

France

| 1. Fair | |
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| Regulatory framework | <p>The current regulatory framework includes:</p> <ul style="list-style-type: none"> • Article 23 of the Constitution • Articles 432-12 to 432-13 of the criminal code on illegal taking of interests • On October 11th 2013, the French Parliament passed, a constitutional law (No. 2013-906) and a law (No. 2013-907) on the transparency of public life that improves the transparency of disclosure of assets and interests by public officials. • Electoral Code, Chapter III. |
| Outreach to public officials about disclosure requirement | <p>The adoption of the new declaration of assets and interests has been widely broadcasted in the media and information has been sent to the administrative services. The General Secretariat of Government has sent a circular to ministers.</p> <p>Parliament has fully informed its members (MPs) on the issue.</p> <p>The associations of local authorities have largely disclosed the information.</p> <p>The high authority of the transparency of public life offers on its website comprehensive information on the issue.</p> <p>The SCPC has published an article on the assets declaration in its 2013 report.</p> |
| Type of information disclosed | <p>The disclosure requirement is geared for the prevention of conflicts of interest. Filers are required to submit a statement of interests and disclose the following:</p> <ul style="list-style-type: none"> • Properties: Current and purchase value, size and location, of real estate, including overseas real estate; purchase value and current or insurance value, and description of moveable assets; • Investments and Liabilities: the name of the company and the value of stocks held (ownership of stocks not permitted where a conflict of interest would exist); life insurance policies; the name of the lender and the values of loans, credits and mortgages; • Income and cash assets: Total value of income; source but not value of secondary income; type of bank accounts and amounts held, including foreign bank accounts; • Positions: official title and role; spouse employment; • Gifts and funded travels: Not required |
| Other relevant information | <p>For the 1st time, the Law of 2013 defines the conflict of interests: "Constitutes a conflict of interest situation of any interference between public interest and public or private interest which is such as to influence or appear to influence the independent exercise, impartial and objective of a function".</p> |

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| | <p>Furthermore, the criminal code is designed to prevent illegal taking of interests, defined as follows: “The taking, receiving or keeping of any interest in a business or business operation, either directly or indirectly, by a person holding public authority or discharging a public service mission, or by a person holding a public electoral mandate who at the time in question has the duty of ensuring, in whole or in part, its supervision, management, liquidation or payment.”</p> <p>The law also defines what are termed “incompatibilities” in public office (for example serving as both a Deputy of the French National Assembly and a Member of the European Parliament or director of state owned enterprise). The law provides a 30 days grace period for filers to recuse themselves from a duty that presents a conflict of interest.</p> |
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2. Transparent

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| Public accessibility of disclosed information | <p>Ministers’ declarations of assets and interests are published except for information relating to third parties.</p> <p>The declarations of interest of members of the government, deputies, senators, local councilors and majors may be disclosed by the High Authority for the transparency of public life.</p> <p>MP’s declaration of assets may be consulted at the Prefecture by any interested person.</p> <p>Disclosure information from all other individuals remain confidential, and can only be disclosed with the express consent of the filer or by court order.</p> |
| Public access to information concerning disclosure system functioning | <p>The High Authority for the transparency of public life publishes a report in the official gazette up to every three years on the disclosure regime. The law does not specify what the report should contain, except that it should not reveal any information about the wealth of filers.</p> |
| Other relevant information | |

3. Targeted at senior leaders and those in at-risk positions

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| Legislative | <p>MPs (members of the National Assembly and the Senate) are subject to disclosure requirements.</p> |
| Executive | <p>The law requires that all members of the government submit a declaration.</p> |
| Judiciary | <p>No. However, a bill of Organic law has been prepared foreseeing that the highest ranked judges and prosecutors (the Head of the 38 Appeal Courts, and members of the “<i>Cour de cassation</i>” (French judiciary Supreme Court) will be required to declare their assets and interests.</p> |
| Other | <p>More than 9,000 people are compelled to declare, such as major local elected representatives, and non-elected high-ranking officials (ex: ambassadors...).</p> <p>Categories of individuals required to submit a declaration include:</p> <ul style="list-style-type: none"> • employees of public corporations, and state owned enterprises, and companies in which the State or public bodies hold directly or indirectly more than 50 percent of the capital; • employees of the bodies governing the public telecom and postal operators. <p>Officials of the Financial Authorities are required to disclose their assets, paid and non-paid outside positions, gifts, and previous employment. The disclosed information is not publicly</p> |

