



**RÉPUBLIQUE  
FRANÇAISE**

*Liberté  
Égalité  
Fraternité*

# National multi-year plan to fight corruption 2020-2022

**AFA**

Agence Française Anticorruption

## **National Multi-Year Plan to Fight Corruption**

Under the terms of Article 1 of Decree 2017-329 of 14 March 2017, the French Anti-Corruption Agency shall publish a multi-year plan to fight corruption. Certain parts of the plan will require the engagement of all public actors beside the Agency's own staff.

This work is organised around four priorities:

<b>PRIORITY 1 – OPTIMISING DATA ANALYSIS TO IMPROVE UNDERSTANDING AND DETECTION OF CORRUPTION .....</b>	<b>1</b>
<b>PRIORITY 2 – TRAINING AND AWARENESS RAISING FOR PUBLIC EMPLOYEES</b>	<b>2</b>
<b>PRIORITY 3 – ACTION.....</b>	<b>3</b>
1 – Supporting the deployment of anti-corruption programmes in all ministries by 2022 .....	3
2 – Supporting the deployment of anti-corruption programmes in major local governments and their government-funded institutions by 2022.....	5
3 - Promoting integrity in sport organisations and events .....	7
4 – Providing guidance for businesses in their efforts to take ownership of the French anti-corruption standards and encouraging them to make anti-corruption compliance a means of boosting their competitiveness.....	8
5 – Stronger sanctions for corruption.....	9
<b>PRIORITY 4 – ENHANCING FRANCE'S INTERNATIONAL ACTION .....</b>	<b>11</b>

## **PRIORITY 1 – OPTIMISING DATA ANALYSIS TO IMPROVE UNDERSTANDING AND DETECTION OF CORRUPTION**

Enhancing our understanding of corruption and the detection of bribery, influence peddling, unlawful taking of interest, favouritism, misappropriation of public funds and extortion by public officials requires better analysis of government data, as was the case for developments in the fight against fraud over the last ten years. This analysis involves two actions:

- First, increasing the volume of data disclosed by the government by supporting the open data movement initiated under the Digital Republic Act of 7 October 2016. Open data increases transparency in public life and makes government accountable to citizens, thereby strengthening trust in institutions.

Second, improving analysis of both open data and data in administrative files with restricted access. Better data analysis requires:

- improved data leveraging (connecting databases, developing data mining, deploying dedicated IT resources)
- advanced interdisciplinary research on corruption (combining perspectives from sociology, economics, geography, law, etc.)

To this end, the National Multi-Year Plan to Fight Corruption calls for:

- **enhancing the collection and disclosure of data on corruption**
- **improving data analysis through data mining**
- **advancing research to gain a better understanding of corruption and high-risk areas**

## **PRIORITY 2 – TRAINING AND AWARENESS RAISING FOR PUBLIC EMPLOYEES**

International organisations, such as the OECD (Recommendation of the Council on Public Integrity adopted on 26 January 2017) and the UNODC (United Nations Convention against Corruption, adopted by the United Nations General Assembly on 31 October 2003), recommend providing appropriate training for public employees to enable them to apply public integrity standards in their work. Training is one of the best ways to fight corruption, particularly for people who are exposed to corruption risks through their jobs and for people engaged in detecting corruption. The OECD recommendations also highlight the importance of training for judges.

In addition,

The need for integrity in the performance of public employees' duties was highlighted in the Civil Service Integrity, Rights and Obligations Act 2016-483 of 20 April 2016. In addition to awareness of ethical requirements, enhanced public integrity requires training in the corruption risks likely to affect public employees so that the latter are better able to detect and prevent such risks.

To this end, the National Multi-Year Plan to Fight Corruption calls for:

- **enhanced training for the public employees most at risk:**
  - Including resources for analysis of ethical dilemmas in induction and in-service training in the three branches of the civil service, along with modules on corruption and anti-corruption measures
  - Training for public employees who may make decisions regarding public procurement, grants or subsidies, permits, authorisations, accreditations, accounting choices, etc.
  - Awareness raising for members of civil service competitive examination boards with regard to public integrity, in particular when recruiting senior civil servants
  
- **training for employees engaged in detecting corruption:**
  - Corruption detection training for ministerial inspectors, civil service ethics officers, prefects, public accountants, diplomats, and audit and internal control managers
  - Anti-corruption training for employees supervising commercial activities involving arms, nuclear power, information technology, etc.
  - Training for tax personnel in detecting unlawful transactions related to transnational corruption

