

NATIONAL ANTI-CORRUPTION STATEMENT: FRANCE

1. PREAMBLE : THE PRESENT STATE OF THE FIGHT AGAINST CORRUPTION IN FRANCE

France is highly committed to both preventing and fighting corruption in various sectors, in close coordination with civil society and the private sector. Indeed, corruption is a major threat to sustainable development, international trade and investments, as well as security. Thus, a number of significant measures have been adopted the last few years in order to strengthen the legal framework and the institutional background in view of having a robust anti-corruption system.

- Major legislative highlights

France focused on the integrity of public and private sectors. First, the **law of 6th December 2013 on the fight against tax fraud, and serious economic and financial crime** provided for major changes. On the one hand, it **strengthened the penalties** and sanctions in case of corruption offences. For example, foreign bribery offences give rise to 10 years of imprisonment and a penalty of 1.000.000€. On the other hand, this law created a **Financial Public Prosecutor** specifically in charge of prosecuting breaches of integrity offences.

Second, the **law of 9th December 2016 on transparency, fight against corruption, and modernization of economic life** provides for innovative measures aimed at tackling corruption and emphasizing on preventive measures. Thanks to this major law, companies and public bodies over a certain size shall adopt prevention and compliance programs to be able to prevent and detect corruption. Moreover, a new Deferred Prosecution Agreement system ("*Convention judiciaire d'intérêt public*"), was introduced. Last but not least, this law created a new body, **the French Anticorruption Agency** ("*Agence française anticorruption*", AFA). AFA is in charge of ensuring that companies comply with the anticorruption obligations provided by law. AFA also monitors the compliance programs imposed by the courts or within a DPA. Finally, AFA also provides public and private-owned companies, central government departments and local authorities with general guidance (recommendations) and specific support.

Third, transparency in public life has been another goal in the integrity agenda. Two laws on the **transparency in public life** were enacted on **11th October 2013**, and created an independent administrative authority, the High Authority for Transparency in Public Life (HATVP). These laws of 2013 defined the notion of conflict of interest and entrusted a mission of prevention of conflicts of interest to that institution, in addition to its mission of control of asset and interest disclosure for 15 800 high-ranking elected and non-elected public officials and a mission of post-public employment for former ministers, local elected officials and members of boards of independent administrative agencies. The law of 9th December 2016 also tasked the High Authority with a mission of regulation of lobbying. The institution monitors an online public digital register since July 2017 where interest representatives must register and declare their activities towards public officials. These laws were completed by two additional **laws on trust in political life enacted on 15th September 2017**, focusing on members of **parliament integrity monitoring mechanism** including stronger scrutiny of family members hiring by parliamentarians, as well as other key dimensions, such as additional measures on political parties and electoral campaigns financing.

Besides, two laws have strengthened **sports integrity**. First, the law of **1st March 2017** aiming at **preserving ethics in sports**, provided for an obligation to create codes of ethics within sports federations and professional leagues, and extended asset disclosure obligations. Second, Chapter IV of the **law on the organization of Olympics and Paralympics games**, enacted on **26th March 2018** is dedicated to ethics and integrity. Among other measures, it clarified corruption offences related to the organization of sports events and enabled the French Anti-Corruption Agency with responsibility for controlling the entities participating in the preparation of the games.

- **International involvements**

Besides, France actively promotes the **highest integrity standards on the international scene**. France is party to the **main multilateral and regional anti-corruption instruments**, such as the United Nations Convention Against corruption (UNCAC), the OECD Convention against bribery in international business transactions (the OECD Anti-Bribery Convention), as well as the Council of Europe conventions against corruption. Moreover, France has strongly supported both the creation and the sustainability of the implementation review mechanisms of the above-mentioned conventions. France underwent various review processes throughout these mechanisms and has also been a reviewer of other countries through the peer-review processes, in close cooperation with the Secretariat of these organizations.

In addition, France is an **active member of informal fora**. Within the G20, France actively supported the creation of a specific **anti-corruption working group within the G20** and has **co-chaired it** at its launch in 2010-2011. It is currently co-chairing it again, alongside Argentina, current G20 chair, until the end of this year. In this framework, France has supported ambitious coordination of the G20 members in order to progress in the global anti-corruption agenda, and encouraged other G20 members to be party to the main international anti-corruption instruments.

