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AFA
Agence Française Anticorruption



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Annual Report 2022

Agence française
anticorruption

Foreword



Alice NAVARRO

This introduction comes at a time of transition, being written following the departure of Charles Duchaine. I am immensely grateful for all his hard work and accomplishments, and for giving the French Anti-Corruption Agency (AFA) its own identity. At the time of writing, the Agency is preparing to welcome a new director who can count on the commitment of all our teams to make countering corruption a priority.

Global instability due to the war in Ukraine, rising inflation, and climate breakdown and its impacts on populations and economies is recognised by all as having raised the risk of corruption and calling for heightened vigilance.

Six years after its creation, AFA remains a unique structure on the French institutional landscape and worldwide.

Although it is an agency with national scope reporting to the Minister of Justice and the Minister for the Budget, its director has a statutory guarantee of independence. The AFA's auditing schedule is therefore drawn up entirely independently based on its strategic priorities.

Nevertheless, as a government agency, AFA is fully engaged nationally and internationally in the government's anti-corruption policy in close cooperation with the other government departments and administrations concerned. To this end, AFA centralises and disseminates information to help prevent and detect corruption, and will ultimately set up a dedicated corruption observatory.

Another unique quality of AFA is the nature of the audits it conducts. Unlike many of its foreign counterparts, AFA conducts audits not only following a criminal charge (supervision of court-ordered remediation measures under the terms of judicial public interest agreements – CJIP¹– and compliance remediation programmes ordered by a criminal court as a penalty), but also audits at its own initiative (ex ante audits) to ascertain the quality and effectiveness of corruption prevention and detection measures independently of any criminal investigation.

AFA's third distinguishing feature is that its work concerns both public-sector and business entities. This holistic approach, vital in view of the growing integration of these players, can be seen at work in the guidelines we publish with a common methodology for setting up an effective risk management system. This continuum can also be seen in our work to improve the effectiveness of our audits, in particular with the possibility to simultaneously audit interacting businesses and public-sector entities (e.g. sponsorship and procurement).

This approach is helping to develop a common culture of compliance and integrity.

It is in this spirit that AFA continued to provide its expertise to all actors in the sports world in 2022 in the lead-up to the hosting of the Rugby World Cup and the 2024 Olympic and Paralympic Games (OPGs). AFA involved all its staff in the production of two guides for sports federations and Ministry for Sport operators and in order to conduct audits of entities and businesses working on OPG projects: city councils, entities managing projects or financing operations, contractors and sports federations in accordance with the special mandate assigned to AFA by the Act of 26 March 2018 on the Organisation of the 2024 Olympic and Paralympic Games.

¹ The judicial public interest agreement (CJIP) is a transactional procedure agreement inspired from the Deferred prosecution agreement (DPA) existing in the US, applicable to private or public entities involved in several offences listed in the French criminal code.

2022 also saw the introduction of new auditing procedures that are ever more closely geared to the risk profile of audited entities, confirming AFA's key role in compliance remediation programmes following the conclusion of CJIPs.

Ever seeking to reach a broader audience and address the concerns of certain sectors, AFA produced new practical guides focusing on a number of sectors (non-profits recognised as public-interest entities, regional governments, and construction firms) and issues (anti-corruption accounting controls, and gifts and hospitality for public servants). At the same time, AFA introduced innovative digital tools to meet new needs. These tools can be accessed and downloaded from our website 24/7 and comprise a "serious game", a self-tuition module and podcasts.

Another development of note is the implementing decree for the Wasserman Act, which gave AFA a new mission by appointing it as an external authority for receiving whistleblower reports on corruption in public procurement and offences against the interests of the European Union.

Lastly, the government tasked AFA with preparing the future National Multi-Year Plan to Fight Corruption in liaison with all central government departments, working together to define a strategy applied up to the highest state level to improve the effectiveness of anti-corruption measures.

Alice NAVARRO

Deputy Director of the French Anti-Corruption Agency

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L'Agence française anticorruption

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OVERVIEW

Tasks and Actions

The Transparency, Anti-Corruption and Economic Modernisation Act 2016-1691 of 9 December 2016, known as the “Sapin II” Act, created the French Anti-Corruption Agency (AFA). The Agency has nationwide jurisdiction and is placed under the direct joint authority of the Minister of Justice and the Minister for the Budget. Its operations cover the whole of France’s territory.

Its mission is to implement public policy on preventing and detecting bribery, influence peddling, extortion by public officials, unlawful taking of interest, misappropriation of public funds and favouritism². Such offences are referred to using the umbrella terms “probity or integrity breaches” or “corruption offences”. Article 2 of the Act ensures that the Director of the Agency guarantees the independence necessary for its audit activities³.

TASKS

L’AFA a pour mission :

- ✓ to help entities prevent and detect corruption through its advisory and audit activities;
- ✓ to participate in administrative coordination (drafting the National Multi-Year Plan to Fight Corruption and helping French authorities to define their policy positions within international organisations);
- ✓ to centralise and disseminate information to help prevent and detect integrity breaches.

ACTIONS

AFA is an anti-corruption public policy coordination body, an advisory structure and an administrative audit authority for public and private entities subject to compliance requirements. These roles make AFA a national leader in preventing and detecting corruption.

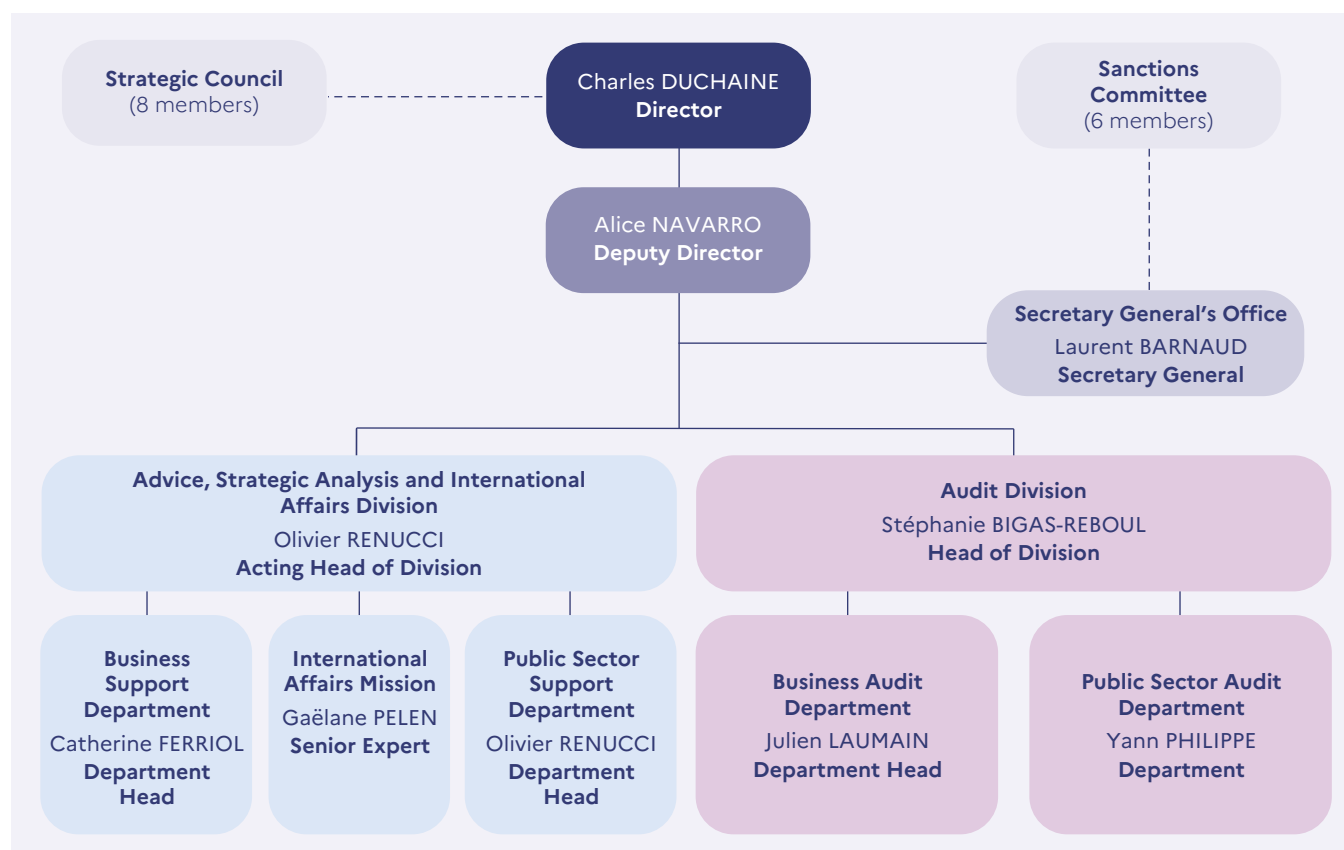
AFA conducts two types of audits. The first type are audits conducted at AFA’s initiative⁴ on the existence, quality and effectiveness of anti-corruption measures and procedures in public- and private-sector entities with 500 or more employees and revenues of more than €100m. The second type of audits are conducted on behalf of prosecutors or the Sanctions Committee to ensure implementation of administrative and court-ordered measures requiring a legal entity to implement a compliance programme. Such measures include administrative injunctions, CJIPs and supplementary penalties involving compliance remediation programmes.

² Favouritism is a criminal offence occurring in the public procurement proceedings.

³ The provisions of the Article lay down the requirements for the appointment of the Director (a judge independent from the judiciary hierarchy who is appointed for a non-renewable six-year term). The Director may not seek or receive any instructions from any administrative or governmental authority in the performance of his or her audit tasks.

⁴ These audit tasks are defined by the Act and were expanded by Act 2018-202 of 26 March 2018 on the Organisation of the 2024 Olympic and Paralympic Games and Act 2022-217 of 21 February 2022 on Differentiation, Decentralisation, Devolvement and Implementing Various Measures to Simplify Local Government Action.

AFA organisation chart as of 31 December 2022



Ressources

AFA has a multidisciplinary team to perform its tasks. As of 31 December 2022, the team of 51 included 47 full-time staff members and 4 members seconded from other administrations.

The skills needed to perform the great variety of tasks led AFA to select technical specialists from the three branches of the civil service (central government, local government and hospitals) as well as specialists from the business world.

In this way, AFA brings together ordinary judges, financial jurisdiction judges, senior civil servants from interministerial bodies, civil service executives and senior central government executives, civil servants from the economic and financial ministries (public finance administrators and inspectors, customs inspectors), and experts under public service contracts, particularly audit and compliance experts.

AFA's operating resources come from pooled appropriations made under budget programme 218, "Conduct and steering of economic and financial policies" under the "Public finance and human resources management" function overseen by the Ministry for the Economy, Finance and Industrial and Digital Sovereignty.



**A BETTER UNDERSTANDING
OF THE REASONS
FOR CORRUPTION, PROMOTING
THE ADOPTION OF FRANCE'S
ANTI-CORRUPTION FRAMEWORK**

A better understood phenomenon thanks to AFA's work and academic research

1. CORRUPTION STATISTICS IN FRANCE

1.1. A better understanding of corruption offences through court cases

The number of penalties handed down is undoubtedly the most objective indicator of the possible extent of corruption, but it falls far short of giving a true account of the phenomenon, as shown in the following statistics.

This is primarily because corruption is often hidden and only a minute proportion of the offences committed are detected.

Secondarily, the justice system often has difficulties with finding evidence and obtaining mutual legal assistance in corruption cases and must sometimes settle for lesser charges, such as forgery or misuse of corporate funds, in order to conduct effective prosecutions and obtain criminal convictions in cases that actually involve more serious corruption offences.

1.2. Proceedings

In 2021, public prosecutor's offices dealt with **900** corruption offences, compared to 853 in 2020. This represents an increase of 5.5% on the 2020 figure. The 900 cases involved 1,379 perpetrators, including 301 legal entities.

Lack of evidence meant that 55% of the perpetrators (759) were not considered liable to prosecution.

Of the 620 perpetrators who were liable to prosecution:

- ✓ 48 had the proceedings against them discontinued because of inconclusive investigations, absence of plaintiffs, non-trial resolutions, or the public prosecutor's discretionary decision to not prosecute;
- ✓ 572 were subject to criminal indictment on corruption charges, of which:
 - 126 (22%) benefited from an alternative to prosecution;
 - 446 (78%) were prosecuted, of which:
 - ▶ 188 (42%) had their case referred to an investigating magistrate;
 - ▶ 256 (57%) were prosecuted in criminal courts;
 - ▶ 2 (1%) by other means.

1.3. Condemnations

In 2021, **451 corruption offences**⁵, compared to 364 in 2020, resulted in individual convictions, mainly for bribery (40.8%, breaking down into 23.3% for active bribery and 17.5% for passive bribery), misappropriation of public funds (19.5%), unlawful taking of interest (18.2%), favouritism (12.2%), concealment of offences (4.9%), influence peddling (3.1%), extortion by public officials (1.1%). 13 legal entities were convicted for those probity breaches.

⁵ Counting offences tends to overestimate the number of convictions: of the 451 offences counted in 2021, only 363 actually resulted in convictions. In 2020, 278 convictions were handed down for one or more corruption offences. A single offence may be committed by more than one person. In this case, it will be counted as many times as there are perpetrators in the case.

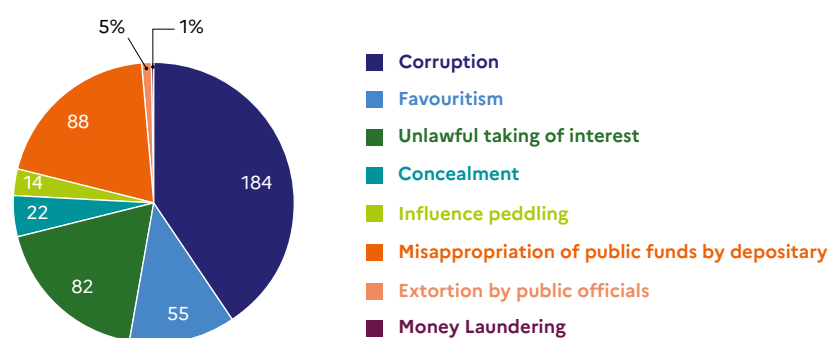
A BETTER UNDERSTANDING OF THE REASONS FOR CORRUPTION

The acquittal rate is particularly high in such cases, standing at 27.2%, which is three times higher than the acquittal rate for all cases (except road cases) in the same year, standing at 7.5%.

In 2021, 33% of the corruption convictions went to appeal, which is almost five times higher than the appeal rate of 6.6% for all cases (except road cases).

The sentences most commonly handed down for individuals are custodial sentences (72%), for an average prison term of 15.6 months, followed by a fine (54%), for an average amount of €13,841 (vs €28,125 in 2020).

Corruption convictions in 2021 by type of offence*



*Figures for 2021, for a total of 363 convictions.

Source: Ministry of Justice SG-SDSE SID/Cassiopée - Directorate for Criminal Affairs and Pardons/PEPP.

Table Sentences for corruption convictions from 2016 to 2021

	2016	2017	2018	2019	2020	2021	2021%
Total convictions	350	365	260	268	238	342*	
Prison sentences	237	268	201	190	188	245	72%
Of which custodial sentences (in whole or in part)	65	72	63	67	47	65	27%
Average prison sentence length (in months)	14,8 months	18,6 months	20,6 months	14,5 months	15,8 months	15,6 months	
Number of fines imposed	156	151	123	131	107	186	54%
Average fine amount	€13,590	€15,669	€28,086	€24,997	€28,125	€13,841	

Note: The sum of fines and prison sentences is greater than the number of convictions because prison sentences and fines are often imposed on the same perpetrator at the same time for the same convictions.