## PRIORITY 3 – ACTION

### 1 – Supporting the deployment of anti-corruption programmes in all ministries by 2022

Some international organisations, such as the OECD, recommend a strategic approach to mitigate corruption risks in central and devolved administrations. Article 3 of the Transparency, Anti-Corruption and Economic Modernisation Act of 9 December 2016 requires central government departments to adopt procedures for preventing and detecting corruption. The French Anti-Corruption Agency (AFA) may verify the quality and effectiveness of these procedures.

However, AFA's early work with several ministries since September 2017 has shown that not one of them has produced a corruption risk map, which is the basis for any coherent anti-corruption programme. Only three ministries (Primary and Secondary Education and Youth Affairs, Higher Education, Research and Innovation, and Defence) have started such exercise.

Furthermore, compliance with preventive requirements (appointment of an ethics officer) and corruption detection requirements (whistle-blowing system, internal controls and audits focusing on corruption, etc.) have been uneven across different government departments.

**The proposed action consists of providing guidance for central government departments and government-funded institutions in the implementation of their anti-corruption, so that they achieve compliance with their legal obligations by 2022.** This action will build on the work already under way by expanding and consolidating ongoing reforms.

Like the analogous provisions of Article 17 of Act 2016-1691 of 9 December 2016, which apply to the private sector, central government departments are required to establish an equivalent anti-corruption programme that includes:

- corruption risk mapping
- codes of conduct that define and illustrate various types of improper behaviour
- corruption risk training programmes
- third-party due diligence procedures for suppliers, partners, subsidy recipients, etc., to be determined in line with the risk map
- internal control and evaluation systems (including accounting control)

These measures will supplement corruption prevention and detection systems and ensure their consistency. Central government departments are already obliged to set up such systems under the ethical requirements set out in the General Civil Service Regulations,

including the appointment of an ethics officer, a whistle-blowing system, internal controls and audits, etc.

**Expected benefits:**

- Improved detection of corruption and management of corruption cases by central government, particularly in terms of communication
- Improved public perception of government, leading to more confidence in public institutions
- Improved international perception of France, particularly by international organisations, such as the OECD

**Resources:**

- Educational work by AFA to support central government departments (awareness raising, training, guides)
- Appointment of ministerial ethics officers and creation of compliance networks in ministries (ongoing)

## PRIORITY 3 - ACTION

### 2 – Supporting the deployment of anti-corruption programmes in major local governments and their government-funded institutions by 2022

In its 2014 Anti-Corruption Report, the European Union noted that France could make further progress on preventing corruption in local government procurement. The Recommendation of the OECD Council on Public Integrity adopted on 26 January 2017 stresses the need to implement policies built on a comprehensive risk-based approach with the aim of fostering a culture of integrity across the whole of society.

Article 3 of the Transparency, Anti-Corruption and Economic Modernisation Act 2016-1691 of 9 December 2016 requires local governments, their government-funded institutions and semi-public corporations to adopt procedures for preventing and detecting corruption. AFA may verify the quality and effectiveness of these procedures.

AFA's 2018 survey of local governments (3,277 respondents) shows that very few authorities have implemented corruption prevention measures (7.3 percent). Only 3.5 percent of local public employees and fewer than 1.5 percent of local elected officials have had any training in preventing corruption.

Furthermore, in the performance of its missions, AFA has found that application of the legal provisions for preventing and detecting corruption varies across the local public sector, in particular concerning ethics officers and internal whistle-blowing systems.

**The proposed action consists of providing guidance for major local government authorities and government-funded institutions in the implementation of their anti-corruption plans, so that they achieve compliance with their legal obligations by 2022.**

This action pertains to *régions* and *départements*, along with municipalities and government-funded inter-municipal cooperation institutions serving populations over certain thresholds. Examples of the relevant population thresholds:

- ✓ More than 150,000 17 cities and 69 inter-municipal institutions
- ✓ More than 80,000 41 municipalities and 159 inter-municipal institutions
- ✓ More than 60,000 84 municipalities and 225 inter-municipal institutions

**Inter-municipal bodies providing technical services** require special attention. This refers to mixed syndicates managing household waste treatment, sanitation, water supply, electricity supply, etc. Similar action will be conducted for these bodies, based on budget thresholds, for example.

