



LA GARANTIE
DES SALAIRES

2016 BUSINESS REPORT

The Association for the Management of Employee Claims (French acronym AGS), an employer organisation founded in 1973, is tasked with guaranteeing, in the event of protection, receivership or liquidation proceedings, the payment of wage claims resulting from the performance of employment contracts.

Pursuant to a management agreement between AGS and Unédic, the technical and financial management of AGS is handled by an institution specifically created for that purpose: the Délégation Unédic AGS (DUA).

DUA works alongside AGS, performing three fundamental missions on its behalf:

- Advancing the funds required to settle employee claims
- Recovering the sums advanced, as and when protection plans and recovery plans are implemented, businesses are sold or companies are wound up and their assets are sold off,
- Defending the legal interests of the guarantee scheme.

The wage guarantee scheme is financed by employer contributions. The AGS Board of Directors sets the contribution rate for employers and is responsible for ensuring the scheme remains balanced. This is achieved by ensuring that the level of advances, recoveries and contributions are always on an even keel.



DUA's Service Commitments Charter (*référentiel d'engagements de service*), which applies to all its activities and all its sites, has obtained the Qualicert certification. This means we are expected to demonstrate our strict compliance with each of the commitments, with a view to delivering a consistently high quality service.

IN THIS BUSINESS REPORT

06 | 2016 IN IMAGES

08 | 2016 IN FIGURES

10 | ACTIVITY & KEY FIGURES
10 Companies & Insolvency Proceedings
23 Advances
27 Recoveries
30 Contributions
32 Litigation

36 | DIALOGUE & COOPERATION
36 Meeting with the Slovenian wage guarantee fund

37 | FOCUS
38 AGS Label
40 Qualicert

41 | 20TH ANNIVERSARY OF DUA

44 | STATISTICS

46 | ORGANISATION CHART

48 | NETWORK & CONTACTS



“The AGS-DUA model is extremely effective, allowing AGS to fulfil its statutory mission. It is our duty to preserve what has been achieved.”

Jean-François Climent

Chairman of AGS
Board of Directors

A BRIGHTER OUTLOOK A COMMITMENT TO EXCELLENCE

You were appointed Chairman of the Board of Directors of AGS in January 2016. What are your impressions of your first year?

The AGS universe is a complicated one. It is built around highly formalised procedures, legal rules and case law, a complex organisation and an extensive network. With the invaluable help of DUA's Director and the members of my team I was able to grasp the realities very quickly. I now have a very clear understanding of the way AGS works.

I discovered an extremely dynamic institution that is unanimously recognised for the high quality of its services, highly reactive and always ready to adapt to its changing environment. The AGS-DUA model is extremely effective, allowing AGS to fulfil its statutory mission. It is our duty to preserve what has been achieved. All in all, my first impressions are very positive.

Does the decrease in new insolvency proceedings observed in 2016 mean we can look forward to a sustained improvement in 2017?

It is true that the number of new insolvency proceedings fell in 2016, as did the main indicators concerning funds advanced. As a result, advances fell back below the €2 billion bar in 2016. This is a significant reversal of the trend over the past three years, although we are not yet at the levels recorded prior to the 2008 crisis.

It is always difficult to predict the true impact of economic signals. We know that changes in the business climate affect the main AGS indicators disproportionately. However, the most recent forecasts at the end of 2016 do not suggest any risk of a sharp reversal in the next few months.

The trend first observed in 2016 should therefore continue throughout 2017, hence the decision taken by the AGS Board of Directors to reduce the contribution rate from 0.25% to 0.20% as from 1 January 2017. The professional organisations represented on the Board wished to do their part to reduce the employer contributions paid by contributing companies, which have displayed unwavering solidarity throughout the difficult past few years.

Which DUA projects particularly caught your attention in 2016?

The DUA Director keeps me regularly informed of the progress of its transformative projects, both as regards its organisation and its operational methods. Two high-priority projects are of particular interest: the Qualicert certification and the AGS Label accrediting insolvency practitioners.

I and the other Board members are very proud that DUA has obtained the Qualicert certification. This achievement added a special dimension to the DUA General Assembly held on 18 November 2016 to mark DUA's 20th anniversary. I was able to measure the extent of our staff's commitment to our institution. They each recognise that they can be actors of change.

As for the accreditation project, it summarises perfectly AGS' relationship with insolvency practitioners, based on a profound mutual respect, complementarity and a desire to progress together. The AGS Accreditation Committee awarded the first Labels following an impartial evaluation process based on objective and verifiable data.

To conclude: both these projects are fine examples of the work achieved by DUA to constantly improve the quality of its services and give meaning to our partnerships.

What objectives has AGS set for DUA for the next few years?

We fully support DUA's efforts, under the aegis of its Director, to continuously adapt its operational organisation in light of inevitable changes (electronic processing, enhanced partner relationships, representation of AGS in the courts), and to preserve its culture of excellence in all areas.

We have shown that we can respond quickly to a sudden, sharp economic downturn and the resulting company failures. The capacity of AGS to successfully fulfil its mission must be preserved, secured and improved whenever necessary.

QUALITY AND SERVICES MOVING FORWARD

The number of projects that have impacted the life of our institution in 2016 and the milestones marked during the year made 2016 a very busy and eventful year.

AGS' activity was affected by a sharp turnaround in the economic cycle, and a reversal of the figures recorded over the past few years. We accordingly experienced a steady and significant reduction in the level of advances requested, mirroring the reduction in the number of company failures.

This positive trend, first observed in the last quarter of 2015 thanks to the improved economic situation, continued and increased throughout 2016. The fall in advances meant we ended the year below the symbolic €2 billion bar, at €1,745.2 million. This significant drop (-15.4%) brings us closer to the average figures recorded before the 2008-2009 financial crisis, although flows still remain high. In 2016, the fall in the number of insolvency proceedings was observed in every size of company.

At the same time, DUA remained on-track with its planned reforms, and a number of its flagship projects have now entered the operational phase.

I would like to stress the importance of the Qualicert certification. This certification by an independent body is a recognition of the dedication of all our staff members to provide a quality service and of our compliance with our commitments towards our external partners, and first and foremost towards insolvency practitioners. DUA expects the services it receives to be of a correspondingly high standard, in particular from its regular insolvency practitioner partners. The decision to obtain certification is indicative of DUA's efforts to meet its partners' expectations.

It was therefore with great pride that we were able to announce our certification at the DUA General Assembly held to mark our 20th anniversary. This was a memorable event, attended by both the Chairman of AGS and the Chief Executive Officer of Unédic. For our staff members, their presence was seen as a recognition of the hard work carried out over a number of years. I would like to thank them again.

A second major project was rolled out in 2016: the accreditation of judicial representatives, who represent

creditors (*mandataires judiciaires*), through the award of the AGS Label. The AGS Accreditation Committee held three meetings in 2016, and so far 87 firms have been accredited. This initiative is indicative of the strong and healthy relationship DUA enjoys with judicial representatives. We all have a duty to preserve and develop these partnerships, to optimise performance of our joint and complementary roles and better serve companies and their employees.

I know that the roll-out of the AGS accreditation scheme is being carefully observed in the insolvency sector. This encourages us to forge ahead with this initiative, working in a professional, impartial and transparent manner, in collaboration with the CNAJMJ (the regulatory authority for insolvency practitioners).

Throughout 2017, DUA will continue to introduce reforms in response to the ever-changing environment and we have several other symbolic projects in the pipeline.

For example, we have developed an ambitious New Litigation Policy, in close collaboration with AGS' legal team and insolvency practitioners. The initial applications will be introduced during the year, and changes will be made to our working methods.

Another essential area of operational change is the accelerated use of electronic data exchange methods to communicate with third parties. We need to see this crucial development as an opportunity to introduce innovative solutions and address new needs.

Lastly, I would like to mention our ongoing efforts to develop the skills and expertise of our staff members. If we want to move forward we must be ready to perform the new tasks and expand the scope of our responsibilities. I firmly believe that a substantial investment in continuous professional development initiatives for staff members is essential. This is moreover a key aspect of our human resources policy, which is in line with our ambitions.

After 20 years of existence, DUA is still in good working order and ready and willing to meet the new challenges ahead.



“After 20 years of existence, DUA is still in good working order and ready and willing to meet the new challenges ahead.”

Thierry Méteyé

National Director
Délégation Unédic AGS



CERTIFIED QUALITY OF SERVICE

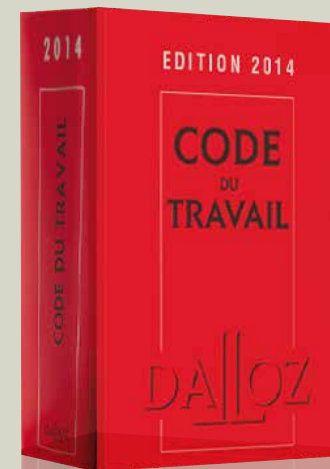
DUA obtained Qualicert certification on 19 October 2016.

Certification was the culmination of a process that began in September 2015 and involved all staff members. It is the recognition of our determination to place partner satisfaction at the core of our strategy.



AGS HAS A NEW BOARD OF DIRECTORS

The AGS Board of Directors was renewed on 6 January 2016 for a two-year term. Details of current members are available on our website: www.ags-garantie-salaires.com.



REFORM OF THE LAW ON DISMISSALS

The "El Khomri" Labour Law, which came into force at the start of the year, modifies and clarifies acceptable grounds for dismissal. It aims to provide a better legal framework for redundancies, reduce associated disputes and encourage job creation. Two new grounds for redundancy have been introduced: company reorganisation to preserve the company's competitiveness, and the discontinuation of its business activities.

2016 IN IMAGES



JUSTICE FOR THE 21ST CENTURY

The Act Modernising Justice for the 21st Century, published in the French Official Journal on 19 November 2016, introduces a range of legislative measures for companies in difficulty that directly affect AGS, such as the extension of AGS' scope of action in terms of its observations on appointments of judicial administrators and new rules on payments by bank transfer in insolvency procedures.



AGS NETWORK OF CONTROLLERS

Recent reforms of the laws governing companies in difficulty have extended AGS' role as a Controller. As a result, a network of lawyers with specialist experience in this area was created in May 2016. AGS' objective as Controller is to help protect jobs and achieve the best possible outcome for creditors through a sustainable solution.

FIRST AGS LABELS

87 judicial administration firms in 11 different AGS regions were accredited in 2016. The culmination of a long-term project, this accreditation procedure has been developed in conjunction with our partners.

The Label will enhance operational synergies in the field and help AGS and its partners to optimise performance of their respective roles in insolvency proceedings.



MEETING WITH OUR SLOVENIAN COUNTERPARTS

Members of DUA travelled to Ljubljana on 14 October 2016 to meet the Slovenian Insolvency Fund. The participants gained a fresh perspective on the different approaches to implementation of the European directive.

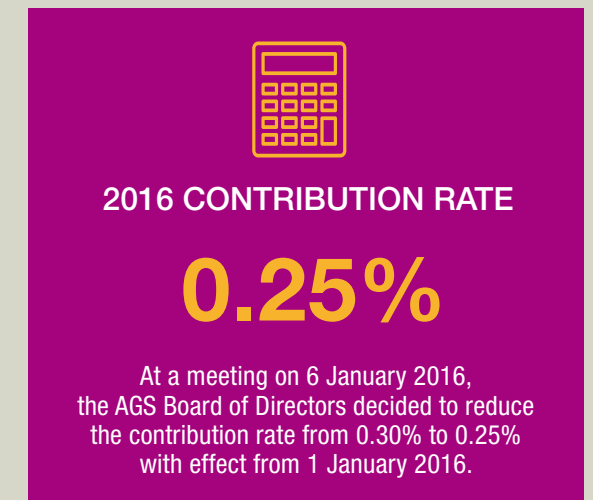
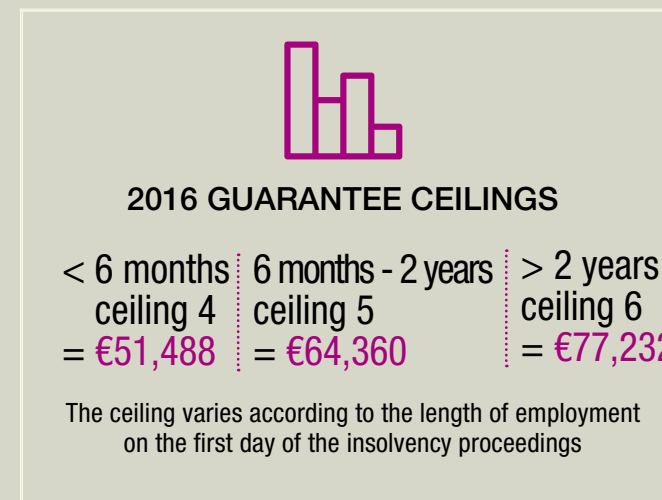
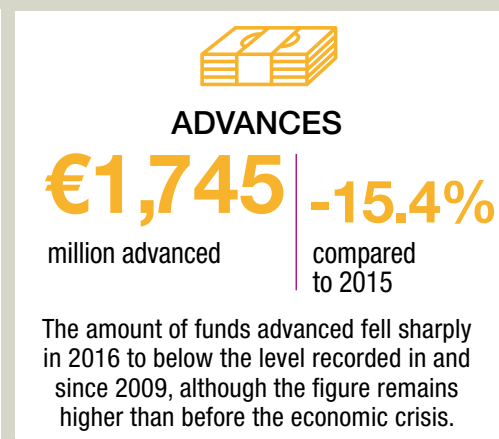
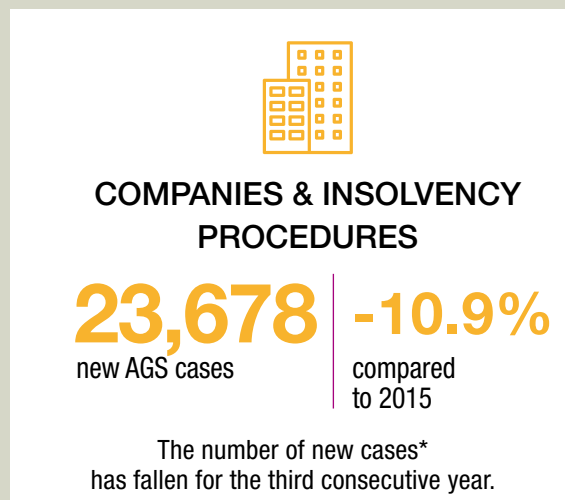


