

G20 Anti-Corruption Working Group

Accountability Report Questionnaire 2014



SUMMARY OF NATIONAL PROGRESS

1. Please provide a high-level summary of the most significant Anti-Corruption measures or initiatives that your country has introduced or implemented since the last progress report. (maximum 1 paragraph).

The 2013 Progress Report can be accessed at http://en.g20russia.ru/docs/g20_russia/materials.html

2013 has been an important year for the implementation of scheduled reforms aiming at enhancing transparency and the fight against corruption. Investigation and prosecution have been strengthened thanks to the adoption in December 2013 of a law creating a financial public prosecutor. He/she has specific jurisdiction to crack down on corruption cases related to most complex financial or economic offenses, on the whole national territory. Moreover, a new range of special investigative techniques has been created by the December 2013 law for police investigators in corruption cases. Penalties regarding bribery, influence peddling and corruption have also been strengthened for natural persons and legal entities to make these penalties more dissuasive. Other important reforms include the possibility now provided for by the Penal Procedure Code for associations and non-governmental organizations fighting against corruption to ask for damages during a domestic or foreign bribery case.

UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

2. Has your country ratified the UNCAC?

YES NO

If no, is there a process underway to ratify the Convention?

3. Since the last progress report, has your country proposed or implemented any changes to its legislation to comply with the UNCAC?

YES NO

If yes, please provide details.

4. Has your country begun the UNCAC peer review process as a country under review?

YES NO

If yes, please indicate what stage of review your country has completed and the date.

Peer review on chapter II and V – june 2011

5. If yes, has your country made use of any of the UNCAC peer review voluntary options, or committed to do so (if the review is not already started)?

a. Publication of full report YES NO COMMITTED TO DO SO

b. Involvement of civil society YES NO COMMITTED TO DO SO

c. Involvement of business YES NO COMMITTED TO DO SO

d. Allowing country visits YES NO COMMITTED TO DO SO

If yes, please provide details (e.g., Web link for published report, how and when civil society / business was engaged during the review process, date of country visit)

http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/France_Report_FR.pdf; this report is also available in English.

6. Has your country taken steps to respond to recommendations identified in its UNCAC peer review report?

YES YES TO SOME NO NOT YET RECEIVED THE REPORT

If yes, please indicate what steps your country has taken / is taking.

- 1- Law of December 6 2013 has notably increased the fines applicable to legal entities for offences of corruption and other breaches to integrity up to a maximum of one million Euros or twice as much as the benefits collected through the offence. The fines applicable to legal entities for the same offence have been increased up to a maximum of five million Euros or five time as much as the benefits collected through the offence.
- 2- Regarding the independence of public prosecutors from the minister of Justice, the article 30 of the Criminal Procedural Code, as modified by the Law of July 25th 2013, prevents the minister of Justice from addressing any instructions to public prosecutors on current cases.
- 3- Protection of whistleblowers: the Law of December 6th 2013 protects whistleblowers both from public and private sectors against any reprisals linked to whistleblowing and gives to the French SCPC jurisdiction in this respect.

7. If you have responded to all or some of the recommendations, have you made those responses publicly available?

YES NO NOT YET

8. Has your country taken measures to promote, facilitate and support technical assistance in the prevention of and fight against corruption?

If yes, please provide a short overview indicating in which regions and topics you have provided technical assistance.

On a bilateral level, the SCPC conducts actions with, or at the benefice of other States, by, notably, signing Memoranda of Understanding (MoU). For example, a MoU has been signed in 2011 with the National Anticorruption Commission of Cameroon (CONAC), which has led to missions of formation, notably to investigations' techniques and in 2014 a seminar on "Ethic and fight against corruption in companies and multinationals".

Another example is the actions conducted at the benefice of the Republic of Côte d'Ivoire. In September 2013, in the scope of a seminar on « Prevention and sanction of corruption: for a coordinated action strategy of the Anticorruption Brigade with other Ivoirian actors » held in Abidjan, two members of the SCPC intervened on how to prevent and detect better and efficiently corruption.