- Third-party due diligence procedures for suppliers, partners, subsidy recipients, etc.
- An internal whistle-blowing system for reporting violations of the code of conduct
- Disciplinary rules for sanctioning employees for violations of the code
- Internal control and evaluation systems (including accounting control)

**Expected benefits:**

- Improved prevention and detection of corruption in the local public sector
- Exchange of best practices between similar actors
- Synergy with other related policies, such as those designed to fight fraud, particularly in regions' management of European funds, and to prevent conflicts of interest

**Resources:**

- Educational work by AFA to support local governments (awareness raising, training, guides)
- Establishing a compliance network based on local public sector professional associations
- A new AFA survey of progress on local governments' anti-corruption programmes, modelled on the 2018 survey. The new survey could be conducted in 2021, which is one full year after the plan is implemented, to be followed by another survey in 2022, when the plan ends.



## PRIORITY 3 - ACTION

### 3 - Promoting integrity in sport organisations and events

The economic impact of major sport events and recent scandals about international sport federations' choices of host cities and countries highlight two needs: first, promoting implementation of anti-corruption systems in the sport organisations most vulnerable to corruption risks and, second, adopting specific preventive measures for the organisation of major international sport events and the high corruption risks involved.

The UNODC states that major public events involve corruption risk, even in countries with well-established systems to protect against such risk. Targeted action is needed to help organisers identify, evaluate and manage risks. The issues of integrity and transparency in the decision-making processes for the Paris Olympics and Paralympics have garnered a broad consensus among the stakeholders since Paris first announced its bid to host the games. France also plays an active role in international discussions about fighting corruption in sport. Indeed, France is part of the International Partnership against Corruption in Sport (IPACS), where it takes part in discussions about conflicts of interest and good governance in sport organisations to mitigate corruption risks.

There are two priorities for implementing these principles in France. First, preventing corruption risks in the upcoming major sport events in France and, second, strengthening the integrity of the stakeholders in sport. Engaging all stakeholders will ensure better prevention of risks for France's reputation stemming from these events and the intense media coverage they attract.

To this end, the National Multi-Year Plan to Fight Corruption calls for:

- **systematic mainstreaming of corruption prevention and detection systems:**
  - **in legislation governing the organisation of major sport events**
  - **in the bodies overseeing or taking part in event organisation: the model based on an ethics committee for each body implemented for the Paris Olympics in 2024 and the Rugby World Cup in 2023 will need to be evaluated**
- **AFA audits of these bodies and all stakeholders;**
- **guidelines on integrity in sport, involving all public and private stakeholders, in order to provide guidance for the sports movement in the implementation of anti-corruption systems that are up to the task, given the level of risk.** The aim is to help stakeholders of all sizes to develop and implement effective corruption prevention policies. The purpose of the guidelines would be to make non-binding recommendations to sport organisations for the development of their ethical programmes to prevent and detect corruption at both national and international levels.

## PRIORITY 3 - ACTION

### **4 – Providing guidance for businesses in their efforts to take ownership of the French anti-corruption standards and encouraging them to make anti-corruption compliance a means of boosting their competitiveness**

News stories have shown again and again that involvement in a corruption scandal can have major financial, business and human consequences for a company. It degrades customers' and partners' perceptions of the company and makes access to financing more difficult. Corruption is a factor of economic insecurity and may undermine competitiveness.

Conversely, implementing an anti-corruption compliance programme enables businesses to prevent the risk of harm to their reputation and business value. Even more importantly, implementing an anti-corruption compliance programme helps to secure business performance in a competitive environment where consumers, investors and others carefully consider a company's values with regard to integrity and ethical behaviour.

Therefore, the priority is to provide guidance for businesses in their efforts to take ownership of the French anti-corruption standards and encourage them to make anti-corruption compliance a means of boosting their competitiveness.

To this end, the National Multi-Year Plan to Fight Corruption calls for:

- working with trade associations to help businesses to prevent corruption risks and the ensuing loss of business value by disseminating the French anti-corruption standards and by providing training that is appropriate to their size, their resources and their business sector
- making it easier for compliant French businesses to access financing and credit by promoting the French anti-corruption standards to investors and public and private credit institutions at national and international levels

## PRIORITY 3 - ACTION

### 5 – Stronger sanctions for corruption

Recently adopted legislation enhances risk management and compliance in government entities and improves corruption prevention and detection.

