français)

Regulatory enforcement



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The French Prudential Supervision and Resolution Authority activity

over the last twelve months

July 2026

The French Prudential Supervision and Resolution Authority (ACPR)

Backed by the Banque de France, the ACPR is an administrative authority responsible for the authorization and supervision of banking and insurance institutions and their intermediaries, in the interest of their clients and in the service of financial system stability.

Activity in 2025

182 supervisory inspections

Prudential	Business conduct	AML/CFT
87 on-site inspections	70 on-site inspections	25 on-site inspections

5 referrals

4 decisions issued

A record fine: 20 million euros

	Breaches	Date	Sanctions
Banque Chaabi du Maroc	Internal control obligations and AML/CFT rules	7 November 2025	■ Formal warning ■ €250,000 ■ Nominal publication for 5 years
MONEYGRAM International SA	AML/CFT obligations	19 March 2026	■ Formal warning ■ €1,3M ■ Nominal publication for 5 years
Société Générale	Customer protection obligations and pre-contractual information requirements	13 mai 2026	■ Formal warning ■ €20M

Key developments in AML/CFT

- Analysis of the opportunities and risks presented by the use of artificial intelligence within the AML/CFT framework;
- Revision of the guidelines jointly developed by the ACPR and the French Treasury on the implementation of asset freeze measures.

Inter-authority cooperation

AMF / ACPR :

A jointly organized Fintech Forum focused in particular on issues of digital sovereignty (October 2025);

Banque de France / AMF / ACPR :

Launched an unprecedented stress test covering the entire French financial system, designed to assess the interactions between banking institutions, insurance undertakings and non-bank intermediaries under stress conditions (summer 2025).

Priorities for 2026

- **Identification of vulnerabilities and risk monitoring through a proportionate approach;**
- **Strengthening the governance of financial institutions;**
- **Operational implementation of the Digital Operational Resilience Act (DORA) regulation;**

DORA is the European Union regulation on digital operational resilience for the financial sector. It aims to ensure that banks, insurers, investment firms, payment institutions, and other financial entities can withstand, respond to, and recover from ICT-related disruptions and cyber incidents.

- **Preparation of the supervision of artificial intelligence systems and support for the tokenization of financial services;**
- **Implementation of the supervisory simplification measures identified in 2025.**

NAVACELLE Focus

The French data protection authority activity

over the last twelve months

July 2026

The French Data Protection Authority (CNIL)

The French Data Protection Authority (CNIL) is an independent administrative authority. Beyond its role in supervision and enforcement, it supports professionals in their compliance efforts and works to enable individuals to better control the use of their data and to effectively exercise their rights.

Activity in figures

259 decisions issued

- **83 sanctions**
- **of which 67 under the simplified procedure**
- **143 formal notices**
- **31 reminders of legal obligations**
- **2 warnings**
- **€487 million cumulative fines**

Landmark Decisions

	Breaches	Date	Sanction
Google	■ Displaying advertisements within the Gmail messaging service without prior collection of user content ■ Placing cookies during the creation of a Google account in the absence of valid consent from French users	1 September 2025	€325M + injunction to bring its practices into compliance within 6 months, under penalty of €100,000 for each day of delay
SHEIN (Irish subsidiary)	■ Placing advertising cookies without prior user consent ■ Insufficient information regarding their purpose and the identity of the third parties involved ■ Defective refusal mechanisms, with cookies continuing to be placed or read despite the user having expressed a refusal	1 September 2025	€150M
Free Mobile and Free	*Context: cyberattack in October 2024 that exposed the data of 24 million subscriber contracts* ■ Security measures inadequate in light of the sensitivity of the data processed, in particular insufficient VPN authentication ■ Defective anomaly detection systems, incomplete notification of the data subjects within the meaning of Article 34 of the GDPR ■ Excessive retention of former subscribers' data (Free mobile)	13 January 2026	€42M
France Travail	*Context: intrusion into France Travail's information system through the usurpation of CAP EMPLOI advisors' accounts, which exposed the data of all individuals registered over the past twenty years* ■ Insufficient authentication, inadequate logging and overly broad access permissions (Article 32 of the GDPR) *Nb. Measures had been identified in impact assessments without being implemented*	22 January 2026	€5M + injunction under penalty of €5,000 for each day of delay

Priorities for 2026

Cybersecurity:
50 % of the CNIL's inspections in 2026 will concern cybersecurity breaches.

AI:
Work towards an "innovative" and "responsible" use of artificial intelligence.

NAVACELLE Focus

The French Financial Markets Authority activity

July 2026

The French Financial Market Authority (AMF)

Independent public authority, established in 2003, to ensure protection of savings invested in financial products, investor information and the proper functioning of markets. To this end, it regulates, authorizes, supervises and sanctions the financial actors and products falling within its scope.

Activity in figures in 2025

- **+20% investigations opened (36)**
- **+5% inspections (59)**
- **x3 cases referred to the Enforcement committee (6)**
- **13 sanctions (compared with 12 in 2024)**
- **14 agreements signed**
  and 18 agreements approved and published
- **€4.4 million paid to the French Treasury**

Breaches subject to proceedings

- **Equity and bond markets:**
  7 proceedings in 2025 (insider dealing or market manipulation)
- **Financial reporting:**
  2 proceedings in 2025 (no proceedings in 2024)

Selection of notable decisions

Caceis Bank: €3,5M fine
together with an official warning for breaches of professional obligations (17 December 2025).
Caceis Bank lodged an appeal before the French Council of State on 26 February 2026.

Casino case: Conviction of 5 individuals and 5 legal entities
for private corruption, organized market manipulation and insider trading before the Paris Criminal Court (29 January 2026).
Culmination of a case that AMF had referred to the PNF as early as 2020 following an investigation into financial reporting and trading in Casino and Rallye shares.

Inter-authority cooperation

Banque de France / ACPR / AMF:

Conduction for the first time of a joint stress test exercise, covering the entire French financial system and focusing on interactions between banks and non-bank intermediaries under stressed conditions (summer 2025).

DGCCRF / AMF:

Cooperation in the context of enforcement of the influencer law, specifically regarding the promotion of financial products and services.
This collaboration was formalized on 10 December 2025 through the signing of a cooperation protocol accompanied by an action program.
→ 14 referrals were transmitted to the DGCCRF for the purpose of opening investigations.

Priorities for 2026

- **Contributing to European financial sovereignty through the Savings and Investment Union project.**
- **Strengthening the attractiveness of the Paris financial center through sustained support for innovation.**
- **Ensuring the protection of savers and the integrity of the financial system.**

NAVACELLE Focus

The French Competition Authority activity

July 2026

The French Competition Authority

The French Competition Authority is an independent administrative authority in charge of ensuring compliance with competition rules in France and combating anticompetitive practices. It operated across three main areas:

- combating anticompetitive agreement and abused of dominant position,
- merger control,
- sanctioning of anticompetitive practices.

Activity in figures in 2025

9 enforcement decisions

€379 million

A record sanction
was imposed on Apple for the implementation of its *App Tracking Transparency* framework.

Key decisions

Companie(s)	Type of conduct	Sanction
7 companies, shareholders of the Dépôts Pétroliers de la Corse (i.e. Total, Rubis, EG)	Anticompetitive agreement in the fuel distribution sector in Corsica	€187,4M
Apple	Abuse of dominant position	€150M
Engineering companies, technology consulting firms and IT services providers (i.e. Alten, Expleo, Bertrandt)	No-poaching practices	€29,5M
Doctolib	Abuse of dominant position	€4,7M
Groupe Parfait	Failure to comply with commitments made under a merger control decision	€7,6M

French Competition Authority's priorities for 2026

Addressing the competition challenges raised by the development of digital markets and artificial intelligence.

Integrating sustainability requirements and ensuring the protection of purchasing power, with particular attention to overseas territories.

Optimizing the allocation of its resources and maintaining its attractiveness in a context of budgetary constraint.

Ethics & Compliance

NAVACELLE

Bastille Day

July 2026

Overview of developments in ethics and compliance

in France over the last twelve months

The EU is stepping up its fight against money laundering and corruption, particularly through the AMLA. In France, this is reflected in a strengthened anti-corruption plan, a greater role for whistleblowers, and guidelines for internal investigations.

Over recent months, the European Union has taken a major step forward in the supervision of anti-money laundering and counter-terrorist financing through the growing role of AMLA. In parallel, a first directive harmonizing criminal offences and sanctions in the field of corruption has been adopted. In France, the AFA has structured anti-corruption policy through the 2025–2029 national plan, based on prevention, detection and enforcement, at the level of the State, local authorities, businesses and internationally. In addition, in her second biannual report, the *Défenseure des droits* highlights the increasing role of whistleblowers, despite organizational limitations and persistent risks of retaliation. Finally, the bill tabled before the French National Assembly, aimed at providing a legal framework for internal investigations and strengthening their legal security, marks a further step towards the establishment of a structured legislative framework.

AMLA : Expansion of European AML/CFT supervision

Since 1 January 2026, the European responsibilities previously exercised by the European Banking Authority (EBA) in the field of anti-money laundering have been transferred to the new European Anti-Money Laundering Authority (AMLA), established in 2024 and headquartered in Frankfurt. The authority is now fully operational and is gradually positioning itself as the central coordinator of AML/CFT supervision across the European Union.

In 2025 and 2026, AMLA has increased structured exchanges with national competent authorities and financial intelligence units (FIUs). Throughout 2026, the authority has also intensified its work on the future European Single Rulebook stemming from the AML package.

These efforts aim to reduce interpretative divergences between Member States and to establish common standards in terms of governance, risk assessment, customer due diligence, and transaction monitoring.

The rise of crypto-assets, financial technologies, and artificial intelligence is also among the priorities of the new European supervisor. In its preparatory work, the European framework highlights risks related to digital business models, technology-enabled fraud, and complex cross-border transactions.

In order to address an ever-evolving risk environment, companies are therefore encouraged to strengthen:

- **their customer due diligence frameworks,**
- **transaction monitoring capabilities,**
- **data governance.**

Beyond the institutions that will ultimately be directly supervised by AMLA, the impact of this reform is expected to be far-reaching. The new European expectations are likely to progressively extend to all sectors subject to AML/CFT regulations, including those that currently fall under exclusively national supervision.

The French anti-Corruption agency (AFA) publishes the 2025-2029 ational anti-corruption plan

In the foreword to the 2025–2029 National Anti-Corruption Plan, it is stated that *"France has a robust and comprehensive framework to prevent, detect, and punish breaches of integrity. Nevertheless, it is now more necessary than ever to enhance and strengthen it".*

Following an initial plan covering the 2020–2022 period, the second plan confirms that anti-corruption efforts are now conceived as a

Fully-fledged public policy, involving public administrations, local authorities, companies, courts, investigative authorities, and international stakeholders.

The plan is structured around four main pillars: strengthening the fight against corruption within central government (1), supporting local authorities (2), protecting economic actors (3), and developing France's international action (4).

1 The first pillar seeks to reinforce the fight against corruption and breaches of integrity within central government.

The first 23 measures directly target the State and its administrations and notably provide for the implementation of comprehensive prevention, detection, and remediation frameworks based on detailed risk assessments. Particular attention is given to sovereign administrations—customs, police, gendarmerie, judiciary, and prison services—which are more exposed to certain risks, especially in the context of growing organized crime. The plan also emphasizes securing public procurement, protecting sensitive data, strengthening internal control and internal audit systems, and enhancing the training of public officials.