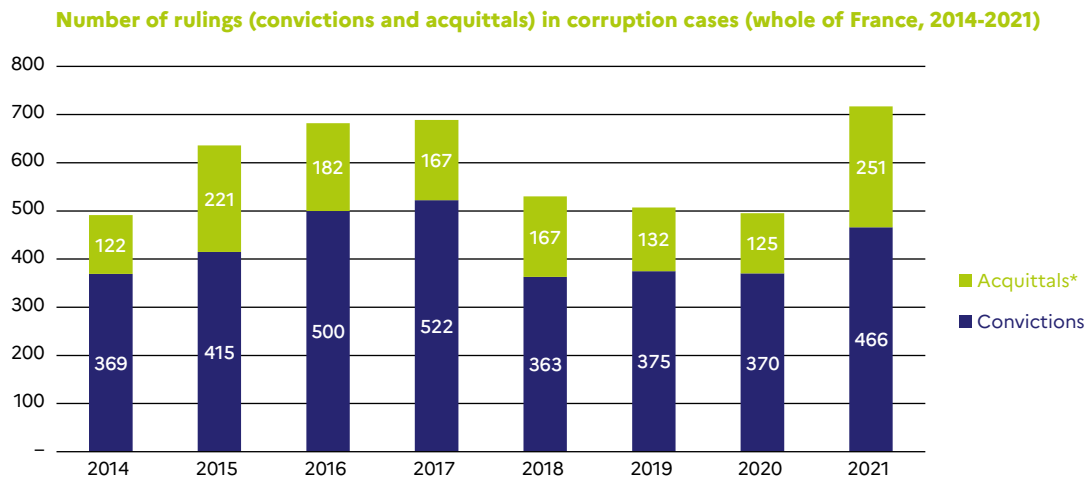
* The difference in number compared to the 363 convictions handed down is due to the fact that only cases where corruption is the main criminal conviction are included here. The other 21 convictions therefore relate to cases in which other convictions for more serious offences were also handed down.

Source: SG-SDSE SID/Cassiopée Processing Directorate for Criminal Affairs and Pardons/PEPP.

2. CORRUPTION MAPS

Aggregate numbers and geographical breakdown of rulings since 2014

NUMBER OF RULINGS (CONVICTIONS AND ACQUITTALS) IN CORRUPTION CASES



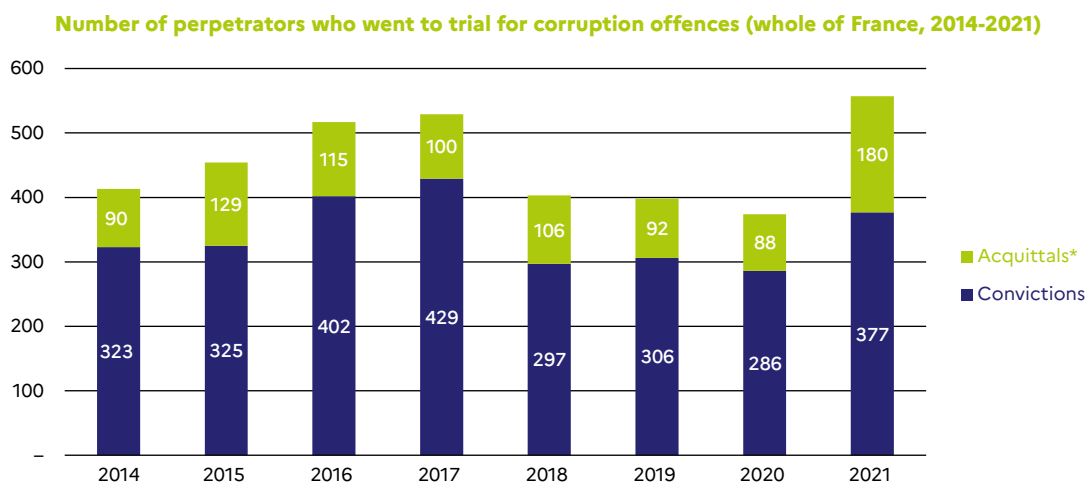
Coverage: Metropolitan and overseas France. First instance decisions ruled by criminal courts between 2014 and 2021 (excluding cases dismissed prior to preliminary investigations)

Key: 717 corruption offences went to trial in 2021. The court handed down convictions in 466 cases.

* Cases dismissed and exemptions from liability are included in acquittals.

Source: Ministry of Justice/SG-SDSE, Cassiopée.

NUMBER OF CRIMINAL CONVICTIONS IN CORRUPTION CASES



Coverage: Metropolitan and overseas France. First instance decisions ruled by criminal courts between 2014 and 2021 (excluding cases dismissed prior to preliminary investigations). Key: 557 perpetrators went to trial for one or more corruption offences in 2021. The court handed down convictions for at least one of these offences for 377 cases while the remaining 180 were acquitted (although they may have been convicted of an offence outside the scope of this report).

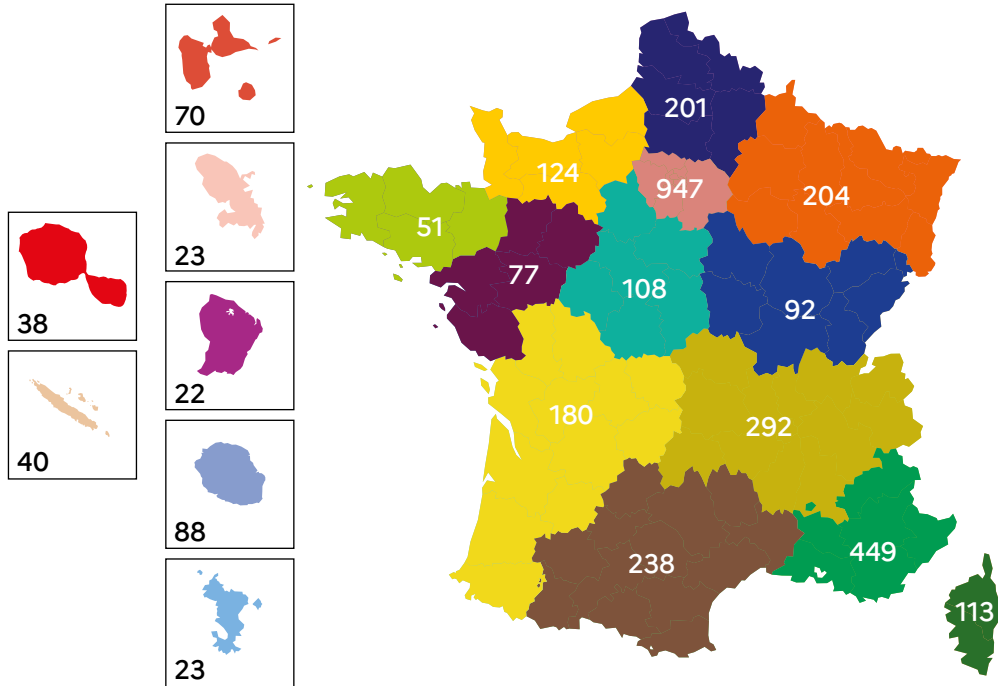
* Cases dismissed and exemptions from liability are included in acquittals.

Source: Ministry of Justice/SG-SDSE, Cassiopée.

A BETTER UNDERSTANDING OF THE REASONS FOR CORRUPTION

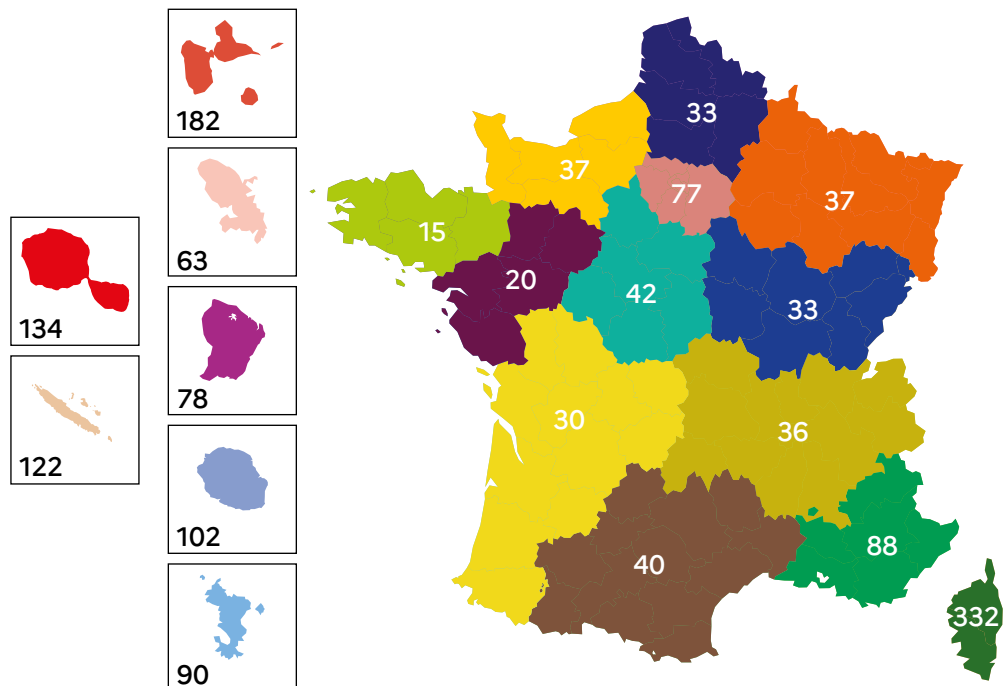
CRIMINAL CONVICTIONS BY REGION

Criminal convictions for corruption in metropolitan and overseas France (total number of convictions 2014-2021)



Source: AFA based on Ministry of Justice data (Directorate for Criminal Affairs and Pardons/PEPP – SDSE/Cassiopée).

Number of corruption offences resulting in convictions per million population (2014-2021)



Note: There were 77 corruption convictions per million population in the Ile-de-France region between 2014 and 2021.
 Source: AFA based on Ministry of Justice (Directorate for Criminal Affairs and Pardons/PEPP – SDSE/Cassiopée) and INSEE data.

3. THE NATIONAL CORRUPTION RISK MAPPING PROJECT

The national corruption risk mapping project is part of the legal framework laid down by the Sapin II Act, (Article 3(1)) and the 2020-2022 National Multi-Year Plan to Fight Corruption, published on 9 January 2020.

Under the terms of Article 3(1) of the Act, AFA is responsible for contributing to administrative coordination and for centralising and disseminating information to help prevent and detect corruption offences.

This task is critical for understanding and taking an objective approach to corruption and addressing differing perceptions in measuring this phenomenon. There is a gap between the social perception of corruption, as revealed by several surveys, and its treatment by the justice system. Corruption cases account for less than 1% of convictions handed down in all criminal cases, a minute proportion.

However, the Eurobarometer 2022 survey found that 64% of French respondents felt that corruption is present in France and 4% believe they have faced it over the last year. The international rankings produced by certain NGOs are based on perceptions of corruption in general government and the political world, which limits the value of such assessments.

Consequently, AFA felt it was essential to undertake work to:

- ✎ gain a better understanding of the phenomenon and its characteristics;
- ✎ identify risk scenarios to be used as examples in its practical guides, ensuring that reporting entities can better identify and map their risks.

The government set out its commitments under the National Multi-Year Plan to Fight Corruption, which covers the period from 2020 to 2022 and was published on 9 January 2020. Under Pillar 1 (optimising data analysis to improve our understanding and detection of corruption), the Plan calls for “enhanced collection and disclosure of data on corruption and better data analysis through data mining”.

One aspect of this objective is a national corruption risk-mapping exercise based on a pragmatic approach and various data sets.

In 2022, AFA primarily focused on analysing data from police and gendarmerie investigations.

Mining police and gendarmerie data

The data from the Ministerial Statistical Department for Internal Security (SSMSI) may help enhance the analysis of corruption. The cases concerned are more recent and have not been considered by the courts. They can be studied to see what happens before cases go to trial.

In 2022, AFA worked in partnership with SSMSI and, for a more qualitative perspective, with criminal investigation units to refine and diversify the data presented.

For the first time, AFA and SSMSI jointly published a study of corruption offences on 27 October 2022⁶. The results in the study come from the statistical information acquired during the course of proceedings recorded between 2016 and 2021 by the police and gendarmerie investigation departments.

The extensive media response from both national general interest and specialist publications is a reflection of the interest in this work.

To round out these statistical analyses, AFA established constructive partnerships with the national gendarmerie and police. Through their research centres (the National Gendarmerie Officers School Research Centre (CREOGN) and the National Police School Research Centre (CRENSP), they offered to fund, for a period of six months, research projects seeking to analyse the corruption judicial proceedings initiated by their departments between 2017 and 2020.

⁶ <https://www.agence-francaise-anticorruption.gouv.fr/fr/1ere-etude-statistique-sur-atteintes-probite-enregistrees-par-police-et-gendarmerie> (in French only)

A BETTER UNDERSTANDING OF THE REASONS FOR CORRUPTION

The aim of these two projects is to round out the statistical analysis conducted by AFA in collaboration with the SSM-SI and to offer qualitative analyses for:

- ✓ the central government to optimise the use of resources by directing public action, whether centred on prevention or enforcement, and to fully meet the requirements of international organisations that prefer a risk-based approach (FATF⁷ in particular);
- ✓ AFA to accomplish its mission of sharing knowledge in its area of expertise and focus its advisory and auditing work for both private and public entities;
- ✓ the national gendarmerie and police to optimise their work on both an operational and an organisational level;
- ✓ citizens to be fully informed, based on objective data which is not dependent on victimisation or perception surveys.

The project funded by the gendarmerie was entrusted to Mr Alexis Bavitot⁸, Senior lecturer in the Faculty of Law of the Jean Moulin Lyon 3 University, reporting to the criminal law centre of the Équipe Louis Josserand research team. Mr Alexis Bavitot's report was submitted to AFA and CREOGN in September 2022.

The project funded by the police was entrusted to an interdisciplinary team of researchers, who submitted their report on 16 December 2022:

- ✓ Sophie Harnay, Professor of Economics at University Paris Nanterre, specialised in legal and institutional economics;
- ✓ Jean-François Kerléo, Professor of Public Law at Aix-Marseille University, specialised in ethics and corruption;
- ✓ Yannick Joseph-Ratineau, Senior Lecturer in Private Law and Criminology at Université Grenoble Alpes, specialised in qualitative and quantitative analysis of criminal court rulings and proceedings;
- ✓ Benjamin Monnery, Senior Lecturer in Economics, specialised in statistical analysis/applied econometrics in criminal law.

The researchers' work will be published in scientific papers, a short summary of which can be found in this report.

These two research projects are the first step towards creating the academic network that AFA intends to introduce in 2023 to support its work in various projects. Understanding the phenomenon of corruption requires a close collaboration between academics and those operating in the field.

⁷ Financial Action Task Force (FATF).

