GRECO

Group of States against Corruption

Groupe d'États contre la corruption

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

FOURTH EVALUATION ROUND

Adoption: 18 March 2016
Publication: 3 June 2016

Public
Greco RC4(2016)2

FOURTH EVALUATION ROUND

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

COMPLIANCE REPORT

FRANCE

Adopted by GRECO at its 71st Plenary Meeting
(Strasbourg, 14-18 March 2016)

Secrétariat du GRECO
Conseil de l'Europe
F-67075 Strasbourg Cedex
☎ +33 3 88 41 20 00

www.coe.int/greco

Direction générale I
Droits de l'homme et État de droit
Direction de la société de l'information
et de l'action contre la criminalité

I. INTRODUCTION

1. The Compliance Report assesses the measures taken by the French authorities to implement the recommendations issued in the Fourth Round Evaluation Report on France which was adopted by GRECO at its 62nd Plenary Meeting (6 December 2013) and made public on 27 January 2014, following authorisation by France (Greco Eval IV Rep (2013) 3E). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".

2. As required by GRECO's Rules of Procedure, the French authorities submitted a Situation Report containing information on measures taken to implement the recommendations. This report was received on 27 October 2015 and served, together with information provided subsequently, as a basis for the Compliance Report.

3. GRECO selected Luxembourg (in respect of parliamentary assemblies) and Moldova (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr David LENTZ, on behalf of Luxembourg, and Ms Cornelia VICLEANSCHI, on behalf of Moldova. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.

4. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any outstanding recommendations (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

II. ANALYSIS

5. GRECO addressed 11 recommendations to France in its Evaluation Report. Compliance with these recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i.

6. *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.*

7. Regarding the situation of parliamentary assistants and collaborators, the French authorities point out firstly that the laws of 11 October 2013 (organic law no. 2013-906 and ordinary law no. 2013-907) on transparency in public life made it obligatory for members of parliament to provide a declaration of interests and activities. This includes a section on assistants in which members of parliament must state the names of their assistants and any other positions they hold in addition to their contracts as assistants. Because these declarations are made public, this information is available to all citizens. These arrangements were supplemented by a series of measures specific to each House.

8. The *Collège des Questeurs* of the National Assembly adopted specific rules setting upper limits on both the overall remuneration and hourly rates of pay of assistants who are close family members in order to limit the risk of abuse. The National

Assembly also gave official confirmation to the role of assistants by adding a new Rule 18 to its rules of procedure in November 2014[1]. This rule clearly reaffirms the principle that members of parliament are the sole employers of their assistants, that their relationship to them is governed by a private-law contract, and that funds are specifically earmarked for their remuneration. This amendment to the National Assembly's rules of procedure was accompanied by in-depth reflection about improving the material situation of assistants and about their professional ethics. Starting in October 2012, several measures were taken by the Bureau of the National Assembly to improve their material situation and thus limit the risk of conflicts of interests due to the fact that many jobs are part-time, which forces assistants to supplement their pay and makes them vulnerable to being approached by interest groups. Among these measures, the "staff appropriation" was increased by 10% and this increase was guaranteed by a simultaneous reduction in the operational expenses allowance (IRFM) and a ban on transferring any unexpended balance from this staff appropriation to the IRFM, with the result that the two budgets are totally separate and members of parliament cannot profit from any recovered funds. The French authorities point out that use of the "staff appropriation" is not free and that it is earmarked strictly for staff remuneration, which means that, in the absence of employment contracts, the available portion of the appropriation is returned to the budget of the National Assembly. This appropriation is never paid to the member of parliament but is managed by the National Assembly's financial and social department which prepares the assistants' work contracts and manages administrative and financial matters on behalf of members for this category of staff. Above and beyond these measures, the aim is to establish a statute for assistants. An amendment to Rule 18 of the National Assembly's rules of procedure was adopted for this purpose in November 2014, but was censured by the Constitutional Council, not on substantive grounds, but because this provision fell outside the scope of the rules of procedure. This matter is still under discussion, and the *questeurs* have commissioned a study from a law firm. As regards, lastly, the professional ethics aspects of the employment of assistants, the National Assembly's Commissioner for Ethical Standards mentioned in his annual report in June 2015 that assistants had on several occasions referred questions to him about combining their job with other activities. The Commissioner had warned all these people about the risk of a conflict of interests and had advised several of them to give up their jobs. He proposes that the Bureau of the National Assembly enshrine this practice in the code of ethics by making express provision for assistants to consult him on a confidential basis.