2 Local authorities constitute another key pillar of the plan.

While breaches of integrity at the local level remain relatively limited compared to the number of elected officials and public servants concerned, their impact on public trust is significant. The plan therefore aims both to clarify certain rules—particularly with regard to illegal conflicts of interest, and to provide increased support to local elected officials and public agents in implementing appropriate compliance frameworks.

3 The third pillar is dedicated to the protection of economic actors.

The plan confirms the central role of the Sapin II Law and the continued supervision by the AFA of companies subject to Article 17 obligations. However, greater emphasis is placed on supporting SMEs and mid-sized companies, particularly *"when they expand internationally or are required to implement compliance measures at the request of their contracting partners"*. The plan also stresses the importance of training and awareness-raising among the most exposed stakeholders in order to strengthen their role in preventing and detecting integrity breaches.

4 Finally, the plan incorporates a stronger international dimension.

Corruption is presented as a transnational phenomenon that distorts competition and undermines the rule of law. France therefore intends to promote soft law standards and commitments at the European and international levels, support existing evaluation mechanisms, and strengthen technical cooperation with partner States.

The plan also places significant emphasis on strengthening criminal enforcement.

In particular, it provides for increased resources for investigative authorities, improved consistency of criminal policy in relation to integrity breaches, and expanded use of deferred prosecution agreements ("CJIP"), notably through their extension to new offences and through adjustments to the duration of compliance programmes monitored by the AFA.

National plan to fight corruption 2025-2029: a strengthened and ambitious framework

The French defender of rights publishes its second biennial report on whistleblower protection in France

On 28 May 2026, four years after the entry into force of the Waserman Law, the Defender of Rights, Claire Hédon, presented her second biennial report on whistleblower protection in France. The findings are mixed: while the framework is now fully identified and widely used by relevant stakeholders, its success also highlights several structural weaknesses.

> *"More than 10,000 alerts in 2025, compared with only 2,000 in 2023.*

External authorities responsible for receiving and processing reports recorded more than 10,000 alerts in 2025, compared with only 2,000 in 2023. This increase reflects growing trust in reporting mechanisms and confirms that whistleblowers now play a central role in detecting breaches of the public interest, whether in the areas of public health, the environment, probity, or the social and healthcare sectors.

However, the report underlines that the vast majority of referrals are concentrated among a limited number of competent authorities. In light of this influx, the Defender of Rights calls on public authorities to reconsider the organization of the system, in particular by adapting the list of competent external authorities and improving mechanisms for directing reports.

Furthermore, while public and private organizations have largely implemented the internal procedures required by regulation, these mechanisms remain insufficiently known and are still underused. Employees and public officials often continue to favor external channels, raising questions about the level of trust placed in internal reporting systems.

Finally, the report stresses that, in practice, reporting wrongdoing remains a risky undertaking. The Defender of Rights notes the persistence of retaliatory measures against whistleblowers, particularly in the employment context, despite the strengthened protections provided by law.

Internal investigations: do they need a legal framework?

Adoption of the first European directive dedicated to combating corruption

The year 2026 marks a significant milestone in the development of the European anti-corruption framework. Definitively approved by the Council of the European Union on 21 April 2026, following its adoption by the European Parliament, Directive (EU) 2026/1021 aims to harmonize the rules applicable across Member States and to strengthen cooperation between national authorities.

The directive pursues an ambitious objective: to establish a common set of corruption-related offences and to align sanctions regimes across the Union. In particular, it requires Member States to criminalize, in a harmonized manner, active and passive corruption in both the public and private sectors, trading in influence, misappropriation of funds, obstruction of justice, illicit enrichment linked to corruption offences, as well as certain forms of unlawful exercise of public functions.

One of the key takeaways from the recitals is that combating corruption cannot be limited to criminalization and sanctions alone. The directive promotes a comprehensive approach combining prevention, detection, and enforcement. Member States are therefore encouraged to strengthen transparency frameworks, conflict of interest management, the regulation of lobbying activities, and movements between the public and private sectors ("revolving doors"). Corporate compliance programmes are also identified as essential preventive tools, notably through the implementation of risk assessments, codes of conduct, internal audits, and monitoring mechanisms.

While France already has an established anti-corruption framework—particularly under the Sapin II Law—the directive nonetheless confirms the European Union's intention to converge compliance and enforcement standards across the internal market. It also reflects a shift towards a more integrated approach to anti-corruption, based on prevention, organizational accountability, and the effectiveness of cross-border enforcement.

A more integrated approach to anti-corruption, based on prevention, organizational accountability, and the effectiveness of cross-border enforcement.

The directive will enter into force twenty days after its publication in the Official Journal of the European Union. Member States will then have a period of two years from its entry into force to transpose its main provisions.

The European Union takes a new step in the fight against corruption

Internal investigations in France: Towards a legislative framework

On 9 December 2025, a bill was introduced before the French National Assembly to establish a legislative framework for internal investigations. While such investigations now play a central role in corporate ethics and compliance programmes—particularly under the impetus of the Sapin II and Waserman laws—they currently remain without a dedicated statutory framework.

The bill pursues a dual objective:

1. **Provide legal certainty for a practice that has become essential ;**
2. **Form part of a broader reflection on French legal and economic sovereignty.**

The bill pursues a dual objective. On the one hand, it seeks to provide legal certainty for a practice that has become essential in handling whistleblowing reports, as well as suspicions of fraud, corruption, or breaches of internal rules. On the other hand, it forms part of a broader reflection on French legal and economic sovereignty, in a context marked by the growing influence of extraterritorial legislation and the increasing role of internal investigations in negotiations with prosecuting authorities.

The bill thus introduces, for the first time, a definition of internal investigations into the French Labour Code. These would be defined as a formal process aimed at verifying the accuracy of alleged facts or suspected violations of laws or internal rules, taking into account both incriminating and exculpatory evidence and relying on proportionate means. Internal investigations are presented as a tool serving integrity, compliance, and improved organizational governance. The bill also provides for a framework governing internal investigations conducted in parallel with criminal proceedings.

> *A formal process aimed at verifying the accuracy of alleged facts or suspected violations of laws or internal rules, taking into account both incriminating and exculpatory evidence and relying on proportionate means.*

Finally, the bill places particular emphasis on the role of the investigating lawyer, affirming that internal investigations conducted by a lawyer fall within the scope of legal professional privilege. The acts, analyses, and documents produced in this context could only be disclosed to judicial authorities with the express consent of the legal entity that commissioned the investigation. This provision reflects a clear intention to strengthen the confidentiality of internal investigations and to further secure the use of such mechanisms by companies.

> *A clear intention to strengthen the confidentiality of internal investigations and to further secure the use of such mechanisms.*

Towards a French Legislative Framework for Internal Investigations

Arbitration

NAVACELLE

Bastille Day

July 2026

Overview of arbitration case law

Case law in the field of arbitration has, in particular, refined the review of the arbitral tribunal's jurisdiction and provided numerous clarifications regarding the public policy review. Finally, this overview will discuss the TotalEnergies case, which illustrates what could constitute a potential misuse of criminal and arbitration proceedings. In summary, these decisions demonstrate the French courts' commitment to striking a fair balance between the theoretical reaffirmation of their power to review awards and the preservation of the arbitrators' work.

The Paris Court of Appeal provided clarifications that refine the review of the arbitral tribunal's jurisdiction

In a decision dated 9 December 2025, the Paris Court of Appeal once again ruled on what should now be called a true saga: the so-called Sultan of Sulu case. The French aspect of the case concerns an action for annulment filed against a final arbitral award dated 28 February 2022. That decision ordered the Malaysian government to pay damages totaling nearly 15 billion U.S. dollars to the heirs of the Sultan of Sulu. How did it come to this?

The dispute stems from an agreement dated 22 January 1878, between the Sultan of Sulu and the founders of the British North Borneo Company, concerning territories on the northern coast of Borneo, which are now part of the Malaysian federal state of Sabah. While the parties disagree on the scope of the agreement – which the heirs of the Sultan of Sulu characterize as a lease agreement and Malaysia as an agreement to cede territory and sovereignty – it appears that the royalty paid by Malaysia was initially set at 5,000 ringgits, increased to 5,300 ringgits by a confirmation deed in 1903. The arbitration clause included in this 1878 agreement provided that any dispute would be submitted to arbitration by the British Consul General in Borneo. Since Malaysia had paid this royalty until 2013 before ceasing its payments, the heirs initiated arbitration proceedings against the State in 2017.

Since, at the time the arbitration was initiated, there was no longer a British Consul General in Borneo (the position had been abolished), the claimants had requested that the British Foreign Office appoint an arbitrator. Faced with the British authorities' refusal to intervene, the claimants brought the matter before the Superior Court (Tribunal Superior de Justicia) in Madrid, acting as a supporting judge, which appointed a sole arbitrator. The arbitrator declared himself competent by an interim award rendered in Madrid on 25 May 2020. However, this proceeding was set aside in June 2021 by the Spanish courts, which held that the rules governing the service of process on foreign states had not been followed. Refusing to comply with this decision – which resulted in a conviction for contempt – the arbitrator transferred the seat of the arbitration to Paris and rendered his final award on 28 February 2022. In response, Malaysia filed multiple appeals with French courts. First, it sought to have the French courts reject the recognition and enforcement in France of the partial award on jurisdiction. Then, taking advantage of the change in the seat of arbitration to Paris, Malaysia filed an appeal for annulment of the final award with the Paris Court of Appeal.

Although these were two separate proceedings, the central issue was the same in both instances:

in the absence of an agreement between the parties, is it possible to confer jurisdiction on an arbitrator other than the one specifically designated in the arbitration agreement?

The exequatur proceeding was the first to address this issue. In a ruling dated 6 June 2023, affirmed by the Cour de cassation on 6 November 2024, the Paris Court of Appeal denied exequatur, holding that the parties' intention was to submit their dispute for resolution to the British Consul General in Borneo, and that since that office no longer existed, the parties' consent to arbitration had likewise ceased to exist.

This issue was again referred to the Court, which issued its ruling on 9 December 2025.

Two preliminary questions arose. The first, which was also raised in the appeal against the order granting exequatur for the partial award, concerned the admissibility of the appeal based on Article 1466 of the French Code of Civil Procedure. The appellants argued that since Malaysia had not raised a plea of lack of jurisdiction in a timely manner before the arbitral tribunal, it was no longer entitled to raise it before the French courts. The Court rejected this motion to dismiss, ruling that, since Malaysia had refused to participate in the arbitration proceedings, it had necessarily contested the entire arbitration process. It also rejected the argument based on estoppel, which prohibits a party from contradicting itself to the detriment of another party. This new argument, raised for the first time by the heirs, was based on Malaysia's payments of the royalty, which continued through 2013. They conclude that by paying this royalty without interruption since 1963 – the date on which Malaysia succeeded the original contracting party – Malaysia had consistently fulfilled the 1878 agreement. Consequently, they allege that Malaysia is contradicting itself to their detriment by suddenly raising the inapplicability of the dispute resolution clause. The Court rejected this

argument. Not only does the payment of the royalty provide no indication of Malaysia's position regarding the arbitration clause, but estoppel also requires contradictory procedural conduct. However, in this case, the payment of the royalty did not occur within any specific procedural context, and cannot therefore serve as the basis for estoppel.