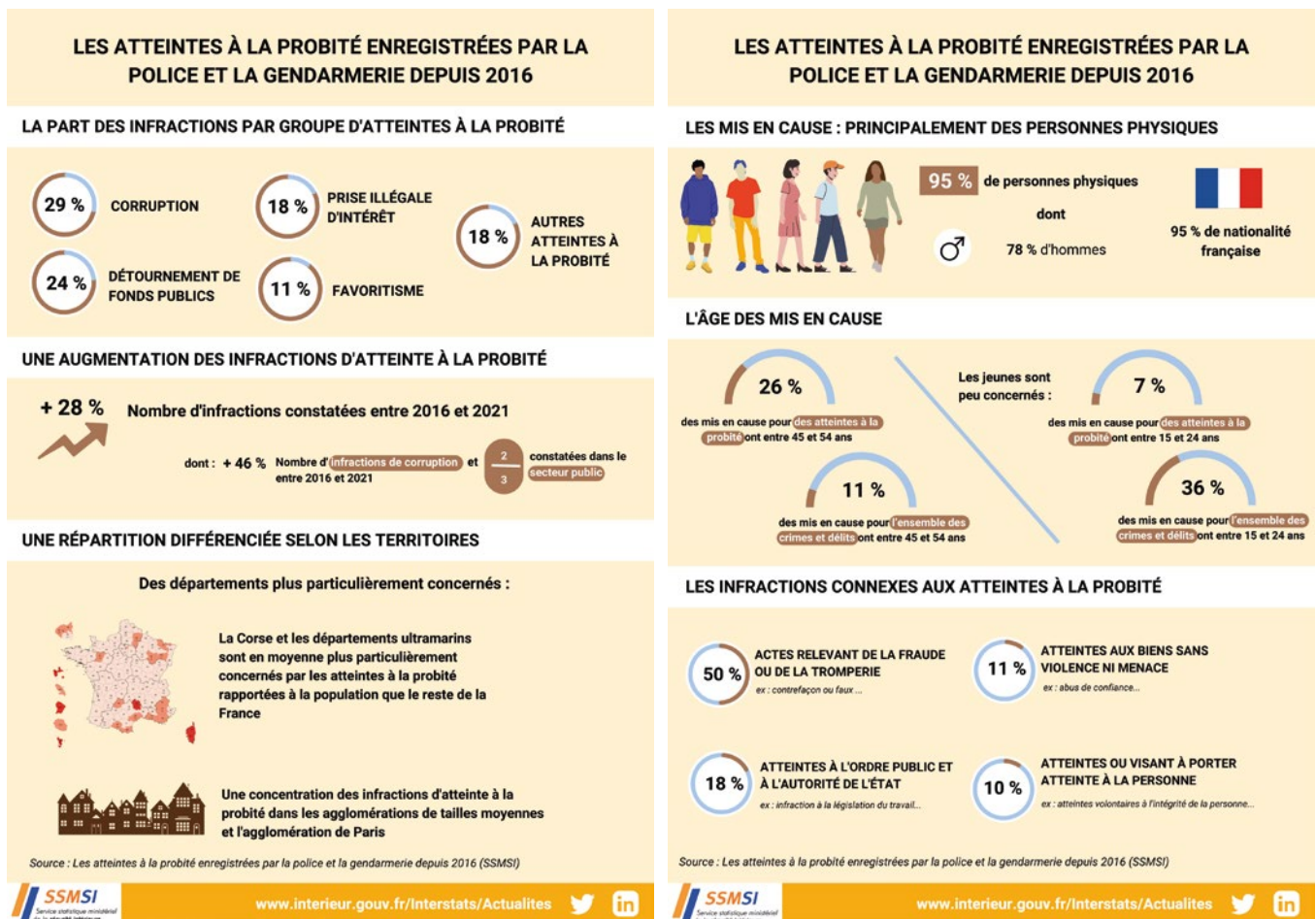
⁸ The doctoral thesis (PhD) on "public integrity in criminal law" was awarded the Emile Garcon prize by the French Criminal Law Association (Association Française de Droit Pénal).

4. FIRST STATISTICAL STUDY OF POLICE AND GENDARMERIE REPORTS OF CORRUPTION

In late October 2022, AFA and the Ministerial Statistical Department for Internal Security (SSMSI) published the first analysis of corruption reported by the police and gendarmerie. This innovative study is part of AFA's ambitious national corruption risk mapping project.

The study's unit of measurement is the number of reports of corruption filed by the national police and gendarmerie investigation departments from 2016 to 2021. These cases have therefore not yet been examined by the public prosecutor, let alone judged by a court, so the analysis does not cover the number of criminal sentences for corruption. Despite this limitation, the reports are of value to the corruption risk mapping project for two reasons: they are more recent than cases judged by a court and they include cases that cannot be taken to court due, for example, to the statute of limitations, the death of the perpetrator or the public prosecutor office's decision to close the case for lack of evidence.

The trends identified by this study call for a comparative analysis with trends described by future AFA publications. Far from seeking to secure a precise measurement of corruption, AFA's goal is to propose a multidimensional approach combining statistical studies with qualitative analyses drawing on justice and interior ministry data. Studies from other sources will gradually be incorporated into this work (Eurobarometer trend analysis, SSMSI Security and Justice Survey, analysis of CJIPs, whistleblower reports to AFA, etc.).



5. ENCOURAGE ACADEMIC RESEARCH TO IMPROVE OUR UNDERSTANDING OF CORRUPTION

A study day on “Corruption Research Challenges and Prospects in the 21st Century”

On 9 March 2022, AFA and the French Institute for Studies and Research on Law and Justice (IERDJ) held a study day on “Corruption Research Challenges and Prospects in the 21st Century” with the support and on the premises of the National School for the Judiciary (ENM) in Paris.

The following subjects were addressed:

- ✓ In the morning, “Corruptor profiles and corruption relations”;
- ✓ In the afternoon, “Social perceptions and institutional responses”.

Researchers, professor-researchers and practitioners attended a series of round tables to discuss how to bring the scientific community on board to work on corruption and explore how to seed future research on corruption, in particular national, European and international empirical data analysis.

This cross-cutting input from the spheres of human, social, legal and economic sciences on the one hand and the vision and experience of the practitioners on the other evidenced the need for these different areas of intervention to work together to improve our understanding of and action to combat corruption.

These high-quality, ground-breaking discussions presented a particularly interesting array of points of view and experiences rich with prospects for future research focusing on theoretical and academic thinking and practitioners’ experience.

Investigation departments and the judiciary therefore need to be opened up to research to develop access to studies to gain more insight into the profiles of corruptors and the corrupted, and their motives, trigger factors and modus operandi.

AFA is actively working on this with the development of a national corruption risk map drawing on research contributions.

This study day held in person was live streamed and the video was posted on the IERDJ website a few days after the event.

AFA also published a [news post](#) on its website with a summary of the main takeaways from the round tables (in French only).



Journée d'étude « Enjeux et perspectives de la recherche sur la corruption au 21^e siècle »

9 MARS 2022
École nationale de la magistrature, grand
amphithéâtre, Quai aux Fleurs, Paris 4^{ème}



Two research projects in partnership with the national police and gendarmerie

PRESENTATION OF THE RESEARCH REPORT SUBMITTED TO AFA, THE NATIONAL POLICE SCHOOL RESEARCH CENTRE (CRENSP) AND THE CENTRAL OFFICE FOR THE FIGHT AGAINST CORRUPTION AND FINANCIAL AND TAX CRIME (OCLCIFF) ON 16 DECEMBER 2022

by Benjamin Monnery, Sophie Harnay, Yannick Joseph-Ratineau and Jean-François Kerléo

The French Anti-Corruption Agency (AFA), the Directorate General of the Police and the CRENSP commissioned our team of professor-researchers to produce a research report on corruption in France for the Multi-Year Plan to Fight Corruption. The report entitled “*A fact-finding study on corruption in France for more effective counter-corruption action*” was submitted in late 2022, the product of six months of research. It draws on contributions from different academic disciplines – economics, public law and criminal law – and constructive discussions with the OCLCIFF.

The purposes of our report

The report is structured around three workstreams designed to improve our understanding and detection of corruption in order to counter corruption more effectively:

- **Produce a statistical assessment of corruption** by correlating existing data on the subject (victim, police and judicial data) to present the main findings and highlight their limitations and inconsistencies;
- **Analyse existing statistical studies**, such as recent SSMSI and Department for Information, Intelligence and Strategic Analysis of Organised Crime (SIRASCO) studies, for a more detailed picture of the range of corruption cases handled by the police and the courts in terms of their scale and complexity;
- **Propose recommendations for the main public-sector entities** to improve the measurement and understanding of the diversity of corruption, facilitate its detection by oversight institutions and investigation departments, and improve the effectiveness of the criminal justice response.

A few words on our method

Our working method was based on a review of previous studies (studies by French institutions and international scientific articles) and an analysis of original data using sophisticated statistical methods (multiple correspondence analysis and econometrics). With the OCLCIFF, we extracted data on thousands of anonymised investigations concerning corruption offences entered in the LRPPN⁹ from January 2014 to September 2022. We also used judicial data crowd-sourced¹⁰ by Transparency International France on some 1,200 convictions in cases of this kind in France.

Main recommendations from the report

The analyses give rise to a few main recommendations. First, innovation in study and investigation methodology is key to be able to address the complexity and diversity of corruption. Second, better use should be made of the already-rich existing data, which should be shared more effectively. Third, criminal justice responses should do more to take on board recent contributions by social science studies to counter corruption. Lastly, financial and human resources should be geared to the challenges by making corruption a priority.

⁹ Police procedure drafting software.

¹⁰ Crowd-sourcing enables data to be collected from a large number of external contributors.

INTERVIEW WITH ALEXIS BAVITOT, SENIOR LECTURER AT JEAN MOULIN LYON 3 UNIVERSITY, AUTHOR OF A STUDY FUNDED BY THE NATIONAL GENDARMERIE ON CRIMINAL INVESTIGATIONS INTO CORRUPTION

As a contributor to the national corruption risk mapping work, you analysed data from criminal investigations into corruption by the national gendarmerie. What main conclusions did you draw from your analysis?

The study was conducted in liaison with the National Gendarmerie's Central Criminal Intelligence Unit (SCRCGN). We used a three-step methodology. First, a close reading of the extracted data gave us a "SWOT analysis" identifying a number of hypotheses. Second, the statistical data was collected and processed for quantitative analysis. Third, we took a more qualitative approach by repatriating and studying entire selected proceedings. We learnt a great deal from this empirical approach, and our conclusions were detailed in a five-part report.

Who? Our findings show that 73% of cases investigated by the gendarmerie concern passive corruption, i.e. cases where the person in the position of authority or power who is prosecuted. The 36-45 and 46-55 year-old age brackets are the most represented. Over the three-year period studied, 19% of individuals implicated in corruption cases were women and 81% were men. In short, the profile involved in the majority of cases is that of a male individual of French nationality working in the public sector who is a bribe-taker rather than a bribe-giver¹¹ and who is older than in cases of ordinary crime.

Where? The cases present a nationwide distribution. Suburban areas stand out on the map more than city centres, which are more policed. The main heat map clusters are correlated, at least in terms of trends, with the main areas of population density and therefore with political and economic hubs (especially the Mediterranean region and Haute-Savoie). Corsica and overseas France, especially Réunion, are particular hot spots.

What? Corruption is found in activity sectors that underpin the social fabric: administrations (municipal councils and tax, prison, police and justice administrations), non-profits, businesses, politics, and private and public sectors. Although we often refer to a "corrupt pact", the gendarmerie data finds that seeking to corrupt is often done on an individual basis (hence the occasional misuse of the term "attempt" by investigators). The purpose is generally to secure an entitlement (in 32% of cases: planning permission, subsidy, purchase of a building from the municipal council, etc.). These sought-after entitlements place us squarely in everyday municipal council affairs. Money is also a motive (31% of cases) as is obtaining a material good (18%: computer, fuelwood, etc.).

How? The set-up itself offers employees what can be an irresistible opportunity for crime. The activity sector data reveals a large proportion of individuals working in town halls and the administration at large, especially prison services, as well as the private sector (associations and businesses). It then takes a decisive development to uncover the offence, breaking its continuity secured by the organisational set-up. Generally, a particular event unrelated to the unlawful conduct will lead to its discovery. This could be an audit or a more general control, a new municipal council team seeking to balance its accounts, straighten out a situation or discredit a political opponent, or even a conflict between neighbours. The spirit of integrity is not always the driving force behind the discovery of corruption and bribery.

Why? In the cases studied, none of the suspects remained silent when questioned by the gendarmes. We find four main justifications put forward for the unlawful conduct. The first utilitarian reason given is the purpose of the action. The suspect pleads the effectiveness of their action in an appeal for leniency from the gendarmes – the end justifies the means. In the second justification, implicated persons portray themselves as victims. In a third line of defence, suspects play down the act: suspects deny the unethical nature of the action and portray themselves as responsible individuals who would admit to wrongdoing only in the unlikely event of that proving to be the case. A fourth reason, not so much admitted but more sought by the gendarmes, concerns the economic reasons for the action.

¹¹ AFA note: the bribe-taker is the person who requests or accepts any offer, promise, donation, gift or advantage in order to carry out or refrain from carrying out an act pertaining to their office, duty or mandate, or facilitated by their office, duty or mandate. The bribe-giver is the person who offers such advantages or accepts the bribe-taker's request.

A strategy to promote uptake of the French anti-corruption frameworks

1. ENCOURAGING RESULTS FOR 2022, BUT ROOM FOR IMPROVEMENT WITH BUSINESS AND PUBLIC-SECTOR ENTITIES

Takeaways from the AFA’s 2022 national diagnostic survey of anti-corruption systems in businesses

Two years after its first survey on the maturity of anti-corruption systems in businesses published in September 2020, and in accordance with the 2020-2022 National Multi-Year Plan to Fight Corruption, AFA conducted a second survey on the same topic.

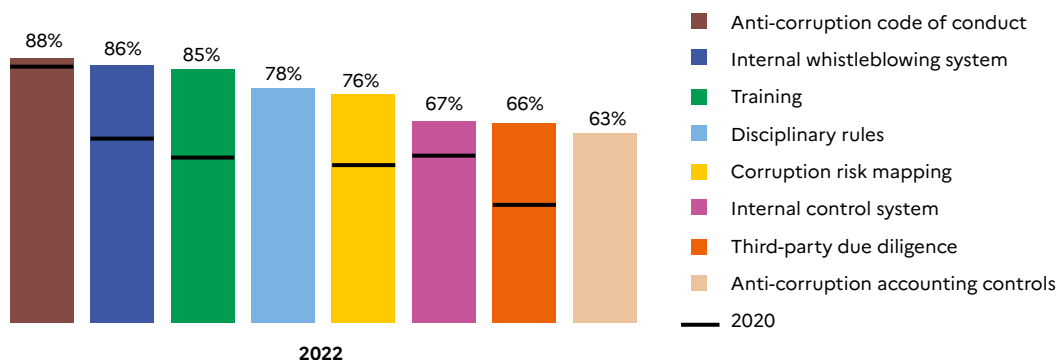
As with the first survey, AFA used a questionnaire sent out to businesses by trade federations to collect responses from businesses of all sizes and sectors, irrespective of whether they are bound to take anti-corruption measures under Article 17 of the Sapin II Act.

The purpose of this new survey was twofold:

- ✔ For AFA, to assess the progress IN anti-corruption system maturity since 2020, businesses’ understanding of the risk of corruption and the problems they might encounter when taking anti-corruption measures in order to adjust our range of advisory and support services by targeting persistent difficulties;
- ✔ For businesses, to benefit from benchmarking regarding the state of deployment of measures by their peers.

The findings of this survey, published in September 2022, reveal clear progress in respondent businesses’ awareness of bribery and influence-peddling offences. Nevertheless, there is room for improvement in terms of understanding their exposure to the risk of bribery and influence peddling: just 6% of respondents considered that their business was highly exposed to the risk of corruption and 45% felt that they were moderately exposed, whereas 24% of businesses had been confronted with a case of corruption or influence peddling in the last five years.

Anti-corruption measures put in place by businesses



A BETTER UNDERSTANDING OF THE REASONS FOR CORRUPTION

Clear progress has also been made with the implementation of anti-corruption measures, with 92% of respondent businesses stating that they have implemented one or more of these measures (as opposed to 70% in 2020). However, respondent businesses still appear to be experiencing difficulties introducing anti-corruption accounting controls, third-party due diligence procedures, and internal control systems.

