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| Compliance Questionnaire: Analysis of CSO / Foundation Counterparty Procedural Device | C:\Users\MUXARTA\Downloads\AFD_GROUPE_Logo_RVB.png |

# Preamble:

*The purpose of this questionnaire is to enable AFD Group to assess the quality, completeness and maturity level of the system used to regulate the risk of non-compliance among CSO counterparties, particularly concerning the risks of money laundering, financing of terrorism, prohibited activities (including fraud, corruption and diversion of aid) and sanctions regulation violations for the duration of the business relationship. This questionnaire is valid for three years.*

# 1. PRESENTATION OF CSO/FOUNDATION AND ITS GEOGRAPHIC AREAS OF ACTIVITY

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| **Name and Corporate Object of the CSO/FOUNDATION:** | Click or tap here to enter text. | **Date of creation:** | Click or tap here to enter a date. |
|  |
| **Number of employees:** |  | **Main geographic areas of activity:** | Click or tap here to enter text. |
| **Place of registration:** | Click or tap here to enter text. | | |

# 2. REPRESENTATION AND RELATIONS WITH PUBLIC OFFICIALS

*The legal representative of a non-profit entity is the person (or persons) authorized to act in the name and on behalf of the non-profit entity and to enter into obligations binding it. For a foundation, the president, general director and member(s) of the board of directors of the foundation must be considered its legal representatives (Decree no. 2018-284 of April, 18, 2018 enhancing the French system to combat money laundering and the financing of terrorism).*

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| **Who is/are your Institution’s legal representative(s)?** | Click or tap here to enter text. |
| **Do one or more of your Institution’s legal representatives or persons expected to participate in the AFD Group-funded project also have the status of a Public Official?** |  |
| *If yes, please identify the representative, the position held as a public official and their employer* | Click or tap here to enter text. |

*Public Official refers to person(s) holding public authority, assigned public service responsibilities, or holding elected public office in a foreign country or at a public international organization:*

* *Civil servant or official at a government / authority / ministry / government department*
* *Executive or employee at a company controlled, even partly, by the State (for example, a State oil company), but excluding employees seconded to these companies*
* *Judge or prosecutor or any other person holding judicial office*
* *Executive or employee at an international public organization such as the United Nations or World Bank.*

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# 3.FINANCIAL ORGANIZATION & ACCOUNTING

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| **Does your Institution use an analytical accounting method?** | 🞎 Yes 🞎 No |
| *If not, please provide details* | Click or tap here to enter text. |

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| **Does your Institution have an appropriate information system (accounting software)?** | 🞎 Yes 🞎 No |
| *If not, please provide details.* | Click or tap here to enter text. |

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| **Does your Institution have audited financial statements by an independent auditor ?** | 🞎 Yes 🞎 No |
| *If not, please provide details.* | Click or tap here to enter text. |
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| **If yes, does the auditor's opinion include any reservations with regard to internal auditing or poor financial governance at the CSO?** | *If so, detail these reservations and, where applicable, the measures put in place or planned to resolve them.* |

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| **Are the commitment and payment procedures formalized, and the corresponding positions (authorizing officer and payer) held separately?** | 🞎 Yes 🞎 No |
| *If not, please provide details.* | Click or tap here to enter text. |

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| **Has your Institution developed financial and accounting procedures to prevent the risk of its ledgers, registers and accounts being used for corrupt practices or to conceal such practices?** | 🞎 Yes 🞎 No |
| *Provide details here, if necessary* | Click or tap here to enter text. |

# 4. INTERNAL AUDIT

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| **Does your Institution have a dedicated internal audit team?** | 🞎 Yes 🞎 No |
| *If not, please provide details (including if you do not have a dedicated team but controls are otherwise conducted).* | Click or tap here to enter text. |
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| **If yes, what are their roles? How many employees are assigned to the team? To which department is this division attached?** | Click or tap here to enter text. |

