

**MCGILL UNIVERSITY/PEOPIL
CONFERENCE ON INTERNATIONAL
AVIATION: LIABILITY, INSURANCE &
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A NEW FORM OF LIABILITY FOR AIRPORT OPERATORS

ETHICS AND COMPLIANCE

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Probity : an Issue in Business relationship

Probity improves Performance of companies in a competitive sector

- By developing the **confidence of our internal and external stakeholders**
- By strengthening the **confidence of investors and lenders**
- By **contributing positively to our extra-financial rating**

Extraterritorial application of anti corruption regulation

- ❖ **All countries have specific laws** against violations of probity (corruption, money laundering, embezzlement...).
- ❖ Some countries have more aggressive laws, with **extraterritoriality competences as the Foreign corrupt practices act** (USA – 1977) helped by whistle-blowers (remunerated in USA).

This regulation allows to sanction individuals or companies for **corruption of foreign public officials**.

As a consequence, companies may be sued by US Department of Justice for corrupting a public agent everywhere in the world **if a connection with USA is established**.



Extraterritorial application of anti corruption regulation - examples

- ❖ In 2020 **Airbus** payed a combined penalties of more than **\$3.9 billion** in the United States, France and the United Kingdom. The Company used third-party business partners to **bribe government officials** in Middle East, Asia and Africa.
 - ❖ In 2022 GOL agreed to pay **\$41.5 million** for **bribes to Brazilian officials** to pass legislation favourable to the company. GAL allegedly paid at least \$3.8 million in bribes to various Brazilian officials, via an intermediary.
- In this case the bribe was “local”



Importance of a strong Compliance program

- ❖ A Compliance program, as such the one required in French law, helps companies to identify and mitigate risks, and to protect individuals and companies, who could be liable for personal behaviours and also for intermediaries one.
- ❖ The program allows companies :
 - ❖ to map the risk
 - ❖ evaluate the specific risk on third parties
 - ❖ Prepare employees dealing with sensitive situations