

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

AIRBUS SE,

Defendant.

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Case No.: 1:20-cr-00021 (TFH)

GOVERNMENT’S UNOPPOSED MOTION TO DISMISS INFORMATION

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America, by and through undersigned counsel, hereby moves to dismiss the Information filed in the above-captioned case against defendant Airbus SE (“Airbus” or the “Company”) with prejudice. In support of this motion the Government states as follows:

1. On January 28, 2020, the Government filed a criminal two-count Information charging Airbus with conspiracy to commit offenses against the United States in violation of 18 U.S.C. § 371. See ECF Dkt. No. 1 (the “Information”). In Count One, Airbus was charged with conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, 15 U.S.C. § 78dd-3. In Count Two, Airbus was charged with conspiracy to violate the Arms Export Control Act (“AECA”), 22 U.S.C. § 2778 et seq., and its implementing regulations, the International Traffic in Arms Regulations (“ITAR”), 22 C.F.R. § 130.

2. On January 31, 2020, the Government entered into a deferred prosecution agreement (“DPA”) with Airbus, in which the Government deferred prosecution of Airbus for a period of three years. See Exhibit 1: Deferred Prosecution Agreement dated January 31, 2020. Among other obligations, the DPA required Airbus to cooperate with the Government’s investigation and to implement an enhanced compliance program for a period of at least three

years. Airbus was also required to pay a criminal monetary penalty of \$2,329,715,271, of which \$1,797,490,796 was credited against a fine paid to the French authorities, and \$5,000,000 was credited against payment made to the U.S. Department of State in connection with fines associated with the ITAR Consent Agreement entered into between Airbus and the Department of State, Directorate of Defense Trade Controls (“DDTC”). Airbus also agreed to transfer to the United States, in a civil forfeiture action, its ownership interest in an identified bond worth 50,000,000 Euros, which bond was traceable to the proceeds of the ITAR-related conduct.

3. The DPA provided that the Government would not continue the criminal prosecution against Airbus and would move to dismiss the Information within six months of the expiration of the DPA if Airbus fully complied with all of its obligations under the DPA. See DPA ¶ 18.

4. On or about January 30, 2023, the Chief Executive Officer and Chief Financial Officer of Airbus certified to the Government that Airbus had met its disclosure obligations pursuant to paragraph 6 of the DPA.

5. The DPA expired on or about January 28, 2023.

6. Based on the information known to the Government, Airbus has fully met its disclosure obligations under the DPA, including full cooperation with the Government, implementation of an enhanced compliance program and procedures, and satisfaction of the terms of the provisions regarding self-reporting. In addition, on or about February 12, 2020, Airbus made timely payment of the \$527,224,475 criminal monetary penalty remaining after crediting.

7. Because Airbus has fully complied with all of its obligations under the DPA, the Government has determined that dismissal of the Information with prejudice is appropriate. See DPA ¶ 18.

For the foregoing reasons, the Government requests that this Motion to Dismiss the Information be granted.

Respectfully submitted,

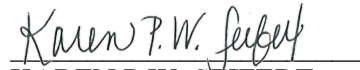
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GREGG MAISEL
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Chief, National Security

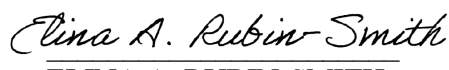
JENNIFER BLACKWELL
Dep. Chief, Criminal Div.

GLENN LEON
Chief, Fraud Section
Criminal Division

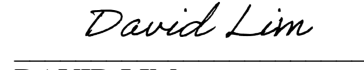
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