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| | available. |
| Risk-based approach to the disclosure requirement | Risk is addressed by prohibiting office holders from engaging in activities deemed incompatible with their official duties. No additional risk classifications are used to determine how declarations are verified. |
| Other relevant information | |
| 4. Supported with adequate resources | |
| Main agency/ agencies involved in disclosure | High Authority for the transparency of public life |
| Other entities | The Administrative Office of the National Assembly and Senate handle administrative matters for Deputies and Senators. The Constitutional Court issues decisions on the ineligibility of individuals to hold or remain in public office. |
| Other relevant information | |
| 5. Useful | |
| Frequency of filing requirement | Officials are required to submit a declaration two months after taking office and one month before leaving office (two months after leaving office if duties end for unexpected reasons). They are also required to submit any necessary modifications to their declaration while in office. |
| Validation & verification | <p>The High Authority for the transparency of public life has been granted new powers to carry out its oversight mission. The High Authority can:</p> <ul style="list-style-type: none"> • request any document or useful explanation from persons subject to disclosure requirements, or consult any person ; • request assistance from tax authorities, who have extensive power to request and collect financial information, including from banks here and abroad ; • receive ethical questions and issue opinions ; • provide counsel and promote code of ethics ; • seek information directly from public officials and issue injunctions in the case of delayed or incomplete statements, or when public officials fail to answer requests for further information ; • issue injunctions against public officials to end a contentious situation when a conflict of interest has been established ; • propose criminal prosecution for people who fail their obligations : and |

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| Uses of disclosed information | <p>Ministers' declarations of assets and interests are published except for information relating to third parties.</p> <p>The declarations of interest of members of the government, deputies, senators, local councilors and majors may be made public by the High Authority for the transparency of public life.</p> <p>MP's declaration of assets may be consulted at the Prefecture by any interested persons.</p> <p>Disclosure information from all other individuals remain confidential, and can only be made public with the express consent of the filer or by court order.</p> |
| Other relevant information | |
| 6. Enforceable | |
| Types of applicable sanctions | <p>Any breach of the declaration obligation is punishable by a fine of € 15,000. In addition, any omission or any willful false declaration is punishable by a sentence of three years imprisonment and a € 45,000 fine and, as a supplementary, deprivation of civil rights.</p> <p>Therefore failure to submit a declaration disqualifies the individual from holding office. Detection of incompatibilities or conflicts of interest by the High Authority results in removal from office.</p> <p>Five years imprisonment and a fine of € 500,000 are applied in cases where an illegal taking of interest has been found to exist (furthermore the fine may be increased to twice the gain of the breach if it exceeds 500.000€).</p> <p>Two years imprisonment and a fine of €30,000 applies in cases where an official is found to have benefited from their official role after leaving office, and before 5 years have passed.</p> <p>Two years imprisonment and a fine of €30,000 applies in cases where an official is found to have invested in, or benefited from an interest in a private entity that owns 30 percent or more of the capital of an undertaking in which the filer has some had a supervisory role as part of their official duties.</p> |
| Mechanism and entities responsible for enforcing measures | <p>The High Authority requests clarifications from filers where irregularities have been found, and refers suspicious cases to the relevant authority (especially the public prosecutor).</p> <p>Concerning MP, the Constitutional Court decides on the ineligibility of filers to hold office. In certain cases filers may be given 30 days to regularize their situation. Failure to do so results in dismissal from office.</p> |

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| | Cases are referred to the public prosecutor's office for the implementation of criminal sanctions. |
| Other relevant information | <p>In his report of January 2015, the President of the High Authority for the transparency of public life gave twenty proposals to moralize public life. These proposals include:</p> <ul style="list-style-type: none"> - Checking the tax situation of persons approached to join the government prior to their appointment (Proposal 1). - Providing a certificate of tax regularity for candidates to national elections (Proposal 2). - Establishing ethical control prior to the appointment of the most senior administrative officials (Proposals 3 and 4). - Extending to public servants, prosecutors and judges of the judiciary the ethical principles provided for in the laws on transparency of public life (proposal 5). - Clarifying the checking rules on assets declaration, simplifying the declarative procedure and reviewing coordination with the tax authorities (proposal 15). - Ensuring better enforcement of the penalty of ineligibility in case of conviction for breaches endangering public integrity (proposal 18). - Authorizing the National assembly and Senate to dismiss their members in case of serious breach of ethical rules (proposal 19). <p>These proposals are currently being studied by the Government.</p> |