At the request of various French agencies for international cooperation and international organizations, the SCPC provides assistance to institutions fighting against corruption of several countries. For example, the SCPC provides training through the Joint Masters of the National School of Administration (ENA- France) and the Catholic University of Santo Domingo (Dominican Republic). At the request of the Council of Europe, the SCPC also supports the Tunisian National Authority to fight against corruption and the Moroccan Central Authority for the Prevention of Corruption to draft their internal rules

BRIBERY

Note - questions relating to implementation of the *G20 Principles on the Enforcement of the Foreign Bribery Offence* endorsed by Leaders in 2013 and the *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* are included in a separate questionnaire. The questions below concern other aspects of bribery not covered by this set of principles.

9. Has your country criminalized the domestic offer or payment of bribes (active bribery)?

YES NO

10. Has your country criminalized the domestic solicitation or acceptance of bribes (passive bribery)?

YES NO

11. If no, is your country taking steps to criminalize active and/or passive bribery?

YES NO

If yes, please provide details.

12. Has your country instituted measures to discourage the solicitation of bribes?

YES NO

If yes, please provide details.

Facilitation payments are forbidden according to our domestic legislation.

13. Does your country provide support for/work with business in resisting solicitation?

YES NO

If yes, please provide details.

The Central Service for the Prevention of Corruption (SCPC) actively participates in raising awareness of companies; in this respect, the Service created a working group together with enterprises in order to discuss and propose tools to resist any act of corruption, including solicitation.

France has also presented a resolution (endorsed by the E.U., USA, Morocco, Panama, Costa-Rica and the Dominican Republic) on strengthening the implementation of the criminalization provisions of the United Nations Convention against Corruption (UNCAC), in particular with regard to solicitation (resolution 5/2, November 2013, COSP Panama). The Conference of the States Parties to the United Nations Convention against Corruption then requested States parties to continue enhancing international cooperation, particularly through the United Nations Office on Drugs and Crime, in support of national, subregional and regional efforts to prevent and combat corruption, in particular solicitation. The Secretariat was also requested to provide a short oral report to the Implementation Review Group concerning the progress made and the challenges encountered in the implementation of the present resolution before the sixth session of the Conference.

14. Has your country instituted measures to discourage facilitation payments?

YES NO

If yes, please provide details.

French legislation forbids facilitation payments.

ANTI-MONEY LAUNDERING

15. Since the 2013 progress report, has your country taken any measures to implement the revised FATF standards on anti-money laundering?

YES NO

If yes, please provide details.

Together with other G8 countries, we published at the margins of the G8 Leaders Summit in Lough Erne in June 2013 a National Action Plan, in order to take concrete commitments towards an improvement of our compliance with FATF recommendations 24 and 25. All National Action Plans follow common principles we built together to improve the transparency of the beneficial ownership of legal persons and other legal entities, including trusts. As a result, we will create a centralized public registry to identify the beneficial owners of legal persons, so that it provides adequate, accurate and current information on their beneficial ownership. France also continues to ensure comprehensive and effective legislation and regulation regarding trusts and other legal arrangements, including foreign trusts, in order to give the ability to tax authorities to identify and tax beneficial owners of trusts of all kind. Sanctions exist for trustees in the case of an absence of declaration. Besides, the Law of December 6th 2013 (Loi n° 2013-1117 du 6 décembre 2013 relative à la lutte contre la fraude fiscale et la grande délinquance économique et financière) creates a public and centralized registry for trusts.

16. Since the last progress report, have changes to your country's anti-money laundering legislation been proposed or implemented?

YES NO

If yes, please provide details.

1) The Law of July 26th 2013 (Loi n° 2013-672 du 26 juillet 2013 de séparation et de régulation des activités bancaires) improves the AML tools in the French law :

- The right for the FIU to oppose an operation is improved, and the time for the suspension is extended (5 Days instead of 2) ;
- The communication between the FIU and the judicial authorities is clarified ;
- Apart from the Suspicious Transaction Report, a new Automatic Operation Communication is created, which requires financial institutions to declare systematically to the FIU operations that are considered high risks according to a secondary legislation definition. The new system does not prevent financial institutions to fill in STRs, which is the sole instrument that clears their penal responsibility for assisting AML ;
- The obligation to fill a STR for suspicion of AML offence attempts is reinforced.