DUA CELEBRATES ITS 20TH ANNIVERSARY

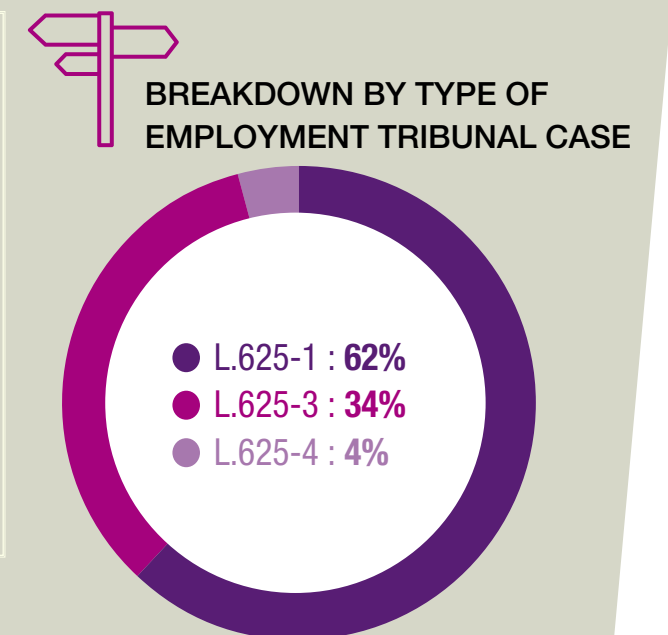
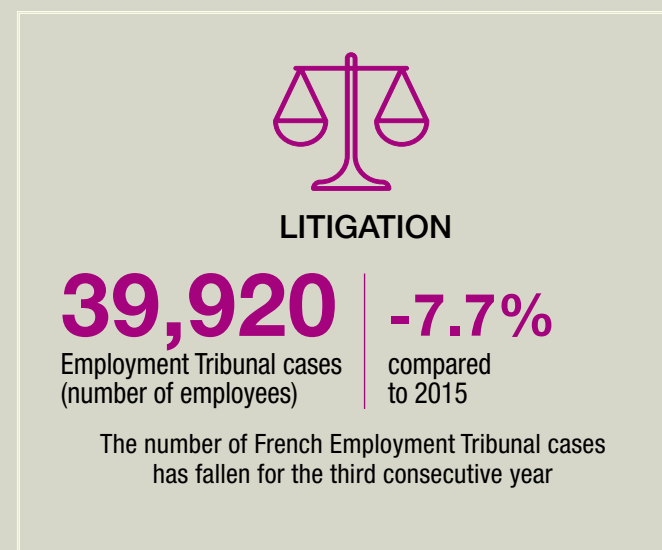
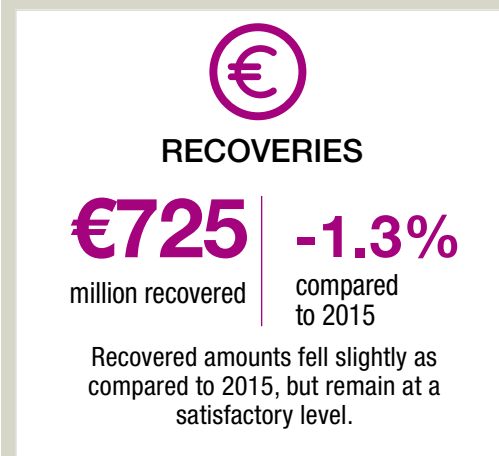
2016 saw the twentieth anniversary of Délégation Unédic AGS, which was created in September 1996. The anniversary was celebrated at the General Assembly. A review of the past 20 years served to illustrate how past achievements enable us to build bridges towards the future.

2016 IN FIGURES

The key figures for AGS activity in 2016 constitute a reliable indication of trends and provide an overview of AGS indicators.



	Number of new AGS cases	Change compared to 2015
Companies with less than 10 employees	20,684	-10.5%
Companies with 50+ employees	324	-2.1%
o/w companies with 100+ employees	122	-5.4%



* The number of new cases registered in a period corresponds to the number of cases for which an initial request for an advance was received in that period (irrespective of the date of the court order starting the proceedings, which may predate the period under review).

23,678

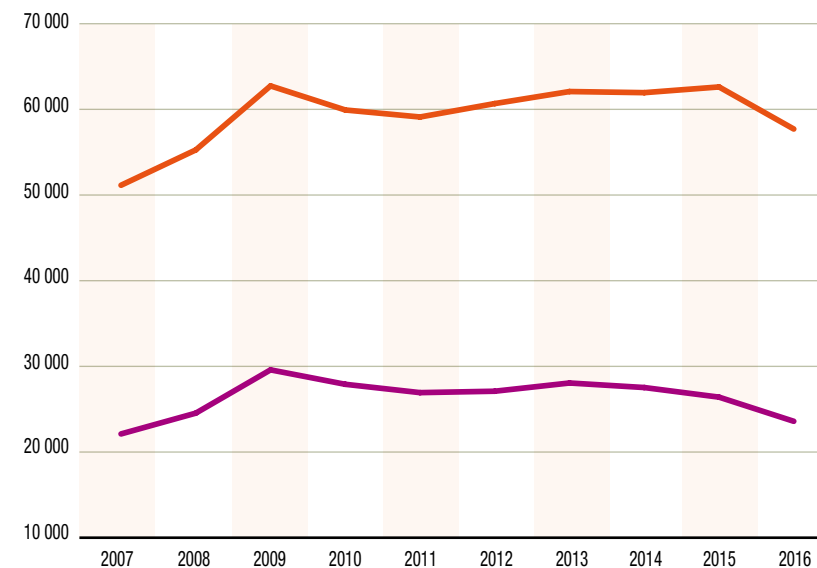
NEW AGS CASES IN 2016
vs 26,589 in 2015

SHARP FALL IN NUMBER OF NEW CASES

2016 was marked by a genuine improvement in numbers of company failures. Boosted by a favourable macroeconomic environment, numbers — excluding protection proceedings — fell sharply compared to 2015, ending below the 60,000 threshold and nearing pre-crisis levels. This quite logically resulted in a similar fall in the number of new AGS cases. A closer look shows that the decrease was proportionately more marked in cases involving companies with 20 employees or more than in companies with less than 10 employees. The only business sector that bucked the trend was the transport and warehousing sector, which recorded an increase in the number of new cases.

COMPANY FAILURES: -8.0%

Changes in number of company failures (excluding protection proceedings) and new AGS cases registered, 2007 - 2016



Source: Banque de France (company failures); DUA (new AGS cases)

Important

- Figures for company failures are based on the date of the court order, whereas figures for new AGS cases are based on the date of the initial request for an advance
- Banque de France considers company liquidations and receiverships following termination of a plan as new proceedings, and they are counted as new company failures

As in 2015, business improved slightly compared to the 2012-2014 period. The second estimate published by INSEE (National Institute of Statistics and Economic Studies) on 27 February 2017 suggests that France's Gross Domestic Product increased on average by 1.1%, compared to +1.2% in 2015. At the same time, companies reported a marked increase in profits, thanks to the fall in oil prices, low interest rates, the introduction of the CICE tax credit for competitiveness and employment, and the 'Accountability Pact'. The combination of these two factors — growth and profits — led to a reduction in the number of failed companies.

According to figures published by Banque de France on 10 March 2017, the number of company failures in 2016

- excluding companies in protection proceedings - was 58,057, which represents an 8.0% reduction compared to 2015.

The construction and industry sectors reported the largest decrease in company failures (-13.5% and -11.2%, respectively), while the agriculture, forestry and fishing (+4.5%) and the transport and warehousing (+0.2%) sectors recorded an increase.

As a result, the number of jobs threatened by company failures has fallen: Altares estimates the number at 200,000 in 2016, compared to 235,000 in 2015.

NEW AGS CASES AT LOWEST LEVEL SINCE 2008

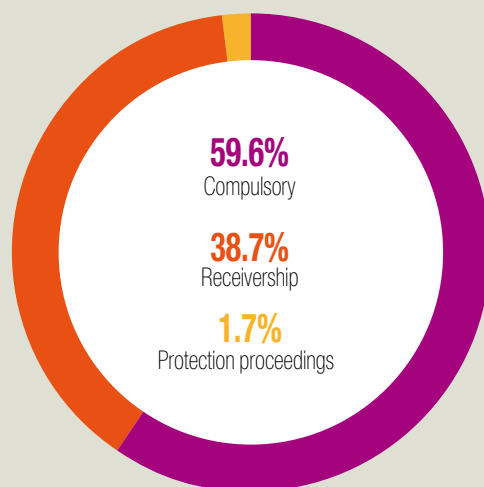
As in the previous two years, the number of new AGS cases fell in 2016, but the decrease was more marked: 23,678 new cases were registered, representing a 10.9% drop compared 2015. This is the lowest annual figure since 2008 (24,659 new cases). Most new cases were registered in the first half of 2016.

Most cases involved compulsory liquidation proceedings

As in 2015, three out of five new AGS cases in 2016 were compulsory liquidations. The breakdown of new cases according to type of proceeding has remained relatively stable for a number of years.

Compulsory liquidation proceedings accounted for less than 50% of all new cases in only two of the French regions: Bourgogne-Franche-Comté and Centre-Val de Loire. Their number was highest in Ile-de-France and Guadeloupe: 70.5% and 67.2%, respectively.

New AGS cases in 2016 by type of proceeding



DEFINITION

The number of new cases registered in a period corresponds to the number of cases for which an initial request for an advance was received in that period (irrespective of the date of the court order starting the proceedings, which may predate the period under review).

AVERTISSEMENT

Court order means the court order starting the proceedings that is in effect on the date of the initial request for an advance. For protection proceedings, this means that only new cases registered during the observation period or the protection plan are counted. Cases registered after a court has ordered termination of the plan and conversion into liquidation or receivership proceedings are counted as liquidation or receivership proceedings.

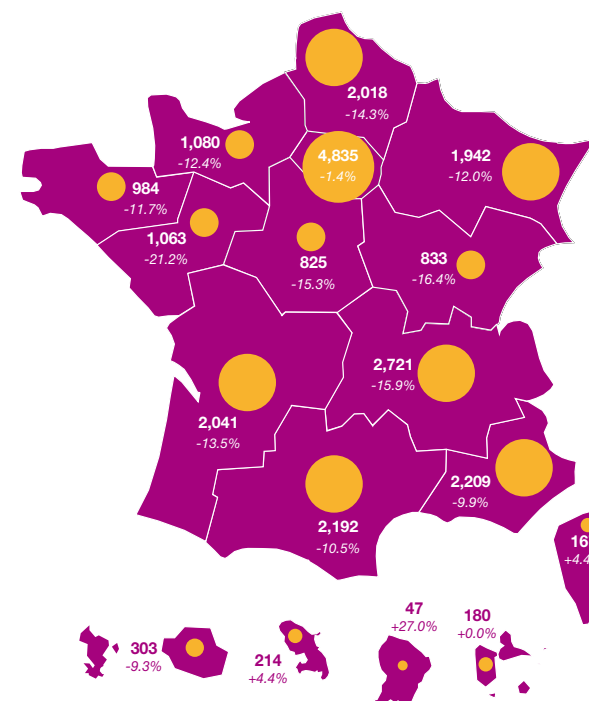
Fewer new cases in most regions

Fewer new cases were registered in 2016 compared to 2015 in most regions. The decrease was proportionately more significant in the Pays de la Loire (-21.2%) and Auvergne-Rhône-Alpes (-15.9%) regions.

The only regions to record an increase were French Guiana, Corsica, Martinique and Saint-Pierre-et-Miquelon (one new case, compared to zero in 2015).

Due to its economic structure, Ile-de-France was once again the region that registered the most new cases in 2016 (+20.4%), followed by Auvergne-Rhône-Alpes (+11.5%) and Provence-Alpes-Côte d'Azur (+9.3%).

Number of new AGS cases registered in 2016, and variation compared to 2015



CROSS-BORDER CASES

In 2016, AGS intervened in 20 new cross-border cases, which is eight less than in 2015. These cases can be broken down as follows: 6 for Germany, 5 for Belgium, 3 for the UK and Luxembourg, 1 for Finland, Greece and Switzerland.

Pursuant to Directive 2002/74/EC of 23 September 2002 on the protection of employees in the event of the insolvency of their employer, AGS intervenes whenever a claim for an advance is submitted by an insolvency practitioner in the context of insolvency proceedings in another European Union Member State.