In light of this survey's findings, AFA will continue to work on enhancing and refining the French anti-corruption framework and on scaling up its awareness-raising initiatives with businesses. A further edition of this survey will be conducted in the coming years to track and measure developments in the perception of corruption and the implementation of anti-corruption measures by businesses in France.

A second national statistical survey on the local public sector

In keeping with the 2020-2022 National Multi-Year Plan to Fight Corruption, AFA carried out a second national statistical survey on the local public sector to measure the progress in local public sector uptake of corruption prevention and detection systems since 2018 when the first survey was conducted. The statistical survey report paints a mixed picture. Despite real progress with knowledge of corruption risks and anti-corruption system measures and procedures, there is still room for improvement in particular with certain recent measures in the public sphere such as third-party due diligence.

Responses show that the risk of corruption is perceived as more real and more a part of respondents' agendas. The proportion of those who give no explanation for the absence of anti-corruption measures in their entity has also fallen. The lack of budgetary and human resources to operationalise such measures is put forward less as an explanation. This development is correlated with a rise in the percentage of respondents implementing anti-corruption systems and measures, and an increase in the proportion of those with projects underway.

Gaps in the knowledge of criminal corruption and bribery offences can reduce awareness of corruption risks. A lack of perception of the existence of these risks logically means that they are less noticed, less reported and less sanctioned. Risks are also not as effectively prevented and detected. A belief can therefore prevail that there is no need to train or inform public servants and elected officials with respect to such "remote" risks or to map risks or conduct internal controls.

Progress has been made with the implementation of most of the anti-corruption system measures and procedures advocated by AFA in its guidelines for public-sector entities, with the exception of third-party due diligence. The number of respondents with a corruption risk map is on the rise, but remains very much in the minority (approximately 10% of respondents). Some of the relatively recent measures and procedures included in AFA's guidelines are still struggling to gain traction (third-party due diligence and internal whistleblowing) in the local public sector. The lack of case law, binding standards – unlike in the case of businesses – and points of comparison with peers do nothing to help with the uptake of these practices. Another obstacle is the difficulties sometimes encountered when trying to team up with other public-sector entities in this area. Anti-corruption measures and best practices moreover need to find their place among so many other legal and regulatory obligations.

This second statistical survey has hence encouraged AFA to scale up its anti-corruption information and training initiatives for local governments and their staff. The massive open online course (MOOC) on "Preventing Bribery, Favouritism and Misappropriation in Local Government" on the FUN-MOOC platform watched by 26,000 viewers since its launch in 2018 will be updated with new content in 2023. Information programmes with local authorities and their staff will continue with the help of the National Centre for Local Civil Service (CNFPT). An open source online course (the "Integrity" module) was released in the first half of 2023 and is part of the range of in-service training provided to local public servants by the CNFPT.

At the same time, AFA will continue to work on the accessibility and clarity of anti-corruption systems and on demonstrating their systemic importance for risk management in local authorities.



2. ACTION TO ENGAGE STAKEHOLDERS

Anti-corruption compliance as an instrument of national sovereignty

On 1 June 2022, AFA held a conference on “Anti-corruption compliance, an instrument of national sovereignty” at the Ecole Militaire with the support of the Institute for Advanced National Defence Studies (IHEDN).

The day intended to put anti-corruption compliance issues into perspective, as promoted by AFA, so as to strengthen the legal certainty of all businesses in France and abroad, guaranteeing France’s economic attractiveness, restoring its judicial sovereignty and enabling it to play its rightful part in countering transnational corruption.

The event was attended by representatives of French and European institutions such as the Secretariat General for Defence and National Security (SGDSN), the Economic Strategic Intelligence and Security Department (SISSE), the National Financial Public Prosecutor’s Office (PNF), the Organisation for Economic Co-operation and Development (OECD), the French National Cybersecurity Agency (ANSSI) and the Ile-de-France Regional Government, alongside representatives from business, consultancy firms and law firms.

The first part of the day examined the impact of anti-corruption legislation on both French companies with international operations and national administrations themselves. Although this legislation can entail destabilisation risks for businesses implicated in corruption, it effectively gives national administrations broader jurisdiction to better counter corruption.

The second part of the day developed areas for attention in the implementation of anti-corruption compliance systems, including the business intelligence and security risks that companies could encounter. The conference concluded with a focus on the benefits of anti-corruption compliance, in particular as a business performance tool for companies.

Over 500 participants took part in four round tables held during the course of the day.

Looking to new courses of action: National Multi-Year Plan to Fight Corruption outcomes and outlook

In keeping with its administrative coordination role, AFA is preparing the national multi-year interministerial plan to fight corruption.

2022 saw the end of the first 2020-2022 plan alongside the launch of preparations for the next multi-year plan.

PRELIMINARY REVIEW OF THE IMPLEMENTATION OF THE 2020-2022 NATIONAL MULTI-YEAR PLAN TO FIGHT CORRUPTION

A preliminary review was conducted of the implementation of the 2020-2022 National Multi-Year Plan to Fight Corruption in late 2022.

The review here mainly covers all the actions taken by AFA on the plan’s four pillars subdivided into eight priorities and on assessments provided by ministries at AFA’s request in 2022. In a difficult environment caused by the COVID-19 pandemic, which hampered certain actions, this review of the first three-year plan points to significant progress and



the key role played by AFA in the national effort to improve our understanding and detection of corruption, train and inform public servants, support the deployment of anti-corruption systems in the ministries and large local and regional governments, promote the mainstreaming of integrity in sports organisations and events, support businesses in their uptake of the French anti-corruption standard by encouraging them to leverage anti-corruption compliance for competitiveness, introduce tougher sanctions for corruption and scale up France's international action.

Pillar 1 – Optimising data analysis to improve our understanding and detection of corruption

A notable development in expanding our knowledge of corruption is the launch of work by AFA to set up a corruption observatory drawing on data from the Ministry of Justice and the Ministry of the Interior. This work took shape in 2022 with the publication of a first joint study by AFA and the SSMSI in October 2022 based on statistical data from criminal police corruption investigations. This study paints a first picture of corruption trends and their geographical distribution.

Although all the ministries made their official data available, there are sharp differences in corruption data. Improving our understanding of corruption and the areas at risk entails certain practical and legal problems. However, the ministries considerably developed their responses in this area and work will be taken forward with the next multi-year plan. A number of ministries also undertook to develop and improve corruption risk maps – either general maps covering the ministry's entire remit or maps focusing on separate central administration departments. Maps cover a range of areas and processes at risk: public procurement, accounting, subsidies and human resources.

Pillar 2 – Training and awareness-raising for public employees

In addition to the AFA's awareness-raising and training actions, work on training public employees included the launch of e-learning courses to disseminate the knowledge bases key to effective prevention action to a wider audience. In this respect, 2022 saw the release of a serious online game ("En quête d'intégrité – Integrity Quest) and podcasts to round out the quizzes and the MOOC posted online in previous years. This priority awareness-raising and training initiative for public employees is well documented by the ministerial secretaries-general interviewed.

Enhance training for the public-sector entities most at risk

The ministries provide this general training rather effectively, but it generally comes under the umbrella of professional conduct and is organised into networks of compliance officers and "internal control" officers.

Train staff involved in detecting corruption

This targeted training (granting of subsidies, public finance, internal financial control, public finance manager accountability, whistleblowing, and gifts and hospitality) is also quite well organised, but is sometimes combined with general professional conduct training.

Axe 3 – Taking actions

- **Pillar 3-1** – Supporting the deployment of anti-corruption programmes in all ministries by 2022; and
- **Pillar 3-2** – Supporting the deployment of anti-corruption programmes by major local governments and their establishments by 2022

The proposed actions consisted of assisting central administrations and their public establishments as well as the major local governments and their establishments with the deployment of their corruption prevention and detection measures for these players to meet their legal obligations by 2022. This priority in the three-year plan was launched in 2021, often under the impetus of AFA, and was scaled up for central government bodies following the publication in early 2022 of the interministerial summaries of the joint diagnostic survey of the implementation of corruption risk prevention and detection measures by ministries and their operators. A number of bilateral meetings were also held between AFA and the ministries to prepare for these diagnostic surveys and to share their conclusions.

In addition to these joint diagnostic surveys, two statistical survey reports were published on the local public sector in 2018 and 2022. The reports found mixed performances with uneven progress, in particular depending on government body size and resources, and persistent difficulties in relation to third-party due diligence in particular. The Agency's audits concurred with the findings of these statistical surveys.

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➔ Pillar 3-3 – Promoting mainstreaming of integrity in sports organisations and events

This pillar's purpose was to systematically integrate corruption prevention and detection mechanisms into legislation on the organisation of major sports events and structures overseeing or involved in the organisation of these events. The Ethics Committee model, put in place for the 2024 Olympic and Paralympic Games and the 2023 Rugby World Cup, calls for an assessment in this regard.

Both AFA and the Ministry for Sport developed tools and practical guides. For example, the Ministry for Sport worked with all the sector's public-sector and business players to adopt guidelines on ethics and integrity in sport. To help the sports world's effort to deliver on anti-corruption systems commensurate with the risk level, AFA also worked on the preparation of two guides co-authored with the Ministry for Sport: one for ministry operators and the other for sports federations.

The two guides published in 2022 were well received by the ministries and their agencies and will support the rollout of this priority action over the 2024-2026 three-year period. The Ministry for Sport is therefore as expected developing the deliverable actions within its remit while the interior and agriculture ministries are focusing on races and gambling.

AFA also conducted a specific audit plan in the lead-up to the Paris 2024 Olympic and Paralympic Games focusing on: public-sector entities working as project managers on Olympic operations; sports federations; and the leading construction companies working directly or indirectly on Olympic projects (as contractors, partners, group leaders or members, and sub-contractors). Although the robustness of the anti-corruption systems put in place by these entities – which themselves are exposed to a certain level of risk given their nature and activities – still needs consolidating (insufficient knowledge of the corruption risks to which they are exposed and risk management systems as yet incomplete or not entirely operational), efforts are being made following the wake-up call that was AFA's audits. Lastly, in international cooperation, AFA took part in a series of actions to promote integrity and counter corruption in sport, including the International Partnership against Corruption in Sport (IPACS) and the United Nations Office on Drugs and Crime (UNODC) Global Report on Corruption in Sport published in December 2021.

➔ Pillar 3-4 – Supporting businesses in their efforts to take ownership of the French anti-corruption framework and encouraging them to make anti-corruption compliance a means of boosting their competitiveness

This action in the Plan was designed to help businesses, in liaison with trade federations, to prevent corruption risks by disseminating the French anti-corruption framework and providing training geared to their size, resources and issues of importance for their sector.

The nature of this action is such that it concerns businesses more than the ministries, but some ministries, including the economy and finance ministries, incorporated it into some of their projects.

For example, the economic departments of the Directorate General of the Treasury (DG Trésor) worked on actions outlined in France's Anti-Corruption Strategy in its Cooperation Work. These departments hold regular sessions with the French business community to familiarise it with the provisions of the Sapin II Act and French positions on these questions. In 2022, the Directorate General for Enterprise (DGE) published a collection of factsheets for businesses, including one on preventing risks associated with non-compliance with the obligations of the Sapin II Act. Lastly, the Business Relations Mediator promotes the Sustainable Procurement and Supplier Relations Label to businesses.

In 2020, AFA started work on a large number of guides, most of which had been published by late 2022: Anti-corruption due diligence for mergers and acquisitions (2020, updated in 2021), Gifts and hospitality policy in private and public sector corporations and non-profits (2020), Preventing conflicts of interest in the private sector (November 2021, updated in 2022), Anti-corruption guide for SMEs and smaller intermediate-sized enterprises (December 2021), Setting up a corruption risk prevention system in the construction sector (February 2022), Corporate anti-corruption accounting controls (April 2022), and Internal anti-corruption investigations (March 2023). This set of guides is designed to facilitate businesses' compliance efforts to give them greater legal certainty and a better command of their high-risk processes. At the same time, AFA continued to develop and deepen its relations with other administrations working for business (e.g. DGE and DG Trésor). Anti-corruption awareness has been scaled up for businesses since early 2021 with the publication of new guidelines, the set-up of online meetings and monitoring work for trade federations. AFA is also developing a wide range of higher education and in-service learning courses in liaison with institutes, universities and training schools. From 2017 to 2022, AFA launched audits of nearly 100 entities in all economic sectors, targeting

mainly large corporations. In this respect, AFA's audits are an efficient channel for the dissemination of the French anti-corruption framework and the improvement of practices: the vast majority of audits elicit highly substantial progress in measures and procedures. The audits hence spur businesses to action in these areas, including with their third parties (leading suppliers, intermediaries and customers), by means of a trickle-down effect. The maturity of the anti-corruption systems of large businesses hence progressed from 2017 to 2022.

➤ **Pillar 3-5** – Enhancing corruption penalties

Introduce a sanction information collection and centralisation system at ministerial level

The ministries are gradually putting together an inventory of sanctions, but it is not always easy to collect this information since confidentiality requires the anonymised processing of sanctions. With the exception of joining a civil action to criminal proceedings pursuant to Article 40 of the Code of Criminal Procedure and sentences with specific professional disqualifications, the administration is not often informed of criminal sentences. Nevertheless, some ministries are fully engaged in this priority action, such as the Ministry of the Interior and the Ministry for Primary and Secondary Education.

Make an inventory of administrative and criminal penalties

Prosecution for corruption, which remains rare, is nonetheless monitored over the medium-long term in the central government.

Centralise information about disciplinary sanctions in the three branches of the civil service

This work in progress is the responsibility of the ministries and is coordinated by the Directorate General for Public Administration and the Civil Service (DGAFP).

AFA's annual report details annual trends regarding the number of convictions for corruption offences, contributing alongside the work by its corruption observatory to an analysis of administrative sanctions and criminal sentences for corruption.

🚩 **Pillar 4** – Enhancing France's international action

This last pillar consisted of cultivating a coordinated approach to international cases in order to limit conflicts of jurisdiction and harmonise penalties through cooperation protocols and an international network of anti-corruption agencies.

All the ministerial departments work internationally in one capacity or another, but some of them such as the Ministry of the Interior undertook a host of international actions despite the pandemic hampering projects in this area.

Marshal France's technical expertise to help strengthen the capacities of other countries' anti-corruption authorities

A network of international technical experts (ITEs) was set up at the Ministry for the Economy and Finance to support our partner countries' public policy-making work for sustainable economic development. Three priorities were set: improve economic and financial governance practices, support French priorities in the international financial institutions and support exports. Countering corruption is part and parcel of the priorities identified.

Deployment of French technical expertise is also a regular task for French embassies abroad working with the regional directorates at the Ministry for Europe and Foreign Affairs to forward requests from France's partner countries.

Make the fight against corruption one of the priorities for France's action in multilateral organisations with a view to promoting the principles of the rule of law and sustainable economic development

Countering corruption is a Ministry of Justice priority for French action in many multilateral forums. France is particularly active in this area in the EU, the OECD and the Council of Europe.

A key event in the period covered by the plan was the OECD's publication in late 2021 of its Phase 4 Report on France's implementation of the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The report commends the progress made by France since the previous evaluation with the passing of the Sapin II Act and the creation of AFA. AFA also continued with its involvement in international anti-corruption events and training (participation in international events, support for the French authorities in multilateral cooperation bodies, bilateral cooperation and international training and communication activities).

