

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

19-CR-278 (KAM)

TechnipFMC plc,

Defendant.

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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 TechnipFMC plc (hereinafter “TechnipFMC”) with prejudice. In support of this motion, the Government states as follows:

1. On June 25, 2019, the Government filed a criminal Information charging TechnipFMC with two counts of conspiracy to commit an offense against the United States in violation of Title 18, United States Code, Section 371, that is, to violate the anti-bribery provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, Title 15, United States Code, Sections 78dd-1, 78dd-3, see ECF Dkt. No. 5 (the “Information”).

2. On June 25, 2019, the Government also entered into a deferred prosecution agreement (“DPA”) with TechnipFMC, in which the Government deferred prosecution of TechnipFMC for a period of three years. See Exhibit 1: Deferred Prosecution Agreement dated June 25, 2019. Among other obligations, the DPA required TechnipFMC to cooperate with the Government’s investigation and to implement an enhanced compliance program for a period of at least three years. TechnipFMC was also required to pay a criminal monetary penalty of

\$296,184,000, of which \$214,331,033.17 was credited against a fine paid to the Brazilian authorities.

3. The DPA provided that the Government would not continue the criminal prosecution against TechnipFMC and would move to dismiss the Information within six months of the expiration of the DPA if TechnipFMC fully complied with all of its obligations under the DPA. See DPA ¶ 13.

4. On or about May 23, 2022, the Chief Executive Officers and Chief Financial Officers of TechnipFMC and Technip Energies N.V. (which was formerly part of TechnipFMC), certified to the Government that TechnipFMC had met its disclosure obligations pursuant to paragraph 6 of the DPA.

5. The DPA expired on or about June 25, 2022.

6. Based on the information known to the Government, TechnipFMC has fully met its 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 July 5, 2019, TechnipFMC made timely payment of the \$81,352,966.83 criminal monetary penalty remaining after crediting.

7. Because TechnipFMC 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 ¶ 13. The Government has conferred with counsel for TechnipFMC, who concurs that dismissal is appropriate at this time.

