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Groupe d'États contre la corruption

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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

ADDENDUM TO THE SECOND COMPLIANCE REPORT FRANCE

Adopted by GRECO at its 90th Plenary Meeting
(Strasbourg, 21-25 March 2022)

I. INTRODUCTION

1. This Addendum to the Second Compliance Report assesses the measures taken by the French authorities to implement the recommendations made in the Fourth Round Evaluation Report on France (see paragraph 2), which deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. GRECO adopted the [Fourth Round Evaluation Report](#) on France at its 62nd plenary meeting (6 December 2013) and it was made public on 27 January 2014, following authorisation by France.
3. The [Compliance Report](#) was adopted by GRECO at its 71st Plenary meeting (18 March 2016) and made public on 15 April 2016, following authorisation by France.
4. The [Second Compliance Report](#) was adopted by GRECO at its 80th plenary meeting (22 June 2018) and made public on 18 September 2018. In this report, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31, paragraph 8.3, of its Rules of Procedure. It therefore decided to apply Rule 32, paragraph 2 (i), in respect of members not in compliance with the recommendations contained in the mutual evaluation report.
5. The [Interim Compliance Report](#) was adopted on 25 September 2020 and made public on 1 October 2020. In this report, GRECO concluded that France had satisfactorily implemented or dealt with in a satisfactory manner five of the eleven outstanding recommendations; three had been partly implemented and three not implemented. It therefore concluded that the level of compliance with the recommendations was no longer "globally unsatisfactory" and therefore decided to cease its application of Rule 32. It asked the head of the French delegation to submit a progress report on implementation of the recommendations still pending (namely recommendations i, iv, v, viii, ix and x), no later than 30 September 2021. This report, which was received on 1 October 2021, has served as a basis for this Addendum to the Second Compliance Report.
6. GRECO asked Luxembourg (with regard to parliamentary assemblies) and Moldova (with regard to the judicial institutions) to appoint rapporteurs for the compliance procedure. The rapporteurs in question are Ms Cindy COUTINHO, on behalf of Luxembourg, and Mr Alexandru CLADCO, on behalf of Moldova. They were assisted by GRECO's Secretariat in drawing up this report.
7. This [Addendum to the Second Compliance Report](#) assesses the implementation of the recommendations still pending since the adoption of the Interim Compliance Report and offers an overall evaluation of France's level of compliance with these recommendations.

II. ANALYSIS

8. In its Evaluation Report, GRECO made 11 recommendations to France. In the subsequent compliance reports, it concluded that recommendations ii, iii, vi and vii had been implemented satisfactorily, recommendation xi had been dealt with in a satisfactory manner, recommendations i, iv and x had been partly implemented and recommendations v, viii and ix had not been implemented. Compliance with the six outstanding recommendations is therefore assessed below.

Recommendation i.

