

## **Serious Fraud Office and Airbus SE**

### Discontinuance of proceedings on expiry of deferred prosecution agreement

#### **Details of compliance**

1. This information is published in accordance with paragraph 11(8) of Schedule 17 to the Crime and Courts Act 2013.

2. On 31 January 2020, a Deferred Prosecution Agreement ('the Agreement') between the Serious Fraud Office ('the SFO') and Airbus SE ('Airbus') came into force having been approved by Dame Victoria Sharp, P.

3. On the same day, a bill of indictment was preferred charging Airbus with 5 counts of failure of a commercial organisation to prevent bribery contrary to section 7 of the Bribery Act 2010 (indictment number U20200108). The proceedings were automatically suspended in accordance with paragraph 2(2) of Schedule 17 to the Crime and Courts Act 2013.

4. The Agreement expired on 31 January 2023.

5. On 13 February 2023, the SFO gave notice in writing to the Court and Airbus discontinuing the prosecution on indictment number U20200108 in accordance with paragraph 11(1) of Schedule 17 to the Crime and Courts Act 2013 and rule 11.8 of the Criminal Procedure Rules.

6. As detailed below, Airbus complied with its obligations under the Agreement:

#### **A. Co-operation**

Airbus co-operated fully with the SFO in matters relating to the Agreement and the conduct arising out of the circumstances described in the Statement of Facts attached to the Agreement.

#### **B. Disgorgement of Profits**

Airbus paid the SFO €585,939,740 by way of disgorgement of profit for onward transmission to the Consolidated Fund, as was agreed.

### C. Financial Penalty

Airbus paid the SFO €398,034,571 by way of financial penalty for onward transmission to the Consolidated Fund, as was agreed.

### D. Costs

Airbus paid the SFO €6,989,401 for its costs of the investigation, as was agreed.

E. Corporate Compliance Programme (the definitions in the Agreement are adopted in this section)

Airbus has met its obligations in the Agreement through:

- a. Being subject to the monitorship of the Agence Française Anticorruption (the French Anti-corruption Agency) ('AFA'), pursuant to the terms of the Convention Judiciaire d'Intérêt Public between Airbus and the French Parquet National Financier, during the three year period of the Agreement.
- b. Voluntarily providing the SFO with translations of AFA's annual reports in respect of Airbus' compliance programme and ensuring that the SFO is appraised of AFA's recent findings up until the end of the Agreement period through providing a translation of an executive summary of AFA's 2022-23 report (the full report will not be available until after the expiry of the Agreement).
- c. Continuing to review and modify its compliance programme in a manner consistent with the Agreement and updating the SFO on relevant developments.