INTERVIEW // FOCUS ON THE COMMERCIAL COURTS

Georges RICHELME

Chairman, Conférence Générale des Juges Consulaires de France (association representing France's commercial court judges), appointed in December 2016

What is your roadmap as you take up office?

Our objective is to transform the commercial courts (tribunaux de commerce) into courts for business and economic cases. Commercial Court judges all originally worked in the world of business and are ideally positioned to understand and settle business-related cases. In addition, the district courts (tribunaux de grande instance) are saturated and professional judges are struggling to cope with their caseloads. We therefore propose building on the recent "Justice for the 21st Century" reforms to address the reality of economic justice. These type of cases could be transferred to the commercial courts, if their jurisdiction is extended to cover, in particular, insolvency issues.

In your opinion, is the reduction in the number of company failures observed in 2016 likely to continue?

It is true that company failures are at their lowest since 2008, with a sharp reduction in the fourth quarter of last year; however, figures are still higher than ten years previously. Companies with less than 50 employees are now the worst affected, which logically results in a reduction in the overall number of employees affected by insolvency proceedings. If the trend observed at the end of the year continues, we will see a sustained reduction in the number of insolvency proceedings. However, in view of the very subdued growth of the national economy, I would prefer to describe this as a fragile improvement.

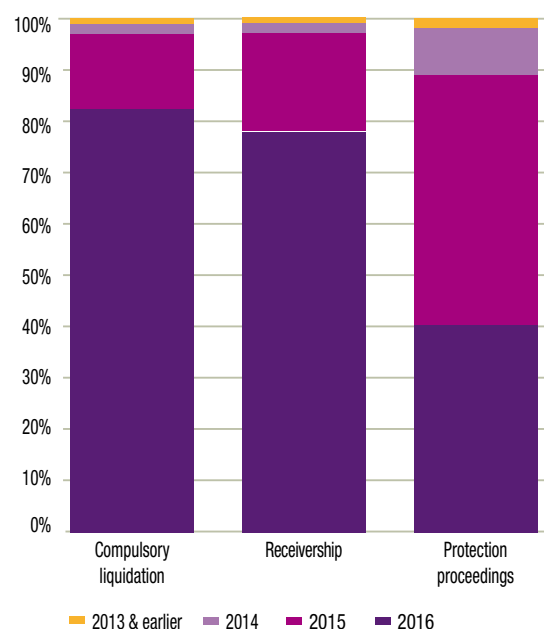
NUMBER OF NEW AGS CASES REGISTERED ACCORDING TO INITIAL COURT ORDER DATE

Most initial court orders issued in past two years

79.9% of all new cases registered in 2016 concerned proceedings opened in the same year, while 16.9% concerned proceedings opened in 2015. The predominance of this two-year period applies to both types of compulsory proceedings.

However, company protection proceedings are different, in that more than half of them were started in 2015, one year before the initial request for an advance, which is consistent with the terms of AGS' intervention in such proceedings. In protection proceedings, no outstanding amounts are owed to the employees on the date the court places the company in protection proceedings, and the guarantee is limited to claims resulting from redundancies made during the observation period or in the month following adoption of the protection plan.

Breakdown of new AGS cases registered in 2016 according to the date of the initial court order



“ We propose building on the “Justice for the 21st Century” reforms to address the reality of economic justice. ”

•••

How will the management of insolvency proceedings be affected by the new legislation concerning AGS introduced on 12 March 2014 (controller, opinion prior to appointment of a judicial representative)?

This extension of AGS' role is a positive development. The resulting discussions with the court, through the person of the supervisory judge (juge commissaire), will undoubtedly help to improve the processing of cases. However, the commercial court judges are not yet sufficiently aware of AGS, and in some cases know nothing about how it operates or are unaware that it is financed through company contributions. Together with Thierry Méteyé, we have decided to organise meetings between the presiding judges of commercial courts and AGS' regional representatives in order to explain the importance of its role in the social management of insolvency proceedings.

Will the AGS Label accrediting firms of judicial representatives alter the commercial court judges' opinion on the quality of services they provide?

Accredited practitioners will be able to obtain advances on funds from AGS within very short timeframes. This will speed up the management of cases, which will obviously be welcomed by the commercial courts. However, practitioners who do not apply for the Label do not necessarily provide substandard services. This is a personal choice, and the commercial court judges will respect this.

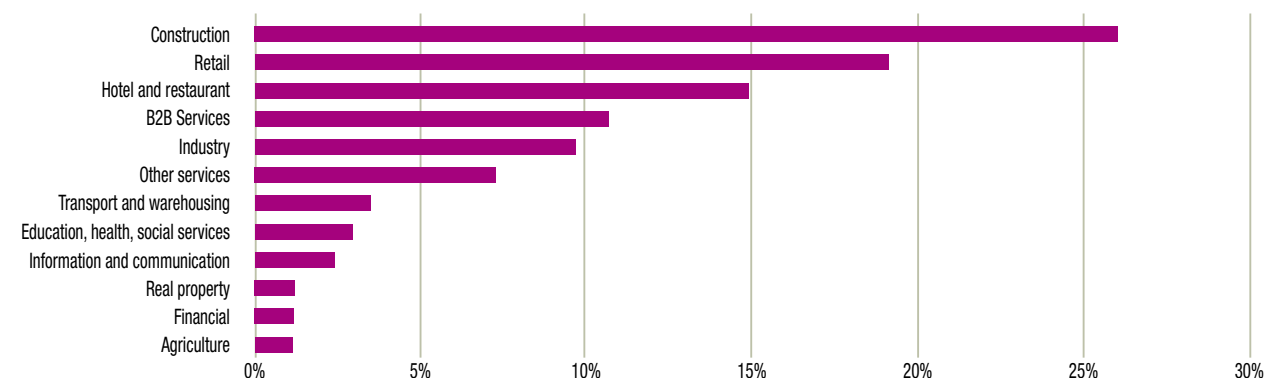
ANALYSIS OF NEW AGS CASES BY TYPE OF COMPANY

Fewer new cases in most business sectors

The breakdown of new cases registered in 2016 by business sector is very similar to 2015. Construction was once again the hardest hit sector, and together with the retail and hotel and restaurant sectors accounted for 60% of all new cases.

Although the number of new cases fell compared to 2015 in most sectors, it nevertheless increased in the transport and warehousing sector (+2.1%). The most marked relative declines were observed in real property (-20.7%) and construction (-15.8%).

Breakdown of new AGS cases registered in 2016 by business sector (according to NAF business codes, version 2, 2008)

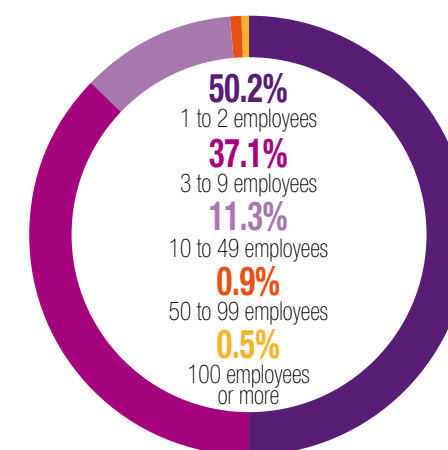


Marked reduction in new cases in companies with 20 employees or more

The breakdown of new cases by size of company is relatively stable from one year to the next. By far the greatest majority of new cases in 2016 concerned companies with less than 10 employees (87.3%), with companies with 50 employees or more representing only 1.4% of all new cases.

However, it is significant that new cases in companies with 20+ employees fell sharply (-15.2%), despite the number of cases in companies with between 50 and 99 employees remaining stable. New cases in companies with less than 10 employees also fell, but to a lesser extent (-10.5%).

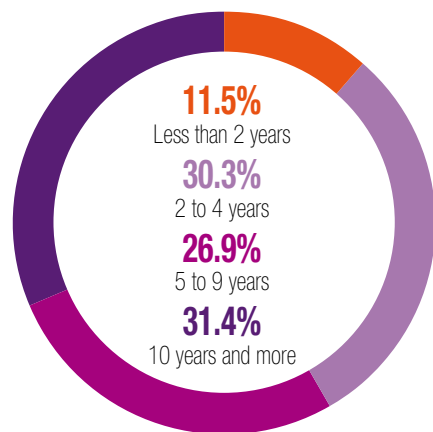
Breakdown of new AGS cases in 2016 by headcount



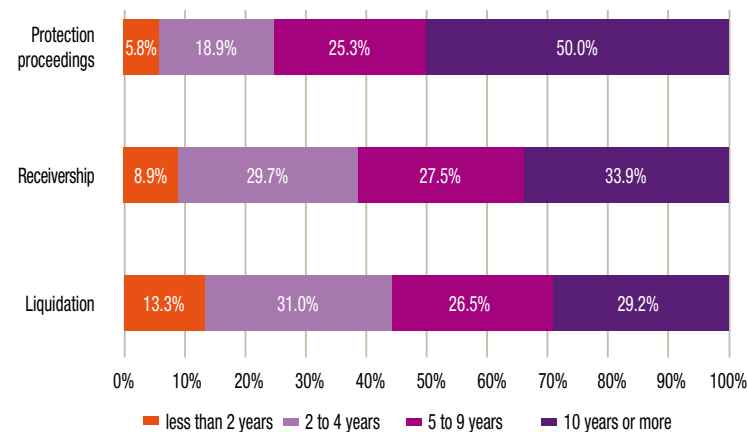
More than half of new cases concern companies in existence for five years or more

Companies in existence for five years or more accounted for most new cases registered in 2016, irrespective of the type of proceeding (55.7% for companies in compulsory liquidation, 61.4% for companies in receivership, and 75.3% for companies in protection proceedings).

New AGS cases in 2016 by age of company at date of court order



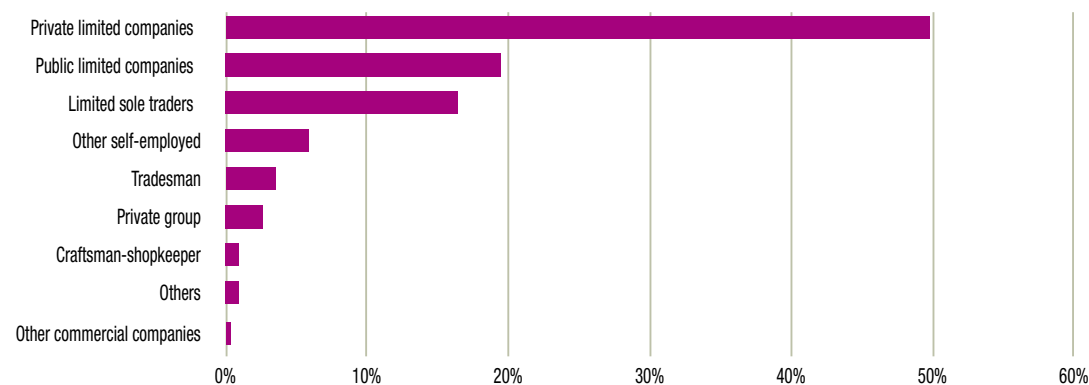
Breakdown of new AGS cases in 2016 by age of company and type of proceedings



Two-thirds of new cases involve SARL companies

The breakdown of new cases in 2016 by legal form of company (INSEE classification, also used for management of the Trade and Companies Register) shows that 85.4% of new cases concerned commercial companies. More specifically, 66.2% concerned SARLs (private limited companies) and SARL unipersonnelles (limited sole traders). This is 3.5 percentage points below the 2015 figure. Tradesmen (artisans) and craftsmen-shopkeepers (artisan-commerçants) accounted for 4.8% of new cases.

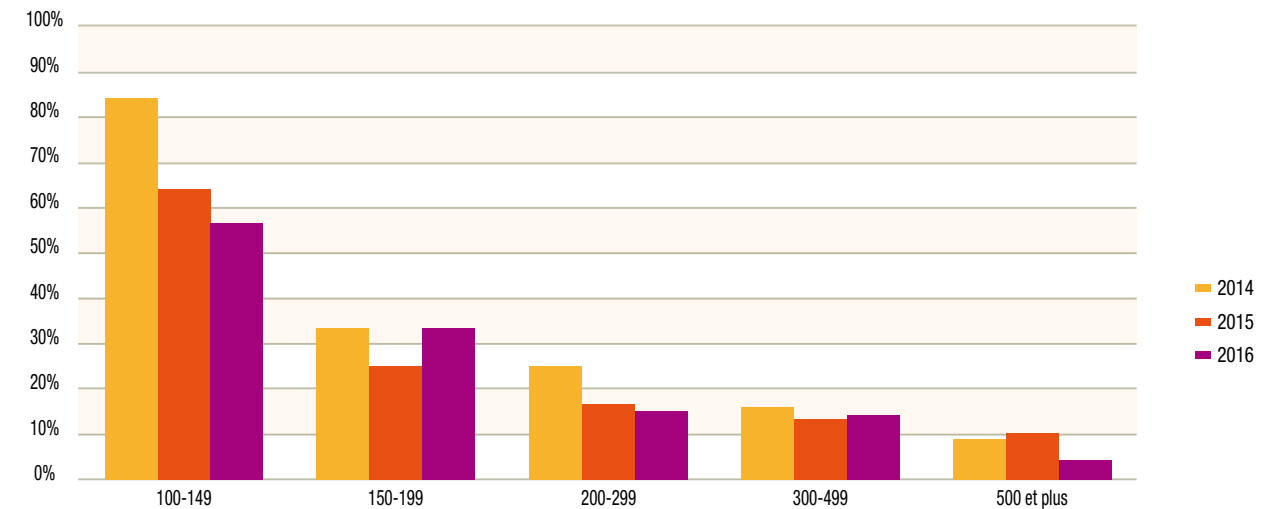
Breakdown of new AGS cases in 2016 by legal form of company



NEW AGS CASES INVOLVING 100+ EMPLOYEES: -5.4%

New AGS cases involving companies with 100 or more employees account for less than 1% of all new cases each year, but represent a major financial challenge for the wage guarantee scheme.