#### For example:

- **Decree 2011-775 of 28 June 2011:** implements an internal control and audit system in each ministry to manage the risks related to public policy management.
- **Constitutional Law 2013-906 of 11 October 2013 and Act 2013-907 of 11 October 2013:** promote transparency with regard to the interests and assets of public officials.
- **Act 2016-483 of 20 April 2016 and Constitutional Law 2016-1090 of 8 August 2016:** incorporate civil servants' obligations of impartiality, integrity and probity into the General Civil Service Statute; require central and local government entities to appoint an ethics officer; institute systems to prevent conflicts of interests for civil servants and judges.
- **Act 2016-1691 of 9 December 2016:** requires central and local government entities to implement procedures to prevent and detect corruption, and requires these entities to implement procedures for receiving whistle-blowing reports.
- **Act 2017-1339 of 15 September 2017:** enhances financial disclosure requirements.

Enforcement of this legislation needs to be evaluated, particularly with regard to the number of violations detected and the administrative sanctions (disciplinary penalties, voiding of administrative decisions) imposed in corruption cases. Centralisation of data from the three branches of the civil service should be handled by a single entity, in line with the recommendations of international organisations. This will ensure that the overall system is appropriate and consistent.

Furthermore, international organisations stress the need for stiffer criminal law penalties for perpetrators. In its 2014 follow-up report on France's implementation of the international Convention on Combating Bribery, the OECD highlighted the weak enforcement of foreign bribery legislation and, more specifically, the lack of convictions of legal entities.

Since the report's publication, stiffer penalties for corruption and improvements to the sanctions procedure have resulted from the implementation of the Act of 6 December 2013 on combating tax evasion and major economic and financial crimes, and the Act of 11 October 2013 on transparency in public life, along with the adoption of the Act of 9 December 2016 and the Act of 15 September 2017 for trust in politics.

Enforcement of this legislation should be subject to comprehensive qualitative and quantitative analysis to evaluate the current effectiveness of the treatment of corruption under criminal law and its coordination with various administrative responses.

**Actions:**

- Make an inventory of administrative and criminal penalties
- Centralise information about disciplinary sanctions in the three branches of the civil service

These actions will require a precise inventory at regular intervals of administrative penalties imposed by the Directorate General for Administration and the Civil Service (DGAFP) and the *Conseil d'Etat* (French Supreme Administrative Court).

**Expected benefits:**

- A comprehensive approach to the issue of corruption penalties, without restricting it to the currently available criminal law remedies
- As appropriate, a reassessment of the procedures and rules regarding penalties, based on substantive data

This overall assessment, scheduled for 2021, will be made public. Based on the assessment, changes to legislation could be proposed, where appropriate, to increase the penalties for corruption in the civil service.

## **PRIORITY 4 – ENHANCING FRANCE’S INTERNATIONAL ACTION**

The effectiveness and international status of France’s anti-corruption system depends primarily on developing constructive and operational bilateral relations, as well as a steadfast commitment to the work conducted by international organisations.

The National Multi-Year Plan for Fighting Corruption sets out the following priorities for bilateral and multilateral action:

- Promoting a coordinated approach to international cases so as to mitigate jurisdictional conflicts and harmonise penalties, through cooperation agreements and an international network of corruption prevention authorities
- Pooling France’s technical expertise to help strengthen the capacities of other countries’ anti-corruption authorities
- Making 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

## **METHODOLOGY: ENGAGING CIVIL SOCIETY THROUGH PUBLIC CONSULTATION**

The UNODC guide on *“National Anti-Corruption Strategies”* recommends engaging all sectors of society in drafting the national anti-corruption strategy, following the situation analysis phase.

The multi-year plan set out above constitutes the first exercise of this type in France. Consequently, it includes an exploratory dimension, particularly in Priorities 1 and 3.5, where the first deliverables are expected for 2020 and 2021.

Plans for the second part of the three-year period (2021) include a public consultation on some of the actions under the multi-year plan. The content of this consultation will be determined with regard to the preliminary implementation results.

The consultation will closely involve the stakeholders in providing feedback on the early part of the multi-year plan, and in the decisions regarding possible further action under the plan.