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| **Are first level accounting controls conducted and formalized *(for example: validation of expenses, principle of dual control, etc.)?*** | 🞎 Yes 🞎 No |
| *If not, please provide details.* | Click or tap here to enter text. |
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| *If yes, please cite two examples of the controls implemented* | Click or tap here to enter text. |

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| **Is there a procedure in place at your Institution for the retention and safeguarding of working documents, emails, supporting documents, etc.?** | 🞎 Yes 🞎 No |
| *If not, please provide details.* | Click or tap here to enter text. |

# 5. MEASURES AGAINST CORRUPTION, FRAUD AND DIVERSION OF FUNDS

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| **Does your Institution have a system aimed at preventing, controlling and correcting internal and external risks of fraud, corruption, diversion of funds, and all other illicit practices associated with financial crime?** | 🞎 Yes 🞎 No |
| *If so, please provide details of the content of this system.* | Click or tap here to enter text. |
|  | ☐ Anti-Corruption Code of Conduct ☐Code of Ethics  ☐ Policy/procedure for prevention of fraud and corruption  ☐ Whistleblowing procedure or any other means provided for reporting any kind of violation of the rules (internal, legal, open to employees, and/or to external stakeholders)  ☐ Gifts and Hospitality Policy/Procedure  ☐ Procedure for assessing third parties[[1]](#footnote-1) based on corruption risk  ☐ Procedure for preventing and managing conflicts of interest  ☐ Sanctions procedure in case of compliance rules violations by your employees |
| *Other document, please provide details* | Click or tap here to enter text. |
| *Details you wish to provide to help AFD assess the measures implemented to prevent and combat fraud, corruption, diversion of aid or money laundering impeding the achievement of project objectives:* | Click or tap here to enter text. |

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| **Does your Institution perform checks on the integrity/reputation of third parties involved in project implementation *(this refers to the processes and controls used to verify the identity of the following third parties and their integrity, particularly regarding money laundering, fraud, corruption, or embezzlement)*:** | |
| your personnel: | ☐Yes ☐No  If yes, by what means(s): Click or tap here to enter text. |
| your implementing partners: | ☐Yes ☐No  If yes, by what means(s): Click or tap here to enter text. |
| your service providers/suppliers: | ☐Yes ☐No  If yes, by what means(s): Click or tap here to enter text. |
| reallocation beneficiaries[[2]](#footnote-2): | ☐Yes ☐No  If yes, by what means(s): Click or tap here to enter text. |
| *If no, please describe how you ensure the good repute of your third parties?* | Click or tap here to enter text. |

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| **What is done in case of negative occurrences?** |
| Click or tap here to enter text. |

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| **Over the last 5 years, has your Institution encountered difficulties with the third parties referred to above in regard to integrity (in particular money laundering, fraud, corruption or diversion of funds)?** | |
| *If so, please detail the facts of the case and the corrective measures taken.* | Click or tap here to enter text. |

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| **Do you apply prior selection criteria for all of these third parties based on :** | |
| Operational criteria : | Yes No  If so, please detail : Click or tap here to enter text |
| Financial criteria : | Yes No  If so, please detail : Click or tap here to enter text |
| Integrity criteria : | Yes No  If so, please detail : Click or tap here to enter text |

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# 6. MEASURES TO COMBAT THE FINANCING OF TERRORISM/ OF ARMED GROUPS AND RISKS OF EXTORTION

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| **Does your Institution have a policy and/or procedure in place to combat the financing of terrorism/ the armed groups?** | | | |
| If yes: | Date of last update: Click or tap here to enter a date. | | |
|  | Provide a summary of its content and the definition of financing of terrorism used  Click or tap here to enter text. | | |
| If no: | Is your Institution planning to adopt such a document, and, if so, when? | | |
|  | ☐Yes ☐No  Click or tap here to enter text. | | |
| **Specify the channels used for distributing funds on the ground** | | | |
| 🞎 Bank transfers | | | 🞎 Payment service provider (such as Western Union) |
| 🞎 Informal money transfer agents (such as hawala) | | | 🞎 Mobile transfer (money transfers by phone) |
| 🞎 Other transfer methods | | Click or tap here to enter text. | |