New AGS cases involving 100+ employees by company headcount



Following a sharp fall in the number of cases between 2014 and 2015, the number of new cases involving companies with more than 100 employees fell again, but to a lesser degree: 122 new cases were recorded, compared to 129 in the previous year. Most were registered in the first half of the year.

New cases involving companies with 100 to 499 employees rose in 2016 compared to 2015 (61 as opposed to 55), while cases involving companies with 500 employees or more fell substantially (4 compared to 10).



INTERVIEW //
FOCUS ON THE
COMMERCIAL
COURTS

Jacques THIBON

Second Deputy Chairman of the AGS Board of Directors
Chamber President, Bobigny Commercial Court

“We are the first to see the impact of the “uberisation” of the economy on insolvency proceedings.”

Contrary to the national trend, the number of insolvency proceedings registered with the Bobigny Commercial Court has increased in 2016. Can you explain this?

The specific features of the local economic fabric explain this discrepancy. Seine Saint-Denis is very dynamic area, with large companies moving in and lots of very small and ephemeral businesses starting up. In 2016, the sector that accounted for the largest proportion of new companies was the ‘driver services’ sector. In this type of structure, contrary to practices elsewhere and the spirit of our law, compulsory liquidation is used as a natural act of management in order to bring an end to a business that was created for a short time only. The increase in the number of insolvency proceedings and the very high rate of direct compulsory liquidations are a natural consequence of this phenomenon. We are the first to see the impact of the “uberisation” of the economy on insolvency proceedings.

Your court is one of the Specialist Commercial Courts (Tribunaux de Commerce Spécialisés) created in 2016. What is your take on the first months of this new system?

The smooth transfer of cases involving large companies in difficulty to a limited number of courts has been helped by the open and effective communication channels with other courts. This means we are forewarned of new cases. The judges assigned to the Specialist Commercial Courts all have experience in cases involving thousands of employees, and the court registry has sufficient resources to process the large numbers of essential administrative documents within very short timeframes. The AGS’ role as a controller is also facilitated. In Bobigny, when a case is sufficiently important to merit its handling by the Specialist Commercial Court, we appoint court officers to work with the courts in our referral zone. This facilitates communication and counters the feeling of dispossession that certain non-specialist courts may experience.

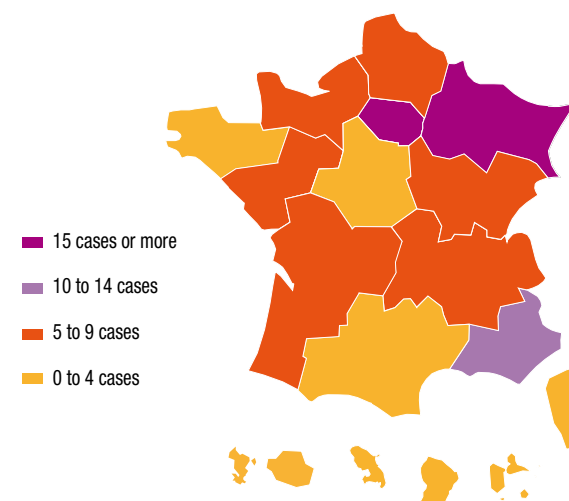
What is your view of AGS’ actions in the cases you have followed?

The support it provides for employees and the speed at which funds are released are unanimously appreciated by all the courts. However, the AGS is at risk of becoming a victim of its own success. There is a temptation to allow companies to continue when in actual fact there is no hope of recovery or of a sale, due to the influence of certain stakeholders, and the judges do not always feel they can object. Such cases will increase AGS’ financial burden unnecessarily or eliminate any hope of recovery. The AGS needs to make use of the additional powers granted to it under the new legislation to impose a certain rigour in the management of timeframes.

Almost one-third of new cases with 100+ employees occur in Ile-de-France

As in previous years, the predominance of Ile-de-France in new cases involving companies with 100 employees or more was marked: 39 new cases in 2016 (versus 31 in 2015), i.e., 32.0% of all new cases. The reason for this is the concentration of businesses in the region and the fact that many insolvency proceedings concern companies operating in other regions but which have their registered office in Paris. Ile-de-France is followed by Grand-Est with 16 cases (versus 10 in 2015) and Provence-Alpes-Côte d’Azur with 12 cases (versus 10 in 2015).

Number of new AGS cases involving 100+ employees in 2016 by region



AGS APPOINTED CONTROLLER

AGS was appointed Controller in 254 of the new cases registered in 2016 (at 31 March 2017), 152 of which involved companies with 50 to 99 employees and 102 of which involved companies with 100+ employees.

In 2016, AGS was appointed Controller in 410 cases, irrespective of the date of the initial court order.

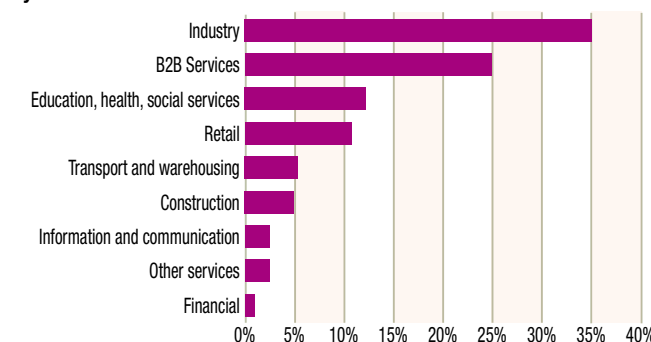
For several years now, AGS has systematically asked the supervisory judge (juge commissaire) to appoint it Controller in insolvency proceedings involving companies with 100+ employees, which have a massive economic and social impact, and also in receivership and protection proceedings involving more than 50 employees. The objective is to help save jobs while achieving the best possible outcome for creditors and a sustainable solution.

Industry accounts for more than one third of new cases involving 100+ employees

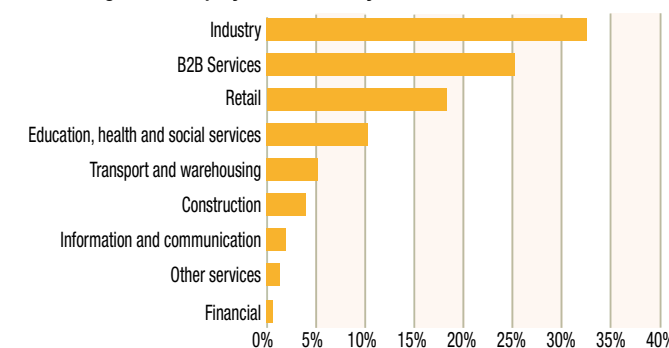
With 43 new cases (compared to 29 in 2015), industry remained the most represented sector in new cases involving 100+ employees. It is followed by the B2B services sector (30 cases versus 29 in 2015) and education, health and social services (15 versus 13 in 2015).

In cases involving 100+ employees, one third of the employees work in the industrial sector (compared to one fifth in 2015).

Breakdown of new cases involving 100+ employees in 2016 by business sector



Breakdown of number of employees in new cases involving 100+ employees in 2016 by business sector



Few compulsory liquidations

Cases involving 100 employees or more differ from other new cases in several respects. While almost 60% of all new cases in 2016 concerned compulsory liquidations, 84.4% of new cases involving 100+ employees concerned receiverships and only 8.2% concerned liquidations (in 2015, receiverships represented 80.6%, and liquidations 7.0%). This high proportion of receiverships in cases involving 100+ employees can be explained by the age of the companies concerned: 57.4% had been in existence for 10 years or more.



INTERVIEW //
FOCUS ON
JUDICIAL REPRESENTATIVES

Denis HAZANE

Judicial representative in Meaux, Melun and Compiègne

What changes have you seen in your profession since the recent reforms?

The 2008 reform focused on preventive measures (ad hoc representatives and conciliation) and gave company directors the means to react earlier to difficulties. Job protection was a priority. A single receivership procedure was introduced, and compulsory liquidation proceedings were modified to achieve speedier completion. The measures introduced by the 'Macron' and 'Justice for the 21st Century' Acts focused less on the proceedings and more on our profession itself, despite certain new measures to protect the assets of company directors, modify dismissal procedures and create specialist courts. This legislation modified the rules of access to the profession, the rates we charge and the types of cases that can be handled, depending on whether or not we are appointed by a Specialist Commercial Court (Tribunal de Commerce Spécialisé). These reforms have been interpreted as a sign of mistrust of insolvency practitioners and commercial courts, as they create a dichotomy between professionals and between judges who are assigned cases of varying importance depending on their location. As a result, practitioners are now grouping together into larger firms to comply with the size criterion for appointment by a Specialist Commercial Court.

What is your view of the involvement of the AGS in the preparation of PSE job protection plans, pursuant to the Job Security Act (Loi de Sécurisation de l'Emploi)?

The AGS has a role to play in terms of redeployment measures, and discussions with its legal team may be useful in order to anticipate any problems that might arise from a poorly designed plan, particularly in view of the large number of these cases brought before the Employment Tribunals.

How has your relationship with DUA changed since the introduction of the AGS Label accreditation system and its extended statutory powers?

Our relationship with the AGS has always been constructive, thanks to the initiatives of its national director who is well aware of the specific needs of certain cases. The accreditation of firms of judicial representatives and the extension of the AGS' role as Controller are in the continuum of the partnerships we have built up over the years. However, the fact that a creditor, albeit a large creditor, now has the right to issue an opinion on the choice of judicial representative has not been unanimously welcomed, as it raises concerns about the independence of our profession, which is one of our core principles.

“Practitioners are now grouping together into larger firms to comply with the size criterion for appointment by a Specialist Commercial Court.”

FURTHER DECLINE IN PROTECTION PROCEEDINGS

Since 2006 and the introduction of the law on company protection proceedings, DUA has monitored the number of protection proceedings and the number of cases in which AGS intervenes.

Protection proceedings in the last five years (at 31 March 2017)

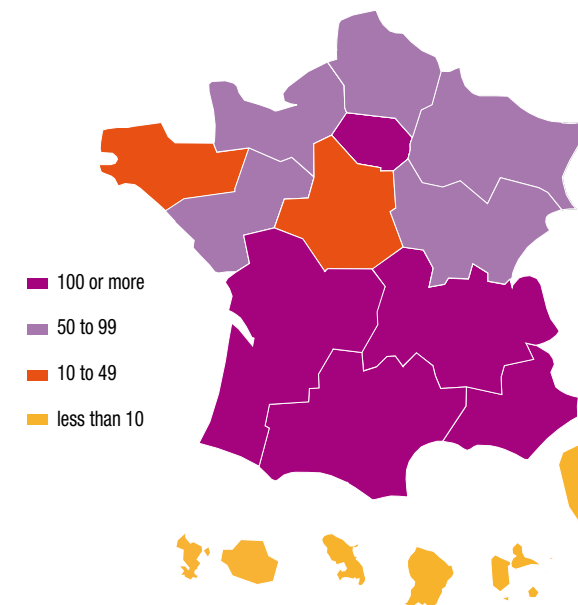
Year	Number of new proceedings	Cases involving AGS*
2012	1,540	633
2013	1,678	620
2014	1,674	592
2015	1,547	414
2016	1,295	215**

* Including after conversion into liquidation or receivership proceedings

** very provisional figure, to be confirmed subsequently

The decrease in the number of protection proceedings started each year, first observed in 2014, was very marked in 2016 (-16.3% compared to 2015).

Number of protection proceedings started in 2016 by region

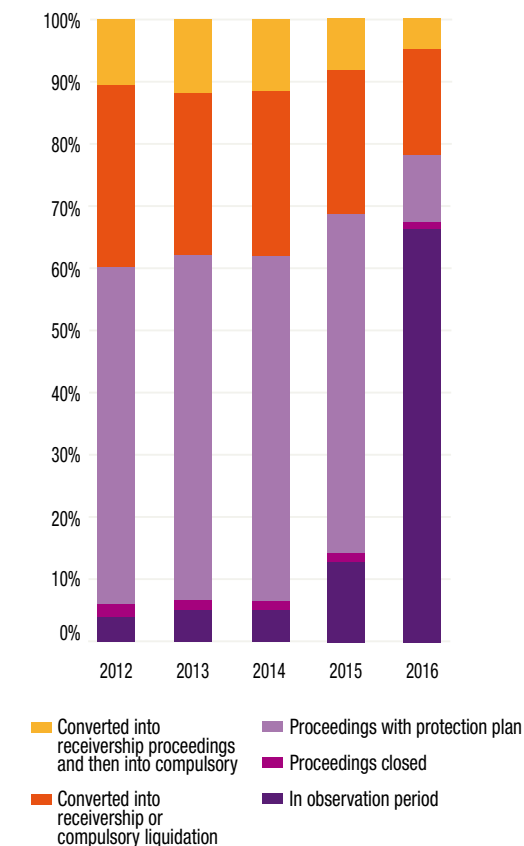


The Nouvelle-Aquitaine region recorded the greatest number of new protection proceedings in 2016, i.e., 16.2% of all proceedings. It was followed by Auvergne-Rhône-Alpes (15.3%) and Provence-Alpes-Côte d'Azur (11.7%). Ile-de-France occupies fifth place, with 10.3% of proceedings.