The second issue concerned the binding effect of prior decisions by the Paris Court of Appeal and the Cour de cassation regarding the partial award. While the Court of Appeal acknowledges the identity of the parties, the cause of action, and the subject matter between the two proceedings – and thus the res judicata effect – it nevertheless holds that the issue before it no longer concerns the identification of the clause invoked as an arbitration clause, but rather the assessment of its scope and effectiveness. Based on this reasoning, which has been subject to criticism, the Court thus holds that it is not bound by its previous decision and reexamines the jurisdiction of the arbitral tribunal.

Beyond these procedural considerations, the Court reaffirms its reasoning and ruling from 2023. Interpreting the arbitration clause on the basis of the parties' common intent, as interpreted in accordance with the principles of good faith and practical effect, the Court held that recourse to the British Consul General in Borneo was consistent with the parties' intent to entrust the resolution of their disputes to that specific office and that this constituted an integral part of the agreed mechanism. Consequently, the discontinuation of this office required a new agreement between the parties, which did not exist in this case. Therefore, the arbitral tribunal should not have declared itself competent, and the award is set aside in its entirety.

Case law handed down by the Paris Court of Appeal over the past year has also served to refine the parameters of the review of an arbitral tribunal's jurisdiction in investment matters.

These parameters appear to favor the protection of awards.

Thus, in the Oschadbank case, the Paris Court of Appeal ruled on jurisdiction ratione temporis, ratione loci, and ratione materiae. In that case, the Ukrainian company Oschadbank claimed that its assets in Crimea had been expropriated following Russia's annexation of that Ukrainian province in 2014. In an effort to obtain compensation, it initiated arbitration proceedings based on the bilateral investment treaty between Ukraine and Russia. The arbitral tribunal found a violation of that treaty and ordered Russia to pay approximately 1 billion U.S. dollars. Russia had challenged the arbitral tribunal's jurisdiction ratione temporis in an annulment proceeding. In this case, the Russian state's consent was inferred from its standing offer of arbitration contained in the bilateral investment treaty between Russia and Ukraine, which entered into force on 27 January 2000, with Article 12 of that treaty providing that it applies to all investments made by investors of one contracting party in the territory of the other contracting party as of 1 January 1992. In a ruling dated 30 March 2021 , the Paris Court of Appeal had set aside the award, determining that Oschadbank's activities in Crimea had begun prior to 1 January 1992.

In a cassation ruling dated 7 December 2022, the Cour de cassation confirmed the principle of thorough review of jurisdiction, examining all legal and factual elements necessary to assess the scope of the arbitration agreement. It then criticized the Court of Appeals on the grounds that, in this case, the time limitations regarding investments should not have been interpreted as a condition of jurisdiction ratione temporis.

The case was thus referred to the Paris Court of Appeals again, which, in its decision of 1 July 2025, ruled on several grounds of appeal, including the claim that the arbitral tribunal lacked jurisdiction ratione temporis, ratione loci, and ratione materiae. In this decision, the Court of Appeals logically aligns itself with the Cour de casssation. It therefore specifies that the scope of its review of jurisdiction in investment arbitration allows it to rely on all legal or factual elements relating to the scope of the arbitration agreement, without reviewing the merits of the award. Finally, it clarifies that, in the context of investment arbitration, the State's consent stems from the offer of arbitration set forth in a treaty, which is directed at a specific category of investors and defined investments, thereby limiting its review to these two concepts and excluding other issues frequently raised in this area, such as the legality of the investment.

With regard to the review of the arbitral tribunal's jurisdiction, the Court of Appeal continues to align itself with the Cour de cassation. It notes that the arbitration clause contained in the treaty does not include any condition regarding the date on which the investments were made, and that the time-related condition set forth in Article 12 of the treaty does not fall within its scope of review. This is therefore not a question of jurisdiction but of admissibility, over which the Court has no authority.

The Court then examined jurisdiction ratione loci, as Russia argued that, due to Ukraine's failure to recognize its sovereignty over Crimea, the investment could not be considered to have been made on the territory of the other country. It dismisses any substantive examination of this issue, which it considers to fall within the scope of the treaty's substantive protection, and merely notes that the assets were located on territory over which Russia claims sovereignty and exercises authority, thereby concluding that the territorial jurisdiction requirement attached to the concept of investment was satisfied. Finally, regarding jurisdiction ratione materiae, the issue centered on whether the investment was initially made abroad, with Russia arguing that the investment in question was not foreign at the time it was made. The Court held that the interpretation of the arbitration clause and the definition of investment does not impose a restriction to investments that were foreign from the outset.

Furthermore, in the State of Kuwait case, the Paris Court of Appeal once again ruled on jurisdiction ratione personae in a decision dated 9 September 2025. In that case, the claimant had initiated arbitration proceedings based on the bilateral treaty between Russia and Kuwait, alleging a violation of its rights in connection with criminal proceedings in Kuwait. In an award rendered on 12 August 2022, the arbitral tribunal declared itself without jurisdiction, holding that while the claimant did indeed have the status of an investor, her management of and participation in a Kuwaiti private equity firm could not be classified as an investment.

With regard to the review of the arbitral tribunal's jurisdiction, the Court reiterates the principles established in the Oschadbank case concerning the scope of its review. It then examines the requirement that the treaty stipulates the investment must have been made by the investor itself. The Court thus notes that the definition of investment and the arbitration agreement contained in the treaty must be interpreted as requiring that the assets have been invested by the investor seeking substantive protection under the treaty. It then points out that the claimant could not merely assert that it controlled a company in Kuwait without establishing that it had itself made an investment, and notes that, in any event, it failed to demonstrate that it controlled that company.

The development of case law concerning public policy review

Over the past year, the annulment judge has also issued numerous rulings concerning the review of international public policy, thereby confirming and refining its already extensive case law on the subject.

First, we can mention two rulings handed down in corruption cases, in which the Paris Court of Appeals refined the scope of its review by adopting the arbitral tribunal's analysis. In the Averda decision of 28 October 2025, the Paris Court of Appeal ruled on the consequences, under international public policy, of allegations of corruption that had tainted the performance of public contracts. The Court was hearing an appeal for annulment filed by the Gabonese Republic and two Gabonese municipalities against an award rendered on 23 August 2023, which concerned a dispute over contracts for waste management and street cleaning in Libreville. These contracts had been entered into in December 2014 between Averda Environmental Services Gabon S.A. ("Averda Gabon"), a local subsidiary of the Lebanese waste management group, and several Gabonese public entities.

In August 2019, Averda Gabon suspended its services due to persistent payment delays before initiating arbitration proceedings in June 2020, seeking payment of outstanding invoices totaling approximately 34 million U.S. dollars. During the arbitration proceedings, the Gabonese entities alleged that corruption had permeated the performance of the contracts through the payment of bribes to a Gabonese public official.

In its award of 23 August 2023, the arbitral tribunal determined that there was a body of serious, specific, and consistent evidence of acts of corruption committed during the performance of the underlying contracts, and applied a 35% reduction to the amounts claimed in order to neutralize the effects of the corruption. The Gabonese entities then filed an appeal for annulment pursuant to Article 1520, 5° of the French Code of Civil Procedure, arguing that recognition or enforcement of the award would allow Averda Gabon to benefit from contracts whose performance had been tainted by corruption, in violation of international public policy.

In dismissing the appeal, the Paris Court of Appeal reiterated the principle of the concrete effect of a violation of international public policy, according to which annulment is warranted "only if it is demonstrated by serious, specific, and consistent evidence that the incorporation of the award into the domestic legal system would have the effect of giving force to a contract obtained through corruption or of allowing a party to benefit from the proceeds of such activity". However, in this case, the Court had noted that the corruption had affected only the performance of the contracts and not their formation, and that the arbitral tribunal had ruled out, through a rigorous factual analysis, any enrichment of Averda Gabon – through the award against the respondents in the arbitration – as a result of corrupt practices.

This ruling is significant in two respects. First, the Court clearly distinguishes between corruption affecting the formation of the contract and that affecting only its performance: when corruption affects only performance, the Court ruling on annulment does not invalidate the contract in its entirety but specifically isolates the corrupting effects in order to neutralize them. Second, the Court upholds the neutralization method applied by the arbitral tribunal and relies on the tribunal's reasoning without conducting its own analysis of the facts. In doing so, legal scholars consider that the Court implicitly acknowledges that the methods employed in arbitration to examine allegations of corruption are incomparable to those at its disposal.

In a 25 November 2025, ruling in the Flower of the East case, the Paris Court of Appeal confirmed this pragmatic approach to reviewing allegations of corruption. In this case, the dispute concerned the development of a luxury resort complex on the Iranian island of Kish between the Kish Free Zone Organization – the Iranian public authority responsible for the development of this zone – and Flower of the East Kish Development Company ("Flower of the East"), whose contracts had been terminated by the Kish Free Zone Organization. Flower of the East and its shareholder had initiated arbitration proceedings to seek a ruling against the Kish Free Zone Organization. In an award dated 10 March 2022, the tribunal awarded Flower of the East damages totaling nearly 40 million euros. The Kish Free Zone Organization filed an appeal to set aside the award, based in particular on Article 1520, 5° of the French Code of Civil Procedure, and more specifically on the grounds that the claims resulting from the award were the proceeds of criminal offenses.

In this case, the Court of Appeals examined the various elements put forward by the appellant to determine whether they constituted serious, specific, and consistent evidence of corruption. The appellant first relied on Iranian criminal decisions that had found collusion in public transactions and argued, in particular, that the financial terms and contractual guarantees – which, it was claimed, were not backed by financial guarantees – were abnormally advantageous to the company Flower of the East and its shareholder, which were indicators of collusion. On the first point, the Court of Appeal finds that the appellant merely repeats elements mentioned in the Iranian decisions – which, the Court notes, can only have legal effect if they are recognized in France – without establishing them. Regarding the second point, the Court considers that this falls within the scope of a substantive debate that it is not within its purview to review and notes that this argument was not raised before the arbitral tribunal. This clarification is interesting because, even though the Court is not bound by the arbitral tribunal's decision, it deems it useful to take this fact into account in order to note the absence of any evidence of corruption. In other words, even though they are unlikely to have the aforementioned Article 1466 of the French Code of Civil Procedure raised against them, the parties to the arbitration are encouraged by the Court to raise their allegations

of corruption before the arbitrators. The Court then examines the argument that the formal process for concluding the contract with a public authority was not followed, but notes here as well that the evidence presented before the arbitral tribunal does not constitute serious, specific, and consistent indications of breaches of integrity. Finally, it finds that the Tehran Court of Appeal's approach to establishing the offense of collusion also fails to establish a sufficient body of evidence.

Case law has also examined various forms of violations of public policy beyond allegations of corruption. In the Abante decision of 13 January 2026, the Paris Court of Appeal examined several allegations of a violation of public policy related to allegations of misuse of corporate assets, tax fraud and corruption, procedural fraud, violation of the right to the statute of limitations and the right to be tried within a reasonable time, and violation of the principle of equality of the parties. In this case, the Court was hearing an appeal against an order granting exequatur to an award rendered on 16 September 2022, in favor of Abante Holdings Limited ("Abante") in connection with a proposed acquisition of a Swiss company as part of a real estate development project.