9. A series of measures were also taken in the Senate in March 2015, by the Bureau and the *Conseil de Questure*, to give fuller recognition to the existence and working conditions of assistants:

    - All regulations applying to assistants were brought together in a single document, which was made public;
    - Their social rights were improved through the implementation of two laws in respect of them, one on the establishment of a mandatory collective health insurance scheme, the other on professional training;
    - Two exhaustive lists of the names of senators' assistants were put online on 16 April 2015, one in alphabetical order, the other in order of the senators employing them. These lists are updated every day.

10. The authorities note that if "statute" is understood as meaning a set of collective guarantees, the internal regulations set out in the preceding paragraph constitute a *de facto* statute or collective agreement in that they confer rights on assistants by

[1] "Members of the National Assembly may employ, under private-law contracts, parliamentary assistants who help them to discharge their duties and of whom they are the sole employers. For this purpose, they are entitled to an appropriation earmarked for staff remuneration".

which the senators are bound. Further to these measures, the existence of assistants was recognised for the first time in the Senate's rules of procedure in a Rule 102 bis. The content of this rule is similar to that of Rule 18 of the National Assembly's rules of procedure in that it sets forth the principle that the senator is the assistant's sole employer. It describes the role of assistants and their conditions of employment under a private-law contract and provides for financial resources to be made available by the Senate to its members to pay their assistants.

11. With regard to the operational expenses allowance (IRFM), the authorities explain that the organic law of 2013 on transparency in public life introduces some important new developments: it prohibits the funding of election expenses through the IRFM and makes it obligatory for members of parliament to submit a declaration of assets, at the start and end of their term of office, describing in detail their movable and immovable assets, securities, life insurance contracts and bank accounts (current and savings). This declaration can be used to check for variations in members' assets and ensure that there has been no undue enrichment during their term of office. Accordingly, the use of the IRFM for personal enrichment would be detected immediately by the High Authority for Transparency in Public Life and would give rise to observations and even expose them to prosecution. Here again, additional measures have been taken by each House.

12. The Bureau of the National Assembly tasked the *Collège des Questeurs* with conducting an assessment of the use of the IRFM. In consultation with the Commissioner for Ethical Standards, the *Collège* drew up a set of rules which were adopted by the Bureau on 18 February 2015 and appear in Article 32 bis of the General Instruction of the Bureau. Under this article, the following may be charged to the IRFM: expenses related to the member's constituency office and accommodation, travel expenses for the member and his/her assistants, communication expenses, entertainment expenses and training expenses for the member and his/her assistants. This article expressly prohibits the use of the IRFM to purchase property. Furthermore, members are required to submit to the Bureau each year a declaration to the effect that they have used the IRFM in accordance with the established rules. This declaration may be verified by the Ethical Standards Commissioner at the request of the President of the National Assembly, following an opinion from the Bureau. The Bureau subsequently gives a ruling on the member's situation in the light of the report by the Ethical Standards Commissioner and takes appropriate measures which may even be of a disciplinary nature pursuant to Rules 71 and following of the National Assembly's rules of procedure. Under this new mechanism, which is currently being applied for the first time, members had to address to the Bureau of the National Assembly, by 31 January 2016, a signed declaration that they have used the IRFM in accordance with the rules established by the Bureau. The Bureau examined their declarations at its 18 February 2016 meeting and informed the Ethical Standards Commissioner of a couple of breaches of the declaration duty. Lastly, the Bureau has decided to make it obligatory for members to return any unused funds from the IRFM at the end of their term of office.