The retail sector accounted for the largest proportion of protection proceedings in 2016, with more than one fifth of all new cases (20.8%), followed by industry (10.8%), construction (10.5%) and hotel and restaurants (10.4%).

Note that in most cases AGS intervenes after the proceedings have been converted into liquidation or receivership proceedings, and very rarely during the protection plan.

Protection proceedings opened since 2012 (at 31 March 2017)



Protection proceedings started in 2012, 2013 and 2014

At 31 March 2017, more than half of these proceedings had resulted in implementation of a protection plan (54% for 2012 and 55% for 2013 and 2014), while approximately 40% were directly converted into receivership or liquidation proceedings. On average, protection plans were implemented 13 months after the start of the proceedings. The period was shorter for conversions: 6 months on average for receiverships and 8 months for liquidations.

Protection proceedings started in 2015

At 31 March 2017, 54% of proceedings had resulted in implementation of a protection plan, 31% were directly converted into receivership or liquidation proceedings, and 13% were still in the observation period, due to the length of time needed to prepare plans and conversions.

Protection proceedings started in 2016

At 31 March 2017, 66% of proceedings were still in the observation period, 11% had resulted in implementation of a protection plan and 22% were directly converted into receivership or liquidation proceedings.

“ We always consult AGS before finalising a job protection plan. ”



INTERVIEW //
FOCUS ON
JOB PROTECTION PLANS

Erwan MERLY

Judicial Administrator, Rennes

What is your opinion of the measures concerning job protection plans in the Job Security Act?

The Act is to be implemented within the framework of collective bargaining agreements, and this has resulted in three changes. Firstly, labour-management dialogue has been enhanced and negotiation meetings multiplied, in particular with trade unions, to try and negotiate majority agreements. Secondly, the Act has considerably increased the number of formal procedures, and this can delay implementation of the protection plan despite the urgency of the situation, without necessarily making any positive impact on the number of employees dismissed or their re-employment. Lastly, the Act provides for the involvement of the regional employment authorities (DIRECCTE), which is a positive development. However, their decisions may be contested, which could lead to hesitations or delays in their approval or validation of the protection plans, which would be counter-productive.

Does the procedure whereby the DIRECCTE approves/validates job protection plans provide greater security concerning collective redundancies?

As a result of the Act, the DIRECCTE's decisions can now be contested, but this has not resulted in any significant reduction in the number of cases referred to the Employment Tribunals or courts. From this point of view, it is essential that the administrative courts take into consideration the specificities of insolvency proceedings. Judicial administrators are required to act in urgent situations, when the labour-management dialogue has deteriorated and when companies are experiencing serious difficulties, which necessarily restricts the room for manoeuvre and limits the amount that can be paid into the job protection plan by the company.

What is your experience of discussions with AGS prior to the finalisation of job protection plans?

As a result of the Act, discussions with AGS take place earlier and are more effective. We always consult AGS before finalising a job protection plan. As a result, we have been able to introduce a range of very effective measures in a number of cases, which support the re-employment and reinsertion of dismissed employees. We would always advise discussing plans with AGS, in confidence, as early as possible.

The Justice for the 21st Century Act provides for the extension of the procedure applying to the appointment of judicial representatives to judicial administrators in cases above a certain threshold. What is your opinion?

The performance of judicial administrators is not as directly quantifiable, as exposure to risk, in particular social risk, varies considerably depending on the type of assignment and company involved. However, the opinion of the AGS could be useful concerning the new rules of access to the profession, which fail to take sufficient account of expertise or experience of judicial administration, which will have negative consequences on employment and labour disputes.

-15.4%

in 2016 vs 2015

**A MARKED
REDUCTION
IN ADVANCES**

As a direct consequence of the reduced number of new cases, the number of beneficiaries of the AGS wage guarantee fell sharply between 2015 and 2016. As a result, after four years during which the level of advances remained above the €2 billion threshold, the total amount of advances has dropped substantially, to the lowest level since the 2008-2009 crisis.

€1.75 BILLION PAID OUT

Despite the 15.4% reduction compared to the previous year, the amount of advances paid in 2016 remained above the level prior to the financial crisis.

The fall in payments was more marked in the second half of the year (-19.7% compared to the second half of 2015) than in the first half (-11.3% compared to the first half of 2015).

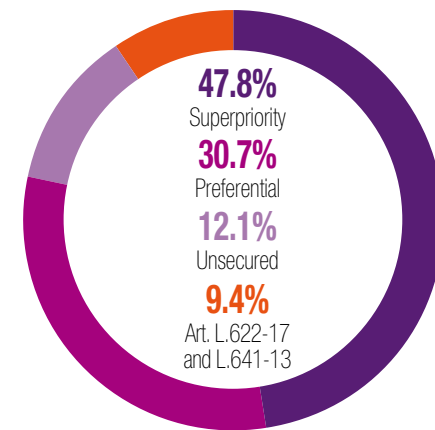
Total advances include net advances for claims arising from employment contracts and advances to cover taxes and contributions paid at source.

Pursuant to article 36 of the Act of 27 December 1996, statutory and contractual pay-related taxes and contributions are claims guaranteed by AGS. In 2016, they represented approximately 10% of all advances, broken down as follows: 69% for Social Security, 20% for pension schemes and 11% for unemployment insurance.

Advances paid (in € millions)
2007 - 2016



Breakdown of 2016 advances
by seniority of claim



Severance payments are still preponderant, despite a 25% decline

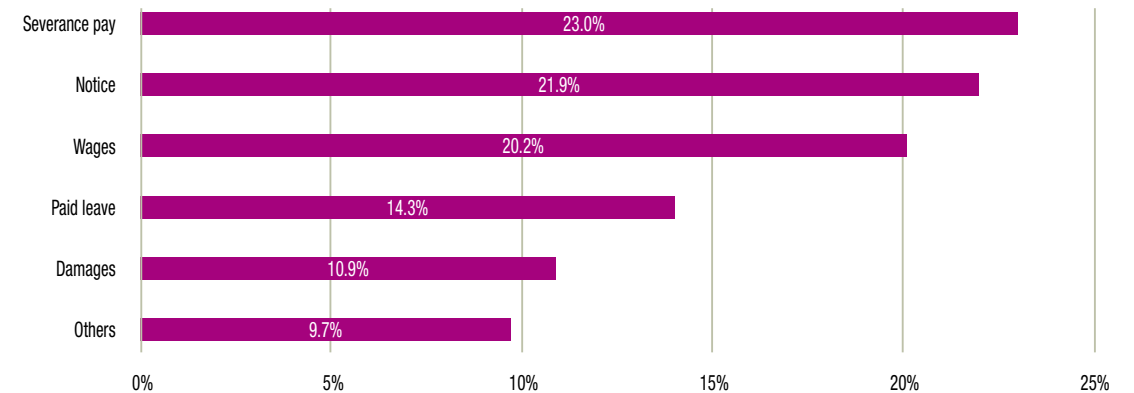
As has been the case since 2012, amounts advanced for severance payments continued to account for the largest proportion of advances.

This is despite a significant fall in this type of payment, which dropped by 25% compared to 2015. Payments corresponding to notice periods (including the contribution to the CSP redundancy

support contract) ranked second, overtaking wage claims for the first time ever. Note that 60% of amounts advanced for claims for damages relate to wrongful termination claims.

Approximately 12% of the total amount advanced in 2016 corresponded to advances allocated to a dispute at the time of payment.

Advances paid by type of claim in 2016



SENIORITY OF CLAIMS

- 1 • Superpriority claims:** these claims benefit from the statutory subrogation of employees' rights, and must be repaid first.
- 2 • Claims under Articles L. 622-17 and L. 641-13 of the French Commercial Code:** these claims must be paid before all other claims, with the exception of super priority claims.
- 3 • Preferential claims:** these claims are secured by a general charge over movable and immovable assets and are paid according to the plan or, in the event of liquidation, in accordance with the type of charge over the assets sold.
- 4 • Unsecured claims:** these claims are not secured and are paid according to the plan or, in the event of liquidation, after preferential claims.

Almost half of the amount advanced corresponds to superpriority claims

The breakdown of advances by seniority of claim in 2016 is substantially identical to the previous two years. Advances made for superpriority claims remained predominant in 2016.

STATUTORY LIMITS

Pursuant to Articles L.3253-17 and D.3253-5 of the French Employment Code, the guarantee on all outstanding wage claims per employee is limited to:

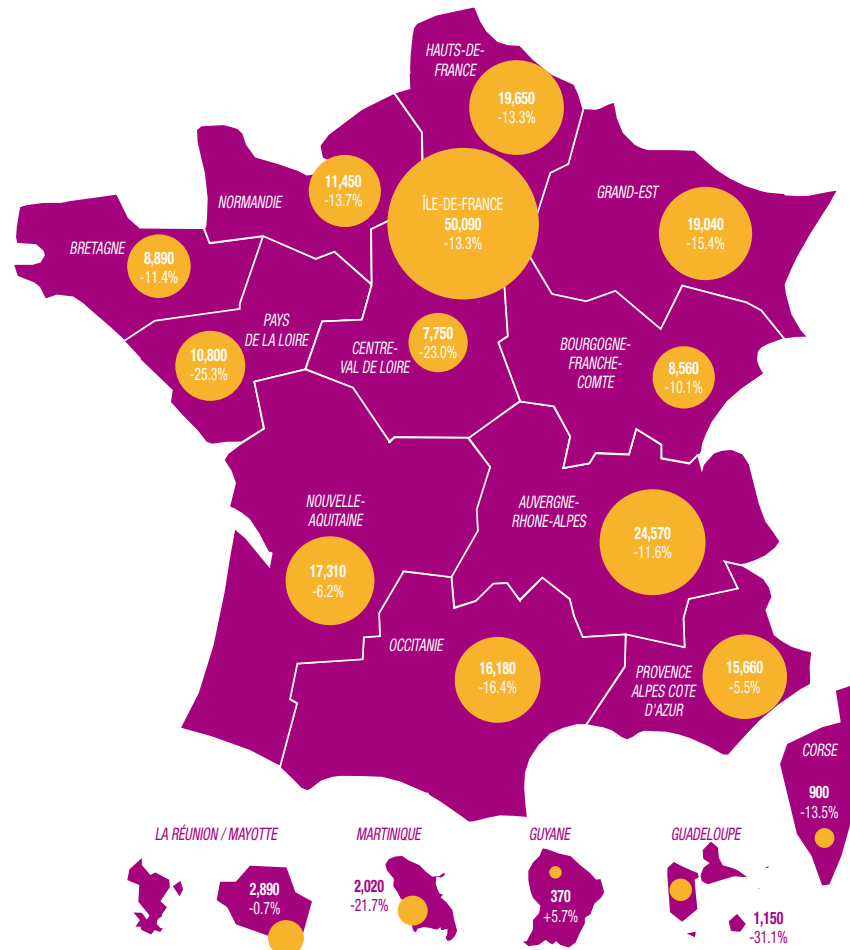
- **six times the monthly ceiling on unemployment insurance contributions** (i.e., €77,232 in 2016) if the employment contract was signed at least two years before the date of the initial court order starting proceedings;
- **five times the monthly ceiling on unemployment insurance contributions** (i.e., €64,360 in 2016) if the employment contract was signed at least six months but less than two years before the date of the initial court order;
- **four times the monthly ceiling on unemployment insurance contributions** (i.e., €51,488 in 2016) if the employment contract was signed less than six months before the initial court order.

217,440
AGS
BENEFICIARIES
IN 2016

MARKED FALL IN NUMBER OF BENEFICIARIES

The decline in the number of beneficiaries first observed in 2014 intensified in 2016 (- 13.4% compared to 2014). With the exception of French Guiana (Guyane) and Saint-Pierre-et-Miquelon (15 beneficiaries in 2016), this downward trend was observed to varying degrees in all French regions.

AGS beneficiaries in 2016 per region
(actual figures and change compared to 2015)



The concept of a beneficiary means that an employee is counted once only although he or she is likely to receive several pavements over a given period, because insolvency practitioners tend to submit requests for advances on the basis of the type of claim (one statement for wages and another for severance pay, for example).

€725
MILLION
RECOVERED

AMOUNTS RECOVERED REMAIN HIGH

Recoveries in 2016 remained above the €720 million bar first crossed in 2012 and every year since. This figure can be explained by the large amounts advanced in recent years, and AGS' continuous efforts to optimise recoveries, with the invaluable assistance of insolvency practitioners. This has had a positive impact on the average recovery rate, which improved in 2016.