In support of its argument that the award violated international public policy, the appellant contended that the award obtained by Abante was based on unlawful acts committed by Abante, including misuse of corporate assets, initial payments originating from third-party companies, tax fraud resulting from Abante's unlawful enrichment, and a corrupt transaction involving the use of an offshore company. The appellant also argued that Abante had concealed its true identity. Finally, the appellant argued that, since the dispute arose in 2005, the award rendered in 2022 had disregarded his right to the statute of limitations and to a reasonable time for adjudication, and that the tribunal had violated the principle of equality by denying him a postponement for medical reasons and requiring him to appear via videoconference.

On the first point, the Court found that the appellant failed to provide any evidence establishing tax fraud, since neither the payment of a debt determined by an award nor Abante's domicile in a non-cooperative state is sufficient to establish such fraud. Regarding the allegations of corruption, the Court also ruled that there was no evidence to support them. Finally, regarding the misuse of corporate assets, the Court ruled that this does not fall within the scope of international public policy. As for the allegations of procedural fraud, these are based on the fact that Abante allegedly provided a false registered address in connection with the proceedings. The Court noted, however, that Abante had merely indicated its tax domicile instead of its registered office, which does not constitute procedural fraud.

On the third point, the Court reiterates that the fight against human rights violations – protected in particular by the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, and the International Covenant on Civil and Political Rights of 16 December 1966 – is part of French international public policy. It holds, however, that the application of statutes of limitations cannot be contrary to international public policy. With regard to the right to be tried within a reasonable time, this must be analyzed within the procedural framework. In this case, since the arbitration proceedings lasted only three years, this does not constitute an unreasonable delay. Finally, regarding the violation of the principle of equality, the Court ruled that it had not been demonstrated how holding his hearing via videoconference would have prevented him from presenting his case and would have placed him at a substantial disadvantage.

The aforementioned State of Kuwait decision also addresses a ground of public policy, concerning allegations of human rights violations. The Court first ruled, on the issue of the admissibility of this ground, that since the allegations fall under public policy of direction, the parties cannot waive their right to invoke them. On the merits of the ground, the Court noted that the fight against human rights violations is part of French international public policy. However, in the present case, the alleged violations of the appellant's fundamental rights are said to have occurred in the context of criminal proceedings in Kuwait, but not in the context of the arbitration proceedings, during which she was able to be validly represented and defend her interests. Consequently, since the appellant's rights were respected during the arbitration proceedings, the Court finds that it has not been demonstrated that the recognition or enforcement of the award would violate international public policy.

In the previously cited Oschadbank decision, Russia alleged procedural fraud, claiming that certain facts regarding the date of the investment had been concealed. In rejecting this argument, however, the Court of Appeal noted that since the date of the investment was not deemed decisive to the arbitral tribunal's reasoning, it cannot be considered that concealed facts would have influenced its decision through fraud. The Court thus reiterates that it is not sufficient for fraud to be established; rather, it must also have influenced the arbitral tribunal's decision.

In the Blaise Boissons decision, the Paris Court of Appeal addressed economic issues, specifically the compliance of the award with Article L. 572-5 of the French Monetary and Financial Code, which imposes criminal penalties for the prohibition on the provision of payment services, as well as the provisions of Directive 2015/2366 of 25 November 2015, on payment services in the internal market, known as PSD2, insofar as they contribute to the fight against money laundering and terrorism financing. The dispute stems from the purchase of bottles of vodka by Blaise Boissons Conseil Distribution ("Blaise Boissons") from an Irish company. The goods were stored on the premises of Loendersloot Internationale Expeditie ("LIE"), and the purchase price had been paid by Sticheting Loendersloot Finance ("SLF") acting as an intermediary. The goods were seized on grounds of counterfeiting and were destroyed. Blaise Boissons initiated arbitration proceedings against LIE and SLF to seek compensation for the price of the goods and the costs of destruction. The award rendered on 12 June 2024, dismissed Blaise Boissons's claims. Since this award was declared enforceable in France, Blaise Boissons filed an appeal against the order of enforcement.

The appellant raised a single ground of appeal based on a violation of public policy, arguing that SLF was not authorized to provide payment services, even though it must be considered a service provider within the meaning of the PSD2 Directive. Consequently, Blaise Boissons argued that enforcement of the award would have rendered the provisions of Article L. 572-5 of the French Monetary and Financial Code inoperative.

After rejecting the motion to dismiss filed by the respondents on the basis of Article 1466 of the French Code of Civil Procedure, the Court ruled on the merits of the argument. The Court noted that the fight against money laundering and terrorism financing forms part of French international public policy, the effects

of which must be assessed on a case-by-case basis. In this regard, it clarifies that it is not its role to verify whether the respondents' activities comply with the provisions governing the provision of payment services, but only to determine whether the recognition or enforcement of the award is likely to hinder the fight against money laundering and terrorism financing by allowing a party to benefit from the proceeds of such activities. The Court ruled that the appellant failed to demonstrate how the arbitral tribunal's decision significantly impedes the fight against money laundering and terrorism financing, and dismissed the appeal.

Finally, in the SCIZ decision of 4 November 2025, the Paris Court of Appeals ruled on the review of the award in light of a foreign mandatory law. In this case, the Court heard an appeal of an order granting exequatur to an award rendered in Algiers in a dispute concerning a contract for the management of the operations of SCIZ, an Algerian state-owned enterprise, entrusted to the Egyptian company ASEC Cement, which had also acquired shares in SCIZ. SCIZ argued that ASEC Cement had failed to meet its production targets and sought late-payment interest from it, while ASEC Cement contended that its failure to meet those targets was attributable to SCIZ. The award of 13 January 2023, ordered SCIZ to pay damages in the amount of 60 million U.S. dollars for breach of contract.

In support of its argument that the award violated international public policy, SCIZ contended that the arbitral tribunal, in assessing its contractual liability, had failed to take into account the applicability of Algerian public procurement rules and procedures. The Court reiterated its case law holding that a failure to recognize a foreign mandatory law may lead to the annulment of an award if that mandatory law protects a value or principle recognized under French international public policy, and if the award both violates the foreign mandatory law and constitutes a clear infringement of a principle or value falling within the scope of international public policy. In this case, the Court notes that SCIZ has not demonstrated any violation of Algerian public procurement regulations or of an equivalent principle under French public policy, nor has it established any infringement thereof.

To round out this review, it is worth mentioning the Dilas ruling handed down by the Paris Court of Appeals on 16 December 2025, regarding internal arbitration. This dispute concerned the conclusion of several contracts by Dilas and its shareholders with ITM Entreprises and its subsidiaries, the operator of the Les Mousquetaires group. Due to contractual difficulties following the group's integration as a franchisee, Dilas initiated internal arbitration proceedings, which resulted in an award dated December 26, 2023, that largely dismissed the claimants' requests.

In support of its motion to set aside the award, Dilas argued, among other things, that the award had failed to address its arguments regarding the prohibition of anticompetitive agreements. The Court rejected this argument, noting that the arbitral tribunal had ruled on these points in its award and had determined that there was no evidence of a violation of competition law. The significance of this ruling, however, lies in the scope of the review exercised by the annulment court regarding violations of domestic public policy. Indeed, the Court of Appeal specifies that this review "must be conducted based on the facts and legal principles relied upon by the arbitrators in their award, taking into account the arguments presented before them", contrary to international case law, which tends to examine external factors.

Finally, in the EOVA decision of 23 September 2025, the Court ruled not on a claim based on a violation of international public policy, but on a stay of proceedings related to criminal matters. On appeal from an order issued by the pre-trial judge, the company EOVA sought a stay of proceedings due to the filing of a complaint, with a civil claim, alleging forgery and use of forged documents, as well as fraud in obtaining a judgment, in connection with service of process documents relating to the arbitration proceedings. The Court ruled, however, that since no criminal proceedings had been initiated, and since, in any event, the action pending before it did not concern the redress of a criminal offense, there was no basis for a stay of proceedings, especially since the Court is well-founded in assessing for itself the authenticity of the documents alleged to be forged. It adopts the same position regarding a forgery proceeding filed before the Paris Judicial Court against the exequatur order, which reiterates the arguments set forth in the complaint and in the proceedings pending before the Court of Appeals. Consequently, and in light of its own jurisdiction over the verification of handwriting, the Court does not consider that the proper administration of justice justifies a stay of proceedings. The Court's objective is to ensure the efficient and prompt handling of appeals filed against arbitral awards or their exequatur.

The TotalEnergies case: an illustration of potentially fraudulent uses of arbitration

On 19 March 2026, the 15th Criminal Chamber of the Nanterre Court ruled on the case involving an alleged attempt to defraud the TotalEnergies group of 22 billion U.S. dollars through an arbitration proceeding. All of the defendants were acquitted, but the Nanterre Public Prosecutor's Office has reportedly indicated its intention to appeal. This case highlights the risks of manipulation surrounding arbitration and criminal proceedings.

The dispute stems from an oil exploration agreement entered into in 1992 between Elf Neftegaz, a Russian subsidiary of Elf Aquitaine (later acquired by TotalEnergies), and the local authorities of Volgograd and Saratov. This agreement never entered into force, and Elf notified its counterparty that the contract had lapsed. Nevertheless, in 2009, the Russian local authorities, together with the Russian company Interneft, initiated arbitration proceedings based on the arbitration clause contained in the 1992 agreement. The Russian parties sought more than 22 billion U.S. dollars, alleging that Elf Neftegaz had failed to fulfill its contractual obligations. Other, unsuccessful, legal actions had also been brought before French courts by André Guelfi – an intermediary used by Elf in the transactions in question – seeking payment of commissions (totaling 2 billion euros), and by the Russian Olympic Committee, acting on behalf of André Guelfi, seeking compensation of 276 million euros.

The formation of the arbitral tribunal itself was at the heart of the contested arrangement, allegedly carried out to ensure TotalEnergies' liability. Since Elf Neftegaz was a liquidated legal entity, it was necessary to appoint an ad hoc administrator to represent it in the arbitration proceedings. The Commercial Court had appointed the judicial administrator Charles-Henri Carboni, who in turn selected Jean-Pierre Mattei, a lawyer and former president

of the Paris Commercial Court, as the arbitrator representing Elf Neftegaz's interests, before the co-arbitrators appointed the tribunal's president, Andreas Reiner.

According to TotalEnergies, it had been unable to participate in this appointment on its own behalf. The oil major was all the more critical of this appointment because the arbitral tribunal was allegedly constituted even though the appointment of the court-appointed administrator had not yet been confirmed. According to TotalEnergies, it was due to these legal setbacks that André Guelfi allegedly initiated this arbitration proceeding in order to extract compensation from the company.

Despite the complaint filed by Total and the opening of a judicial investigation in May 2011, the arbitration proceedings continued. The arbitrators all resigned, and new ones were appointed. The proceedings ultimately resulted in a final award dismissing the Russian parties' claims.

Ultimately, seven people were referred to the Nanterre Criminal Court on separate charges. Lawyers Olivier Pardo and Xavier Cazottes, who represented the Russian parties, were charged – in addition to attempted fraud – for actively bribing an international arbitrator and actively bribing a public official – in this case, the court-appointed administrator Charles-Henri Carboni – who was accused of appointing Jean-Pierre Mattei despite knowing of his close ties to André Guelfi. Lawyer François Binet, a former contractor for TotalEnergies, was charged with attempted fraud due to alleged "double-dealing" that led him to maintain close ties simultaneously with the company and with Jean-Pierre Mattei. The prosecution had sought substantial sentences: five years in prison, including three years without parole, and a 500,000-euro fine for Jean-Pierre Mattei – described as the "front man" for André Guelfi's schemes – and sentences ranging from a two-year suspended sentence to three years in prison without parole for the other defendants.