2) The Law of December 6th 2013 (law n° 2013-1117 of the 6th december 2013 relative à la lutte contre la fraude fiscale et la grande délinquance économique et financière) also improves the

French legislation on AML:

- In the context of an investigation, for suspicious values or goods, there is now a suspicion of money laundering until it is proved otherwise (article 324-1-1 of the Penal Code) ;
- The competence of the judicial customs department is extended to money laundering (article 28-1 of the Criminal Procedural code) ;
- Sanctions for not declaring a banking account to the centralized registry of banks accounts (FICOBA) are increased (article 1723 of the Taxation code) ;
- The obligation for natural persons more than 10 000€ in money, stock or securities to declare it to the customs now includes gold, casino gaming chips and prepaid cards ;
- A Public Prosecutor specialized in financial crime is created, and has also competency regarding the laundering of the proceed of financial crimes (articles 65 to 69 of the law of 6th December 2013).

DENIAL OF ENTRY

17. Have any changes to your country’s legislation, regulations or powers to deny entry to foreign officials charged with or convicted of corruption offences been proposed/implemented since the last progress report?

YES NO

If yes, please provide details.

If no, is such legislation under consideration?

YES NO

If yes, please provide details.

INTERNATIONAL COOPERATION

18. Is your country’s administration of mutual legal assistance consistent with the G20 High Level Principles?

YES NO

If your country’s approach is not yet consistent, are you taking steps to implement the Principles?

YES NO

If yes, please provide details.

19. Are you aware of your country having used one or more of the G20 country Guides to Mutual Legal Assistance?

If yes, please provide details.

20. Are you aware of non-G20 members having used the G20 Guide to Mutual Legal Assistance to request mutual assistance from your country?

If yes, please provide details.

21. Have any changes to your country's legislation related to international cooperation been proposed since the last progress report?

YES NO

If yes, please provide details.

22. Has your country either used UNCAC, or stated that it will allow the use of UNCAC, as the treaty basis for mutual legal assistance (MLA) and/or extradition?

a. Has used as the treaty basis for MLA YES NO

b. Will allow use as the treaty basis for MLA YES NO

c. Has used as the treaty basis for extradition YES NO

d. Will allow use as the treaty basis for extradition YES NO

23. Do domestic authorities in your country cooperate and share information with the integrity offices of international organizations?

- a. Cooperate and share information
- b. Could cooperate, but has not been asked
- c. Cannot cooperate

If you cannot cooperate, please provide details.

24. Has your country designated an appropriate authority responsible for mutual legal assistance and law enforcement requests relating to asset recovery (a point of contact)?

YES NO

If yes, to which organizations:

- a. UNODC
- b. StAR/Interpol Focal Point Initiative
- c. Camden Asset Recovery Network
- d. Other(s)

If yes to 'Other(s)', please provide details.

Asset recovery offices platform ARO (EU initiative)

ASSET RECOVERY

25. Does your country have legislation allowing for asset recovery by foreign authorities or is such legislation proposed?

YES NO

If yes, please provide details.

France has developed efficient tools allowing swift access to financial information (e.g. FICOBA, a centralized bank register created in 1982) and improved its enforcement capacities with the

creation of a specialized law enforcement unit, dedicated to criminal asset identification (PIAC : criminal asset identification platform).

In addition, 3 major legislative amendments have been passed in the last 5 years improving best practices and to facilitate international cooperation, such as the Stolen Asset Recovery Initiative (StAR), the Camden Asset Recovery Inter-Agency Network (CARIN), and the Asset Recovery Focal Point Initiative supported by INTERPOL and StAR.