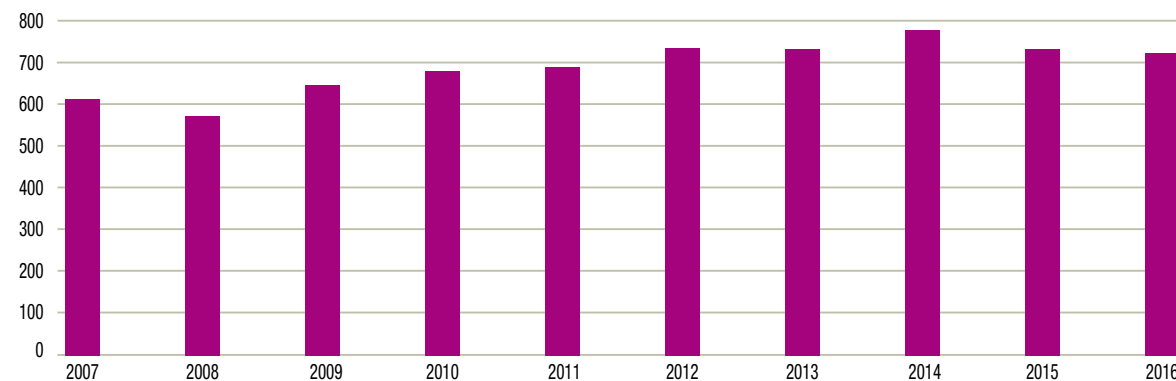
A SLIGHT REDUCTION

After falling by 5.7% in 2015, amounts recovered again fell in 2016, but only by 1.3%. The marked decrease in advances in the past year has not resulted in the same decrease in recoveries.

As there is a close correlation between amounts recovered in any given year and amounts advanced in the same year and the previous two years, the level of recoveries in 2016 was impacted by the level of advances in 2014 and 2015. Recoveries were also optimised by the ongoing initiatives

rolled out by AGS, including specific follow-up measures according to type of case and systematically asking the courts to appoint it as Controller in all proceedings involving more than 50 employees, in which the wage claims recovery rate is higher than average.

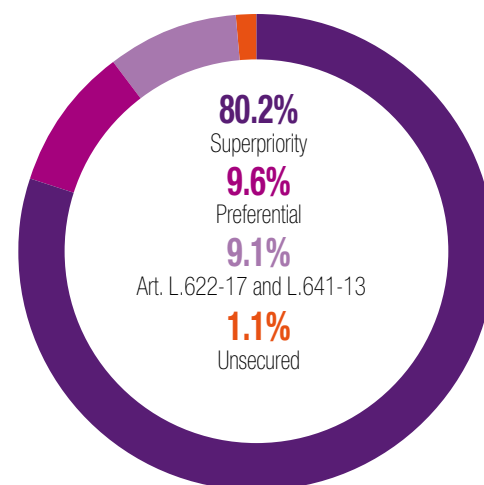
Amounts recovered (€ million)
2007 - 2016



4/5^{ths} of recoveries are superpriority claims

The level of recovery of superpriority claims is consistently very high from year to year, at approximately 80%. This is logical as advances made are predominantly for superpriority claims, and payment of this type of claim by the insolvency practitioner takes priority over all other claims.

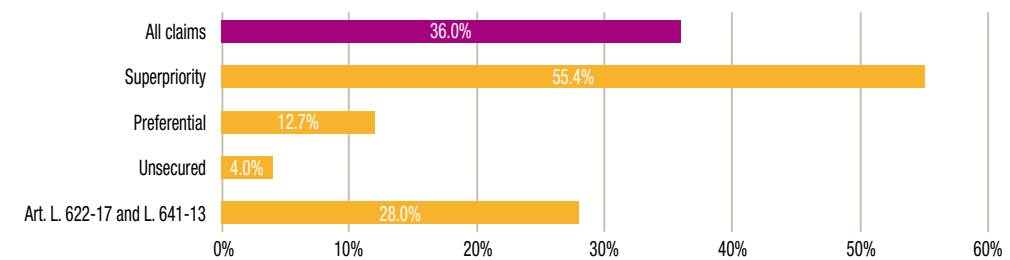
Breakdown of recoveries in 2016
by seniority of claim



36.0%. AN IMPROVEMENT IN THE AVERAGE RECOVERY RATE

The average recovery rate for all new cases opened between 1 January 1986 and 31 December 2016 has improved by 0.2 percentage points compared to the rate as at 31 December 2015.

Relative recovery rates of cases opened since
1 January 1986 (at 31/12/2016)



FACT

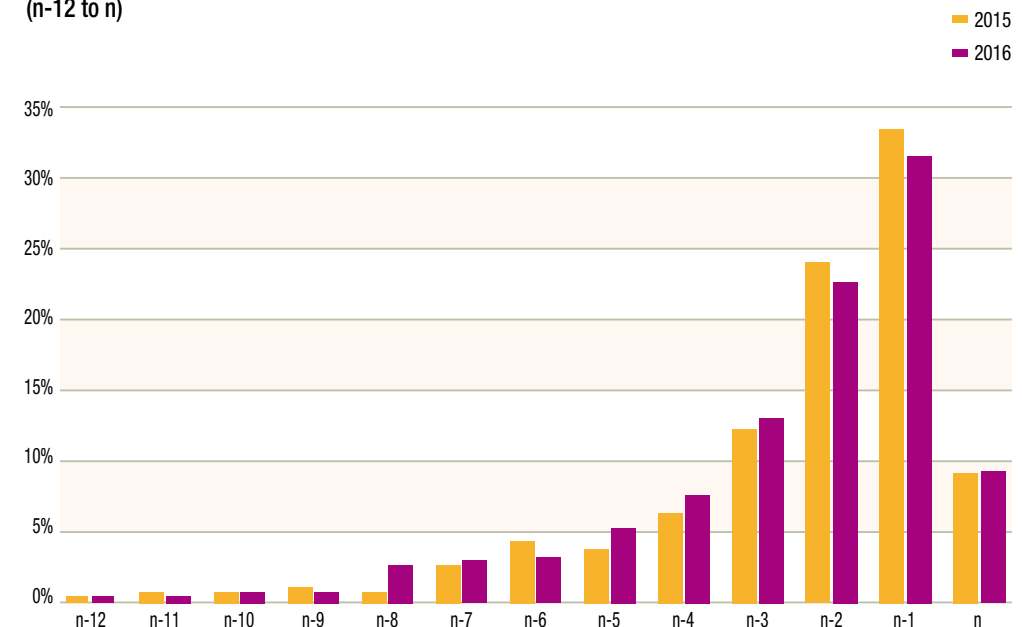
For a given AGS case, the recovery rate corresponds to the ratio between amounts recovered and advances paid.

Most recoveries concern procedures started in the past three years

Almost 61% of all 2016 recoveries relate to procedures started in the current year and in the previous two years. At 31 December 2016, the recovery rate was 8% for AGS cases registered in the year, 18% for cases registered in 2015 and 26% for 2014 cases.

Generally speaking, the recovery rate for procedures started in any given year is around 20% by the end of the following year, and 25% to 30% at 31 December of year n+2.

Amounts recovered in 2015 and 2016 by year of initial court order
(n-12 to n)



Key

n corresponds to the reference year 2015 or 2016, as applicable. Thus, around 9% of recoveries recorded in 2016 relate to proceedings started in 2016 (n), 30% to proceedings started in 2015 (n-1) and 22% to proceedings started in 2014 (n-2). 32% of amounts recovered in 2015 relate to proceedings started in 2014 (n-1), a year in which the level of advances was extremely high.

A LOWER CONTRIBUTION RATE

The AGS contribution rate for companies was reduced from 0.30% to 0.25% on 1 January 2016, following a four-year period during which the rate had remain unchanged. The lower rate was introduced in view of the economic outlook and the anticipated improvement in the number of failed companies, and the resulting reduction in amounts advanced to cover wage claims.

2017 RATE 0.20%

At its meeting of 14 December 2016, the AGS Board of Directors set the contribution rate at 0.20%, with effect from 1 January 2017.

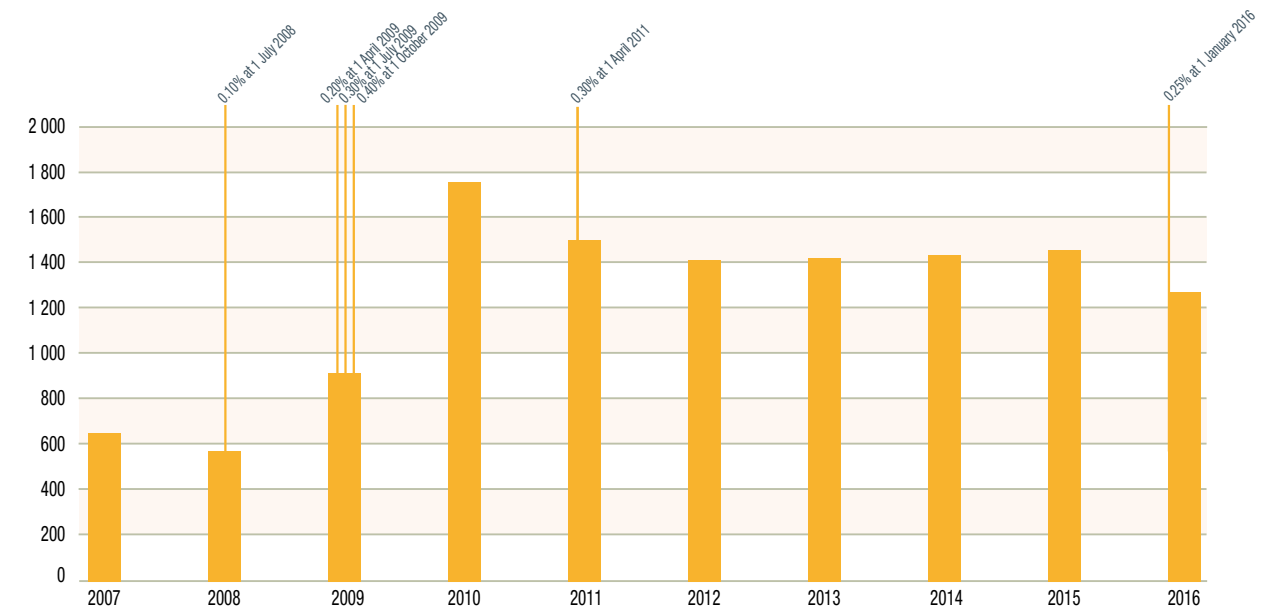
CONTRIBUTIONS TOTALLED €1,273 BILLION

The lower contribution rate logically resulted in a reduction in contributions compared to the levels achieved over the previous four years: -12.7% compared to 2015.

Amounts advanced fell below the €2 billion bar, thanks to the modest improvement in the French economy in 2016. This, combined with the satisfactory level of recoveries, ensured

AGS retained financial stability. Accordingly, the 0.25% contribution rate throughout the year in no way compromised AGS' activities.

Change in contributions received (€ millions) and the contribution rate 2007 - 2016



FINANCING

The wage guarantee scheme is financed by employer contributions based on the amount of unemployment insurance contributions. It is kept in balance by constantly offsetting advances against the amount of recoveries and contributions.

-7.7%
in 2016 vs 2015

LITIGATION AT ITS LOWEST SINCE 2009

The fall in cases before the Employment Tribunal first observed in 2014 was confirmed in 2015 and again in 2016. Although fewer cases were recorded in 2016 than in any year since 2009, the number nevertheless remains high.

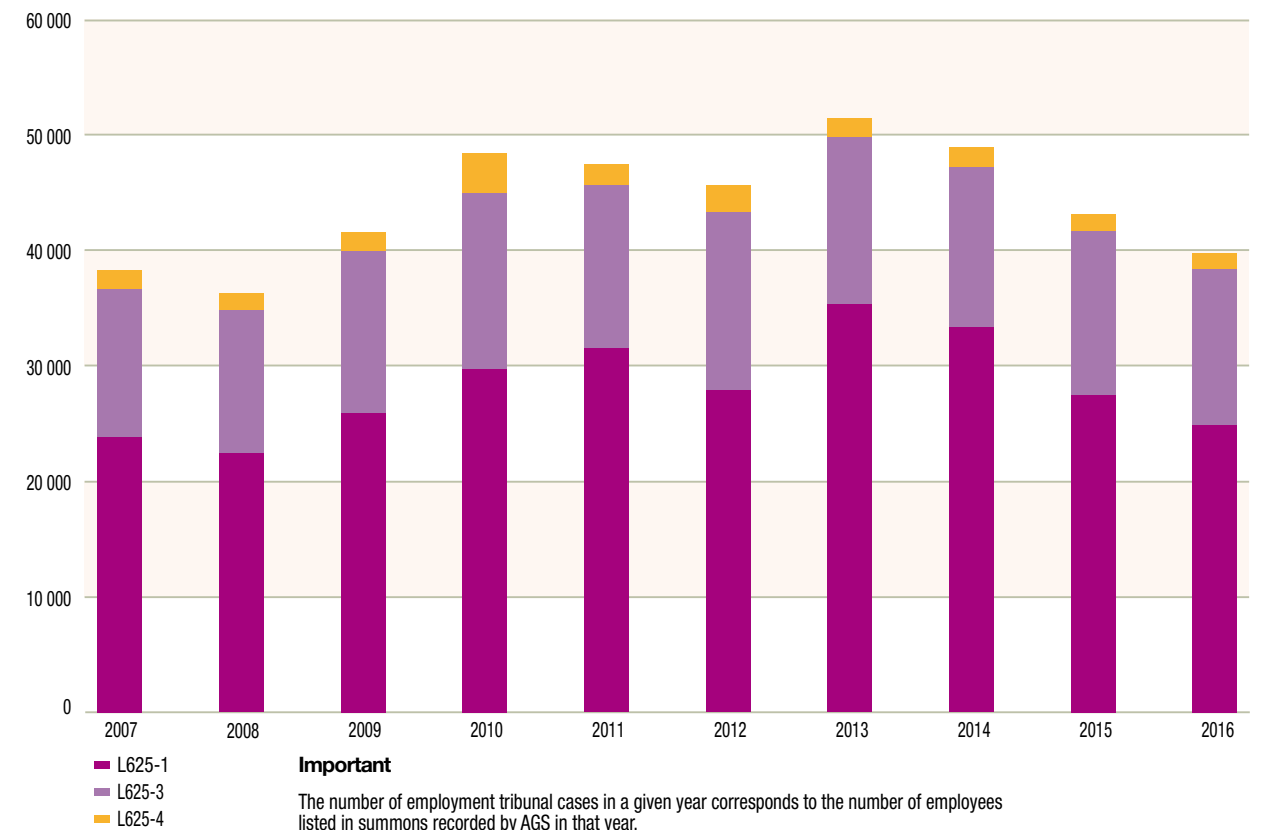
39,920 EMPLOYMENT TRIBUNAL CASES

In 2016, the number of Employment Tribunal cases fell by 7.7% compared to 2015. This can be explained in part by the marked drop in group actions brought by employees and the reduction in failed companies.

