

Sapin II Law

What are the latest developments?

The law No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernization of the economy, called “*Sapin II law*”, provides a legal framework to fight corruption.

1. Recommendations of the French Anticorruption Agency (“AFA”)¹

Since its creation, the AFA opened a public consultation on the three following draft recommendations intended for companies required to implement the Sapin II law:

- the preparation of a risk mapping (definition and objectives of the risk mapping, features, six-step methodology);
- the implementation of an anticorruption code of conduct (content, scope of application, forms, articulation with internal rules, update);
- the implementation of an internal whistleblowing system (objectives, articulation with legal provisions applicable to whistleblowers, operational implementation).

2. AFA’s next recommendations

The AFA provides for the elaboration of a second set of recommendations that will be made public in November 2017. This second set will include:

- counterparty due diligence procedures;
- accounting control procedures;
- the implementation of training programs;
- the control and assessment of anticorruption measures implemented.

The AFA further indicates that “*this second publication will provide [...] precisions on the perimeter of article 17 as well as on the application of the anticorruption tool-kit for organizations with limited human and material resources*”. This public consultation will end within a month of the second publication [November 2017].

3. First information requests by the AFA

On 10 October 2017, the director of the AFA issued “*mission statements identifying the first companies subject to a control of the AFA on the implementation of an anticorruption compliance program defined by the [Sapin II] law*”. These first controls only concern “*economic players*”, the program to control public players being to be adopted by the AFA at the beginning of 2018.

4. International cooperation of the AFA

As regards international cooperation, the AFA “*actively [participates] in the works of international organizations*” and “*may conclude cooperation agreements with foreign authorities engaged in similar missions for the prevention of corruption*”. As part of these efforts, the AFA “*regularly [receives] foreign delegations*”.

If you have any questions or comments in relation to the above, please contact the authors or your usual Mayer Brown contact.

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¹ <https://www.economie.gouv.fr/afa>

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