9. *GRECO recommended that the conditions relating to the use of parliamentary assistants and collaborators, the operational expenses allowance and the parliamentary reserve facility be thoroughly reformed in order to ensure the transparency, accountability and supervision of the resources concerned.*
10. GRECO points out that this recommendation was found to have been partly implemented in past reports. In these it found that two aspects of this recommendation, namely the conditions attached to the use of parliamentary assistants and collaborators and the parliamentary reserve facility, had been dealt with in a satisfactory manner. The part of the recommendation concerning parliamentary expenses was still only partly implemented. GRECO welcomed the abolition, as of 2018, of the operational expenses allowance (IRFM) by the so-called Public Trust Law. However, the new measures introduced by the National Assembly and the Senate did not guarantee the transparency of these expenses. With regard to the effective oversight of operational expenses, GRECO considered that the oversight exercised by the Senate met the recommendation's requirements. However, it found the oversight of Assembly members' operational expenses to be less robust and called on the National Assembly to strengthen these arrangements.
11. With regard to *oversight of operational expenses by the National Assembly*, the French authorities point out that Bureau Order No. 12/XV of 29 November 2017 on members' operational expenses establishes the framework in which the Ethical Standards Commissioner operates. In particular, it establishes the principle of two forms of scrutiny, one at the end of the financial year, on all the members' accounts, and the other, during the financial year, on expenses charged by members to their advance of operating expenses (AFM). It states that "the annual check shall be organised such that all deputies are audited at least once during each legislature, on a completely random basis using a survey or a sample of sufficient scope to be considered significant".
12. Under Bureau Order No. 61/XV of 30 January 2019, which establishes the arrangements for the selection of members to be audited, annual year-end checks must be carried out on one quarter of members over the four-year length of the parliament while 50 members must be subject to a check in the course of each year. Checks during the year may be carried out on members who have already been subject to an annual year-end check.
13. The authorities highlight the fact that the Ethical Standards Commissioner is an independent figure (Rule 80-2 of the Rules of Procedure of the National Assembly), who has sole responsibility for the oversight of operational expenses. They consider that in law and in practice, guarantees of independence in the oversight of operational expenses are secured as effectively as they would be if experts from outside the institution were deployed.
14. The Ethical Standards Commissioner's team was reinforced in March 2020 and is now made up of nine people: a head of division, two administrators, two deputy administrators, three technical assistants and a further member of staff. This is now a stable team and makes it possible, as the Standards Commissioner's annual report states, to conduct audit campaigns in an "unflustered" manner. The members are used to these checks and better prepared, especially given that since 1 January 2019, they have been required to employ an accountant for this purpose.

15. The current Standards Commissioner was able to carry out an additional series of checks on operational expenses in 2021, which was not the case in 2019 and 2020. In addition to the 145 members chosen by lots on 14 January 2021 to be subject to an audit for the year 2020, 50 members were selected on 31 March 2021 for a random check on the first three months of the 2021 financial year. Some of the members who were selected for checks had already been audited in 2018 and 2019. This arrangement makes it possible to avoid the sense of impunity which members who have already undergone checks may have, as mentioned in the last report.
16. The authorities state that not one member relied on their statutory right to confidentiality during the auditing procedures. In fact, when it considered that guests' accommodation costs could, in some circumstances, be covered by the advance of operating expenses (AFM), the Bureau entrusted the Standards Commissioner with the task of ensuring that there was a link between the expenditure and the member's parliamentary duties by requesting, where necessary, that details of the guests be communicated to him.
17. The authorities point to an opposite trend, which is for members to ask the Standards Commissioner in advance whether they are entitled to charge an expense which they are about to incur to their AFM. In her last report, the previous Commissioner noted that since 1 January 2018, she had replied to 1 245 enquiries about the rules on operational expenses. The current Commissioner is also very much in demand and has taken the initiative of publishing an FAQ page on the members' intranet site so as to answer the most frequent questions about the use of advances of operational expenses promptly.
18. As to the *transparency of Assembly members' and Senators' operational expenses*, the authorities point out that France has not adopted the practice of publishing parliamentarians' operational expenses. It considers that adopting this practice could give rise to legal problems as the Constitutional Council has recently established the principle of the free exercise of parliamentary duties¹, which may imply, subject to changes in the case law, that Assembly members' and Senators' use of their operational expenses allowance cannot be publicised in any way. The authorities also indicate that the Senate publishes the total amount of operational expenses of its members in the annual report of the Special Committee on Audit and Internal Evaluation on the accounts of the Senate.²
19. However, the authorities argue that transparency is achieved by other means. The Senate website contains the following features:
 - a page giving details on the resources available for Senators to perform their duties and the corresponding amounts;³
 - a compendium of the applicable laws,⁴ which was completed at the end of 2020 by the control standards, drawn up on a proposal from the national audit commission (CNCC);⁵
 - an ethical guide, updated in October 2020, which explains very informatively what rules apply;⁶

¹ [Decision No. 2018-767 DC of 5 July 2018 | Constitutional Council \(conseil-constitutionnel.fr\)](https://www.conseil-constitutionnel.fr/decision/2018-767)