The breakdown by type of proceeding remained unchanged compared to 2015: 62% of cases concerned an insolvency practitioner's refusal to include all or part of an employee's claims on the statement of claims (article L. 625-1), 34% arose before

insolvency proceedings started (article L. 625-3), while only 4% corresponded to AGS challenging all or some of the claims presented (article L. 625-4).

Number of Employment Tribunal cases 2007 - 2016

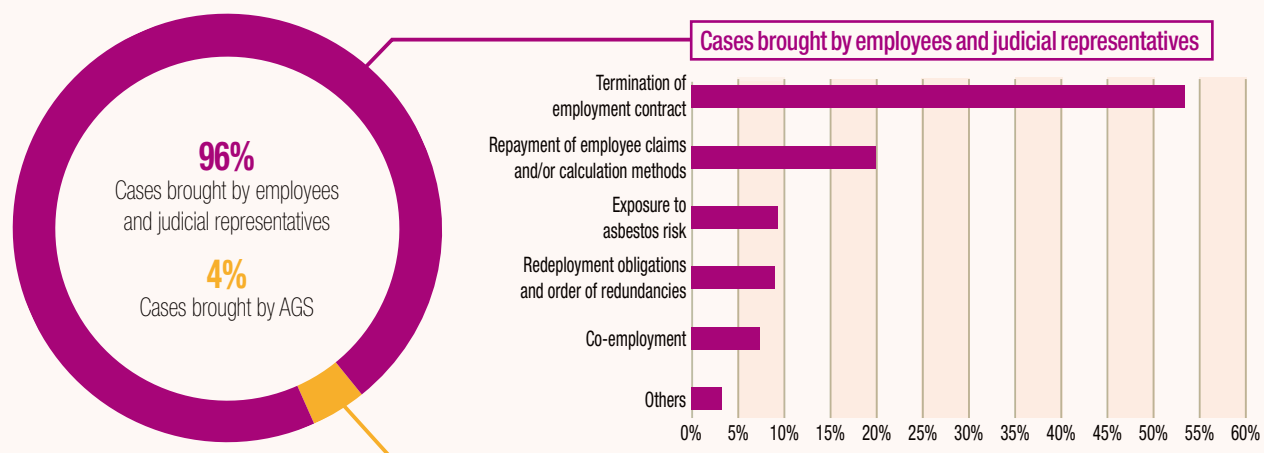


WRONGFUL TERMINATION OF EMPLOYMENT ACCOUNTS FOR MORE THAN HALF OF ALL CASES

Cases brought by employees or judicial representatives accounted for 96% of all Employment Tribunal cases. The three grounds most frequently cited were the same in 2016 as in 2015, and in the same order. More than half contested the termination of employment contracts. The number of cases in which asbestos was cited as a ground fell by 25% compared to 2015, but remained the third most frequent type of case.

As regards cases brought by AGS, over half concerned "repayment of employee claims and/or calculation methods" or "scope of application (employee/company)". As in 2014 and 2015, recent increased efforts to combat fraud led to cases concerning reported fraud appearing in the list of the five most frequently raised grounds.

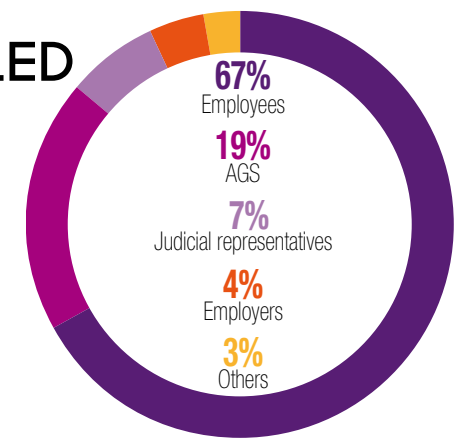
Main grounds for litigation in 2016



THREE IN TEN EMPLOYMENT TRIBUNAL DECISIONS APPEALED

30,060 decisions were handed down in 2016 by the French Employment Tribunal and recorded by AGS (-5% compared to 2015), of which 22,720 decisions were open to appeal. 30% of these were appealed, 67% of which by employees (a higher proportion than in the previous 10 years).

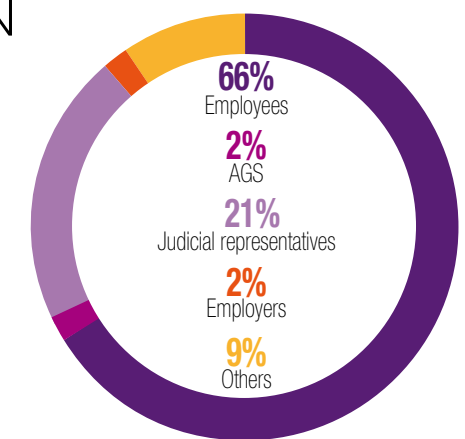
Origin of appeals in 2016



MOST COURT OF CASSATION APPEALS ARE FILED BY EMPLOYEES

Of the 14,120 appeal court decisions handed down in 2016 (+20% compared to 2015), 11,030 could be challenged. 16% of them were appealed before the Court of Cassation (France's supreme court) on a point of law, 66% of which by employees (similar to the 2015 figure of 67%). At the same time, AGS filed three times fewer appeals with the Court of Cassation in 2016 (only 2% compared to 6% in 2015).

Origin of Court of Cassation appeals in 2016



DISPUTES INVOLVING 20+ EMPLOYEES CAREFULLY MONITORED

Almost 21,300 employees named in new Employee Tribunal cases recorded by AGS in 2016 were involved in group actions brought by between 2 and 300 employees.

As in previous years, cases involving 20 employees or more represented approximately 1% of all litigation, but a larger proportion of the amounts claimed. Such cases are therefore carefully monitored, given the financial implications and the increased risk of fraud for AGS.

PROMOTING DIALOGUE TO ENHANCE COOPERATION

DUA's goal is the optimal processing of insolvency proceedings, and this is reflected in its relations with its partners and national, European and local stakeholders. AGS was present at the year's key events to inform, discuss topical issues and strengthen cooperation in our respective missions.

The Slovenian wage guarantee fund An instructive first meeting

DUA travelled to Ljubljana on 14 October 2016 to meet the Slovenian insolvency fund. The visit provided an opportunity to compare our respective practices and learn more about insolvency proceedings in Slovenia. We also discussed more specific aspects of the profession of judicial administrator and the guarantee process (examination, payment, litigation). This first meeting was very instructive, with both sides learning more about possible different approaches to implementation of the European directive.

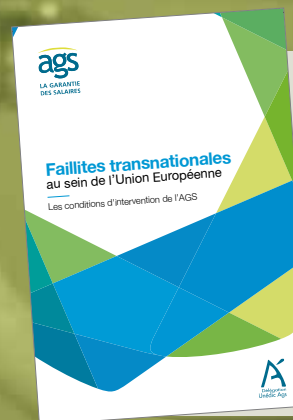
10 years of existence

The Slovenian wage guarantee fund was established in 1997, to guarantee the payment of wages and salaries in the event of a company failure and to recover funds advanced.

The applicable legislation (law on public funds, law on guarantee funds) has not been codified. The fund's objective is to improve the quality of its services and obtain certification in the medium term. Since Slovenia joined the European Union on 1 May 2004, it has operated alongside the guarantee fund for disability and maintenance allowances.



UNION EUROPÉENNE //



This new publication by DUA, on cross-border insolvency proceedings within the European Union, is intended for Judicial representatives. It explains when and how AGS intervenes in cross-border insolvency proceedings within the EU. The objective is to facilitate multi-party operational management of this type of case.

PLACING QUALITY AT THE HEART OF OUR PARTNERSHIPS

In 2016, DUA celebrated 20 years of existence by rolling out major innovative projects. The Qualicert certification system is a guarantee of reliability and security for all involved in insolvency proceedings. At the same time, DUA successively launched its accreditation project for judicial representatives. It also worked towards the dematerialisation of documents and created the AGS Network of Controllers.



**Christophe
BASSE**

Judicial representative, representative of the CNAJMJ (regulatory authority for insolvency practitioners) on the AGS Accreditation Committee

The AGS Label: an engine of change

The CNAJMJ provides training for Judicial representatives to help them to adapt to constantly changing circumstances and legislation. This policy of continuous improvement sits well with the project proposed by AGS.

The main beneficiaries of the Label are the debtor and its employees. The time saved in processing employee claims is approximately 12 days compared to a non-accredited practitioner.

During the pre-accreditation phase, our staff looked afresh at their working methods and habits, meaning that the process served as a driver for change. We also involved our IT service providers, with a view to improving our software. The AGS regional management centres sent us studies with notes on each area on which accreditation would be assessed. We were able to discuss problems and obtain clarifications. This constructive relationship illustrates the value of the partnership created on Thierry Méteyé's initiative.



**Michel
WIECZOR**

Director, Ile-de-France Ouest AGS Regional Management Centre

An inside view of the Accreditation Committee

The Committee's role is not restricted to deciding whether or not to accredit a practitioner. We also seek to continuously improve methodology by approving adjustments to be made in light of certain criteria, for example in order to reduce the impact of factors beyond the judicial representative's control, and also by standardising the approach taken by the regional management centres when assessing discriminatory commitments.

The Secretary's role is essential, as he filters and prepares files. Three meetings were held in 2016, at which 92 files were examined and submitted for accreditation.

We also verify that accredited firms continue to comply with their commitments. If need be, we will take action when they let standards slip.



A SIGN OF CONFIDENCE

The introduction of an accreditation system for firms of judicial representatives reflects DUA's determination to continuously improve its relations with its partners, in order to optimise performance by itself and its partners during insolvency proceedings.

The AGS Label was created in 2015 and rolled out successfully in 2016. The first labels were awarded on 23 February 2016, to 23 firms of judicial representatives. Many firms have committed to taking part in the accreditation process, and this will strengthen operational synergies in the field and build relations of mutual trust between AGS and the judicial representatives.

The members of the AGS Accreditation Committee are Thierry Méteyé, DUA's National Director, Christophe Basse, representing judicial representatives, and three members of DUA: Messrs. Mathieu, Fourage, committee secretary, and Wieczor. It held three meetings in 2016 and 87 firms have been awarded the AGS Label to date.



INTERVIEW // FOCUS ON THE AGS LABEL

Pascal RAYNAUD

Judicial representative responsible for the protection, recovery and liquidation of companies

Your firm has been awarded the AGS Label. Can you describe the various phases of the process?

At the outset we knew nothing about the selection criteria or the objectives. We quickly familiarised ourselves with the process, thanks to our discussions with the Orléans Regional Management Centre. We were kept very regularly informed of the Centre's assessment of the quality of our services. This enabled us to identify weak points and to improve them: I am thinking in particular of how we are represented in Employment Tribunal proceedings, and the possibility of a joint representation by the Regional Management Centre's lawyers.

How has your relationship with the Management Centre improved?

We have a closer relationship and response times are now very short on both sides. We operate on a trust basis, with funds being released on the next day without the need to produce supporting documents. Our requests are processed very quickly, simplifying management of our cases and improving relations with employees. Outstanding salaries are paid almost immediately in both receivership and compulsory liquidation proceedings; in receivership

“ All our staff are determined to retain the Label, and this motivates them to work even more professionally. ”

proceedings, this reassures and re-motivates employees, and in liquidation proceedings this eases tensions caused by the financial problems experienced by employees and the stress caused by their redundancy.

Has the Label affected the way your firm operates or your external relations?

We can complete tasks more quickly and our administrative organisation has changed: although we no longer need to send supporting documents, they must be held on file in the event of an AGS audit.

The Label also represents a challenge: accreditation is a recognition of the quality of our work. All our staff are determined to retain the Label, and this motivates them to work even more professionally. As regards our relations with the judicial sector, I believe that the courts and public prosecution offices, which were not familiar with the AGS Label, have greater confidence in us because of our accreditation. The commercial court judges, who are wary of the arrival of new untrained professionals, and in particular bailiffs and process service servers, are very aware that the AGS Label is a recognition of quality.



CERTIFIED QUALITY SERVICE

DUA obtained the Qualicert certification on 19 October 2016. This certification, which is the culmination of a process started in September 2015, constitutes an official recognition of the quality of our service. It requires us to make the satisfaction of our partners a priority on a daily basis and to constantly improve our services.



18 November 2016: Qualicert, mission accomplished!

The official presentation of the Qualicert certificate to Mr Méteyé by the Chairman of SGS ICS was one of the highlights of the DUA General Assembly. Mr Fusiller stressed that the project was a complete success. Not one single discrepancy was observed during the certification audits conducted by SGS in September 2016. This success story bears witness to the motivation and determination of all our staff members and rewards each and every one of them.