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| **Does your Institution provide cash during the performance of projects?** | 🞎 Yes 🞎 No |
| *If so, do the internal procedures provide for specific supervision measures with regard to the use of cash?* | 🞎 Yes 🞎 No |
| *Please detail the associated supervision measures.* | Click or tap here to enter text. |

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| **Are all payment methods used by your Institution (including cash) traceable from their origin to their final destination?** | 🞎 Yes 🞎 No |
| *If not, please provide details.* | Click or tap here to enter text. |

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| **Are payments made by your Institution made by people with formal authorizations or commissions?** | 🞎 Yes 🞎 No |

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| **What measure(s) has your Institution put in place to prevent the risk of extortion by “armed groups/terrorist groups”?**[[3]](#footnote-3) |
| *Detail here the nature of the measures applied.* |

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| **Over the last 5 years, has your Institution ever encountered difficulties with its service providers, employees, implementation partners or reallocation beneficiaries for reasons linked to terrorism and its financing and/or to the financing of armed groups? If so, please detail the facts of the case and the corrective measures taken.** |
| *Please provide details* |

# 7. COMPLIANCE WITH SANCTION MEASURES

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| **Does your Institution have a policy and/or procedure in place providing for compliance with regulations imposing financial sanctions?**[[4]](#footnote-4) |
| Yes No |
| *Please submit the corresponding document.* |

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| **In the event of contracting, does your Institution systematically check its personnel, its reallocation beneficiaries, service providers and suppliers against the applicable national and/or international financial sanctions lists[[5]](#footnote-5)?** | | |
| your personnel: | | ☐Yes ☐No |
| your service providers/suppliers: | | ☐Yes ☐No |
| reallocation beneficiaries: | | ☐Yes ☐No |
| **If yes,** | | |
| **Add reference(s) to your internal policy** | Click or tap here to enter text. | |
| **Indicate which national and/or international sanctions lists you check against.** | Click or tap here to enter text. | |
| **Indicate whether you use certain software or a certain public database, such as the site https://gels-avoirs.dgtresor.gouv.fr/List, to conduct these procedures. Please specify the name.** | Click or tap here to enter text. | |

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| **Does your Institution carry out these checks before disbursing funds?** | 🞎 Yes 🞎 No |

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| **What measure(s) do you implement in case of a positive hit on one of these third parties on one of the national and/or international sanctions lists? Do you still sign or continue to pursue the contract/relationship with the relevant third party?** |
| Click or tap here to enter text. |

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| **Does your Institution contain a contractual clause in its agreements with the following third parties aimed at ensuring compliance with regulations enacting national and/or international sanctions?** | |
| Implementing partners: | ☐Yes ☐No |
| Service providers/suppliers: | ☐Yes ☐No |
| Reallocation beneficiaries: | ☐Yes ☐No |

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| **Over the last 5 years, has your Institution encountered difficulties with the third parties referred to above in regard to non-compliance with sanctions regulations? If so, please detail the facts of the case and the corrective measures taken.** |
| Click or tap here to enter text. |

# 8. TRAINING

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| **Does your Institution provide training in combating the financing of terrorism, in sanctions compliance, and in other illicit practices (fraud, corruption, diversion and extortion of funds)?**  🞎 Yes 🞎 No |

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| From the themes above, *please detail the themes covered* | |
| *If yes, what is the audience for these training courses (managers, general public, etc.) and how often are they provided?* | *Click and enter text here* |
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| *If not, do you plan to provide such training and when?* | 🞎 Yes 🞎 No  *Click and enter text here* |