² 19,008,536 in 2020, down 17.31% on the previous year due to the health crisis. See Report of the Special Committee on Audit and Internal Evaluation on the accounts of the Senate, financial year 2020, May 2021: <http://www.senat.fr/rap/r20-589/r20-5891.pdf>

³ https://www.senat.fr/role/senateurs_info/moyens_senateurs.html#:~:text=La%20r%C3%A9mun%C3%A9ration%20mensuelle%20moyenne%20brute,au%201er%20janvier%202020

⁴ https://www.senat.fr/role/nouveau_regime_frais_de_mandat.html ("References" section).

⁵ https://www.senat.fr/fileadmin/Fichiers/Images/role/regime/Referentiel_de_controle_fevrier_2021.pdf.

⁶ https://www.senat.fr/fileadmin/Fichiers/Images/sqp/Comite_de_deontologie/GUIDE_DEONTOLOGIE_SENATEUR_v7_DOUBLE-PAGE.pdf (Section VIII, "Les frais de mandat des sénateurs" (Senators' operational expenses).

- the annual report by the Senate's Ethics Committee, including a chapter reviewing the auditing process.⁷
20. With regard to the National Assembly, an exhaustive report on the activities of the previous Ethical Standards Commissioner, published on 14 April 2021, sets out the results of the auditing processes in 2018 and 2019.⁸ This report describes the conduct of these procedures, the adjustments which were deemed necessary or could be contemplated and the results in both quantitative and qualitative terms. The aim of giving such detailed data is to provide the largest possible number of tangible examples of what Assembly members may or may not treat as operational expenses so as to guide them in their decisions.
 21. The current Standards Commissioner, in his annual report published on 22 February 2022,⁹ emphasised that, while the previous Standards Commissioner considered the mandatory use of a centralised electronic application, as in the Senate, to be desirable, the current control procedures, which can be compared with those used by the *Commission nationale des comptes de campagne et des financements politiques* (CNCCFP) for the control of election expenses, are satisfactory despite their decentralised nature.
 22. GRECO takes note of the information provided by the French authorities with regard to the *oversight of Assembly members' operational expenses*. It welcomes the increase in the Standards Commissioner's staff, which now seems to be more in keeping with the work involved. It also welcomes that Assembly members have not yet made use of the provision enabling them to refuse to give the Standards Commissioner information covered by a statutory right to confidentiality.
 23. GRECO notes that, in his annual report, the Standards Commissioner emphasises that the stability of the staff makes it possible to achieve sufficient productivity in the control operations to ensure a control within approximately ten months from the first examination to the sending of the final conclusions to the Assembly's members. The control of Assembly members' operational expenses therefore seems to be carried out under good conditions. GRECO concludes that this part of the recommendation has been implemented satisfactorily.
 24. As to the *transparency of Assembly members' and Senators' operational expenses*, GRECO takes note of the efforts to educate and promote transparency made by the Senate and the National Assembly. These efforts are positive, but they only partly meet the goal of transparency of parliamentarians' resources set by the recommendation. An improvement of transparency with regard to the actual use made of parliamentarians' operational expenses would seem desirable.
 25. GRECO concludes that recommendation i remains partly implemented.

Recommendation iv.

26. *GRECO recommended i) that the parliamentary regulations on gifts and other benefits be revised and supplemented to improve consistency, lay down prohibitions in principle and cover the various forms of benefits; ii) that declarations be published, especially in cases where those of a particular value remain permitted and are subject simply to a declaration (including invitations and travel).*

⁷ http://www.senat.fr/fileadmin/Fichiers/Images/sqp/Comite_de_deontologie/Rapport_Activite_2019-2020.pdf.