Marie-Ange NGUYEN

Head of Quality and Risk Management
Qualicert Project Manager

As a counterpart to the accreditation process proposed to judicial representatives, DUA wished to obtain certification itself. The Qualicert process provided an excellent opportunity to optimise processes and adjust our organisation to place quality at the heart of our activities. This federating project involved all of our 230 staff members over an 11-month period.

Our Qualicert Commitment Charter will be modified over time to reflect the challenges facing the company and the needs of our partners, to guarantee the successful performance of our respective missions. SGS ICS, which is an independent body accredited by COFREC, the French Accreditation Committee, will carry out an annual audit to verify that we continue to comply with all our commitments.

Our 8 commitments

- 1/ We offer judicial representatives an **accreditation process** which provides access to an improved service offer
- 2/ We inform partners of any changes affecting the guarantee **within 10 days**
- 3/ We offer our partners **online access** to their files and a **personalised service**
- 4/ All complaints receive **careful consideration**
- 5/ We are developing partnerships to **combat fraud**
- 6/ We guarantee **processing times** that are consistent with the requirements of judicial representatives
- 7/ We liaise with our legal team, referring matters and responding to requests promptly to facilitate the **proper preparation of files**
- 8/ We respond to all requests for information sent via our website **within eight days**

The certification reference documents can be obtained or consulted by contacting SGS ICS.

20 ans

DÉLÉGATION AGS A CENTRAL PLAYER IN INSOLVENCY PROCEEDINGS

Twenty years of committed service to companies in difficulty and their employees has confirmed DUA as a central player in insolvency proceedings.

CREATION OF DÉLÉGATION UNÉDIC AGS (1996)



1996 heralded a new era of modernisation. On 1st September, in agreement with the AGS governing bodies, Unédic created the Délégation Unédic AGS. Under the management of Thierry Méteyé, the institution defined three areas for improvement in order to gain visibility and improve its capacity for continuous adaptation when faced with change.

- Improved performance of missions.
- Increased coherence when applying laws and decisions.
- Increased rigour when dialoguing with insolvency stakeholders.

PERFORMANCE THROUGH INNOVATION (2011/2016)

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The Ambition 2013 corporate project aimed to adapt and diversify the service offer and develop new levels of performance within a network dynamic. A new organisation was rolled out, with the creation of the DUA Network Management team and the replacement of regional delegations by an operational management system. Specialist departments were created to develop skills and simplify decision-making circuits with the Network, in order to improve efficiency and responsiveness. Managers were made central to the continuous improvement process. The creation of an Anti-Fraud Department which coordinates prevention within the regional management centres has improved anti-fraud controls. DUA implemented measures introduced in the Act of 14 March 2011 on internal security to intensify detection of suspicious situations.

During this period, it also pursued its policy of dialogue and cooperation, namely with the International Labor Office and the German, Dutch and Polish guarantee funds.

A new dynamic

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THE KEY PHASES OF THE TRANSFORMATION (1997/2010)



The transition from the 20th to the 21st century was marked by a string of strategic achievements which have forged the identity of DUA.

Between 2001 and 2003, DUA rolled out its AGS Aladin corporate project and introduced Case-based Management. DUA's partners now dealt with a single case manager responsible for all aspects of their case. The objective was to improve quality of service by simplifying procedures, improve response times and reliability when processing, and optimise management of recoveries and litigation. At the same time, DUA developed a computer-assisted decision-making tool to facilitate access to management data. It improved the electronic exchange of data with insolvency practitioners, and created an extranet site for judicial representatives and lawyers.

2009 was an important year in the development

of DUA's service strategy, with the creation of the Quality Charter and the roll-out of its service quality commitments. DUA thus pursued its objective of continuous improvement and confirmed its determination to provide quality services while better satisfying the expectations of its partners and guarantee beneficiaries.

A facilitator of exchange

Since 1998, DUA has organised a conference, the National Day of Lawyers (Journée Nationale des Avocats), every two years, thus reinforcing dialogue with the national bodies representing the profession of judicial representative. During the preparation of the Company Protection Act,

submitting proposals to the public authorities aimed at improving the effectiveness of envisaged measures and helping insolvency practitioners to better understand the guarantee system. At the same time, it extended its advisory role through its appointment as Controller in a large number of major cases.

In view of the globalisation of the economy and the introduction of European directives, in 2001 DUA had already initiated dialogue with its European counterparts, including the Belgian, UK, Spanish, Austrian, Luxembourg and German guarantee funds. It continued to develop dialogue within the European institutions, with the European Court of Justice and the European Commission.

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PERFORMANCE THROUGH INNOVATION (2011/2016)

BUSINESS INDICATORS BY REGION IN 2016

	New AGS cases	Region as a percentage of all new cases	Change in number of new cases compared to 2015	New AGS cases with 100+ employees	New cases with 100+ employees in region as a percentage of all such cases	Number of AGS beneficiaries	Region as a percentage of all beneficiaries	Change in number of beneficiaries compared to 2015
Auvergne-Rhône-Alpes	2,721	11.5%	-15.9%	9	7.4%	24,570	11.3%	-11.6%
Bourgogne-Franche-Comté	833	3.5%	-16.4%	7	5.7%	8,560	3.9%	-10.1%
Bretagne (Brittany)	984	4.2%	-11.7%	2	1.6%	8,890	4.1%	-11.4%
Centre-Val de Loire	825	3.5%	-15.3%	3	2.5%	7,750	3.6%	-23.0%
Corse (Corsica)	167	0.7%	+4.4%	0	0.0%	900	0.4%	-13.5%
Grand-Est	1,942	8.2%	-12.0%	16	13.1%	19,040	8.8%	-15.4%
Guadeloupe	180	0.8%	+0.0%	0	0.0%	1,150	0.5%	-31.1%
Guyane (French Guiana)	47	0.2%	+27.0%	0	0.0%	370	0.2%	+5.7%
Hauts-de-France	2,018	8.5%	-14.3%	7	5.7%	19,650	9.0%	-13.3%
Île-de-France	4,835	20.4%	-1.4%	39	32.0%	50,090	23.1%	-13.3%
La Réunion (Reunion Island)	303	1.3%	-9.3%	2	1.6%	2,890	1.3%	-0.7%
Martinique	214	0.9%	+4.4%	1	0.8%	2,020	0.9%	-21.7%
Normandie	1,080	4.6%	-12.4%	6	4.9%	11,450	5.3%	-13.7%
Nouvelle-Aquitaine	2,041	8.6%	-13.5%	9	7.4%	17,310	8.0%	-6.2%
Occitanie	2,192	9.3%	-10.5%	4	3.3%	16,180	7.4%	-16.4%
Pays de la Loire	1,063	4.5%	-21.2%	5	4.1%	10,800	5.0%	-25.3%
Provence-Alpes-Côte d'Azur	2,209	9.3%	-9.9%	12	9.8%	15,660	7.2%	-5.5%
Saint-Pierre-et-Miquelon	1	0.0%	None in 2015	0	0.0%	15	0.0%	na

na = not available

CHANGES TO KEY BUSINESS CRITERIA

	2012	2013	2014	2015	2016
Advances during the year (€ million)	2,077	2,192	2,203	2,063	1,745
Recoveries during the year (€ million)	735	734	778	734	725
Recovery rate at 31 December from cases under the 1985 Act	36.2%	36.0%	35.9%	35.8%	36.0%
Contributions received during the year (€ million)	1,413	1,422	1,437	1,458	1,273
Contribution rate	0.30%	0.30%	0.30%	0.30%	0.25%
Number of company failures (court order date - excluding protection procedures - source Banque de France)	61,095	62,532	62,398	63,081	58,057
Number of new AGS cases registered (registration date of first request for an advance, including protection proceedings)	27,301	28,293	27,746	26,589	23,678
Number of new cases with 100+ employees (registration date of first request for an advance, including protection proceedings)	188	182	166	129	122
Number of employee beneficiaries during the year	277,300	285,700	273,700	251,070	217,440
Number of Employment Tribunal cases	45,800	51,600	49,000	43,260	39,920
Number of Appeal Court decisions	9,800	12,100	14,160	11,770	14,120

DÉLÉGATION UNÉDIC AGS MANAGEMENT COMMITTEE



From left to right: Michel Mathieu, Assistant Director, Network/ Béatrice Veysière, Head of Legal / Jacques Andrieu, Head of Communications / Laurence Monchaux, Head of Human Resources / Thierry Méteyé, National Director / Jacques Savoie, Chief of Staff / Anne Varin, Secretary General and Head of Management and Resources / Yves Roussel, Internal Auditor

ORGANISATION CHART

Senior Management

Thierry Méteyé **National Director**

Jacques Savoie

Chief of Staff

Yves Roussel

Internal Auditor

Network Management

Michel Mathieu **Assistant Director, Network**

Vincent Garraud

Head of Operational Support

Christophe Fourage

Head of Steering

Maryse Deschamps

Head of Quality and Risk Management

Michel Deirmendjian

Head of Anti-Fraud

Support and Services

Anne Varin **Secretary General and Head of Management and Resources**

Franck Bouchut

Head of Research and Statistics

Laurent Méry

Head of IT

Jacques Andrieu **Head of Communications**

Laurence Monchaux **Head of Human Resources**

Béatrice Veysière **Head of Legal**

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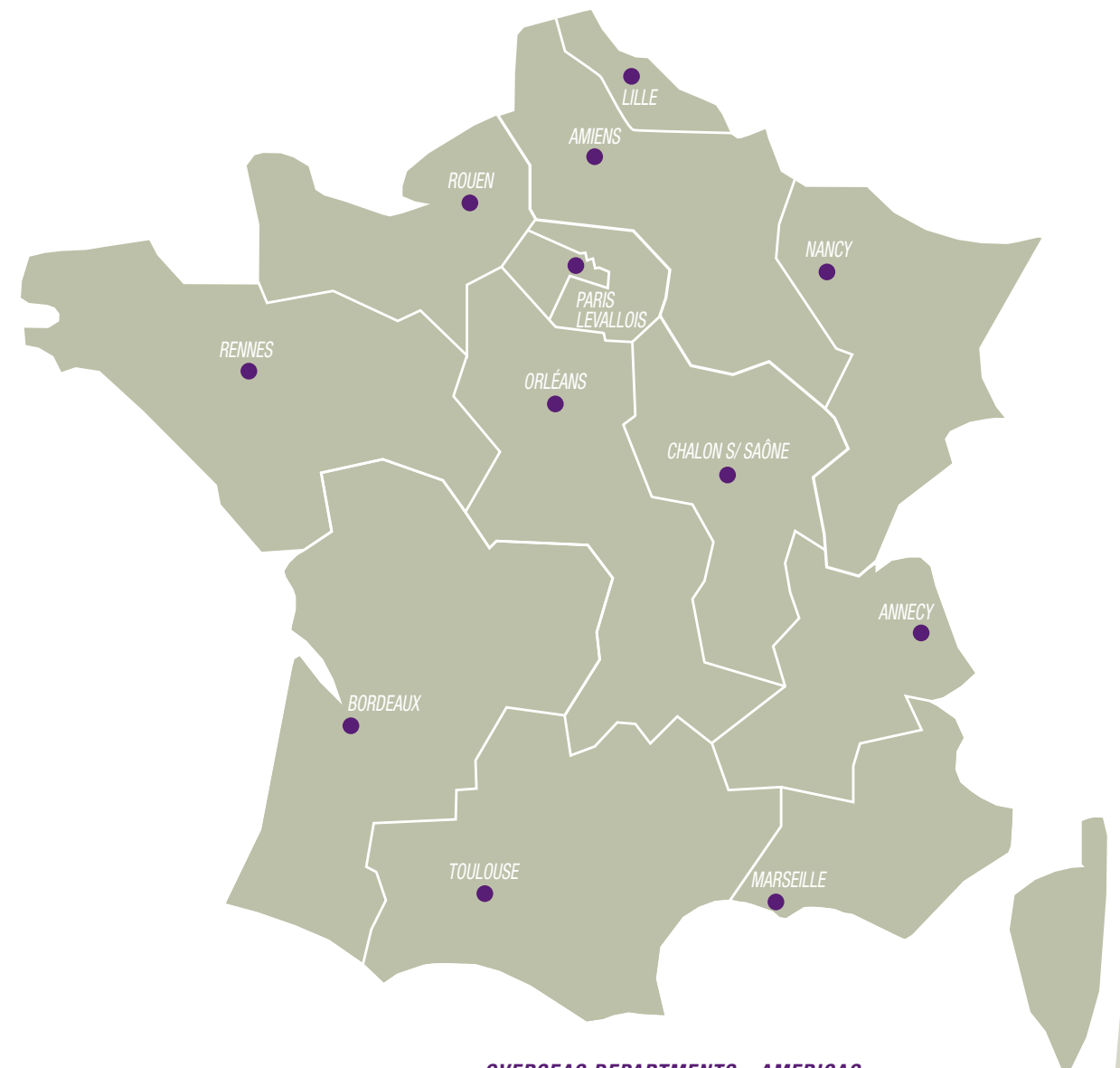
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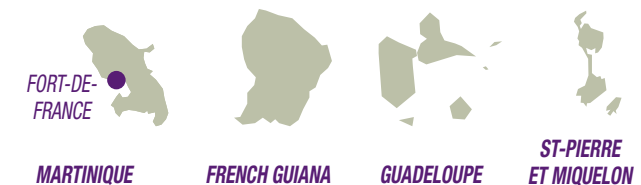
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