The French judicial system regarding asset recovery is based on criminal conviction: no confiscation can be ordered without declaration of guilt by a court. Confiscation constitutes a criminal sanction pronounced in addition to imprisonment and/or fine. The range of asset liable to confiscation is very large, due to mechanisms of extended confiscation and reverse of the burden of proof. Hence non conviction based confiscation is not allowed according to domestic law, France may accept to execute foreign non-conviction based order, under certain conditions, according to a MLA request.

The law of July 9th 2010, completing the reform of the French internal legal system for seizure and forfeiture, has inserted in the Criminal Procedural Code specific provisions allowing the execution of foreign requests for seizure and forfeiture.

This uniform and harmonised legal framework allows the French judicial authorities to execute mutual assistance requests for seizure and forfeiture addressed to it on the basis of international instruments, which needed to be carried out to be completed by internal provisions. It also allows executing mutual assistance requests on the only basis of the principle of reciprocity.

The articles 694-10 to 694-13 of the Criminal Procedural Code are focused on mutual assistance for seizure of the product of the offence in sight of their ulterior forfeiture. The articles 713-36 to 713-41 are applicable to the execution of foreign decision of forfeiture.

26. Has your country established a specialist/dedicated unit for the recovery of the proceeds of corruption?

YES NO

If yes, please provide the name of the specialist unit and contact details.

In France, the central authority for criminal judicial cooperation is the Bureau of International Criminal Cooperation (BEPI), which is part of the Direction of Criminal Affairs and Pardon of the ministry of Justice in Paris.

*Ministère de la Justice
Direction des affaires criminelles et des grâces
Bureau de l'entraide pénale internationale
13 place Vendôme 75042 Cedex 01
TEL: 00.331.44.86.14.22*

The BEPI also provides an informal technical assistance for foreign judicial authorities in terms to prepare effectively future requests for mutual assistance and to adapt them to the specifics of the national law.

France executes moreover requests of criminal mutual assistance on the basis of the Convention of the United Nations Against Corruption (UNCAC), which allows the restitution of the assets confiscated by the petitioning State.

Besides, France has created two agencies dedicated to cases that may imply asset recovery :

- The PIAC (the Plateform for identifying criminal assets), which is a police unit, created in 2005, dedicated to the identification of criminal assets, has the power to conduct financial and patrimonial investigations under the supervision of a judicial authority. It centralises also all the information linked to the detection of illegal assets in the country and abroad.
- The AGRASC (the Agency for the management and the recovery of seized and confiscated assets), which is a body of management and assistance, both legal and practical, of jurisdictions. It can be mandated to execute the requests for international criminal mutual assistance under the control of a judicial authority.

MLA Contact

Name: Caroline GONTRAN

Title: Head of the MLA Office within the Ministry of Justice – Directorate of Criminal Affairs and Pardons

Address: 13 place Vendôme 75001 PARIS

Phone:

E-mail: Caroline.gontran@justice.gouv.fr

Management office Contact

Name: AGRASC Agence de gestion et de recouvrement des avoirs saisis et confisqués

Title: Asset recovery agency

Address: 98 – 102 rue de Richelieu 75002 PARIS

Phone: 01 55 04 04 60

E-mail: amo@agrasc.gouv.fr

Law Enforcement Contact

Name: PIAC – platform for identification of criminal asset

Title: Law enforcement unit

Address: 101 rue des Trois-Fontanot – 92000 NANTERRE

Phone:

E-mail:

27. Does your country publish or otherwise make publicly available details of amounts frozen, seized, recovered or returned?

YES NO

If yes, please provide details.

The Agency for the management and recovery of criminal assets (AGRASC) publishes an annual report, including those details.

28. Is your country providing technical assistance to developing countries aimed at helping the recovery and return of proceeds of corruption?

YES NO

If yes, please provide details.

France is engaged in the process of the "Partnership of Deauville" (G8) aiming for the return to their property owner of the stolen assets, particularly the former regimes of Tunisia, Egypt and Libya, and works actively in collaboration with the authorities of these countries.