⁸ https://www2.assemblee-nationale.fr/content/download/338982/3321387/version/1/file/Rapport++2020+-+version+finale_DIAN.pdf

⁹ https://www2.assemblee-nationale.fr/content/download/461733/4505310/version/1/file/Rapport+2021_VD.pdf

27. GRECO points out that this recommendation was considered to have been partly implemented in the Interim Compliance Report. The second part of the recommendation had been implemented satisfactorily by the Senate and the National Assembly. As to the first part of the recommendation, GRECO noted that the rules of procedure of both houses had been improved in terms of consistency and coverage of the various types of benefit, but the National Assembly's regulations still failed to provide for a ban in principle on certain gifts, donations and other benefits. GRECO also called on the Senate to broaden the scope of the "invitation to refuse" gifts and benefits valued at over 150 euros, which was limited to gifts and benefits offered by representatives of interest groups included on the national register.
28. The French authorities point out firstly that the National Assembly and the Senate have preferred to take a regulatory approach rather than impose outright bans, save in exceptional circumstances. They point to the recent improvements made by the new Rules of Procedure of the National Assembly, as amended on 4 June 2019, and the decision of the Assembly Bureau of 9 October 2019. In addition, since 14 October 2020, a specific computer application had been made available to Assembly members for them to forward their declarations of donations and benefits.
29. The French authorities also state that on 20 January 2021, the Bureau of the National Assembly made a major amendment to the code of conduct for representatives of interest groups¹⁰ in order:
- to require representatives of interest groups to inform Assembly members about the cost not just of invitations but also of donations and other benefits offered to them if they are subject to a declaration requirement under the National Assembly's Code of Ethics (paragraph 11);
 - to extend the requirement to be given such information to members' collaborators (paragraph 12);
 - to apply criminal penalties to any infringements by representatives of interest groups of the code of conduct which applies to them (paragraphs 14 and 15);
 - to translate into practice the principle set out in paragraph *2bis* of Article 18-5 of the law of 11 October 2013 whereby representatives of interest groups are prohibited from making any payments to members' collaborators or group collaborators (paragraph 5).
30. With regard to the Senate, the French authorities point out that the applicable rules are set out in the code of conduct for Senators, which was updated in October 2020 and can be consulted on the Senate website (Chapter VI, "*Invitations and gifts to Senators*"). The code also includes practical advice, in particular on how to assess the value of gifts. These rules are even stricter with regard to gifts offered by representatives of interest groups included on the national register, which Senators are invited to refuse if they are worth more than 150 euros.
31. The authorities emphasise in this respect that the Senate's rules on gifts from representatives of interest groups are still more restrictive than those of other French authorities. Secondly, the national register managed by the High Authority for Transparency in Public Life (HATVP) is a relatively recent tool but one which is gradually asserting itself. The number of representatives of interest groups registered is steadily rising: 2 367 bodies were registered on 23 September 2021, compared to only 1 956 in December 2019 and 816 in December 2018. It is set to increase again with the extension of the national register to representatives of local interest groups scheduled for July 2022. The national register can be consulted as open data, which

¹⁰ <https://www.assemblee-nationale.fr/dyn/pages-statiques/pages-simples/decouvrir-l-assemblee/code-de-conduite-applicable-aux-representants-d-interets>

makes it easier to identify representatives and hence how the Senate's code of conduct applies. Penalties are also applied to ensure that the register is reliable: any representative of an interest group covered by the rules who fails to register is liable to one year's imprisonment and a fine of 15 000 euros. Thirdly, the Senate has its own register of representatives of interest groups, which complements the national register by including, for example, associations of local elected representatives, think tanks and consultancy firms. This register is published on the Senate website. The representatives included in it must observe the aforementioned code of conduct in the same way as those included on the national register. Lastly, the Senate's parliamentary ethics committee ensures compliance with the code of conduct applicable to representatives of interest groups.