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| **Does your Institution provide training related to the Procedures Manual, in particular covering accounting matters, cash/budgetary management, purchasing, etc.?** | |
| *If not, do you plan to provide such training and when?* | 🞎 Yes 🞎 No  *Click and enter text here* |

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**Name and Signature of legal representative + date**

***The legal representative of the non-profit organization certifies that it has read AFD Group’s general policy on the prevention and elimination of prohibited practices.***

**Protection of Personal Data**

Agence Française de Développement processes personal data pertaining to the legal representatives of CSOs and Foundations as part of its monitoring system for the detection and prevention of money laundering operations, terrorist financing and prohibited practices. AFD also performs checks against French, European and international sanctions lists. This results in the processing of said representatives’ personal data, the lawful basis of which is AFD’s compliance with its legal obligations (Articles L 561-5 et seq. of the Monetary and Financial Code) and AFD’s discharge of its public interest responsibilities.

Under the provisions of the French “Information Technology and Civil Liberties” Law no. 78-17 of January 6, 1978 as amended and European Regulation 2016/679, data subjects have the right to access or request the deletion of data concerning them under the conditions set forth in the applicable regulations. Data subjects also have the right to object to or restrict such processing and the right to rectify the data. To exercise these rights, or for any questions regarding the processing of your data, please contact the AFD’s Data Protection Officer:

* By using the exercise of rights form: [link to online form](https://privacyportal-eu.onetrust.com/webform/805a28e1-162f-481b-a801-affbef1aca04/d7ccb1bf-0f65-4743-8153-2acdac54e1de)
* By postal mail: Agence française de Développement - Délégué à la protection des données, 5, rue Roland Barthes – 75598 Paris Cedex 12| France.

As an exception to the foregoing, the right to access data processed as part of efforts to combat money laundering and the financing of terrorism may be exercised by contacting CNIL, in accordance with Article [L561-45](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000020196371) of the Monetary and Financial Code.

If after contacting the DPO and receiving their response you feel that your rights have not been respected, you may lodge a complaint with the CNIL. For further information regarding your rights, please visit cnil.fr.

To learn more about the processing implemented by the AFD in connection with the legal representatives of CSOs and Foundations, please see the information provided on our website, [here.](https://www.afd.fr/sites/afd/files/2022-02-11-22-54/Cadre%20d%27utilisation_AFD.pdf)

1. *This would include implementing partners, service providers/suppliers and reallocation beneficiaries* [↑](#footnote-ref-1)
2. *Means in charge of implementing the Project on its own account as the owner of the investments financed by the funds of the Grant, which are [on-lent]* ***or*** *[on-granted] by the Beneficiary.* [↑](#footnote-ref-2)
3. *Act of Terrorism refers to:*

   1. *any act prohibited by the conventions and protocols of the United Nations relating to the fight against terrorism (which can be consulted at the following website:* [*https://legal.un.org/ola/FR/Default.aspx*](https://legal.un.org/ola/FR/Default.aspx)*);*
   2. *any offense listed in Articles 3 to 10 of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism; or*
   3. *any other act intended to kill or seriously injure a civilian or any other person not directly participating in hostilities in an armed conflict situation, where by its nature or context such act is intended to intimidate a population or to compel a government or international organization to perform or refrain from performing any act.*

   [↑](#footnote-ref-3)
4. *Sanctions lists are foreign policy instruments relating to a given country or issue, prohibiting the direct or indirect provision of funds or economic resources to listed persons. These lists may be published by international organization with a multilateral or regional focus or by a country. In France, under Article L.562-4 of the Monetary and Financial Code, all French individuals or legal entities are required to comply with the sanctions lists maintained by the United Nations, the EU and France.* [↑](#footnote-ref-4)
5. *These lists may be published by the UN, the European Union (EU), the French government, the American government (the United States of America, including the Office of Foreign Assets Control of the United States Department of the Treasury, the United States Department of Commerce, the United States Department of State or any other agency of the United States Government).* [↑](#footnote-ref-5)