

THE GLOBAL REGULATORY DEVELOPMENTS JOURNAL

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European Taskforce Is Fit to Fill Gap Amid U.S. Pause on Anti-Corruption Enforcement

Craig Dukin, David Hoffman, Kristin Graham Koehler,
Joan Loughnane, Lisa Miller, Kenneth Polite,
Daniel Rubinstein, and Yuet Ming Tham*

In this article, the authors discuss the creation of an International Anti-Corruption Prosecutorial Taskforce aimed at strengthening collaboration among the United Kingdom, France, and Switzerland in their anti-bribery and anti-corruption enforcement efforts.

British, French, and Swiss law enforcement authorities have formed the International Anti-Corruption Prosecutorial Taskforce, aimed at strengthening collaboration among the three European nations in anti-bribery and anti-corruption enforcement efforts. Through this alliance, the countries intend to share strategic insights and cooperate on the investigation and prosecution of cross-border crime.

This development took place shortly after the White House issued an executive order (EO) putting a pause on new anti-corruption investigations by the U.S. Department of Justice (DOJ). The new taskforce has the potential to counteract a possible decline in anti-corruption enforcement under the current U.S. administration. Critically, the taskforce serves as an example of why it is essential for companies to continue their anti-corruption compliance efforts despite the White House's recent EO.

The White House's EO Pausing New FCPA Investigations

The announcement of the new European taskforce came on the heels of the White House's February 10, 2025, EO pausing the initiation of new investigations or enforcement actions under the Foreign Corrupt Practices Act (FCPA), the robustly enforced U.S. law that criminalizes bribery of foreign government officials. The

pause will last at least 180 days while Attorney General (AG) Pamela Bondi reviews the DOJ's FCPA cases, policies, and guidelines.

The FCPA EO requires the AG to review all existing investigations or enforcement actions to "restore proper bounds on FCPA enforcement." During the 180-day pause, the DOJ will not initiate any investigations or enforcement actions unless the AG makes an individual exception. The EO also empowers the AG to assess past FCPA enforcement actions and take remedial measures regarding previous actions deemed "inappropriate." According to the administration, the rationale behind the EO is to increase American competition abroad and improve national security through business advantages. Since the EO, multiple FCPA cases against individuals pending trial have been continued, and at least one FCPA monitorship has been terminated earlier than scheduled.

The United States has historically led anti-corruption enforcement internationally with robust and often aggressive enforcement of the FCPA. Indeed, the FCPA's international reach has led to partnership with foreign law enforcement authorities (including those in the countries that are part of the new taskforce) in investigating and prosecuting corruption cases. The White House's pause left multiple questions open, including whether other countries would enhance their own anti-corruption enforcement efforts to fill a potential void created by the EO.

The New European Anti-Corruption Taskforce

The UK's Serious Fraud Office, France's Parquet National Financier, and the Office of the Attorney General of Switzerland statement announcing the creation of the International Anti-Corruption Prosecutorial Taskforce recognized the international threat posed by bribery and corruption and affirmed the three countries' commitment to jointly combat that threat.

The agreement among the European authorities promises to create a "Leaders' Group" to exchange "insight and strategy" and a "Working Group" to create proposals for cooperation on cases. The authorities further pledge to share best practices and deliver a "strengthened foundation for seizing opportunities for operational collaboration." The agreement also states the agencies' intention to invite "like-minded" agencies to join the taskforce, signaling the potential for other countries to partner on investigations and

recommit to their respective corruption prosecution efforts and may spur an uptick in use of Joint Investigative Teams (JITs), which have gained popularity in Europe in recent years. JITs enable law enforcement agencies in different countries to directly exchange information and evidence in real time, reducing operational delays that can otherwise occur.

The creation of the taskforce should serve as a reminder that anti-corruption enforcement remains a top priority internationally, despite the U.S.'s pause of the FCPA. Additionally, given the jurisdictional reach of the three European countries' anti-corruption laws, as shown in Table 1, the taskforce is an example of why it is essential for companies to maintain their anti-corruption compliance efforts.

Table 1. Overview of Key Laws in France, the United Kingdom, and Switzerland			
	France	United Kingdom	Switzerland
Law(s) Prohibiting Bribery of Foreign Officials	Sapin II (Law No. 2016-1691); French Criminal Code	Bribery Act of 2010; Economic Crime and Corporate Transparency Act (ECCTA)	Swiss Criminal Code (SCC, Classified Compilation 311.0.), Article 322 ^{septies}
Jurisdiction	Applies to companies based in or operating in France that employ at least 500 persons or companies within a group of companies that employs at least 500 persons worldwide and whose parent company is located in France; the company must also reach sales of more than €100 million.	The Bribery Act applies to conduct committed in the United Kingdom, and to UK citizens, residents, and companies, or those with a “close connection” to the United Kingdom, regardless of where the crime was committed; includes commercial organizations that have a business presence in the United Kingdom regardless of being incorporated in the United Kingdom.	Regulated by general provisions regarding Swiss jurisdiction over felonies. Applies to acts committed in Switzerland, by a Swiss citizen, or with a sufficient link to or effect on Swiss territory.

	France	United Kingdom	Switzerland
		The ECCTA similarly applies to potentially extraterritorial conduct having an impact in the United Kingdom but its failure to prevent fraud offense applies only to companies that satisfy two of the three following criteria: more than 250 employees, €36 million in revenue, or a balance sheet over €18 million.	
Liability for Both Demand and Payment of Bribe	Yes	Yes	Yes

Compliance Incentives	France Law requires certain French companies (and subsidiaries) to undertake risk assessments and invest in internal accounting controls; law incentivizes third-party risk management and internal reporting mechanisms; for companies not required to implement a compliance program, relevant guidelines include effective compliance programs as a favorable factor in settlement.	United Kingdom The United Kingdom has a criminal offense of failing to prevent bribery by a commercial organization. A commercial organization charged with the failure to prevent bribery offense has a complete defense if it can show that it had adequate procedures in place throughout the organization to prevent persons associated with it from undertaking acts of bribery to benefit the organization. Adequate procedures should include a top-level commitment to compliance, risk assessments, due diligence, communication of procedures, training, and ongoing monitoring.	Switzerland An effective compliance program can help reduce the risk of any criminal liability for a corporation if it is deemed to have taken all reasonable organizational measures that were required to prevent the offense at issue.
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