In a ruling dated 19 March 2026, the Nanterre Criminal Court acquitted all seven defendants. The Court first noted that resorting to the courts, including arbitration, cannot in itself constitute fraud, while acknowledging that a proceeding may serve as a cover for a scam. It also found that the elements constituting the offense of fraud were absent, in that TotalEnergies was aware of the proceedings, participated in them, and had not been taken by surprise.

July 2026

The new 2026 International Chamber of Commerce Arbitration Rules

On 1 June 2026, the new ICC Arbitration Rules entered into force. The new Rules are intended to enhance efficiency, clarity and case management in international arbitration, while preserving the flexibility and procedural integrity expected by their users. Navacelle outlines their key features.

In 1922, the International Chamber of Commerce (ICC) has adopted Arbitration Rules which, it indicates, have established themselves as the most widely used set of institutional arbitration rules worldwide. Over the years, this text has undergone several revisions.

On 1 June 2026, a new version of these arbitration rules entered into force (the Rules), following the previous update of January 2021. The new Rules are the product of an extensive global consultation involving more than 1,400 delegates from over 90 countries, including the ICC Commission on Arbitration and ADR and the network of its national committees. They reflect the actual needs of businesses, arbitrators, counsel and State representatives, in order to ensure that ICC Arbitration continues to meet the requirements of the international community of arbitration users.

Against this backdrop, the new Rules introduce substantial changes and establish new principles. Among the principal innovations, they first strengthen the integrity and institutional governance of arbitration (I), then modernise the conduct of ordinary arbitral proceedings (II), and finally introduce new mechanisms designed to expedite dispute resolution (III). Beyond their procedural aspects, these developments could have significant consequences for practitioners (IV).

I. The new Rules strengthen institutional integrity and governance

On matters of independence, impartiality and confidentiality, the Rules extend the obligations imposed on the participants in an ICC Arbitration. They also make several adjustments to the institutional functioning of the ICC Court.

The obligations imposed on participants in the arbitral proceedings are extended

The new Rules pay particular attention to the obligations of independence, impartiality and confidentiality bearing on arbitrators. Article 12(2) maintains the disclosure obligation: in agreeing to serve, prospective arbitrators are required to disclose in writing to the Secretariat any facts or circumstances which might be of such a nature as to call into question their independence in the eyes of the parties. They must also disclose any circumstances that could give rise to reasonable doubts as to their impartiality.

The Rules add two important clarifications, previously set out only in the Note to Parties and Arbitral Tribunals on the Conduct of the Arbitration. First, any doubts the prospective arbitrator may have about whether to make a disclosure shall be resolved in favour of disclosure (Article 12(2)). Second, a disclosure does not, by itself, establish a lack of independence or impartiality (Article 12(4)).

Beyond the arbitrator's own disclosure obligations, Article 12(5) introduces a new structured mechanism for involving the parties in the disclosure process. When filing their Request, Answer or Request for Joinder, each party is required to submit to the Secretariat a list of persons and entities which they believe the prospective arbitrator should consider, together with the reasons supporting such consideration. This list complements the assessment, which the prospective arbitrator must carry out under Article 12(2), without however relieving the latter of the ultimate responsibility for disclosure. It will be incorporated into the case information document that the Secretariat compiles and forwards to prospective arbitrators.

The objective of these changes is clear. It is to ensure that relevant information circulates very early in order to prevent difficulties relating to the constitution of the arbitral tribunal. Indeed, Article 15(2) of the Rules maintains the obligation for parties to the arbitration to file any challenge within 30 days of the disclosure of the information underlying the challenge.

The Rules also continue to provide for arbitration without confidentiality by default. It is for the parties to agree on the possible confidentiality of their arbitration. The Rules nevertheless strengthen the arbitrator's confidentiality obligations. Article 12(8) of the Rules introduces a new explicit obligation on arbitrators: they are henceforth required to keep confidential all matters relating to the arbitration, unless such matters are already in the public domain, the parties have agreed otherwise, the applicable law so requires, or such disclosure is necessary to protect a right or to comply with disclosure obligations. The confidentiality obligations of the Court and the Secretariat remain unchanged, as does the tribunal's power to issue orders on confidentiality matters at the request of any party (Article 23(3)).

The Rules further extend these integrity standards beyond arbitrators alone. Article 44 enshrines the practice relating to the tribunal secretary: after consultation with the parties, the arbitral tribunal may appoint a tribunal secretary to assist it under its direction and control, without delegation of any jurisdictional or decision-making power. The tribunal secretary is subject to the same requirements of independence, impartiality and confidentiality as the arbitrators, and must sign a statement of acceptance, availability, impartiality and independence prior to their appointment.

Several institutional practices are now enshrined

While the obligations imposed on arbitrators constitute a first pillar of the integrity of arbitration, its proper functioning also depends on the solidity of the institutional bodies governing it. The new Rules thus also make several adjustments affecting the functioning of the Court's bodies.

First, Article 14(2) now provides that the Secretary General may refer to the Court a decision relating to the confirmation of an arbitrator, even in the absence of any objection, thus codifying existing practice.

Second, Article 16(5) relaxes the conditions under which the Court may decide to proceed with a truncated tribunal. Henceforth, this possibility is open as from the last hearing or the filing of the last substantive submissions, whichever is the later, in the event of an arbitrator's death or removal by the Court, without the need to await the formal closure of the proceedings as required under the previous regime.

II. A redesigned arbitral procedure for greater efficiency, clarity and readability

The 2026 Rules pursue an overall objective of procedural efficiency, clarity and readability. To this end, they simplify the early stages of the arbitral proceedings, make the conditions for issuing the award more flexible and lastly strengthen transparency in the costs regime.

The organisation of the arbitral proceedings is redesigned

The Rules first modernise the procedures for written communications. Article 3 enshrines the use of electronic means as the default mode for all communications in cases administered by the Court, whether the Request for Arbitration, the Answer, any Request for Joinder or the Answer to such Request. Hard copies remain authorised exceptionally, where the party making the submissions requests transmission with acknowledgement of receipt, or where electronic transmission is not practicable. This development is part of a broader dynamic of modernisation and efficiency, supported by the digital case management platform ICC Case Connect, developed with Opus 2, which provides parties and tribunals with a secure and centralised space for their exchanges and document sharing.

It thus aims to enhance procedural efficiency, alleviate the administrative burden and promote more streamlined case management, both for the parties and for the arbitrators and the Court's Secretariat.

Beyond this modernisation of communications, the Rules effect a more substantial transformation by removing the mandatory character of terms of reference (TOR).

Historically, the TOR performed three essential functions:

- **confirming the parties' consent to arbitrate,**
- **formalising the principal procedural agreements at an early stage,**
- **and defining the scope of the dispute.**

Their practical relevance has, however, diminished over time. The successive revisions of the Rules had gradually relaxed their regime, and tribunals themselves were increasingly inclined to defer the setting of a precise list of issues to be determined, regarded as premature at that stage of the proceedings.

Under the 2021 edition of the rules, the tribunal was required to prepare the TOR and transmit them to the Court within 30 days of the transmission of the file, a deadline frequently extended in practice. If a party refused to participate in their drafting or to sign them, the TOR were submitted to the Court for approval, which could slow down the proceedings.

Henceforth, TOR are no longer a necessary step in ICC proceedings, although arbitral tribunals retain the discretion to establish them where they consider it useful as a case management tool.

This approach builds on the Expedited Procedure Provisions (Expedited Procedure Provisions - EPP) introduced in 2017, under which TOR were already not mandatory: out of more than 1,000 cases administered under that framework, fewer than 25 tribunals chose to draw them up.

The removal of this formal step is, however, accompanied by the strengthening of another procedural tool.

The Case Management Conference (CMC) becomes the central procedural pivot.

Remaining mandatory under Article 24 and required to be held within 30 days of the transmission of the file to the arbitral tribunal, the CMC corresponds to the moment when the procedural timetable and the principal rules governing the proceedings will generally be set. Moreover, after this initial CMC, no party may introduce new claims without the authorisation of the arbitral tribunal, which shall then take into account the nature of the claims, the stage of the proceedings, any cost implications and any other relevant circumstances.

This reorganisation of the early stages of the proceedings is finally accompanied by greater flexibility in managing the arbitral timetable.

Article 34 of the 2026 Rules provides that the President of the Court shall fix, or subsequently extend, the time limit for rendering the final award, considering the procedural timetable or a reasoned request from the arbitral tribunal. This replaces the six-month time limit that traditionally applied by default from the last signature of the TOR. In practice, that time limit was rarely applied, the Court most often aligning itself with the procedural timetable to offer the parties greater visibility on the issuance of the award.

The conditions for issuing the arbitral award are made more flexible

The innovations of the 2026 Rules do not concern only the opening of the proceedings. They also affect their conclusion, by introducing greater flexibility in the conditions for issuing the award.

Regarding the signature and notification of the award, Article 38(1) introduces greater flexibility, which should also have the effect of shortening the duration of the proceedings. After consultation with the parties and considering all relevant circumstances, the arbitral tribunal may now sign the award by electronic means, sign in several original counterparts, and request the Secretariat to notify the award in hard copy or electronic form, or by any other means authorised by the applicable law.

The Rules also adjust the regime applicable following the issuance of the award. Thus, Article 39(1) extends from 30 to 45 days the time limit within which the arbitral tribunal may submit, on its own initiative, a correction of the award, in order to reflect the now established practice requiring it to first invite the parties' observations.

Transparency and predictability of costs are strengthened

Beyond procedural aspects, the Rules also seek to enhance the readability of the financial regime of ICC Arbitration. They thus improve the transparency and accessibility of information relating to the fees and costs of arbitration, the detail of which is henceforth set out in a separate document (Schedule of Fees).

In order to increase administrative efficiency, the Secretary General is entrusted with setting advances on costs and managing routine financial matters, while the Court retains exclusive jurisdiction to fix arbitrators' fees and administrative expenses.

Along the same lines, several provisions previously contained in the Note to Parties have also been incorporated into the Rules, in particular those relating to the process for accepting third-party payments and the conditions under which arbitrators may request advances on fees.

Lastly, on the tariff front, the scales of administrative expenses have been adjusted: on the one hand, they are reduced for disputes below USD 10 million, in line with the ICC's mission to ensure affordable access to justice. On the other hand, targeted upward adjustments have been introduced for larger disputes.

III. The Rules strengthen the mechanisms for prompt and efficient dispute resolution

The new Rules also seek to strengthen the mechanisms allowing for the prompt resolution of disputes. To this end, they enhance the existing expedited and emergency procedures (A) while introducing new instruments designed to foster an even faster resolution of certain disputes (B).

Existing procedures are streamlined

Regarding the expedited procedure, the 2026 Rules do not modify its fundamental features: default appointment of a sole arbitrator, award rendered within six months from the initial CMC, tighter procedural deadlines, limits on submissions and hearings, and overall costs lower than those of ordinary proceedings. The principal evolution lies in the raising of the threshold for the automatic application of the EPP, increased to USD 4 million for arbitration agreements concluded on or after 1st June 2026.