32. GRECO takes note of the information provided by the French authorities. It welcomes the fact that it has been made easier for Assembly members to submit declarations of donations and benefits and there is a desire to regulate gifts from representatives of interest groups more strictly. However, while there is still no ban in principle on certain donations, gifts or benefits, it considers that the first part of the recommendation remains only partly implemented in respect of the National Assembly.
33. GRECO also notes that, as laid down in the Senators' code of conduct (Chapter 6), the prohibition of gifts, donations or benefits worth more than €150 still applies to representatives of interest groups but there is no general ban on Senators accepting gifts, donations or benefits from external bodies. The prohibition covers representatives of interest groups to the Senate¹¹ and to ensure consistency, it has been extended to representatives of interest groups included in the national register. The code of conduct specifies nonetheless that Senators must exercise special caution in the run-up to parliamentary activities in which they will be particularly highly involved if they receive a gift, donation or benefit from an external body with an interest in these activities. GRECO considers that this call for caution is particularly important. It would in fact be desirable for the ban on gifts, donations or benefits worth more than €150 to apply to all external bodies with an interest in parliamentary activities.
34. GRECO concludes that recommendation iv remains partly implemented.

Recommendation v.

35. *GRECO recommended that declarations of assets by members of the National Assembly and Senators be made easily accessible to the public at large.*
36. GRECO recalls that the recommendation had been found not to have been implemented in previous reports. In the Interim Compliance Report GRECO regretted once again that no measure had been taken by either of the houses to give effect to this recommendation and called for the rules governing publication of parliamentarians' declarations of assets to be aligned with those concerning ministers.
37. The French authorities refer to the provisions of Institutional Law No. 2013-906 of 11 October 2013 on the transparency of public life, establishing the High Authority for Transparency in Public Life (HATVP). They would point out in particular that the HATVP monitors changes in parliamentarians' assets during their term of office and has the necessary means to check that parliamentarians' declarations of assets are complete, accurate and truthful, and that parliamentarians who fail to obey the

¹¹ On 9 December 2021, 29 representatives of interest groups were registered with the Senate: https://www.senat.fr/fileadmin/Fichiers/Images/groupes_interet/2021-12-9_tableau-representant-interets.pdf

applicable rules are liable to penalties. This law also makes provisions for the consultation of Assembly members' and Senators' declarations of assets. Any voter on the electoral roll may consult them at the prefecture in the *département* in which the parliamentarian was elected. Lastly, the authorities point out that the communication of declarations of assets must be reconciled with parliamentarians' right to respect for private life.

38. GRECO takes note of the information provided by the French authorities while pointing out that it includes nothing that was not known when the Evaluation Report was adopted, when the measures described above already existed. The Evaluation Report stated that while the new procedure undeniably represented progress, it was regrettable that the legislature had finally opted for such a limited mechanism, allowing only citizens of a given constituency to consult the declaration of assets of the respective parliamentarian (paragraph 56).
39. GRECO notes that the consultation procedure, of which few citizens are aware, seems excessively complicated and especially discouraging, as the HATVP states in its 2020 activity report.¹² Consultation is by appointment only, in the presence of prefecture staff, and no notes or copies are permitted. GRECO considers therefore that the recommendation remains not implemented and reiterates that a reform of this procedure is necessary for the purposes of increased transparency. Following the HATVP's recommendation to make these declarations available on the internet would represent a considerable step forward in terms of transparency.
40. GRECO concludes that recommendation v remains not implemented.

Corruption prevention in respect of judges

Recommendation viii.

41. *GRECO recommended that the criteria for the awarding of official honorary decorations and distinctions of judges be reviewed in order to reduce any perceived risks for their independence and impartiality.*
42. GRECO points out that this recommendation was found not to have been implemented in previous reports.
43. The French authorities state that no reform of the criteria for awarding such honours has been made since the last Interim Compliance Report. However, they argue that as it stands, the procedure for awarding official honorary decorations and distinctions does meet the aim of the recommendation, which is to safeguard the independence and impartiality of judges. The authorities point out that only a small number of authorities (appeal courts, sub-directorates of the judicial services directorate, the Court of Cassation, the national judicial training college and the national college of registry staff) are entitled to submit lists of candidates they wish to put forward for national honours. The Director of Judicial Services (DSJ) is then entitled to give an opinion on the persons proposed by the authorities. The DSJ selects candidates on the basis of the information concerning the careers presented to him or her, taking account of the breadth of their achievements, the quality of their services and work carried out to promote national ideals in the judicial sphere where these services and this work can be regarded as evidence of outstanding or distinguished merit; the way in which they work for the good of the nation; and the renown of their merits. For this purpose, he or she checks in particular, through the relevant ethical body, that the persons proposed do not have a disciplinary record. For two years now, the opinions of the proposing authorities and the relevant ethical body have

