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New Department-Wide CEP Signals Continued Emphasis on Voluntary Disclosure and Individual Accountability

April 15, 2026

On March 10, 2026, DOJ **announced** its first ever Department-wide Corporate Enforcement Policy (CEP). The CEP closely tracks the Criminal Division's revised CEP **announced** in May 2025, by placing continued emphasis on voluntary self-disclosure and individual accountability and making clear that companies choosing not to self-disclose should expect aggressive enforcement.

The CEP provides that companies *will* receive a declination if they voluntarily self-disclose, fully cooperate, and timely and appropriately remediate misconduct for which there are no aggravating factors. Notably, prosecutors retain discretion to recommend a declination even where aggravating factors are present, and the policy does not excuse a company receiving a declination from having to pay disgorgement, forfeiture, restitution, or victim compensation.

For companies that have aggravating circumstances or do not meet DOJ's definition of voluntary self-disclosure, the CEP provides a "Near Miss" category imposing reduced consequences, including a non-prosecution agreement with a term of less than three years, no independent compliance monitor, and a fine reduction of at least 50% and up to 75% off the low end of the U.S. Sentencing Guidelines.

Unlike the Criminal Division's CEP, the Department-wide CEP requires that a company disclose to the "appropriate [DOJ] criminal component" but clarifies that a good-faith disclosure to one component will still qualify so long as it is within the DOJ. On March 30, 2026, DOJ's National Security Division (NSD) **issued** a press release confirming that voluntary self-disclosures involving potential criminal violations of U.S. national security laws should be submitted to NSD and providing instructions for companies seeking to disclose. The CEP "Near Miss" category also provides for a reduction of at least 50% but not more than 75% off the low end of the Sentencing Guidelines' fine range, whereas the Criminal Division's CEP provided for a 75% reduction off the low end. As a result, companies may have less certainty regarding potential outcomes and fines after a self-disclosure because they may be required to pay more in fines under the CEP.

On March 19, 2026, DOJ **issued** its first declination under the new CEP to Balt SAS, a France-based medical device company, and its subsidiary Balt USA LLC (together, "Balt"), in connection with an alleged foreign bribery scheme involving a physician at a state-owned hospital in France. DOJ credited Balt's timely and voluntary self-disclosure to the Fraud Section, full and proactive cooperation with the government's investigation, timely and appropriate remediation, and lack of aggravating circumstances, and highlighted Balt's remediation efforts, including disciplining the individuals involved, terminating the business relationships that gave rise to the misconduct, providing compliance training for senior management, and strengthening its compliance program and internal controls. As part of the resolution, Balt agreed to disgorge approximately $1.2 million in profits tied to the misconduct. Notably, David Ferrera, a senior executive of Balt USA LLC, and Marc Tilman, a Belgium-based consultant, were recently **indicted** in connection with the bribery scheme at issue, demonstrating DOJ's prioritization of individual accountability.