13. For its part, the Bureau of the Senate has adopted six measures to guarantee the proper use of the IRFM, which, by an order of 15 April 2015, were incorporated into the General Instruction of the Senate in a new chapter XXsexies. This order, which came into force on 1 October 2015:

    - requires all senators to open a personal bank account separate from the account into which their parliamentary allowance is paid, in order to receive the IRFM, to whose administration it must be strictly dedicated;
    - stipulates that the portion of the IRFM not used by the senator must be returned to the Senate at the end of his/her term of office;

- states that no expenditure related to the purchase of property may be charged to the IRFM (for ongoing contracts, this provision came into force on 1 January 2016);
- makes it possible for the President of the Senate, on his own initiative or at the request of the *Questeurs*, to ask the Ethics Committee to investigate a senator's use of the IRFM, bearing in mind that it is for the President to refer the matter to the Bureau of the Senate if he deems it appropriate to do so; in addition to this, any senator may ask the Chair or Vice-Chair of the committee for advice regarding "any ethical issue relating to the exercise of his or her parliamentary mandate", which includes the issue of the conditions governing the use of the IRFM[2];
- regarding the categories of expenditure chargeable to the IRFM and the good practices to be observed, refers to a user guide appended to the General Instruction of the Bureau. This guide, drawn up by the *Conseil de Questure* in association with the Ethics Committee, was submitted to and approved by the Bureau of the Senate on 25 June 2015.

14. Lastly, where the parliamentary reserve facility is concerned, the French authorities reiterate that the 2013 organic law on transparency in public life requires publication both of all subsidies for work of local interest paid out of programmes under the responsibility of the Ministry of the Interior and of all subsidies paid to associations, including the beneficiary, the amount in question, the nature of the project being funded, and the name of the member of parliament. These subsidies are subject to the general rules of public accounting and the provisions of Decree No. 99-1060 of 1999 on state subsidies for investment projects, which provide, inter alia, that the amount of the subsidy may not be more than 50% of the cost of the project and that, in all, public funding may not account for more than 80%. Here again, additional measures have been taken by each House.

15. In the National Assembly, the principle was established in 2012 that the reserve is divided among the political groups in proportion to the number of members. In 2014, this meant a total of 130 000 euros per member. There is also an "institutional grant" of 5 million euros administered by the President of the National Assembly which is used to support foundations, recognised associations and institutions. The total grant to the National Assembly is 90 million euros. All this information is published on the National Assembly website and is also available in open data format.

16. As for the Senate, it has adopted two sets of measures aimed at better regulating the allocation of the "parliamentary action grant" (DAP) and publicising more effectively the way it is used. First of all, an institutional grant of 3 million euros was created in 2015. It is administered jointly by the President and Vice-Presidents and is used to finance Senate involvement in two areas: general-interest actions at national or international level and aid to local authorities that have suffered natural disasters or other serious events justifying a solidarity effort. The remaining funds from the DAP are divided among the political groups in proportion to their size, which, in 2014, worked out at 153 046 euros per senator. Each political group divides the allocated sum freely among its members. The Bureau of the Senate

[2] 24 senators have consulted the Chair or Vice-Chair of the Ethics Committee on the modalities of use of their IRFM so far. Advice given includes, for instance, a recommendation not to use the IRFM to give salary bonuses to assistants or donations to associations. Moreover, senators are strongly advised to be mindful of keeping a record of the operations performed on their dedicated IRFM bank account (a recommendation to open such an account is included in the above-mentioned "Guide on the use of the IRFM"), so that they can provide any explanation required on the use of their IRFM. That said, it is the High Authority for Transparency in Public Life that is ultimately responsible for monitoring the use made by senators of their IRFM and compliance with their obligation to return the portion not used. In the period running up to the senatorial elections in June 2017, the High Authority will examine senators' end-of-mandate asset declarations, notably in view of information received from the tax authorities.

recommends basing this on the extent to which members participate in the Senate's activities.