¹² HATVP, [Activity Report](#) 2020, p. 107.

systematically been checked by the DSJ. Any negative opinion or rejection must be supported by reasons. Ultimately, the DSJ's opinion is forwarded to the honours department of the Minister of Justice's Private Office.

44. Furthermore, the authorities state that the revised 2019 version of the Compendium of the Judiciary's Ethical Obligations states that "serving judges and prosecutors of the ordinary courts shall not directly or indirectly request honours for themselves". The words "directly or indirectly" were added following some discussion about the awarding of these honours.
45. GRECO takes note of this new information submitted by the authorities. It considers that this wording brings this honours system closer to that of the administrative court service, whose approach was particularly praised in the Evaluation Report (paragraph 111). For instance, members of the administrative courts are prohibited from requesting administrative distinctions. GRECO also welcomes the existence of criteria making it possible to select candidates proposed for national honours. Bearing the foregoing in mind, GRECO considers that the measures which have now been introduced appear to meet the recommendation's aims, in that they regulate the procedure for the selection of judges who may be awarded honours and provide for some guarantees, making it possible to reduce any perceived risks for their independence and impartiality.
46. GRECO concludes that recommendation viii has been dealt with in a satisfactory manner.

Recommendation ix.

47. *GRECO recommended that disciplinary authority over judges and any prior administrative procedure be concentrated in the hands of the section of the Judicial Service Commission with jurisdiction over judges.*
48. GRECO points out that this recommendation was found not to have been implemented in previous reports. In the Interim Compliance Report, GRECO, while taking note of the discussions under way on the possibility of enabling the Judicial Service Commission (CSM) to carry out investigations when it receives complaints from members of the public, said that the recommendation required the authorities to go still further, concentrating disciplinary authority over judges in the hands of the CSM.
49. The French authorities reiterate that there have been no changes to the administrative procedure prior to commencement of proceedings in the Judicial Service Commission. They point out that any investigations prior to such proceedings would be the responsibility of the relevant first presidents (judges' hierarchical superiors) or the General Inspectorate of the Justice System (IGJ), to which cases can be referred by the Minister of Justice.
50. With regard to the current discussions on the new possibility of referring such cases to the IGJ, the authorities state that the President of the Republic requested an opinion from the CSM on the dual issue of the responsibility and protection of judges. In its opinion,¹³ the CSM made thirty proposals pursuing four main aims, namely to place ethical issues at the core of the office of judge, to promote the detection of disciplinary breaches, to improve the conduct of disciplinary proceedings and the range of penalties and to strengthen the personal and functional protection of judges. The CSM recommends in particular that new possibilities of referring cases to the IGJ

¹³ Opinion adopted by the plenary Judicial Service Commission on 1 July 2021 and delivered to the President of the Republic on 24 September 2021, <http://www.conseil-superieur-magistrature.fr/actualites/avis-au-president-de-la-republique-sur-la-responsabilite-et-la-protection-des-magistrats>

should be provided for while keeping such matters under the sole authority of the Minister of Justice.