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OUTLOOK: LAUNCH OF WORK ON THE NATIONAL MULTI-YEAR PLAN TO FIGHT CORRUPTION BY THE MINISTRIES WITH AFA SUPPORT AND COORDINATION

On the back of these encouraging results, 2022 saw the launch of AFA's preparations for the future plan. In November 2022, a mission statement from the Director of AFA to prepare the plan was endorsed following interministerial consultations. A meeting was held in late November to launch an interministerial working group tasked with drafting a new plan. This was followed by a series of plenary sessions and work in area-specific sub-groups throughout the first half of 2023. Strategic pillars were identified with proposals for goals and documented measures scheduled for discussion and development. A string of institutional partners from outside the working group were brought on board to provide their input. Work is set to continue on developing and summarising proposals ahead of a public consultation to produce a new plan covering at least the 2024-2026 three-year period.

Promoting the French anti-corruption system beyond our borders

1. AFA PROVIDES EXPERTISE TO SUPPORT FRENCH AUTHORITIES IN MULTILATERAL ANTI-CORRUPTION STRUCTURES

AFA oversees the adoption of international anti-corruption tools

Since the 1990s, countries have adopted a number of international anti-corruption tools. This proliferation of legal tools reflects a shared concern about the political, social and economic effects of corruption, a renewed awareness of its transnational nature, and a collective commitment to tackling the phenomenon and its root causes. AFA actively participates in this process, contributing to the adoption of international anti-corruption standards both in France and abroad.

AFA is also committed to evaluating the progress made by France to prevent corruption and implement international guidelines. In 2022, AFA contributed to:

- ✓ the end of the second review cycle for France as part of the **United Nations Convention Against Corruption**, the Mérida Convention;
- ✓ the follow-up to recommendations for France from the **Council of Europe Group of State Against Corruption** (GRECO) in its report on the Fifth Evaluation Round on preventing corruption in top executive functions and law enforcement agencies;
- ✓ the discussions with the European Commission on the drafting of the French chapter in the **Annual Rule of Law Report in the EU**;
- ✓ the follow-up to recommendations from the Phase 4 evaluation of France under the **OECD Convention on Combating Bribery** of Foreign Public Officials in International Business Transactions.

Additionally, AFA is involved in international evaluations of other countries.



AFA examines Namibia's implementation of the Mérida Convention

As part of the evaluation of the implementation of the Mérida Convention, France was appointed evaluator for Namibia alongside Uganda. This evaluation, which focused on corruption prevention and asset recovery, brought together AFA experts, the Ministry for Europe and Foreign Affairs, the Agency for Managing the Recovery of Seized and Confiscated Assets and the High Authority for Transparency in Public Life in Windhoek in August 2022.

Coordinated by the UNODC and organised at the offices of the Anti-Corruption Commission of Namibia, this visit was part of exchanges between various Namibian authorities and civil society entities involved in the fight against corruption. The topics covered included civil servant ethics, public procurement procedure rules and access to information on the beneficial owners of legal entities. This constructive exchange will provide material for the Evaluation Report on Namibia.



AFA's involvement in the work of intergovernmental bodies

AFA participates in defining and establishing France's position within multilateral anti-corruption bodies, monitoring the work of relevant intergovernmental bodies with the French authorities' support. In 2022, AFA took part in 68 international events, both in-person and remotely. It notably took part in:

- ✔ the **G20 Anti-corruption Working Group Meeting**, hosted by Indonesia, to present its serious game "En quête d'intégrité";
- ✔ **consultations for the publication of a UNODC guide** on collaboration between supreme audit institutions and anti-corruption authorities;
- ✔ the Global Dialogue Session of the **OECD Working Group on Bribery in International Business Transactions** to showcase its role in promoting integrity in business;
- ✔ the **experience-sharing workshop between anti-corruption authorities from EU Member States**, organised by the European Commission, which sought to discuss the lessons learned from national anti-corruption strategies.



2. AFA COORDINATES NETWORKS AND INNOVATIVE PARTNERSHIPS TO PROMOTE A CULTURE OF INTEGRITY ACROSS THE GLOBE

To combat corruption in the long term, ensure a level playing field and safeguard the rule of law, it is essential to mobilise all sectors of society, everywhere in the world, and join forces to promote a common culture of integrity. AFA pursues this goal by contributing to the rapid growth of networks of cooperation and partnerships dedicated to fighting corruption.

Specialist anti-corruption agency networks



▲ The EPAC/EACN meeting in Chisinau, with the President of Moldova, Maia Sandu, in the centre.

In 2022, AFA maintained its commitment as a member of the **Network of Corruption Prevention Authorities (NCPA)**. AFA took part in **11 meetings and webinars**, organised by the Greek presidency of the NCPA. The members and partners of this global platform, which was launched in 2018 notably at AFA's request, led activities dedicated to such areas as national anti-corruption strategies, the regulation of lobbying activities, the protection of whistleblowers, integrity in sport and public procurement. Additionally, AFA took part in corruption risk mapping during the Annual Professional Conference for the **European Partners against Corruption Network (EPAC/EACN)**, which brought together more than 180 representatives from anti-corruption authorities, law enforcement audit groups, EU institutions and international organisations. AFA also oversaw exchanges as part of the International Association of Anti-Corruption Authorities (IAACA).

Initiatives with civil society and the private sector

AFA was invited to take part in the plenary meeting of the **Europol Financial Intelligence Public Private Partnership project (EFIPPP)**, which brings together national authorities (notably financial intelligence units and police departments from EU countries and the United States), European institutions, international organisations, research centres and banks. AFA presented its missions relating to businesses and lessons learned from audits of entities in the financial sector. AFA was also invited to speak at the **4th International Collective Action Conference**, organised by the Basel Institute on Governance. In front of more than 200 anti-corruption professionals from the public and private sectors, civil society and the academic world, AFA spoke about the collaborative method it uses to draw up its guidelines and

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guides. Public consultations and regular exchanges between AFA and trade federations were highlighted as examples of successful cooperation between a regulator and businesses. In addition, AFA took part in **seven meetings for the International Partnership Against Corruption in Sport (IPACS)**, alongside other government entities, sports organisations and international bodies. AFA was also part of the French delegation that travelled to Washington to take part in the 2022 edition of the **International Anti-Corruption Conference (IACC)** organised by the NGO **Transparency International**, alongside the Ministry for Europe and Foreign Affairs, the National Financial Public Prosecutor's Office, the Central Office for the Fight against Corruption and Financial and Tax Crime, and the High Authority for Transparency in Public Life.



▲ AFA participates in the French delegation in Washington for the 2022 edition of the International Anti-Corruption Conference (IACC) hosted by the NGO Transparency International.

Partnerships with the research community

AFA supports international research projects designed to better understand, detect and prevent corruption. In 2022, it worked on the **Global Programme on Measuring Corruption (GPMC) by the International Anti-Corruption Academy (IACA)**, discussing the different methodologies for data collection and the types of data needed to assess corruption risks with university researchers from many countries. In addition, AFA continued its partnership with **Transcrime** in the second phase of the **European Datacross project**, aimed at developing a tool calculating corruption indicators by analysing companies' ownership chains.



AFA becomes partner of the Datacros II Project

Following the delivery of the Datacros tool in 2020, which calculates financial crime indicators by analysing the ownership chain of companies, AFA collaborated again in January 2022 with Transcrime, the Italian unit specialising in financial crime and also leading the project, to improve the research and analysis capabilities of Datacros.

Following the success of Datacros I, AFA has been joined by more than 20 government administrations in the Member States with an interest in the development of a tool that will enable them to detect anomalies in companies' ownership structure. Such anomalies can in fact indicate a high risk of collusion, corruption, fraud and money laundering. These government administrations make up a consortium of authorities, agencies, units and customs, police, competition, anti-corruption and investigative units.

A group of investigative journalists as well as the Network of Corruption Prevention Authorities (NCPA) also joined the project.

Datacros II will build on Datacros I taking into account:

- ▶ new data relating to the companies' financial situation, public procurement data, data relating to international sanctions affecting individuals, companies or countries, information relating to politically exposed persons (PEPs) within the meaning of European directives, covering 200 countries and more than 300 million companies.
- ▶ new functionalities based on enhanced research algorithms.

Supported by the European Union (through the Internal Security Fund), the project will take place over 24 months and will centre on five focus areas: surveying the interests of participants, technical prototype development, the testing period, technical and legal validation, and delivery.

The official launch meeting took place on 23 February 2022, the day the consortium discussed the new functionalities of the Datacros II project.

Information on the project's progress will be posted on the consortium's dedicated website (<https://www.transcrime.it/datacros/>).

3. RAISING THE PROFILE OF FRANCE'S ANTI-CORRUPTION SYSTEM THROUGH BILATERAL COOPERATION

AFA consolidates its collaboration with foreign authorities and multilateral development banks

AFA contributes to fulfilling France's international commitments and to raising the international standing of the country's technical expertise by implementing cooperation actions. Similarly, AFA endeavours to promote a coordinated approach to the fight against transnational corruption by maintaining close relations with its counterparts and multilateral development banks. In 2022, this collaboration was consolidated by signing **six cooperation agreements** with:

- ✓ the Special Investigation Service of the Republic of **Lithuania** (STT), during a study visit organised by AFA in partnership with the National Financial Public Prosecutor's Office, OCLCIFF, IGPN, IGGN, AGRASC and HATVP;
- ✓ the National Transparency Authority of **Greece** (NTA);
- ✓ the Ministry for the Promotion of Good Governance, Capacity Building, and the Fight against Corruption of **Côte d'Ivoire** during a mission in Abidjan;
- ✓ the Administrative Control and Transparency Authority of **Qatar** (ACTA);
- ✓ the Anti-Corruption Agency of the Republic of **Kazakhstan**;
- ✓ the Anti-Corruption Agency of the Republic of **Uzbekistan**.



▲ The Director of AFA meets the President of the Administrative Control Authority of the Arab Republic of Egypt as part of the signing of the cooperation agreement by the two departments in 2019.

In addition, AFA continued to enjoy productive discussions with its key partners, including the **European Investment Bank**, the **Inter-American Development Bank** and the **World Bank**, notably during a meeting between the Director of AFA and the World Bank Group's Integrity Vice President.

AFA shares best practices and disseminates the French anti-corruption framework internationally

In 2022, AFA received **20 delegations** to present the French anti-corruption framework, including two at ministerial level, and organised **27 technical meetings** with representatives from across the globe. Its departments have carried out **13 missions abroad**.

Support has particularly been given to anti-corruption agencies in **EU candidate countries**. As such, AFA shared best practices for corruption prevention and detection with its counterparts in **Ukraine**, **Moldova** and **Serbia**. AFA was also invited by the French liaison magistrate of Southeast Europe to take part in a regional seminar in **North Macedonia**.



▲ AFA hosts a delegation from the National Agency On Corruption Prevention (NACP), its Ukrainian counterpart



AUDITS

Sustained auditing in 2022

1. KEY FIGURES

The audits that AFA conducts under the terms of Articles 3(3 and 4) and 17(III) of the Sapin II Act fall into two categories:

- ✓ **Audits conducted at the initiative of the Director of AFA (“initiative audits”), which concern:**
 - ➔ central government administrations, local governments and their public establishments¹² and semi-public companies and companies, associations and foundations recognised as public interest entities, audited under the terms of Article 3(3);
 - ➔ industrial and commercial public undertakings that exceed the thresholds laid down in Article 17(III);
 - ➔ some semi-public companies, local public companies and industrial and commercial public undertakings required to comply with both Article 3(3) and Article 17 (combined audits)
- ✓ **Audits to ensure execution of administrative sanctions or implementation of compliance remediation programmes imposed by a court (remediation audits) under the terms of compliance remediation orders handed down by the AFA Sanctions Committee and the new judicial measures introduced by the Sapin II Act (Judicial public interest agreements – CJIP – and compliance remediation programmes – CRP).**

Initiative audits and remediation audits are intended to ascertain the existence, quality and effectiveness of the anti-corruption systems deployed by the audited entities i.e. the measures and procedures intended to prevent and detect corruption¹³.

Audits undertaken in 2022

In 2022, AFA undertook 39 new audits and preliminary examinations:

- ✓ 36 audits initiated by AFA:
 - ➔ 18 audits concerning entities subject to Article 17(III) of the Sapin II Act. Of these 18 audits, 12 are initial audits of the leading companies in a high-risk business sector and 6 are follow-up audits for companies audited in 2018, 2019 and 2020.

These 18 audits undertaken in 2022 concerned businesses with revenue ranging from €434m to €81bn and workforces ranging from 800 to 300,000 employees. Ten of the audited businesses are French subsidiaries of foreign groups. On the audit start dates, these companies had between 0 and 600 subsidiaries.

¹² Since the 3DS Act on 21 February 2022 which extended AFA’s remit to local publicly-owned companies.

¹³ Bribery and influence peddling for entities covered by Article 17 of the Act, with the addition of unlawful taking of interest, extortion by public officials, misappropriation of public funds and favouritism for entities covered by Article 3 only or by both Article 3 and Article 17.

→ 18 audits of public-sector entities and associations recognised as public-interest entities, including 10 major regional governments and 8 sports federations.

These 18 audits undertaken in 2022 concerned government and associations recognised as public-interest entities with budgets ranging from €15m to €2.7bn. They included four entities with budgets in excess of €1bn, and ten with budgets ranging from €300m to €1bn. The workforces of the entities audited range from 50 to more than 10,000 employees. Ten of them had their registered office outside of the Paris region.

✓ remediation audits:

→ 1 preliminary examination for potential CJIPs at the request of the National Financial Public Prosecutor's Office;

→ 2 compliance remediation programme audits under the terms of a CJIP with the National Financial Public Prosecutor's Office and the Paris Public Prosecutor's Office.

Audits and examinations undertaken since 2017	2017-2021		2022		Total
	Business entities	Public entities	Business entities	Public entities	
Remediation audits	17		3		20
Compliance remediation order audits	2				2
Compliance remediation programme audits	6		2		8
Preliminary examinations	9		1		10
Audits initiated by AFA	91	51	18	18	178
Initial audits	79	43	12	18	152
Follow-up audits	12	8	6		26
Overall total	108	51	21	18	198

As shown in the table above, 198 audits and examinations were undertaken between October 2017 and December 2022, including:

✓ 129 audits and examinations of business entities subject to Article 17(III) of the Sapin II Act, 69 audits of public-sector entities as outlined in Article 3(3) (including one combined audit);

✓ 20 audits and examinations relating to remediation audits, 152 initial audits and 26 follow-up audits.

2. A BOLSTERED AUDIT STRATEGY

In keeping with the audit scheduling guidelines, the audits undertaken in 2022 bolstered AFA's audit strategy. This is evident in the implementation of new audit procedures aimed at encouraging the fastest possible deployment of complete and effective anti-corruption systems within entities – whatever their size and organisation – particularly in the sectors most vulnerable to corruption risks.