France is also member of the **Open Government Partnership (OGP)** and co-chaired it in 2016 with the World Resources Institute. “Transparency, Integrity and anticorruption” was one of the three priorities of the French co-chairmanship of the OGP. As a result of the OGP Summit taking place in Paris in December 2016, France committed to nine collective actions in this area out of 20 identified in the Paris Declaration, and launched the **“Contracting 5”** alliance in 2016 with four other countries (Colombia, Mexico, the United Kingdom and Ukraine), and currently chairs it. This initiative aims at promoting transparency in public procurement at the international level, as a driver for tackling corruption and enhancing efficiency of public action. As a member of OGP, France is currently implementing the **2018-2020 national action plan** which includes 21 commitments from 13 ministries, 3 governmental agencies, the French Court of Auditors (“La Cour des comptes”) and the High Authority for transparency of public life.

France also took part to the London Anti-Corruption Summit in May 2016 and provided a national statement aimed at implementing a set of actions at domestic level.

2. STATEMENT OF ANTI-CORRUPTION COMMITMENTS

In this context, France is highly committed to implementing the following actions in order to both prevent and fight corruption. The following actions result from former commitments taken by France

in the area of anti-corruption that are under the process of being implemented or shall be implemented.

First, France has achieved a significant amount of the commitments taken during the London anti-Corruption Summit in May 2016 (i.e. creating a beneficial ownership register, creating an Anti-Corruption Agency, promoting transparency of public and economic life during the co-chairmanship of the OGP, establishing a register of lobbyists...). France would like to recall the following commitments taken in the framework of the London anti-corruption summit that are under implementation:

- **France will work with other countries, civil society, and international organizations to accelerate the implementation of the voluntary provisions of the UN Convention Against Corruption:** France has promoted a full implementation of UNCAC provisions and has actively supported UNCAC review mechanism. Further work will be done in order to outreach on the need to comply with all UNCAC provisions, including its voluntary provisions
- **France will support the International Sport Integrity Partnership: France is an active member of the International Partnership Against Corruption in Sports (IPACS)** and participated to the launch of this multi-party initiative. France is currently sitting in two IPACS task forces out of three and will pursue its efforts to support this initiative. France is also strengthening its anticorruption frameworks in this field.

Various commitments taken in the framework of the OGP national plan are underway as follows:

- The Ministry of Economy and the Ministry of State in charge of digital issues commit to **strengthen transparency of public procurement** and will help public services achieving their digital transition. France is also chairing the “Contracting five” initiative (commitment 2 of the OGP national plan).
- The Ministry for Europe and Foreign Affairs and the French Development Agency (AFD) commit to **strengthen transparency of public aid**. The AFD implemented a process to publish information on certain types of operations. The Agency also participates in the International Aid Transparency Initiative (IATI) (commitment 3 of the OGP national plan).
- The Ministry of State in charge of digital issues commits to help French Administration public services **accelerate public data publication**, as well as source codes and algorithms (commitments 5, 6 and 7 of the OGP national plan).
- The Ministry for Europe and Foreign Affairs and the French Development Agency commit to **guide the implementation of transparency standards and participation** at the international level. In this view France has launched a project to support open government in French-speaking countries (“Projet d’appui aux gouvernements ouverts francophones” - PAGOF); the project started in three countries in October 2017. France also organised, in cooperation with the NGO *International Budget Partnership*, a series of workshops on budget transparency (commitment 16 of the OGP national plan).

- The French Court of Auditors (“Cour des Comptes”) commits to strengthen the publication of financial courts data and to innovate in the way it interacts with the civil society in view of enable it track public finance data (commitment 19 of the OGP national plan).
- The High Authority for Transparency in Public Life commits to ensuring greater transparency on lobbying activities notably by facilitating exploitation and enrichment of its own registry by citizens and civil society organizations and to increase access and reuse of the content of assets and interests declarations that are already published in an .XML format (commitments 20 and 21 of the OGP national plan). In addition, the High Authority will launch its first control strategy on lobbyists to ensure compliance with registration obligations.
- The High Authority for Transparency in Public Life also commits to improving access to public information on elected representatives and public officials by publishing this data under an open data format.