51. GRECO notes that some of the CSM's proposals echo the Evaluation Report, which pointed out that the CSM should be able to have proper powers of investigation and be allowed to make use of a service with an investigative capacity, such as the IGJ, even before proceedings were opened (paragraph 126). Accordingly, the CSM proposes that when a case is referred to a disciplinary body and a rapporteur is appointed, the rapporteur should be able to seek the assistance of judicial services inspectors where no administrative investigation has been launched beforehand. It also proposes that heads of courts, applications admissions boards and rapporteurs in disciplinary proceedings should be allowed to make a direct request to the IGJ to open an administrative investigation.
52. GRECO welcomes these proposals. However, in the absence of any practical measures, it can only find that the recommendation remains not implemented. It encourages the authorities to continue considering the most appropriate measures to address the aim of this recommendation, particularly in the light of the CSM's recent opinion.
53. GRECO concludes that recommendation ix remains not implemented.

Corruption prevention in respect of prosecutors

Recommendation x.

54. *GRECO recommended i) that legislative reform establish a procedure for the appointment of prosecutors in line with that for judges, making it possible for the Judicial Service Commission to issue an opinion which is binding on the Minister of Justice; ii) that consultations take place on the possibility of aligning the disciplinary procedure for members of the prosecution service with that applicable to judges (with the CSM holding sole authority).*
55. GRECO concluded in the Second Compliance Report that this recommendation had been partly implemented. It considered that, as the second part of the recommendation had been incorporated into the draft constitutional reform presented to the Council of Ministers, the French authorities had gone beyond the consultations recommended and this part of the recommendation had now been satisfactorily implemented. In the Interim Compliance Report, GRECO concluded that this recommendation remained partly implemented.
56. With regard to the first part of the recommendation, the French authorities point out that the draft constitutional reform (draft constitutional law for a renewal of democracy) amending the process of appointing prosecutors and the disciplinary procedure that applies to them was presented to parliament on 29 August 2019. The draft has not yet been adopted as it is still pending before the parliament (the Congress bringing together both houses has not yet been convened).
57. GRECO takes note of the information provided and the fact that there has been no progress on the constitutional reform and concludes that recommendation x remains partly implemented.

III. CONCLUSIONS

58. **Having regard to the conclusions in the previous Fourth Round Compliance Reports on France and in the light of the foregoing, GRECO concludes that France has now implemented or dealt with in a satisfactory manner six of**

the eleven recommendations in the Fourth Round Evaluation Report. Of the other recommendations, three remain partly implemented and two have not been implemented.

59. More specifically, recommendations ii, iii, vi and vii have been implemented satisfactorily, recommendations viii and xi have been dealt with in a satisfactory manner, recommendations i, iv and x have been partly implemented and recommendations v and ix have not been implemented.
60. With regard to corruption prevention in respect of members of parliament, GRECO welcomes that the control of Assembly members' operational expenses is now carried out under good conditions. GRECO also notes the efforts to educate and promote transparency made by the Senate and the National Assembly but considers that there are still some deficiencies regarding transparency of National Assembly members' and Senators' operational expenses. It also considers that bans in principle on certain gifts, donations and other benefits should be introduced or clearly imposed by the National Assembly and the Senate. Lastly, GRECO reiterates that Assembly members' and Senators' declarations of assets should be published online so that they are easily accessible to the public at large.
61. As to prevention of corruption in respect of judges and prosecutors, GRECO welcomes the new regulations on the selection of judges who may be awarded honours. However, it notes with some concern that there has been no progress on the draft constitutional reform intended to amend the procedure for the appointment of prosecutors and the disciplinary procedure applied to them. This is a matter of paramount importance and the authorities are invited to accelerate the procedure and give effect to this recommendation as soon as possible. Likewise, the recommendation on how disciplinary cases should be referred to the Judicial Service Commission and the latter's powers of investigation has still not been dealt with.
62. In accordance with Rule 31 rev., paragraph 9, of its Rules of Procedure, GRECO asks the head of the French delegation to submit a progress report on implementation of still pending recommendations, namely recommendations i, iv, v, ix and x, as soon as possible but no later than 31 March 2023, in accordance with paragraph 2(i) of this rule.
63. GRECO invites the French authorities to authorise publication of this report as soon as possible and to make it public.