The Partnership provides the provision of technical assistance, which was materialised by concrete actions aiming the reinforcement of the requesting states capacity throughout the training of magistrates of partner States: seminars on the technics of recovery of stolen assets were given by French magistrates from Eurojust and the French Ministry of Justice in 2011 ; a delegation of judges of the Tribunal of Tunis has visited the financial department of the prosecutor of Paris in 2012.

Besides, an international conference on asset recovery involving European countries and Southern American countries has been organised in march 2012. France was also represented at the Ukrainian forum on assets recovery which took place in London in April 2014.

TRANSPARENCY OF LEGAL ENTITIES

29. Does your country have transparency requirements for legal persons, including companies, bodies corporate, foundations and partnerships?

YES NO

If yes, please provide details.

A majority of legal persons (depending on their juridical form) are required to register in the *Registre du Commerce et des Sociétés*, which contains the name of their main shareholders. A national registry of fiducies (the kind of trusts created under French law) was set up in March 2010. Since December 2013 a public register of trusts has also been established by the law. It includes information regarding the identification of the trustee, the settler and the beneficiary.

30. Does your country require that the beneficial ownership and company formation of all legal persons organized for profit be reported by the legal person?

YES NO

If yes, to whom is it reported?

31. If yes, is this information available to the public?

YES NO

32. If this information is not available to the public, is it available to law enforcement?

YES NO

WHISTLE BLOWER PROTECTION

33. Does your country have legislation to protect whistleblowers:

a. In the public sector YES NO

b. In the private sector YES NO

34. Have changes to whistle blower protection legislation been proposed or implemented since the last monitoring report?

YES NO

If yes, please provide details.

Firstly, the law n°2013-907 of October 11th, 2013 relating to the transparency of the public life protects the employees of both public and private sectors by foreseeing that *«no person can either be moved aside from a procedure of recruitment or of the access to an internship or a period of vocational training, or punished, laid off or make, the object of a discriminating measure for having reported or testified, with the best intentions, to his employer, to the authority in charge of ethics, to an association of fight against corruption, or to the judiciary or administrative authorities facts related to a situation of conflict of interest»*.

The field of application of provisions regarding whistleblowers protection has broaden since the

new law allows applying protection to internal descriptions, in the private sector or within judicial or administrative authorities. Besides, a reversal of the burden of proof is instituted when the civil servant reported, with the best intentions, facts likely to be qualified as conflict of interests: « *In case of litigation, as long as the civil servant establishes facts that allow to presume that he stated, with the best intentions, facts relating to a situation of conflict of interest, it is up to the author of the measure, in view of these facts, to prove that his decision is justified by objective elements foreign to the declaration or to the testimony of the concerned person.* »

Finally, criminal sanctions punish excessive whistleblowing, ie any person who reports such facts, *mala fide* or with malicious intention, is subject to a sentence of 5 years of imprisonment and a fine of 45 000 Euros.

The law relating to the fight against tax fraud and serious economic and financial delinquency grants an important protection to **the employee and the civil servant** who relates or testifies “*with the best intentions, to the judicial or administrative authorities, facts constitutive of an offence or a crime which he would have gained knowledge in the performance of his functions*”.

A new article 40-6 in the Criminal Procedural Code was introduced, foreseeing that «*the person who reported an offence or a crime made in the enterprise or the administration he works in, contacts, at his request, the Central Service for the prevention of corruption when the reported offence is within the competence of this Service*».

35. Since the last progress report, has your country implemented any measures to protect journalists reporting incidents of corruption?

If yes, please provide details

PROCUREMENT

36. Does your country publish online any of the following?

a. Procurement laws and policies including any legislation defining the use of exceptions YES NO

b. Selection and evaluation criteria YES NO

c. Awards of contracts and modifications of contracts YES NO

Please provide details.

All Statutes and regulations related to public procurement (mainly Public Procurement

Contracts Code and Statutes relating to public procurement by contracting authorities and entities not subject to Public Procurement Contracts Code) are available online (<http://www.legifrance.gouv.fr/>; <http://circulaire.legifrance.gouv.fr/>; <http://www.economie.gouv.fr/daj/marches-publics>, etc.).