AFA's audit scheduling guidelines since 2017

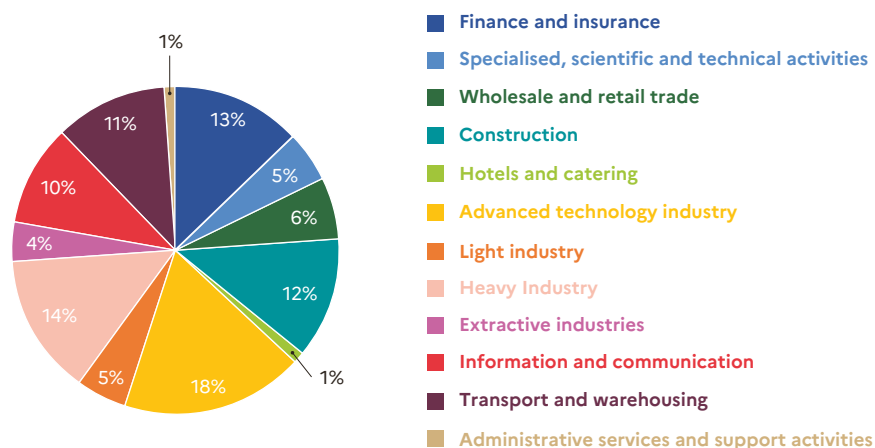
- ▶ Entities' risk exposure, which is determined by many factors, such as their revenue and the size of their budgets. In the case of business entities, risk factors include their strategic importance, particularly the share of export revenue, international exposure, ownership of key technologies, potential exposure to aggressive law enforcement strategies in other countries, etc. Risk factors for public sector entities and for associations and foundations recognised as public interest entities include the volume of public procurement and appropriations for operations, involvement in public service activities, licensing and permitting, etc.
- ▶ The high-risk sectors and countries in which entities do business.
- ▶ The potential impact of audits on the dissemination of best practices in an entity's industry, business sector, class or category.
- ▶ Whistleblowing reports submitted to AFA on which it intends to take follow-up action.

The potential impact of audits on the dissemination of best practices in the audited entity's industry, business sector, class or category guided the choice of all of the audits undertaken in 2022. All of the audited entities were businesses in a high-risk sector or public-sector entities in a high-risk category. Eight of them, representing 45% of the 18 new audits of businesses and nearly 33% of all the new audits initiated by AFA, were doing business in high-risk areas.

Overall, between 2017 and 2022:

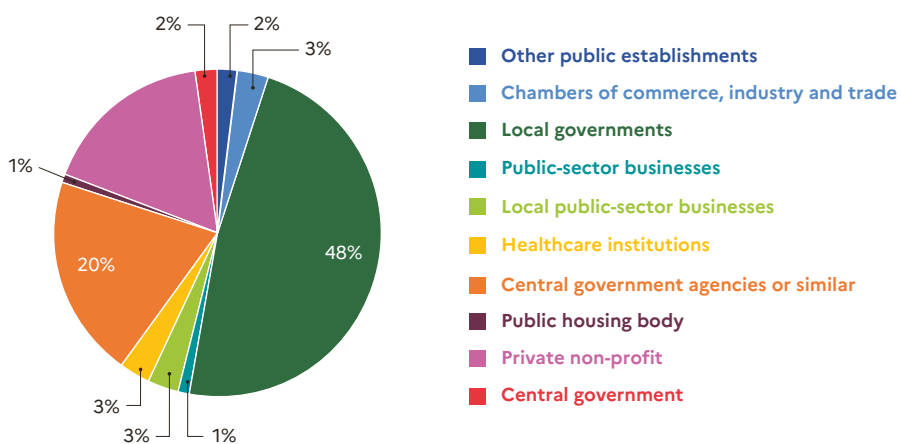
- ✔ One third of the businesses audited are in manufacturing, 13% are in finance, 12% in construction, 11% in transport and 10% in information and communication. Most of the audited companies have extensive international business.

Audits of businesses by sector (2017-2022)



- More than 80% of the audits undertaken under the terms of Article 3(3) of the Sapin II Act concern central government agencies, local governments and private non-profit entities.

Audits of public-sector entities by activity sector (2017-2022)



3. NEW PROCEDURES FOR AUDITS INITIATED BY AFA

In 2022, AFA changed the way audits were carried out to adapt them even more effectively to the risk profiles of the entities audited taking into account its feedback.

The [Audit Charter](#) was updated in June 2022 to incorporate these changes, for audits of both business and public-sector entities.

The main changes are as follows:

- ✔ **The audits are conducted in two phases:** audits initiated by AFA are now carried out over two successive phases, although the second does not take place systematically;
 - ➔ The first phase of the audit aims to ascertain the existence, quality and effectiveness of the anti-corruption system deployed by the entity under audit regarding its risk environment. This phase is centred on an analysis of responses to an initial questionnaire, on interviews, and on the responses given to questions asked at the end of these interviews;
 - ➔ The second phase aims to further analyse – if required – the anti-corruption system of the entity under audit using questionnaires and additional interviews. This in-depth analysis can focus on one of the system's measures, a specific geographical area or activity, or one or more high-risk processes. The decision to carry out this second phase is left to the discretion of the Director of AFA, on the advice of the Audit Division, based on findings of the audit team during the first phase.
- ✔ When submitting the provisional audit report, the Director may ask the entity to send him an **action plan** specifying the procedures and timetable for the actions envisaged to address the recommendations made in the report, as well as the individuals responsible for their implementation. This action plan may entail exchanges with the entity under audit to ensure its relevance, and is appended to the final report. This change aims to help entities identify relevant actions to implement.
- ✔ **Changing the observation date:** in order to make the best possible use of the work carried out by the audited entities during the audit and after receiving the provisional report, the findings of the final reports are now based on the observations updated on the date for responding to the provisional report, rather than the closing meeting date. However, in order to be able to take these elements into account, it is essential that the entity informs AFA of any evidence of measures likely to alter the observations, recommendations and any breaches contained in the report as part of any adversarial procedure.



New resources concerning public-sector entities subject to AFA audits

In order to give public-sector entities a clear idea of the content of an AFA audit and on the model of what has existed since 2018 for business entities, [a standard questionnaire for public-sector entities](#) was published in 2022 on the AFA website (in French only).

In addition, in 2022 AFA updated the [scope sheet defining the public-sector entities, associations and foundations recognised as public-interest entities and audited on the basis of Article 3\(3\) of the Sapin II Act](#), taking into account the latest changes to legislation. Act 2022-217 of 21 February 2022 on Differentiation, Decentralisation, Devolvement and Implementing Various Measures to Simplify Local Government Action has integrated local public companies within AFA's audit scope.



Remediation audit takeaways

1. THE KEY ROLE OF COMPLIANCE REMEDIATION PROGRAMMES CONDUCTED UNDER THE TERMS OF DEFERRED PROSECUTION AGREEMENTS (DPAS)

A judicial public interest agreement (CJIP) is an alternative settlement procedure to criminal prosecution established by the Sapin II Act. It is applicable to legal entities implicated in cases of bribery, influence peddling, tax evasion, laundering money from these offences and any related offences. It effectively terminates public prosecution if the implicated legal entity fulfils the obligations to which it commits in the agreement. These alternate or cumulative obligations may consist of:

- ✓ payment of a public interest fine of no more than 30% of average annual turnover;
- ✓ implementation of an AFA-supervised compliance remediation programme for a maximum period of three years to bring corruption prevention and counter-corruption procedures into compliance;
- ✓ payment of damages to the victim.

The CJIP, as proposed by the public prosecutor (or the investigating judge in the case of a judicial investigation) and accepted by the legal entity, must be validated by the presiding judge in an open court hearing.

The act was designed, *inter alia*, to assert France's judicial sovereignty and prevent repeat offences. These goals have been met as observed by both the parliamentary fact-finding report on the evaluation of the impact of the Sapin II Act and the OECD in its December 2021 evaluation.

Two such Deferred Prosecution Agreements including a compliance remediation programme were concluded by settlements coordinated between the National Financial Public Prosecutor's Office and foreign authorities in the form of the Serious Fraud Office (SFO) and the US Department of Justice (DoJ). In these cases, the three authorities agreed to order the implicated company to conduct a compliance remediation programme supervised solely by AFA.

In addition, the existence of a compliance remediation programme, which alone can prevent the risk of repeat offences by requiring the company to put in place an anti-corruption system geared to its risk environment, constitutes a factor of social acceptance of negotiated justice for legal entities.



Blocking statute:

The role of the Economic Strategic Intelligence and Security Department (SISSE) and AFA

Act 68-678 of 26 July 1968, known as the “blocking statute”, establishes two prohibitions punishable by a six-month prison sentence and/or a fine of €18,000 for individuals and €90,000 for legal entities:

- ▶ Prohibition to disclose information to a foreign public authority liable to undermine the nation’s sovereignty, security, public order or essential economic interests (Art. 1);
- ▶ Prohibition to respond to requests for the disclosure of information or searches for information with a view to collecting evidence for judicial or administrative proceedings outside of the mutual assistance channels provided for by the international treaties and agreements (Art. 1 bis).

Article 2 of this act requires persons to whom this type of request is referred to immediately inform the relevant minister. In a move to make the system more effective, the SISSE was appointed the “one-stop centre” by the Decree of 18 February 2022 to assist businesses and issue legal opinions on the applicability of Articles 1 and 1 bis to a given case. These opinions, issued following interministerial examinations conducted primarily by the justice, economy and finance, and foreign affairs ministries, strengthen the legal certainty of businesses and prosecution authorities. The blocking statute is widely recognised by foreign authorities and increasingly invoked by businesses. For example, 38 cases were referred to SISSE in 2022 compared with 4 to 6 cases a year prior to 2019. AFA is systematically involved in this work when a referral concerns a request relating to suspected corruption.

Pursuant to the Sapin II Act, AFA has jurisdiction to ensure compliance with the prohibition referred to in Article 1 of the blocking statute "in the case of the implementation of decisions by foreign authorities requiring companies with registered offices on French soil to undertake a compliance remediation procedure with respect to their internal corruption prevention and detection procedures." For example, AFA exercised this jurisdiction in the case of the compliance remediation programme audits that it conducted with respect to the DPAs signed by Société Générale SA and Airbus SE.

2. DELIBERATIONS WITH PUBLIC PROSECUTOR'S OFFICES BEFORE SIGNING CJIPS

The Minister of Justice's dispatch of 10 January 2022 regarding the French Anti-Corruption Agency and how it liaises with public prosecutor's offices asked public prosecutors to inform AFA in advance when they are considering a CJIP with the potential inclusion of a compliance remediation programme.

AFA may, at the request of the public prosecutor, provide its assistance with appraisals of the utility of a compliance remediation programme and definition of the coverage and duration of such a programme.

Consequently, since the introduction of CJIPs, AFA has conducted 10 examinations upstream of the establishment of a CJIP at the request of the public prosecutor's offices. In the majority of cases, its coverage and duration recommendations were taken up by the public prosecutor's offices and validated by the presiding judges of the courts concerned.



3. AUDITING PROCEDURES GEARED TO THE ANTI-CORRUPTION AGENDA

The purpose of an AFA audit of a compliance remediation programme pursuant to Article 131-39-2 of the Criminal Code is to verify the implementation, quality and effectiveness of prevention and detection measures comparable with those required of companies in accordance with Article 17 of the Sapin II Act:

- ✓ a code of conduct defining and illustrating the various types of prohibited behaviour that could constitute acts of bribery or influence peddling;
- ✓ an internal whistleblowing system for receiving reports from staff about instances of conduct or situations that violate the legal entity's code of conduct;
- ✓ regularly updated documentation for the purpose of identifying, analysing and ranking the legal entity's exposure to risks of external solicitations for the purpose of bribery, in accordance with the activity sectors and locations where the legal entity does its business;
- ✓ procedures for assessing the situation of customers, leading suppliers and intermediaries with regard to the risk map;
- ✓ internal and external accounting control procedures to ensure that the books, ledgers and accounts are not used to conceal acts of bribery or influence peddling. These controls may be carried out either by the company's own accounting and financial control departments or by an independent auditor in the case of audits to certify the financial statements as provided for by Article L.823-9 of the Commercial Code;
- ✓ a training system for managers and staff most exposed to the risks of bribery and influence peddling;
- ✓ disciplinary rules providing for sanctions for legal entity staff in the event of a breach of the legal entity's code of conduct.

When conducting these audits, AFA draws on its six years of experience in audits of large corporations undertaken at its own initiative to ascertain compliance with the requirements stipulated in Article 17 of the Sapin II Act.



How is a compliance remediation programme audit conducted?

Following an initial AFA audit of the entity's anti-corruption system, an action plan proposed by the company is sent to AFA for validation. During the implementation of this action plan, the company has the possibility of discussing the suitability of some of its framework policies with AFA. It informs AFA of the progress of the action plan's implementation by means of quarterly reports. AFA can conduct targeted audits of certain operational processes, departments, branches and subsidiaries, specific anti-corruption system measures, and countries and regions where the audited entity is established or operates to ascertain the effective implementation of the action plan and anti-corruption system measures.

The compliance remediation programme audit is closed after a final audit of the anti-corruption system to verify the implementation of the action plan defined following the initial audit and to assess the suitability, proper deployment and effectiveness of the anti-corruption system. The provisional final audit report is discussed by AFA and the audited entity, following which the final report is drawn up and sent to the public prosecutor who ordered the CJIP.

The length of an audit of a compliance remediation programme under the terms of a CJIP (three years maximum) gives AFA the time it requires to check compliance with the commitments made by the company in the action plan presented to AFA following the initial audit, report to the public prosecutor's offices on the progress made by the company and ultimately help reduce the risk of repeat offences.

4. INCREASE IN ACTIVITY IN 2022 AND MOMENTUM TO BE SUSTAINED

In 2022, two new CJIPs were signed with accompanying compliance remediation programmes. This makes for a total of eight AFA-supervised compliance remediation programmes under the terms of CJIPs from 2017 to late 2022.

- ▶ **Kaefer Wanner:** 2018, Nanterre Public Prosecutor's Office, 18 months;
- ▶ **SAS SET Environnement:** 2018, Nanterre Public Prosecutor's Office, 2 years;
- ▶ **Poujaud SAS:** 2018, Nanterre Public Prosecutor's Office, 2 years;
- ▶ **Société Générale SA:** 2018, National Financial Public Prosecutor's Office, 2 years;
- ▶ **Airbus SE:** 2020, National Financial Public Prosecutor's Office, 3 years;
- ▶ **Bolloré SE :** 2021, National Financial Public Prosecutor's Office, 2 years;
- ▶ **La Financière ATALIAN:** 2022, Paris Public Prosecutor's Office, 2 years;
- ▶ **DORIS:** 2022, National Financial Public Prosecutor's Office, 3 years.

Four of these eight CJIPs have been closed and an opinion issued to terminate public prosecution.

These CJIPs show the capacity of compliance remediation programmes to get signatory legal entities on board with a new compliance dynamic. The companies subject to a compliance remediation programme have had to define transformative actions for their risk environment to be able to develop, improve or finalise all or part of their anti-corruption system, thereby helping to reduce the risk of repeat offences.

In a first, one of the CJIPs validated in 2022 for charges of laundering the proceeds of tax evasion by means of missing or inaccurate accounting entries provided for an anti-corruption compliance remediation programme to be audited by AFA, thereby illustrating the links that can be made between preventing corruption and preventing other offences and the suitability of risk management measures in this area.

Managing reports

1. A SHARP INCREASE IN THE NUMBER OF REPORTS RECEIVED BY AFA IN 2022

Since 2017, AFA receives between 200 and 300 reports a year. The follow-up actions taken with regard to these reports vary and are not mutually exclusive: they include referral to the competent authorities, in particular the public prosecutor's offices, and occasionally the initiation of an AFA audit. In any case, matters reported to AFA help it to better identify high-risk sectors and activities and add to its database of associated risk scenarios.

In 2022, the number of reports received by AFA increased by 40%: 304 reports were received compared with 216 in 2021.

Of the reports processed in 2022, 40% were deemed to be serious and detailed enough to be actionable by AFA, of which 16% required exchanges with the whistleblower to obtain additional information.

Categories of incidents reported

The processing of the reports resulted in the identification of 328 incidents that, if proven, could constitute criminal offences:

- ✓ 61% would constitute corruption offences, of which 31% would concern bribery of a public official, 25% influence peddling, 14% unlawful taking of interest, 13% misappropriation of public funds or assets, 11% favouritism and 5% extortion by public officials;
- ✓ 39% would constitute other offences (breach of trust, forgery, tax evasion, laundering of the proceeds of tax fraud, misuse of corporate funds).

