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PRESS RELEASE

[Legal decision]

Anticor's licence to act as a civil party between 2021 and 2024 was illegal

The Conseil d'État has dismissed Anticor's appeal and upheld the Paris Administrative Court of Appeal's ruling that the accreditation to act as a civil party in certain cases, granted to the organisation by the Prime Minister in 2021, was illegal.

The French Code of Criminal Procedure states that an organisation must be accredited to exercise the rights of a civil party before a criminal court in anti-corruption cases. Accreditation is granted for a period of three years if certain conditions are met, including the disinterested and independent nature of the organisation's activities, assessed in particular according to the source of its resources. Anticor's accreditation, which it has held since 2015, was renewed for a further three years by a Prime Ministerial Decree dated 2 April 2021.

Following an application by a member and a former member of Anticor, the Paris Administrative Court annulled this decree on 23 June 2023. The Court ruled that, if the Prime Minister considered that the condition relating to the disinterested and independent nature of the organisation's activities had not been met, as indicated in the grounds for the contested order, then he could not legally issue the approval based on the organisation's undertaking to take corrective measures in the future¹. On appeal, the Paris Administrative Court of Appeal upheld this ruling in a decision dated 16 November 2023².

Anticor then appealed to the Conseil d'Etat, which today upheld the Paris Administrative Court of Appeal's decision. First, the Conseil d'Etat agreed with the Administrative Court of Appeal that the member and former member of the organisation who had brought the case to the Administrative Court had sufficient interest to challenge the accreditation. It then upheld the judgement of the Administrative Court and the Administrative Court of Appeal in finding the Prime Ministerial decree illegal. It, therefore, confirmed the annulment of the decree of 2 April 2021 with retroactive effect, making it final.

Independently of this process, on 5 September 2024, the Prime Minister had granted the Anticor association a new three-year accreditation, following a new application by the organisation. It came after the Paris Administrative Court's urgent applications judge had, in an order dated 9 August 2024, instructed the Prime Minister not to wait any longer and to rule on this latest application.

For the period prior to 5 September 2024, it is for the criminal courts alone to rule on the consequences, for ongoing proceedings, of the annulment of the order of 2 April 2021, which became final as a result of the Conseil d'État's decision.

Decision No. 490435, Anticor organisation, of 6 November 2024

¹ [Décision du tribunal administratif de Paris n° 211821/6-1 du 23 juin 2023](#)

² [Décision de la cour administrative d'appel de Paris n°s 23PA03811, 23PA03813 du 16 novembre 2023](#)

Press contacts

Lorraine Acquier – +33 (0)1 72 60 58 42 – lorraine.acquier@conseil-etat.fr

Antoine Sourdril – +33 (0)1 72 60 58 41 – antoine.sourdril@conseil-etat.fr

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