For procurement contracts with an estimated value which is equal or above EU thresholds; for public procurements relating to computer hardware or IT services from 90.000 € VAT, it is mandatory for economic operators to submit their submissions and offers using a dematerialized way. Moreover, public buyers are bound to accept electronic submissions for public contracts with an estimated value which is equal or above 90.000 € VAT. In all these cases, to allow electronic submission, public buyers are required to offer dematerialized access to public procurement documentation.

When the dematerialization of the public procurement procedure is compulsory, selection criteria, which must be indicated in the contract notice, are as a matter of fact available online. When the dematerialization of the procedure is not compulsory, there is no rule imposing that competitive public tenders should be available online.

There is no rule imposing online publication of the award criteria, but they should be brought to the attention of the candidates to tender, meaning that they are either included in the contract notice or in the procurement documentation. Where the procurement procedure is dematerialized, those award criteria are, as a matter of fact, available on line.

Rules related to the modifications of the contract result from the case-law and the regulations relating to enforceable events and their impacts on existing procurement contracts. They may also be defined by contractual clauses framed within those case-law and regulations (mainly price adjustment clauses, or contract transfer clauses in case of business divesture or corporate merger or acquisition).

37. Since the last progress report, have any new initiatives to promote public procurement transparency and integrity been proposed or implemented?

If yes, please provide details.

38. Are there regulations and procedures for public procurement officials to govern conflicts of interest?

YES NO

If yes, please provide details.

Rules relating to conflicts of interest prevention are mainly ethic rules or provided by professional code of conduct. They are not available online.

It is impossible to establish an overall presentation of those rules. They vary from one public buyer to another.

But it should be indicated that they are based on case-law and doctrinal interpretation of Statutes relating to public officials and criminal case-law.

Procurement officials are at risk of being prosecuted if they do not take appropriate steps to avoid conflict of interest.

39. Are companies that have been found to be involved in corrupt contracting practices excluded from future participation in public tenders?

YES NO

If yes, please provide details.

In accordance with the European directives in the field, transposed into national law, natural or legal persons convicted with corruption are automatically excluded from future participation in public tender.

40. If yes, is the debarment list of International Financial Institutions taken into account?

YES NO

41. Are the names of companies excluded from future participation in public tenders made publicly available?

YES NO

If yes, please provide details.

According to the French law (Art. 777-3 of Criminal Procedural Code), no personal data files, manual or partially or totally in electronic form, held by any person or State body not depending to the Ministry of Justice, can mention judgments or decisions of courts or tribunals.

DISCLOSURE BY PUBLIC OFFICIALS

42. Does your country require disclosure by public officials of:

a. Income YES NO

- b. Assets YES NO
- c. Conflicts of interest YES NO
- d. Gifts YES NO
- e. Other YES NO

If yes, please provide details.

The law n ° 2013-907 of October 11th, 2013 relating to transparency of public life has enlarged the field of the obligation of asset disclosure and has modified the previous system. From now on, besides the members of the government, French representatives in the European Parliament, the presidents of the principal public establishments, the members of ministerial' cabinets, the collaborators of the president of the Republic, the members of the independent administrative authorities and independent public authorities also have to respect this obligation of disclosure. So, the device concerns more than 7 000 public officials.

The members of the government have to address, from now on, to the High Authority within two months of their appointment, a precise, sincere and exhaustive statement of their patrimonial situation as well as a declaration of interests (remunerated professional activity, financial participations) valid at the date of their nomination and in the 5 previous years. It concerns the totality of their separate estate and those of their wife (not the children, nor ancestry). A new declaration must be performed within the two months of the suspension of functions with a summing-up of all perceptible incomes since the beginning of functions.

The Conseil constitutionnel (Constitutional Court), by decision of October 9th 2013, has confirmed that declarations of assets of the members of the Government will be displayed, by the High Authority, within the three months of the reception of the elements transmitted by the tax authorities, with, if necessary, by an assessment of the High Authority. Asset disclosure of the deputies and senators are available to the registered voters on electoral lists, for consultation. However, the home address of the subjected person, the names of the spouses and members of the family, will not be publicly available.