Note that one single report may involve multiple offences.

Whistleblowers

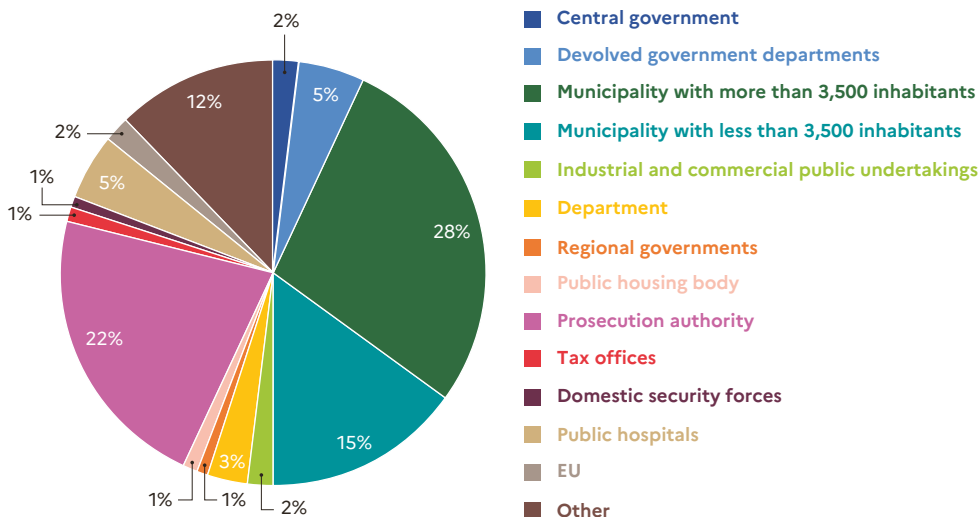
Parmi les signalements traités en 2022, 51 % émanaient d'auteurs identifiés, 49 % ayant souhaité conserver l'anonymat.

Parmi les signalements émanant d'auteurs non anonymes, 83 % émanaient de personnes physiques dont 68 % émanaient d'usagers/riverains/administrés, 15 % de salariés se présentant parfois comme lanceurs d'alerte ou responsable de la conformité, 13 % d'organisations (entreprise, associations collectivités territoriales et hôpitaux), 7 % d'agents publics, 5 % de dirigeants ou de chefs d'entreprises, 4 % des autorités et services de l'État, 3 % auxiliaires de justice et 2 % d'élus. 5 % ne permettant pas d'identifier correctement leur auteur.

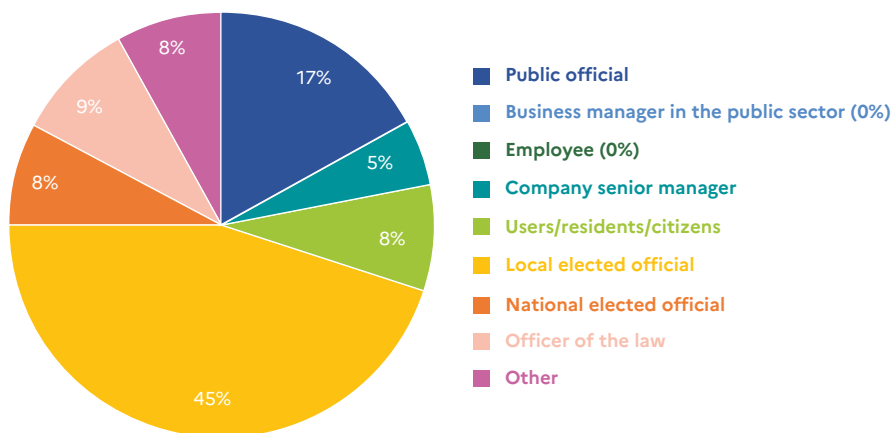
Entities and persons reported

48% of the reports processed in 2022 reported public-sector entities, 32% individuals and 20% private-sector entities, breaking down as follows:

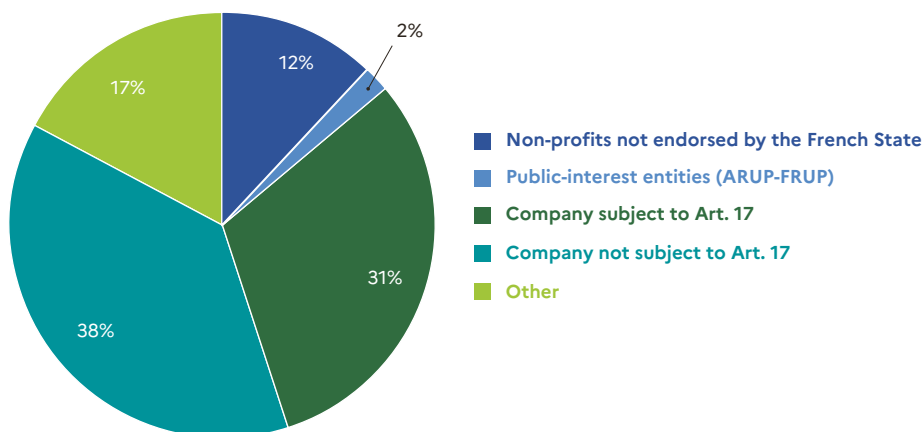
Public-sector entities



Individuals



Private-sector entities



Sectors covered by the incidents reported

The activity sector concerned can be identified in 63% of the incidents reported. Of these, 46% are in the government sector, 11% in construction, 4% in transport and warehousing, 4% in real estate activities, 3% in the water treatment and distribution, sanitation, waste management and clean-up sector, 3% in the agriculture, forestry and fishing sector, and 2% in finance and insurance.



AFA appointed the external authority for receiving whistleblower reports

Decree 2022-1284 of 3 October 2022 designated AFA as the competent authority for receiving and processing external whistleblower reports concerning corruption, public procurement and offences against the European Union's financial interests. This appointment will enable private-sector employees and civil servants who do not wish to use the internal whistleblowing system set up by their employers to refer their cases directly to AFA, in accordance with the new provisions introduced by Act 2022-401 of 21 March 2022 aimed at improving whistleblower protection.

In practice, AFA will now receive two types of whistleblower reports: the same reports it used to receive and reports that could fall within the scope of Article 8(II) of the Sapin II Act.

In 2022, AFA is working with the French Defender of Rights and other external authorities of its kind to fine tune the procedures for collecting and processing all the reports it receives.

This new responsibility will help step up corruption detection initiatives and enhance whistleblower protection, in tandem with the internal whistleblowing systems deployed by entities, who can use the guidelines published by AFA for this purpose.

A significant increase in the reports received by AFA is expected, though the extent of the increase is difficult to gauge.

2. REPORTS REFERRED BY AFA BASED ON ITS AUDITS AND REPORTS RECEIVED

Follow-up action to reports received by AFA

In 2022, 37 of the reports received by AFA were referred to other departments or authorities, including 33 redirected to public prosecutor's offices. These included:

- ✓ two reports that were referred to the public prosecutor with jurisdiction under the terms of Article 40 of the Code of Criminal Procedure for probable corruption offences in public procurement. In both cases, the reports were anonymous, detailed and substantiated, and concerned active bribery incidents. One targeted property development, the other the award of an operating contract to provide a drinking water service for a municipality;
- ✓ 31 reports that were referred to the public prosecutor with jurisdiction because they could be related to ongoing criminal proceedings;
- ✓ reports received by AFA that were referred to other authorities and departments (e.g. general inspectorates, professional bodies, government departments).

Reports referred by AFA to the public prosecutor based on the findings of AFA auditors

In 2022, AFA referred two reports to the public prosecutor with jurisdiction under the terms of Article 40 of the Code of Criminal Procedure concerning public-sector entities and probable corruption offences including favouritism, unlawful taking of interest and misappropriation of public funds.

Another report was redirected on the same grounds relating to the obstruction of audits. It should be noted that the offence of impediment in the discharge of an AFA auditor's duties provided for in Article 4 of the Sapin II Act is punishable by a fine of €30,000.

A stronger dialogue between AFA and public prosecutors' offices

Between 2017 and 2022, 32 incidents constituting probable criminal offences were reported to the public prosecutors with jurisdiction under the terms of Article 40.

Furthermore, AFA received 27 judicial requisitions pertaining to audit reports and documentation needed to draft them.

The procedures for exchanging information with the judicial authorities on offences detected by AFA and the process of informing AFA of any judicial follow-up on these reports were specified by the Minister of Justice's dispatch of 10 January 2022 relating to AFA and its procedures for exchanging information with the public prosecutor's offices.

AFA informs public prosecutor's offices with territorial jurisdiction of the audits it intends to carry out on their prerogative, thereby granting the public prosecutor's offices easier access to information useful to their investigations.

In addition, this dispatch encourages public prosecutors to "pay the utmost attention both to the reports sent by AFA on this basis and to the criminal response to these acts". It works on the basis that public prosecutor's offices inform AFA of any judicial follow-up action to its reports.

To this day, all reports issued by AFA are investigated by specialised investigation departments as part of either a preliminary investigation or a judicial investigation.

In 2022, a first criminal conviction, for acts constituting unlawful taking of interest, was handed down by a judicial court following a report made by AFA on the basis of Article 40 of the Code of Criminal Procedure for acts that it had itself observed in the audit of a university hospital carried out pursuant to Article 3 of the Sapin II Act.



ADVISORY ACTIVITIES

Support business and public-sector entities in their anti-corruption work: practical guides for all and answers to questions from stakeholders and the general public

1. ROUNDING OUT THE FRENCH ANTI-CORRUPTION FRAMEWORK WITH PRACTICAL GUIDES ON SPECIFIC SUBJECTS AND SECTORS

In 2022, AFA continued to develop and publish new practical guides to meet entities' needs for support as they deploy their anti-corruption systems.

1.1 Seven new guides, an update and a public consultation in 2022

PRACTICAL GUIDE ON CORPORATE ANTI-CORRUPTION ACCOUNTING CONTROLS

Published in April 2022, this guide was developed in consultation with the High Council of Statutory Auditors, the National Company of Auditors (CNCC), the Order of Chartered Accountants (OEC), the Association of Finance Directors and Management Controllers (DFCG) and the French Institute of Internal Audit and Control (IFACI). A public consultation was also held with trade federations, law firms and consultancy firms specialised in compliance.

The guide is an instructive collection of best practices and examples of anti-corruption accounting controls, which form one of the eight measures that businesses subject to the provisions of Article 17 of the Sapin II Act are required to put in place.

The guide is available in French and English on the AFA website.



A GUIDE FOR THE CONSTRUCTION AND PUBLIC WORKS SECTOR

On 18 February 2022, the French Anti-Corruption Agency published its first guide for companies in the construction and public works sector to help them develop and implement an anti-corruption system.

The guide is designed mainly for construction and public works companies with at least 500 employees and an annual turnover of over €100 million, but also for companies in other sectors and public-sector entities that work with construction and public works companies.

Based on feedback from AFA audits and support and awareness-raising activities, the construction and public works guide spotlights areas of focus and risks to which the sector can be exposed. It also identifies best practices observed across the sector's businesses.

The guide is structured around the three anti-corruption system pillars: senior management commitment, corruption risk mapping, and prevention, detection and corrective measures and procedures.



Smaller construction and public works businesses seeking to implement an anti-corruption system of their own volition could refer to this and the other guides published by AFA.

In keeping with AFA's participatory approach, the guide was developed in liaison with the French Building Federation and the National Public Works Federation.

UPDATE TO THE PRACTICAL GUIDE ON PREVENTING CONFLICTS OF INTEREST IN THE PRIVATE SECTOR

This guide was published in November 2021. It underscores that the law gives no definition of conflict of interest in the private sector. Nonetheless, each person has professional, social and family relationships that link their interests with others. Such links must be considered since they may give rise to behaviour that could constitute corruption offences.

The guide was updated in April 2022 to take into account the amendments to the offence of unlawful taking of interest made by Act 2021-1729 of 22 December 2021 for trust in the justice system.

The guide is available in French and English on the AFA website.



PRACTICAL GUIDE ON "PUBLIC EMPLOYEES: THE CORRUPTION RISKS OF GIFTS AND HOSPITALITY"

Published on 15 September 2022, the practical guide on gifts and hospitality for public servants is designed for public managers and directors, compliance officers, staff representatives and all kinds of public employees: civil servants and contract staff governed by the General Civil Service Code, magistrates, military, hospital practitioners, apprentices and interns, etc. It does not apply to elected officials.

This guide was called for to take stock of the situation with gifts and hospitality, since no legislative or regulatory provision governs gifts and hospitality in general and for all public employees.

This instructive, easy-to-read guide – which is in no way legally binding or intended as a substitute for codes of conduct, charters and other ethical documents already applicable to public-sector entities and employees – includes a series of factsheets containing examples. Each factsheet can be read separately of the others for ease of reading.

Prepared in partnership with the Directorate General for Administration and the Civil Service and in consultation with a working group of 24 representatives of different public-sector entities, this guide is designed to help public-sector entities identify risk situations and define measures to prevent and manage them.



BEST PRACTICES IN CORRUPTION RISK MANAGEMENT FOR NON-PROFITS AND FOUNDATIONS RECOGNISED AS PUBLIC-INTEREST ENTITIES (JANUARY 2022)

This is AFA's first publication for the non-profit and foundation sector. Only organisations recognised as public-interest entities are subject to the requirement to introduce an anti-corruption system. Following discussions with a working group of representatives of major non-profits in liaison with the Comité de la Charte du Don en Confiance and France Générosités, this guide addresses two key topics: good governance and donation management.

It outlines the legislative and regulatory provisions applicable in each area, presents the main risk situations and proposes best practices drawn from AFA guidelines and the doctrine developed by the working group members.



TWO GUIDES FOR SPORTS FEDERATIONS AND MINISTRY FOR SPORT OPERATORS (JULY 2022)

Based on collaborative work by AFA and the Ministry for Sport, these practical guides detail cases of corruption that can arise in the day-to-day running of such organisations (management of gifts and hospitality, public procurement rules, management of public subsidies, sponsorship and patronage, etc.).

The situations detailed were proposed by a working group set up by the ministry. These instructive guides present legal and regulatory references, and examples of good risk management conduct and practices geared to each situation and each organisation's risk profile.



DRAFT PRACTICAL GUIDE ON INTERNAL ANTI-CORRUPTION INVESTIGATIONS

In March 2022, AFA submitted a draft practical guide on internal anti-corruption investigations for public consultation. Such investigations are an integral part of the anti-corruption system and a valuable tool for businesses to conduct internal investigations at their own initiative to objectively assess potential breaches of the anti-corruption code of conduct, non-compliance with company procedures, and any acts that might constitute corruption.

Developed jointly with the National Financial Public Prosecutor's Office, this guide is designed to provide support to all industrial and commercial public-sector corporations and establishments to design and conduct internal anti-corruption investigations in accordance with individual rights and freedoms. It describes the internal anti-corruption investigation triggers, how to conduct an internal investigation and the organisational, disciplinary and legal action to be taken following an internal investigation. The guide was published in March 2023.