This raise is significant: in 2025, more than 40% of ICC cases did not exceed that amount, which appears to considerably broaden the range of disputes eligible for the expedited procedure. It also reflects the growing value of international commercial disputes and the confidence that businesses, States and State entities have developed in this procedure since its introduction in 2017, which,

to date, has given rise to more than 1,000 cases administered and nearly 600 awards rendered. The parties remain free, regardless of the value of the dispute, to opt in or out of the expedited procedure.

> *"to date, has 1,000 cases administered and nearly 600 awards rendered through the expedited procedure.*

Beyond the expedited procedure, the Rules introduce several adjustments to the Emergency Arbitration regime, and particularly an extension of its scope of application. While the previous regime limited this procedure to signatories of the arbitration agreement and their successors, the Rules now take into consideration the realities of international trade. They explicitly provide that emergency arbitrator proceedings may be initiated against the signatories of the arbitration agreement upon which the application is based, their successors, but also any party for which the President of the Court is satisfied, on the basis of the information contained in the application, that an arbitration agreement may bind such party.

The Rules also strengthen the effectiveness of this tool by expressly enshrining preliminary orders. At any stage of the emergency arbitrator proceedings, a party may now request a preliminary order directing another party not to frustrate the purpose of the application. Where circumstances so require, particularly where there is a risk of dissipation of assets or destruction of evidence, this request may be made and decided without prior notice to the other parties. Procedural safeguards nevertheless frame this mechanism: if the preliminary order is granted on a non-adversarial basis, the emergency arbitrator must immediately give all other parties the opportunity to present their position and retains the power to modify or revoke the order in light of subsequent submissions.

The Rules introduce new procedural tools

Beyond the intended improvement of the existing mechanisms, the 2026 Rules introduce several tools designed to foster a faster resolution of disputes. In this respect, they enshrine the early determination mechanism, previously described only in the Note to Parties and Arbitral Tribunals. In response to feedback from the international arbitration community and in order to remove any doubt as to the tribunals' power to resort to it, Article 30 now expressly provides that any party may apply to the arbitral tribunal for the early determination of one or more claims or defences, on the ground that they are manifestly without merit or manifestly outside the tribunal's jurisdiction.

The tribunal determines in its discretion whether to allow the application to proceed. In practice, it is generally allowed where only legal issues are at stake and dismissed where its resolution requires a substantial factual analysis. If it is allowed, the opposing party must have a reasonable opportunity to respond, and the tribunal then decides as promptly as possible. The award is reviewed by the Court, typically within one week of its receipt by the Secretariat.

> ***The reform goes still further by introducing a highly expedited arbitration (Highly Expedited Arbitration Provisions - HEAP), now governed by Annex VI of the Rules.***

Unlike the expedited or emergency procedures, HEAP does not apply by default: it is based on an opt-in mechanism, the parties being able to opt in either at the stage of drafting the arbitration clause or after the dispute has arisen. It is applicable irrespective of the amount in dispute.

HEAP is designed for simple commercial disputes or issues calling for swift resolution, typically in the technology, sports or purchase price adjustment sectors. Procedurally complex disputes are excluded; joinder and consolidation not being permitted.

The drive for acceleration is directly reflected at the procedural level. The dispute is decided by a sole arbitrator, appointed by the parties within 20 days of the receipt of the Request for Arbitration or, in the absence of agreement, directly by the Court. The procedure is accelerated from the outset: the Request for Arbitration must be accompanied by a Statement of Claim, and the Answer by a Statement of Defence, and both statements must be supported by the relevant evidence and legal authorities. The arbitrator has broad discretion to adopt the procedural measures required, notably by limiting subsequent submissions, excluding document production or deciding the case on documents only without a hearing. The award must be rendered within three months of the initial CMC, which must take place within seven days of the arbitrator's receipt of the file. This three-month time limit includes the review by the Court and the notification of the award to the parties.

This logic of efficiency is also reflected in the financial regime of HEAP, which adopts the same scale of costs as the expedited procedure, as well as in the possibility, specific to HEAP, of agreeing to an award without reasons. This option is presented by the ICC as a lever of efficiency, especially for low-value disputes. The parties will nevertheless need to anticipate potential enforcement difficulties in certain jurisdictions.

IV. The revised Rules call for a reconsideration of certain practices

While these developments primarily address an objective of procedural efficiency, they could have significant consequences for all users of ICC Arbitration. While it is difficult to anticipate them all, three areas appear from the outset to merit particular attention:

- **the new regime for new claims could lead the parties to anticipate the scope of the dispute earlier;**
- **the raising of the threshold of the expedited procedure and the introduction of HEAP invite a reconsideration of arbitration clauses and their drafting;**
- **lastly, the new disclosure obligations strengthen the checks relating to the independence of arbitrators.**

Parties will likely need to anticipate the scope of the dispute earlier

The new regime applicable to new claims after the first CMC (Article 25) could reinforce the need to anticipate the scope of the dispute as soon as the proceedings are opened.

In practice, some parties may have hitherto been inclined to draft Requests for Arbitration without necessarily having all the ins and outs of the dispute, in particular as regards the assessment of damages. Indeed, various considerations may motivate a party to commence proceedings quickly. They would then refine their claims, notably when drafting the Terms of Reference. As the latter occurred only thirty days after the transmission of the file to the arbitral tribunal (such transmission itself occurring a few months after the filing of the request for arbitration due to the time required to constitute the arbitral tribunal), they thereby enjoyed several months to revise their position if necessary.

Henceforth, with the disappearance of the Terms of Reference and the rule that no new claim may be introduced after the CMC without the authorisation of the arbitral tribunal, parties may have an interest in identifying earlier and more precisely the heads of claim that they may need to develop, in order to avoid any debate as to the introduction of what may be characterised as new claims.

This development could be particularly sensitive in cases where certain claims depend on complex analyses requiring, for example, the gathering of evidence or the involvement of experts, and the parties must prepare for this with their counsel.

Arbitration clauses may need to be revised in view of the new expedited mechanisms

According to the ICC, had the raising to USD 4 million of the threshold for automatic application of the expedited procedure now in force since 1 June 2026 been applicable to cases filed in 2025, it would have concerned more than 40% of ICC cases. With this raise, the expedited procedure is thus on track to become the norm. This should lead to a significantly larger number of disputes being submitted by default to a tighter format, characterised by short procedural deadlines, limited submissions and the default appointment of a sole arbitrator.

Parties must therefore consider, when drafting (or revising) the arbitration clause, the relevance of the expedited procedure to resolve the disputes they can anticipate. They may in particular wish to opt out of this regime for disputes below this new threshold, especially where the contractual relationship is liable to give rise to complex disputes.

The introduction of HEAP calls for a similar reflection. As an opt-in mechanism, the question for counsel in charge of drafting arbitration clauses is for what type of dispute it is appropriate to retain this mechanism. The parties may therefore provide in their arbitration clause that any dispute will be submitted to HEAP, where the disputes likely to arise out of the contract are circumscribed and unlikely to require extensive evidence-taking. By contrast, the condensed format of HEAP, characterised by an award rendered within three months, the possibility of deciding on documents and the exclusion of joinder and consolidation, may seem ill-suited to disputes that may involve, for example, a corruption or fraud component, the characterisation of which often requires a thorough factual examination, frequently supported by expert evidence.

The hunt for conflicts of interest, via disclosure, now falls within a new due diligence

The new Article 12(5), providing for the establishment by the parties of a list of entities they consider should be taken into consideration by the prospective arbitrators in assessing their independence, calls on the parties to perform a due diligence exercise which the earlier versions of the Rules did not require of them.

Establishing this list should indeed involve a mapping exercise of the persons and entities likely to have a connection with the prospective arbitrators, whether the parties themselves, their affiliates, their counsel or, where applicable, third-party funders.

This due diligence exercise will certainly have to be carried out seriously. Where a party submits an incomplete list, it can be anticipated that courts will take this shortcoming into account when reviewing the awards submitted to them. The fact that the French courts, for example, already rely on the Rules as well as on the Note to Parties to decide an allegation of partiality or dependence of an arbitrator effectively calls for such consideration.

Criminal justice

NAVACELLE

Bastille Day

NAVACELLE Focus

A year of criminal justice:
major criminal trials from July 2025 to July 2026

Navacelle looks back at the criminal trials held in France that made headlines for their legal, political, social, or criminal significance.

July 2026

The Lafarge case: First conviction of a French company for financing terrorist groups in Syria.

This trial of the Lafarge company and several of its former executives for financing terrorist groups in Syria has attracted international attention and sets an important precedent by demonstrating that providing financial support to criminal organisations in war zones can lead to prosecution.

Investigation

- A judicial inquiry was opened in 2016, following a **complaint lodged on 15 November 2016 by the organisations Sherpa, ECCHR and 11 former employees** of Lafarge Cement Syria (LCS).
- Regarding Lafarge SA's **continued operations in Syria in 2013 and 2014**, through a Syrian subsidiary, by paying several million euros to **jihadist groups** in the form of donations, taxes and tolls.

Trial

- November to December 2025, before the 16th Criminal Chamber of the Paris Judicial Court.
- Appearance of nine defendants, including the corporate entity LAFARGE SA, for offences relating to the financing of a terrorist enterprise.
- Appearance of five of them on charges of failing to comply with an international measure restricting economic and financial relations with foreign countries.

Sentencing

13 April 2026

Individuals (8 people):
- from 18 months to 7 years' imprisonment,
- record fines,
- including **former CEO** Bruno Lafont, who was sentenced to 6 years' imprisonment with **immediate incarceration** and the maximum statutory fine of €225,000.

Lafarge SA:
- maximum statutory fine of €1,125,000,
- customs fine of €4,570,000 (jointly and severally with four defendants),
- significant confiscation orders were made, although they did not reach the €30 million sought by the National Anti-Terrorism Prosecutor's Office (PNAT).

Upcoming legal proceedings

- Appeal.
- On 26 May 2026, release under judicial supervision of two former Lafarge group executives pending the appeal hearing.
- Ongoing judicial investigation into allegations of crimes against humanity.

Impacts

- **First conviction of a French company for terrorism financing offences.**
- **A landmark precedent regarding multinational corporate liability: international significance due to the accountability of companies for their economic and financial management in war zones.**
- **Significant media coverage due to the immediate imprisonment of the two former executives.**
- **The case fuelled debate over the responsibility of companies that maintained economic relations with terrorist organisations, including the Islamic State group, at a time when it was planning or carrying out terrorist attacks in Europe.**

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July 2026

Appeal proceedings in the Libyan campaign financing case: the second chapter in a major state affair.

This trial concerns allegations of illegal funding of Nicolas Sarkozy's 2007 presidential campaign by Muammar Gaddafi's regime in exchange for diplomatic, economic and judicial advantages. The stakes of the appeal are considerable both personally and institutionally, given that the former Head of State was imprisoned for 20 days following the first instance judgment, despite having lodged an appeal on the merits of the case.

Investigation

- Nicolas Sarkozy was placed under formal investigation in 2018 for **passive corruption, receiving stolen goods** (concealment of the misappropriation of Libyan public funds) and **illegal election campaign financing**.
- Evidence came to light suggesting that funds had been provided by senior Libyan officials to Nicolas Sarkozy in exchange for his promise to review the arrest warrant issued against Abdallah Senoussi, a key figure in Muammar Gaddafi's regime and the mastermind behind the 1989 bombing of UTA Flight 772.
- Nicolas Sarkozy was **sentenced at first instance** to five years' imprisonment, with a deferred prison order and provisional enforcement (along with a fine of 100,000 euros, a five-year ban on holding public office, and deprivation of civil, civic and family rights, limited to the right to stand for election, for five years, to be enforced provisionally), for criminal conspiracy, for which the prosecution had sought a seven-year sentence. He was acquitted of the other offences.