PUBLIC OFFICIALS' IMMUNITIES

43. Does your country provide immunities from prosecution to individuals holding public offices for corruption related offences?

- a. All public office holders YES NO

- b. Certain public office holders YES NO
- c. No immunities available to public office holders YES NO
- d. While in office YES NO
- e. Permanently YES NO

If yes, which public office holders are immune and if immunity is limited, please explain.

CONSTITUTION OF OCTOBER 4th, 1958

ARTICLE 26

No Member of Parliament shall be prosecuted, investigated, arrested, detained or tried in respect of opinions expressed or votes cast in the performance of his official duties.

No Member of Parliament shall be arrested for a serious crime or other major offence, nor shall he be subjected to any other custodial or semi-custodial measure, without the authorization of the Bureau of the House of which he is a member. Such authorization shall not be required in the case of a serious crime or other major offence committed flagrante delicto or when a conviction has become final.

The detention, subjecting to custodial or semi-custodial measures or prosecution of a Member of Parliament shall be suspended for the duration of the session if the House of which he is a member so requires.

The House concerned shall meet as of right for additional sittings in order to permit the application of the foregoing paragraph should circumstances so require.

ARTICLE 53-2

The Republic may recognize the jurisdiction of the International Criminal Court as provided for by the Treaty signed on 18 July 1998

ARTICLE 67

The President of the Republic shall incur no liability by reason of acts carried out in his official capacity, subject to the provisions of Articles 53-2 and 68 hereof.

Throughout his term of office the President shall not be required to testify before any French Court of law or Administrative authority and shall not be the object of any civil proceedings, nor of any preferring of charges, prosecution or investigatory measures. All limitation periods shall be suspended for the duration of said term of office.

All actions and proceedings thus stayed may be reactivated or brought against the President one month after the end of his term of office.

ARTICLE 68

The President of the Republic shall not be removed from office during the term thereof on any grounds other than a breach of his duties patently incompatible with his continuing in office. Such removal from office shall be proclaimed by Parliament sitting as the High Court.

The proposal to convene the High Court adopted by one or other of the Houses of Parliament shall be immediately transmitted to the other House which shall make its decision known within fifteen days of receipt thereof.

The High Court shall be presided over by the President of the National Assembly. It shall give its ruling as to the removal from office of the President, by secret ballot, within one month. Its decision shall have immediate effect.

Rulings given hereunder shall require a majority of two thirds of the members of the House involved or of the High Court. No proxy voting shall be allowed. Only votes in favour of the removal from office or the convening of the High Court shall be counted.

An Institutional Act shall determine the conditions for the application hereof.

EDUCATIONAL INITIATIVES

44. Is your country involved in any of the following international anti-corruption educational initiatives?

International Anti-Corruption Academy YES NO

UNODC Anti-Corruption Academic Initiative YES NO

Other international anti-corruption educational initiative(s) YES NO

If yes, please provide details.

Bilateral initiatives aiming at both civil society and institutions, e.g. the financing of Transparency International (260 000 euros in 2011-2013) for the implementation of judicial assistance and citizens action centres in Senegal, Cameroon, Niger and Madagascar, or the support of the anti-corruption action plan of Burkina Faso for the monitoring of corruption (160 000 euros on 3 years).
In 2013, Special Solidarity Funds has been raised to support the fight against corruption in several countries of the MENA region (Lebanon, Tunisia, Egypt, Morocco, Algeria, Libya).

45. Does your country provide anti-corruption educational/training programs for officials, including public office holders?

YES NO

If yes, please provide details.

In implementation of the civil services general status, civil servants receive one or more periods of training in administrative schools. This training has taken place before their service and during their careers. The duration of these courses varies. For instance, the initial training is one year for A category's civil servants and two years for senior rank's officers (called A +). Generally speaking, during these training periods, the duty to respect public and professional ethics is widely studied under different aspects (e.g. general principles of rule of law and public law, compliance with financial and procurement regulations, criminal liability of public officers ...).