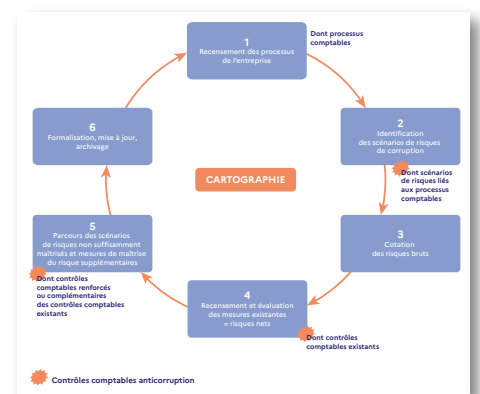
1.2 Focus on two stand-out guides published in 2022

PRACTICAL GUIDE ON CORPORATE ANTI-CORRUPTION ACCOUNTING CONTROLS

In April 2022, AFA developed a practical guide on corporate anti-corruption accounting controls in consultation with the **High Council of Statutory Auditors**, the **National Company of Auditors**, the **Order of Chartered Accountants**, the **Association of Finance Directors and Management Controllers** and the **French Institute of Internal Audit and Control**. The guide was also subject to **public consultation** with trade federations, law firms and consultancy firms specialised in compliance.

This practical guide is a **handbook** for all **businesses**, their **management and compliance, accounting, and internal control and auditing professionals**. It is designed to **solve the difficulties encountered by businesses** when conducting accounting controls to detect and prevent bribery and influence peddling. The guide makes use of many **illustrations** and shares **best practices** and examples that will help businesses with their controls in the most effective manner possible. It is structured into three sections:

- ✔ the first section, "**Keeping Detailed and Comprehensive Accounts Limits Corruption Risk**", presents the general accounting principles and methods;
- ✔ the second section, "**Definition and Content of Anti-Corruption Accounting Controls**", defines the anti-corruption accounting control framework and procedures;
- ✔ the last section, "**Implementing Anti-Corruption Accounting Controls**", focuses more particularly on situations and operations calling for enhanced due diligence.



AFA also continued with its **awareness-raising activities for businesses** in liaison with the **trade federations** and with its participation in various **events** to **present the guide on corporate anti-corruption accounting controls**, such as:

- ✔ 31 March and 5 July 2022, presentation on the **Chartered Accountants' Web TV** channel, [Fuz'experts.tv](https://www.fuzexperts.tv) (in total, for both presentations: 250 attendees in person, 300 subscriber views and 691 views on [YouTube](https://www.youtube.com));
- ✔ 21 May 2022, a **webinar** hosted with a provider (281 participants);
- ✔ 6 July 2022, **publication of an article** in Issue 417 of SIC Webzine for chartered accountants entitled "Which audits to counter corruption?";
- ✔ 13 June 2022, **release of a podcast** in the Vigilance series, the Dalloz compliance news podcast (850 streams as at 31 January 2023);
- ✔ 12 December 2022, presentation at the National Council of the Order of Chartered Accountants' **"2022 Accounts Closing" day** (40 attendees in person and 1,850 online participants).

BUILD A CULTURE OF INTEGRITY FOR LARGE REGIONAL AUTHORITIES: THE PRACTICAL GUIDE FOR REGIONAL GOVERNMENTS

In November 2022, AFA and the French Regions network (*Régions de France*) published a practical guide to help regional governments develop and implement corruption risk management systems.

Based on feedback from audits and advisory activities and collaboration with the regional governments led by the French Regions network, this guide details an operational method for regional governments' senior management bodies to put into practice a corruption risk management system in keeping with the AFA guidelines and presents best practices observed in certain authorities (example of dedicated governance of anti-corruption system deployment, best practices observed in steering corruption risk mapping, example of mapping certain high-risk processes in the regional governments, best practices in conflict-of-interest risk prevention for elected officials and staff, internal control best practices, etc.).

The guide is structured around the three pillars of a corruption risk management system: senior management commitment, risk mapping, and prevention, detection and corrective measures and procedures.





Interview with Carole Delga, President of the Occitanie Regional Council and President of the French Regions Network

What were the regional governments' needs?

In terms of implementing public policy – whether in support for businesses, management of European funds, support to civil society or public procurement – the regional governments are exposed to corruption risks in the same way as all public-sector entities. In view of their newly assigned responsibilities and following AFA audits in certain regional governments, most of them had already put in place systems to prevent these risks. However, system deployment remained partial or left room for improvement in some cases. It therefore became clear that there was a need to improve procedures already in use and raise greater awareness among elected officials, management and staff. This necessity was made more pressing by the growing demand for transparency and the importance of keeping regional councillors and their staff ever better informed of the risks inherent in the exercise of their duties.

How does the guide produced by AFA and the French Regions network help meet these needs?

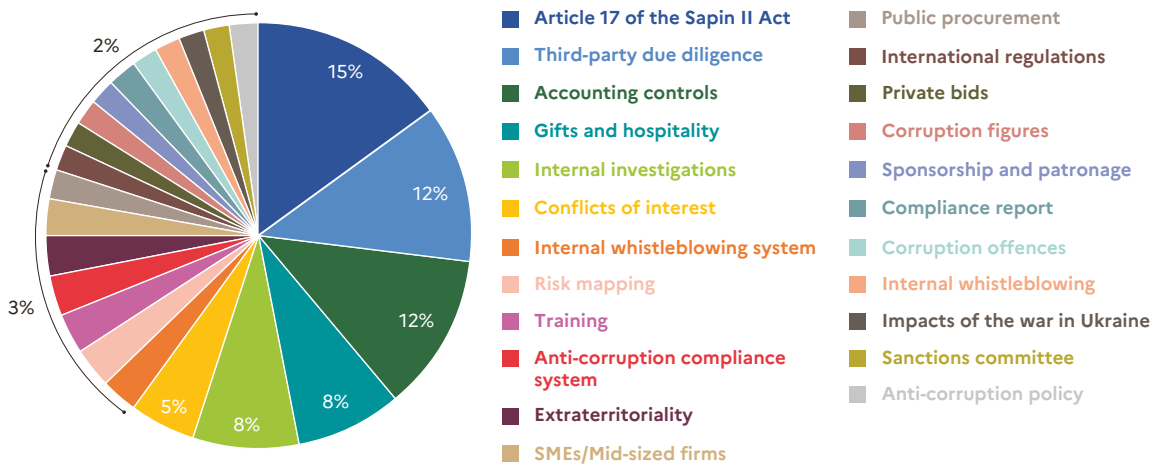
The guide contributes by (i) highlighting the need for risk mapping and preventive and control procedures, (ii) explaining how the commitment of elected officials and management is key to the development and implementation of anti-corruption systems, in particular by allocating human and financial resources, and to the promotion and propagation of a real culture of integrity in the authority, (iii) presenting numerous examples of best practices in corruption prevention developed by the regional governments, in particular in preventing conflicts of interest, (iv) stressing the importance of the role played by compliance officers with respect to elected officials and staff, and (v) taking into account issues associated with whistleblowers. Developed in partnership by AFA and the French Regions network, the guide's recommendations constitute an extremely useful toolbox for regional governments to conduct their public policies with minimised associated legal risks.

2. ANSWERING QUESTIONS FROM THE GENERAL PUBLIC, PUBLIC-SECTOR ENTITIES AND BUSINESSES: SUBMISSIONS VIA AFA'S WEBSITE

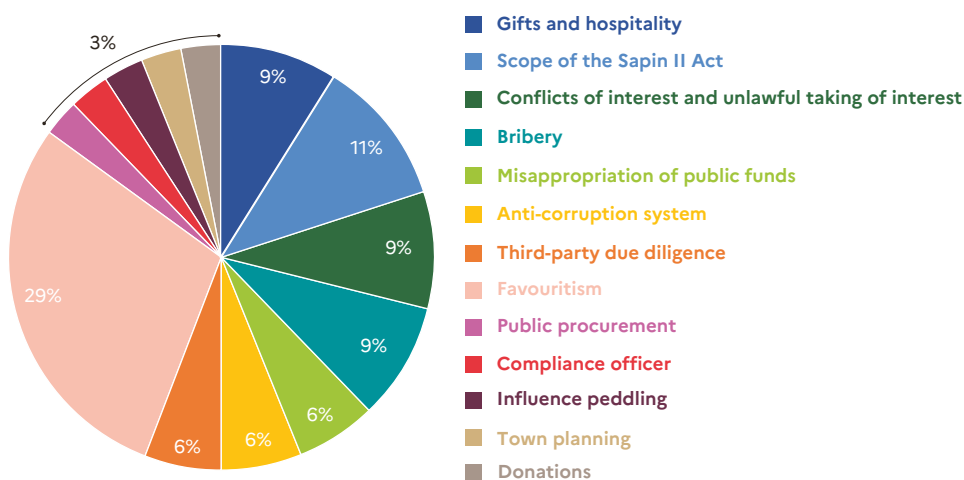
Of the 97 questions sent to AFA by business entities, **59 were legal questions** concerning a number of areas, in particular the **scope of Article 17 of the Sapin II Act, third-party due diligence, anti-corruption accounting controls, internal whistleblowing systems and anti-corruption training systems**. The remaining 38 questions concerned requests to speak at events or practical workshops as part of AFA's awareness-raising and training work and specific requests for assistance with the operationalisation of an anti-corruption compliance system.

The majority of the questions were sent by **consultancy firms (47%)** and **businesses (20%)**, with the other questions sent by individuals (15%), students (7%), universities (7%) and trade federations (4%).

Legal questions from business entities by topic



Legal questions concerning public-sector entities by topic



In 2022, AFA answered 94 referrals concerning public-sector entities, including **34 regarding legal matters** mainly in the following areas: favouritism, the scope of the Sapin II Act, gifts and hospitality, bribery, conflicts of interest and unlawful taking of interest, misappropriation of public funds, and content and implementation of an anti-corruption system.

Raising awareness and training to build a culture of integrity: a pillar of AFA's work

1. DEVELOPMENT OF IN-PERSON AND ONLINE WORKSHOPS GEARED TO EACH AUDIENCE

Inform public-sector entities about corruption risks

AFA works with public-sector entities to build their knowledge of corruption risks and the French anti-corruption framework applicable to public-sector entities. During these information sessions anti-corruption tools are discussed with participants and their practical applications in their organisations' high-risk processes and functions (such as public procurement, awarding subsidies and human resources management).

This action mainly takes the form of in-person and online introductory sessions to anticorruption for central government and local public-sector entities, sometimes with more targeted presentations for the sports world and non-profits. Some fifteen introductory sessions of this kind were given in 2022.

AFA's awareness-raising initiatives also use online teaching tools such as the corruption quiz (over 7,000 participants since its creation), the "En quête d'intégrité" (Integrity Quest) serious game launched in 2022 (over 6,000 connections) and podcasts produced by AFA in association with the National Centre for Local Civil Service (CNFPT) and broadcast on the Fréquence T online radio station starting from September 2022.



2. INFORM BUSINESS ENTITIES OF THE IMPORTANCE AND BENEFITS OF ANTI-CORRUPTION SYSTEMS

Awareness-raising initiatives for businesses involve promoting their engagement with the issues of countering corruption and anti-corruption systems. Actions are geared to the needs of the businesses concerned and range from a general presentation of the French anti-corruption framework to technical workshops for professionals focusing on a particular topic.

In 2022, AFA conducted the following 35 awareness-raising initiatives:

- ✓ 20 technical workshops held jointly with trade federations and non-profits for their members;
- ✓ 8 presentations at conferences and seminars;
- ✓ 4 presentations at events organised by consultancy firms and service providers;
- ✓ 1 event organised by a company;
- ✓ 2 podcasts for a specialist magazine.

As with previous years, these presentations – and in particular the workshops – were organised and given by AFA with the logistical support of the trade federations to reach as many businesses as possible while maintaining their anonymity where they wished to do so. A large number of professionals (in compliance, internal controls, accounting expertise, etc.) also took part in these events (for example over 1,000 people attended an event organised by the Order of Chartered Accountants to present AFA's practical guide on anti-corruption accounting controls).

Most of the focus areas of the workshops held in 2022 concerned anti-corruption accounting controls and the AFA guide published on the subject, anti-corruption measures in SMEs and the corresponding guide, third-party due diligence, senior management's commitment, corruption risk mapping, conflicts of interest, and gifts and hospitality.



3. TRAINING: CENTRAL TO THE ANTI-CORRUPTION STRATEGY

In 2022, AFA strived to continue and step up its training efforts to prevent and detect corruption offences with a combination of virtual and in-person sessions. Some fifty initial and continuing training courses were provided for public-sector and business players. The main training sessions were held in partnership with training bodies such as:

- ▶ schools in the network of public service schools and civil service training institutes:
 - ➔ the National School for the Judiciary, with in-service training for magistrates and a five-day training session entitled “Preventing, Detecting and Fighting National and International Corruption” for foreign judges, public prosecutors and civil servants in November 2022, including a day organised jointly with the French National Institute of Public Service;
 - ➔ the National Centre for Local Civil Service;
 - ➔ the National Gendarmerie Officers School (EOGN);
- ▶ universities and specialised schools, including:
 - ➔ the French Bar School and the Cercle Montesquieu (corporate legal officers’ association), with a training session on “Preventing Corruption”;
 - ➔ the Institute for Advanced National Defence Studies with five training sessions as part of the “Economic and Strategic Intelligence” courses;
 - ➔ the Paris Institute of Political Studies.



AFA continued to harness digital e-learning tools, holding the last session of its free massive open online course (MOOC) on preventing corruption in local public management. These MOOC sessions have attracted a huge audience of nearly 28,000 participants since they were launched in 2018. They are now being updated with new content ahead of new sessions in autumn 2023. The range of distance-learning tools also includes the “En quête d’intégrité” serious game available to public employees since March 2022 on the Mentor and Institute for Public Management and Economic Development (IGPDE) public e-learning platforms. Players who complete the game on these platforms receive an e-learning certificate.

With AFA’s range of training for French universities and schools published on its [website](#) in January 2022 and a letter from the Director of AFA sent out to all business schools, the number of training courses given to these structures rose to 19 in 2022 (as opposed to 8 in 2021). In universities more specifically, AFA dispensed training in ten establishments in the Greater Paris area and regional France (Versailles-Saint Quentin en Yvelines, Paris Sorbonne, Paris Assas, Lyon II, Toulouse I, Nancy, Paris Dauphine, Clermont-Ferrand, Lille and Strasbourg).

4. PROVIDING INNOVATIVE TOOLS: PUBLICATION OF AFA AND CNFPT PODCASTS AND INITIAL REVIEW OF THE SERIOUS GAME

AFA's podcasts

Under the terms of its partnership agreement with the National Centre for Local Civil Service (CNFPT), AFA expanded its range of awareness-raising and training initiatives with the release of three podcasts on countering corruption starting in September 2022 on the local public service radio station Fréquence T.

These innovative podcasts are designed to reach new audiences who are too far away from training centres, are geographically isolated, are more likely to be interested in these new technologies or who lack teaching resources. They focus on corruption with concrete examples drawn from the local public sector, addressing the issue of measuring and perceiving corruption and, in a third podcast, the anti-corruption systems that local government entities can develop. In the format of an open discussion between a journalist and an expert, these podcasts include interviews with guests who each give an external viewpoint on their respective areas of technical expertise.

These resources have the advantage of being available to and freely reusable by local government entities in their internal training and awareness-raising programmes.

By the end of 2022, over one thousand listeners had tuned into the podcasts. This success has led AFA and the CNFPT to enhance their training and awareness-raising initiatives and to team up in 2023 to produce new subject-specific podcasts.



One year of the “En quête d’intégrité” serious game

The serious game developed by AFA in 2021 and released in February 2022 was played 6,694 times over the year on AFA's website alone. The game was also taken up by other partners: the Mentor e-learning platform of the Directorate General for Administration and the Civil Service (DGAFP), the economy and finance ministries' Institute for Public Management and Economic Development (IGPDE) e-learning platform, and the gendarmerie e-learning platform. The game also served as a teaching material in AFA's various awareness-raising activities, including at the French National Institute of Public Service and the National School of the Judiciary as part of a joint training day for foreign senior civil servants and magistrates, in a ministry information programme, and on a number of visits by foreign delegations to AFA.



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