Trial

March to May 2026

- **Nine co-defendants were tried** during this appeal hearing, including Nicolas Sarkozy's close associates Claude Guéant and former Interior Minister Brice Hortefeux.
- **Change of story by former aide Claude Guéant**, who claims that Nicolas Sarkozy was water of his meeting with Abdallah Senoussi.

Sentencing

Submissions by the Prosecutor General's Office (13 May 2026)

- The prosecution's submissions **relate not only to criminal conspiracy but also to corruption, illegal campaign financing and concealment** of the **misappropriation of public funds**.
- Nicolas Sarkozy : 7 years' imprisonment, a fine of €300,000 and 5 years of ineligibility for public office.
- Brice Hortefeux : 4 years' imprisonment, including 2 suspended years.
- Claude Guéant : 6 years' imprisonment and a €100,000 fine.

Upcoming legal proceedings

Decision expected on 30 November 2026.

Impacts

- **First time a former French President has been imprisoned under the Fifth Republic.**
- **Extensive media coverage and publication of a book by the former Head of State about his detention following his conviction at first instance.**
- **The Prosecutor General's Office has once again sought a conviction for Nicolas Sarkozy on all the charges brought against him, despite his partial acquittal at first instance.**

NAVACELLE
Focus

A year of criminal justice:
major criminal trials from July 2025 to July 2026

Navacelle looks back at the criminal trials held in France that made headlines for their legal, political, social, or criminal significance.

July 2026

Marine Le Pen's appeal trial:
alleged misuse of European funds and eligibility issue ahead of the 2027 presidential election.

In January and February 2026, Marine Le Pen appeared on appeal in the case concerning the European Parliament assistants of the National Front (now National Rally), relating to the alleged improper use of European Parliament funds. Beyond the issue of the defendants' criminal liability, the proceedings carry major political significance due to their potential consequences for Marine Le Pen's eligibility to stand in the 2027 presidential election.

Investigation

- March 2015: referral of the matter to the European Anti-Fraud Office (OLAF) by the President of the European Parliament.
- June 2017: Marine Le Pen was placed under formal investigation for misappropriation of public funds.
- The investigation concerns the alleged use of European Parliament funds to pay parliamentary assistants of the National Front/National Rally, who allegedly performed duties primarily benefiting the party rather than parliamentary work (estimated loss: €1.4 million to €3.2 million).
- The National Rally and 25 defendants were referred to trial before the Paris Criminal Court. Marine Le Pen is presented as the instigator of the scheme.

Trial

- **March 2025:** Convicted at first instance of Marine Le Pen and sentenced to 4 years' imprisonment, including 2 years under electronic monitoring, a €100,000 fine and a 5 year ban on standing for public office, with immediate enforcement pending appeal.
- 12 defendants including Marine Le Pen lodged an appeal against the decision.
- **13 January to 12 February 2026:** Appeal hearing before the Court of Appeal.

Sentencing

On 7 July 2026

- From 6-month suspended sentence to 3 years' imprisonment, including 2 years suspended, fines and additional sentences, including ineligibility periods.
- Following the offenses of:
  - misappropriation of public funds by MEPs,
  - use of the proceeds of this offense by parliamentary assistants,
  - accomplices to this offense for certain National Rally leaders,
- For Marine Le Pen: 3 years in prison, including 2 suspended sentence, and 1 with electronic monitoring, a fine of 100,000 euros, and 45 months' ineligibility, including 30 months suspended sentence. The period of ineligibility began on the date the judgment was handed down (31 March 2025) and has now been fully served.
- For the National Rally: a fine of 2 million euros, including 1 million euros in principal, and the confiscation of 1 million euros (same penalties as decided by the judgement) for use of the proceeds of habitual misappropriation of public funds by a legal entity.

Upcoming legal proceedings

- Louis Aliot has expressed his intention to lodge an appeal to the Court of Cassation.
- Marine Le Pen also announced that she would file an appeal with the Court of Cassation and run in the presidential election.
- Other defendants and general prosecution office could follow until 17 July 2026.

Impacts

- **Highly publicized case due to strong criticism expressed by Marine Le Pen and her supporters against the judiciary and the first-instance decision.**
- **By considering that the period of ineligibility has been fully served, the Court of Appeal does not prevent Marine Le Pen from standing in the 2027 presidential election.**
- **A landmark case highlighting the issues surrounding the monitoring of the use of European funds and the criminal liability of politicians in the management of public resources.**

NAVACELLE Focus

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July 2026

Appeal trial for the murder of Samuel Paty: the judicial reckoning of a national trauma.

On 16 October 2020, Samuel Paty, a history and geography teacher, was stabbed to death and beheaded near his school by an Islamist terrorist of Chechen origin. While the perpetrator of the attack was shot dead by the police shortly afterwards, the appeal proceedings concerned the responsibility of several individuals accused of having participated in the campaign of denunciation that preceded the attack. The stakes of the case extend beyond individual criminal liability and raise broader questions regarding the ability of public institutions to respond to radicalisation, threats to the freedom to teach and the terrorist threat.

Investigation

- 16 October 2020: the National Anti-Terrorism Prosecutor's Office (PNAT) opened an investigation into murder in connection with a terrorist enterprise and terrorist criminal conspiracy following the assassination of Samuel Paty.
- October 2020: anti-terrorism investigating judges were appointed and a judicial investigation was opened to determine the circumstances surrounding the preparation of the attack, as well as any accomplices and support networks that may have assisted the perpetrator.
- Several individuals were placed under formal investigation, including Brahim Chnina, a parent who initiated a campaign against the teacher on social media, and Abdelhakim Sefrioui, an Islamist activist, for their alleged role in the events leading up to the attack.
- The investigation revealed exchanges between Brahim Chnina and Abdoullakh Anzorov in the days preceding the murder, as well as the dissemination of content that contributed to Samuel Paty being singled out as a target.
- May 2023: the judicial investigation was closed and the defendants were committed for trial before the Special Criminal Court and the Juvenile Court, depending on their age at the time of the events.

Trial

November-December 2023: trial of the juvenile defendants before the Paris Juvenile Court.
Conviction for their involvement in the events leading up to the murder of Samuel Paty.

- six secondary school pupils for **false accusation**
- **for criminal conspiracy,** in the case of the youths who helped the terrorist identify the victim in return for payment

November-December 2024: trial of eight adult defendants.
Conviction of Brahim Chnina and Abdelhakim Sefrioui.

- Brahim Chnina sentenced 13 years' imprisonment
- Abdelhakim Sefrioui sentenced 15 years' imprisonment

January 26-February 27, 2026: appeal trial before the Paris Special Court of Appel.

Sentencing

On 2 March 2026

Confirmation of the convictions of Brahim Chnina and Abdelhakim Sefrioui for **terrorist criminal conspiracy**.

- Brahim Chnina: reduction of sentence to 10 years imprisonment.
- Abdelhakim Sefrioui: confirmation of the 15 years prison sentence.

Impacts

- **A landmark case highlighting the challenges posed by online radicalisation, the role of social media in the dissemination of hate campaigns ("digital fatwa"), and the criminal liability of those who instigate them.**
- **Confirmation of the judicial approach according to which a terrorism offence may be established through a decisive causal contribution to a criminal enterprise, even in the absence of physical contact or direct participation in its execution.**
- **A case of major symbolic significance for the protection of the freedom to teach, freedom of expression and republican values in the face of intimidation and radicalisation.**

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July 2026

Trial of alleged DZ Mafia leaders: justice confronts the rise of organised drug crime in Marseille.

The trial of the alleged perpetrators of a double murder committed in 2019 in a hotel in the Bouches-du-Rhône department constitutes one of the first major criminal proceedings targeting individuals presented as central figures of the DZ Mafia, a criminal organisation associated with drug trafficking in Marseille.

Investigation

- On 30 August 2019, two men were found shot dead in a hotel near Marseille.
- A judicial investigation was subsequently opened into organised gang murders in order to identify both the perpetrators and any individuals suspected of having ordered the killings.
- Background: **rivalries within the drug trafficking network**.

Trial

- March to April 2026 – Special Criminal Court of Bouches-du-Rhône sitting in Aix-en-Provence.
- The trial was conducted under enhanced security measures owing to the profile of the defendants and the organised crime context of the case.
- Numerous incidents occurred during the hearings, with insults and verbal abuse emanating from the defendants' dock.

Sentencing

14 April 2026

- Zaineddine Ahamada, presented as the gunman, Gabriel Ory, regarded as a prominent figure within the DZ Mafia, and two individuals accused of having ordered the double murder were sentenced to 25 years' imprisonment.
- Adrien Faure, prosecuted as an accomplice to the shooter, was sentenced to 15 years' imprisonment.
- One acquittal.

Upcoming legal proceedings

- The Prosecutor General's Office lodged an appeal both the convictions handed down and the acquittal. Gabriel Ory also expressed his intention to appeal his conviction.
- On 9 June 2026, Gabriel Ory was taken into police custody on suspicion of preparing violent acts and planning an escape.

Impacts

- **The case also carries symbolic significance insofar as it resulted in the conviction of alleged organisers and criminal leaders of the DZ Mafia, rather than merely those who carried out the killings.**
- **The murder was committed before the DZ Mafia had been established and revealed the rise to power of certain key figures in Marseille's drug-related organized crime.**
- **The incidents that occurred during the hearings sparked a debate over the balance between safeguarding defence rights, compliance with professional ethical standards and the proper conduct of organised crime trials, placing defence lawyers and judges at odds and leading to the opening of an ethics inquiry into the defendants' counsel.**

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July 2026

Appeal trial for the Rio-Paris flight crash:
the criminal liability of aviation stakeholders at the heart of a landmark legal case.

On 1 June 2009, Air France flight AF447 from Rio de Janeiro to Paris crashed into the Atlantic Ocean, killing all 228 people on board. Seventeen years after the events, the appeal proceedings represent a major step in determining criminal liability in connection with one of the most serious air disasters in French aviation history. Beyond the technical causes of the accident, the proceedings focus on the alleged shortcomings attributable to Air France and Airbus regarding the management of Pitot tube failures, the information provided to crews and their training in situations involving the loss of airspeed indications.

Investigation

- A judicial investigation was opened in June 2009 into involuntary manslaughter.
- The investigation established that the Airbus A330 lost control while flying through an area of unstable weather conditions, following the icing of the Pitot tubes, which resulted in the loss of available airspeed information for the crew.
- March 2011: **Airbus and Air France** were placed under formal investigation for **involuntary manslaughte**r.

Trial

- October 2022: opening of the first-instance trial before the Paris Criminal Court.
- April 2023: acquittal of Airbus and Air France at first instance. The prosecution had indicated that it was unable to seek a conviction, in the absence of proof of a sufficiently established causal link.
- Appeal lodged by the Paris Prosecutor General's Office against the acquittal decision.
- November 2025: appeal hearing before the Paris Court of Appeal.

Sentencing

May 2026

- Conviction of Air France and Airbus for involuntary manslaughter, with the Paris Court of Appeal finding that the two companies bore criminal responsibility due to **shortcomings in crew training** regarding Pitot tube icing situations, as well as an **underestimation of the seriousness of failures affecting these systems**, which contributed to the occurrence of the accident.