Moreover in addition to its tasks explicitly set forth by the law, the SCPC also increasingly provides professional training courses. These activities aim at preventing corruption and better detecting cases of corruption and fraud. The courses are drawn on legal and technical expertise of SCPC members and on collected data.

The SCPC has developed training in various areas, for instance, fraud and corruption risks in public works, public contracts or health sector. The SCPC provides training courses to:

- Police, prosecution and courts on detecting and sanctioning fraud and corruption;
- Public administrations facing risks of corruption and fraud (i.e. ministries that are considered vulnerable to corruption or are represented at the SCPC - equipment, housing, transport, interior, economy, - control, audit and anti-fraud specialists, local officials, e.g. Training Centre for Public Territorial Agents);
- Public and private enterprises (e.g. training courses for senior company auditors run by the French Institute of Internal Audit and Control);
- Students (e.g. universities, *Ecole Nationale d'Administration* (for high public officials), *Ecole Nationale de la Magistrature* (for judges and prosecutors), Police, Customs,) and general public.

46. Does your country or business associations in your country promote anti-corruption training for the private sector?

YES NO

If yes, please provide details.

The MEDEF, an important professional organisation, has, for instance, published together

with the French Central Service for the Prevention of Corruption (SCPC) a guide concerning ethics in business.

Moreover, a working group has been created with the SCPC and representatives of the private sector in order to point out the issues companies face regarding corruption. The efficiency of anti-corruption trainings is one of the main topics.

Business associations also agree and promote OECD's principles concerning corruption in international commercial transactions.

47. Has your country disseminated G20 products and documents developed by the group with relevant domestic authorities?

YES NO

If yes, please provide details.

JUDICIARY

48. Has your country taken any measures to promote and disseminate the Bangalore Principles for Judicial Integrity?

If yes, please provide details

See below

49. Has your country taken other measures to promote the accountability and independence of the Judiciary?

If yes, please provide details

Since 2010, the High Council for the Judiciary (CSM) has established a guide of the deontological ethic obligations of the judges and prosecutors, which is public. The promoted principles are basically the same as those of Bangalore: independence, impartiality, integrity, legality, attention to others and secrecy and professional discretion.

The High Council for the Judiciary also drove a reflexion on the values and principles which have to guide personal behaviours of the judges and prosecutors, in their professional and private life. For administrative courts, the code of deontology of their members reminds the deontological principles and good practices applicable to the members of the State Council (supreme administrative court) and to the members of the administrative courts and administrative courts of appeal. The administrative code of deontology includes six chapters, as follows: general principles;

independence and impartiality; the prevention of conflicts of interests; duty of confidentiality; secrecy and professional discretion; exclusivity obligation and ancillary activities that can be performed.

SECTOR-SPECIFIC TRANSPARENCY INITIATIVES

50. Is your country supporting or implementing any sector-specific initiatives?

Extractive Industries Transparency Initiative (EITI)

Implementing YES NO
Support YES NO

Construction Sector Transparency Initiative (CoST)

Implementing YES NO
Support YES NO

Other (specify below)

Implementing YES NO
Support YES NO

Please provide details on other sectoral initiatives supported by your country, or domestic measures taken in relation to specific sectors.

51. Does your government have integrity pacts with the business sector?

YES NO

If yes, please provide details.

FISCAL AND BUDGET TRANSPARENCY

52. Has your country taken steps to implement the IMF Good Practices in Fiscal Transparency?

YES NO

If yes, please provide details.

France has achieved a high level of fiscal transparency and has introduced a number of improvements in coverage and presentation of fiscal information. Comprehensive information is available in the 2004 report of the IMF on France (<http://www.imf.org/external/pubs/ft/scr/2004/cr04345.pdf>).

53. Has your country taken steps to implement the OECD Best Practices on Budget Transparency?

YES NO

If yes, please provide details.

Thank your for your time in completing this questionnaire.