Upcoming legal proceedings

Appeal to the Court of Cassation.

Impacts

- **Major reversal in the prosecution's position on appeal.**
- **Historic criminal conviction of Air France and Airbus nearly seventeen years after one of the deadliest air disasters in recent French aviation history.**

NAVACELLE Focus

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July 2026

Patrick Balkany convicted of misappropriation of public funds:
a new judicial chapter in the career of a former elected official already convicted.

In April 2026, two separate cases concerning the alleged improper use of public resources for personal purposes or for the benefit of relatives were examined by the Nanterre Criminal Court against Patrick Balkany, former mayor of Levallois-Perret, who had already been convicted notably for unlawful taking of interests and tax fraud.

Investigation

- 2016: opening of an investigation into several suspected breaches of probity in the management of public resources linked to the municipality of Levallois-Perret.
- First case: investigation into the use of funds from an association subsidised by the municipality, amounting to approximately €300,000, to supplement the remuneration of the city's former director of economic development.
- Second case: investigation into the assignment of municipal police officers to duties considered unrelated to their official functions, including private chauffeur services for Patrick Balkany and members of his entourage.

Trial

- April 2026 – Nanterre Criminal Court.
- During the hearing, Patrick Balkany denied the allegations and described the proceedings as a "judicial farce".

Sentencing

28 May 2026

- First case: 15 months' imprisonment and a €350,000 fine.
- Second case: 3 years' imprisonment, a €500,000 fine, together with an additional 10-year ban on standing for public office and a 5-year prohibition from holding employment in the public service.

Upcoming legal proceedings

Patrick Balkany lodged an appeal against the decision.

Impacts

- **A highly publicised case, contributing to broader debates regarding public confidence in elected officials and the standards of probity required in the management of public funds and resources.**
- **The appeal raises particular issues given Patrick Balkany's age and the potential enforcement of a custodial sentence, including through the issuance of a committal order.**

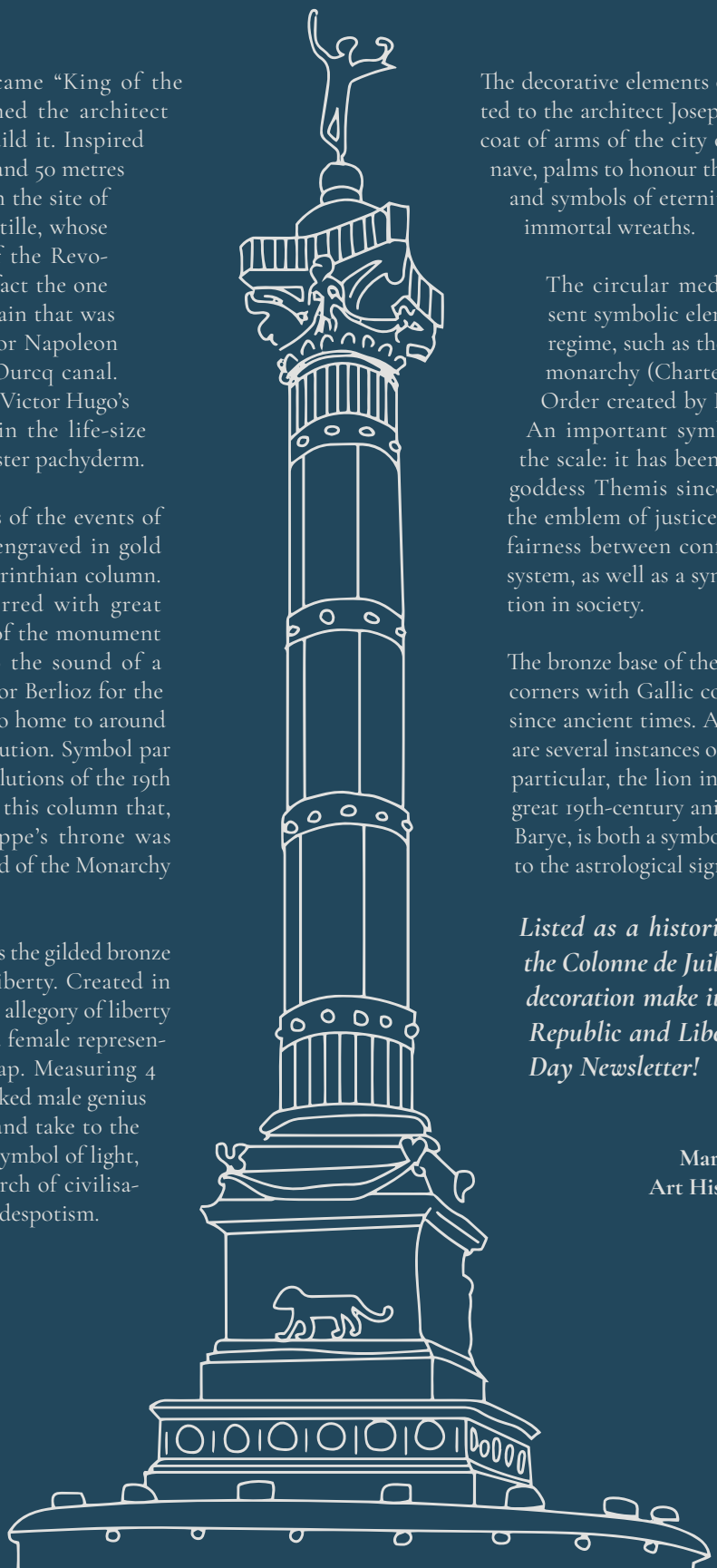
Bastille : The July Column

Since 1840, the July Column has stood in the center of Place de la Bastille in Paris. It commemorates the "Three Glorious Days", the three days of the July Revolution of 1830 that ended the reign of King Charles X and ushered in the July Monarchy.

Louis-Philippe Ist, who became "King of the French people", commissioned the architect Jean-Antoine Alavoine to build it. Inspired by Trajan's Column in Rome and 50 metres high, it was erected in 1835 on the site of the former fortress of the Bastille, whose destruction was a symbol of the Revolution of 1789. Its base is in fact the one of the elephant-shaped fountain that was originally planned by Emperor Napoleon 1st above the waters of the Ourcq canal. Gavroche, the street urchin in Victor Hugo's novel Les Misérables, lives in the life-size model of this wooden and plaster pachyderm.

The names of the 504 victims of the events of 27, 28 and 29 July 1830 are engraved in gold letters on the shaft of this Corinthian column. Their remains were transferred with great fanfare in 1840 to the crypt of the monument when it was inaugurated to the sound of a symphony composed by Hector Berlioz for the occasion. The necropolis is also home to around 200 victims of the 1848 Revolution. Symbol par excellence of the Parisian revolutions of the 19th century, it was at the foot of this column that, ironically, King Louis-Philippe's throne was burnt in 1848, bringing the end of the Monarchy in France.

At the top of the column shines the gilded bronze sculpture of the Genius of Liberty. Created in 1836 by Auguste Dumont, this allegory of liberty breaks with the tradition of a female representation wearing a Phrygian cap. Measuring 4 metres tall, this athletically naked male genius is about to spread his wings and take to the skies. Crowned with a star, a symbol of light, he carries in his hands the torch of civilisation and the broken chains of despotism.



The decorative elements of the Column were entrusted to the architect Joseph-Louis Duc. It features the coat of arms of the city of Paris with its unsinkable nave, palms to honour the martyrs of the Revolution and symbols of eternity such as oak branches and immortal wreaths.

The circular medallions on the base represent symbolic elements of the July Monarchy regime, such as the principle of constitutional monarchy (Charter of 1830) or the decorative Order created by Louis-Philippe (July Cross). An important symbol of the July Column is the scale: it has been the attribute of the Greek goddess Themis since Antiquity, and therefore the emblem of justice. The scales are a symbol of fairness between conflicting parties in the legal system, as well as a symbol of balance and proportion in society.

The bronze base of the Column is decorated at the corners with Gallic cockerels, a symbol of France since ancient times. As well as the cockerel, there are several instances of the lion on the Column. In particular, the lion in relief on the plinth, by the great 19th-century animal sculptor Auguste-Louis Barye, is both a symbol of strength and a reference to the astrological sign for the month of July.

Listed as a historic monument since 1995, the Colonne de Juillet's location, history and decoration make it a timeless symbol of the Republic and Liberty…and of our Bastille Day Newsletter!

Marie-Claire Doumerg Grellier,
Art History teacher and tour guide

About us

Navacelle is a Paris-based disputes firm with extensive experience in cross-border matters. The firm has been representing and assisting clients for over fifteen years in the fields of white-collar crime, investigations, compliance, risk management, crisis management, governance, sanctions, export-control, complex litigation and arbitration.

The team advises and supports boards, committees and management bodies facing difficult choices during the implementation, review and audit of ethics and compliance programs. In addition to liability issues, the firm advises clients on conflicts of interest, whistle-blowing and reputational risk management.

We represent our clients in multi-jurisdictional investigations conducted by judicial, civil and administrative authorities, considering particularities such as the plurality of investigations, the existence of international judicial cooperation, the protection of individual rights and the processing of evidence on an international scale.

Navacelle conducts internal investigations to deal with any type of alert received, and also carries out reviews to assess compliance systems and controls. We offer compliance bespoke training courses, tailored to our clients' needs.

> *We are lawyers, trained to the highest professional and ethical standards, at our clients' disposition.*
>
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NAVACELLE *Publications*

Addressing Corruption Allegations in Arbitration Disputes

Through a series of interviews and comparative analysis, this guide co-edited by PPU Legal and Navacelle and with the contribution of numerous experts from around the World, aims to highlight the different approaches adopted by arbitrators and state courts in addressing corruption allegations.

Weekly press review

Each week, Navacelle interns review the latest legal news of the week in France in a press review, presenting recent court decisions, new regulations or notable cases in the fields of compliance, ethics and white-collar crime.

Stay informed

NAVACELLE *Training Programs*

Certification Training in Internal Investigations

Fourth session at EFB for 2026-2027

The Paris Bar School continuing legal education program offers French lawyers, judges and in-house lawyers a unique qualifying training course on the practice of internal investigations, designed and led by a Navacelle team with the participation of experts.

Thanks to a concrete approach focused on the development of specific professional skills, this training course aims to establish best practices in internal investigations, to provide participants with tools for designing, conducting and understanding the consequences of internal investigations. Additionally, it aims to discuss various practices, expectations in this field and comprehend various challenges related to internal investigations.

Customized training

Practical training sessions built around real-life case studies, investigation simulations, crisis-management exercises and lessons learned.

- Practical aspects of internal investigations
- Whistleblowing management and handling of reports
- Compliance programmes: how to design and implement an effective framework
- Anti-corruption and conflicts of interest awareness training
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- Information management in investigations
- CJIPs (French *Deferred Prosecution Agreements*): lessons learned and best practices
- Sapin II Law: practical experience and AFA audits
- Anti-corruption: legal obligations, internal controls and best practices
- Managing an AMF investigation
- Implementing corporate due diligence obligations
- Civil and criminal liability of directors and officers
- From due diligence to integration: managing compliance risks in M&A transactions

NAVACELLE

60 rue saint-Lazare, 75 009 Paris - France
info@navacelle.law
+33 1 48 78 76 78