17. Subsidy allocation must meet a set of criteria:

- For aid to local authorities, strict compliance with the framework laid down by the Ministry of the Interior; in this context, senators take particular care to:

  i. Give priority to projects of an exceptional, general-interest nature;
  ii. Provide a minimum level of subsidy in order to avoid spreading aid too widely and maintain its incentive nature;
  iii. Avoid repeated subsidies to the same local authority, unless small amounts are involved or the project is multiannual;

- For aid to associations:

  i. In view of their specific social purpose, political foundations and associations or foundations concerned with remembrance fall exclusively within the ambit of the institutional grant;
  ii. Support for think tanks must be undertaken within a contractual framework, in respect of a specific study or research project of interest to the Senate;
  iii. Where other associations are concerned, subsidies granted must not take the form of an annual contribution to financing the operations of bodies already receiving public support;
  iv. Only clearly identified projects may receive support under the DAP and each grant-aided association must undertake to provide the Senate with a report on the implementation of the project, which will be made public.

18. Looking to the future, the Chair and General Rapporteur of the Senate Finance Committee have been tasked with drawing up a new legal framework for the allocation of subsidies to local authorities and associations under the DAP and the distribution of the ministerial reserve in order to render the system as a whole more transparent and efficient and contain running costs. Lastly, on 15 April 2015 the Bureau of the Senate adopted an order whereby a chapter XX bis A was incorporated into the General Instruction of the Bureau in order to formalise the purpose of the DAP and the arrangements for publication by the Senate. The order states that this grant comprises all the subsidies paid by the state, following proposals from senators, by means of appropriations under the finance laws. It also establishes the principle of annual publication by the Senate, on its website, of subsidies granted following proposals from senators, even before they are published by the Government as an appendix to the finance settlement bill. Since the end of May 2015, subsidies granted by senators (amount and beneficiaries) have been published in open data format on the Senate website.

19. GRECO welcomes the fact that the various parts of the recommendation have been taken into account by the French authorities. With regard to parliamentary assistants, the explicit recognition given in the rules of each House to their existence, their role and the legal framework governing their employment is to be welcomed. The same applies, where the National Assembly is concerned, to the upper limit set on the remuneration of some assistants (close persons or family members) – even though GRECO takes the general view that it is preferable not to employ such persons – and the initial thinking about a statute for the profession. GRECO encourages the National Assembly to continue and further develop its thinking, focusing in particular on employment conditions for parliamentary

assistants that ensure responsible management of public money and on management of possible conflicts of interest. Specific rules of conduct could thus be established, usefully supplementing the possibility of applying to the Ethical Standards Commissioner. It seems important to GRECO that further consideration should also be given to these matters in the Senate. The publicity measures adopted by each house are also positive, but GRECO calls for greater transparency in practice regarding other possible functions carried out by assistants. Publication of a central list of assistants mentioning any other activities, for instance, would make such information more easily accessible. Lastly, GRECO is satisfied with the additional information provided by the French authorities regarding procedures for supervision of the use of the "staff appropriation" by both Houses.

20. Turning now to the question of the operational expenses allowance (IRFM), GRECO makes a positive assessment of the measures taken by the Bureau of each House. It remains to be seen whether the procedures for scrutiny by the Ethical Standards Commissioner of the National Assembly, the Ethics Committee of the Senate and the High Authority for Transparency in Public Life will be sufficient in practice to detect uses of the IFRM that are in breach of the rules. It expects to receive information on this point on the occasion of its next report. GRECO points out, moreover, that the recommendation also calls for greater transparency regarding the IRFM.

21. With regard to the parliamentary reserve facility, GRECO notes that no new measures appear to have been taken by the National Assembly, as the developments reported predate the Evaluation Report. It draws attention to the potential risks mentioned in footnote 15 and the call which is made in the report for a wide-ranging reform of the legal framework governing the parliamentary reserve facility. For their part, the measures taken by the Senate are positive in that they regulate to some extent the use of the "parliamentary action grant" (DAP), but they do not fully satisfy the requirements of the recommendation. In particular, the criteria for the allocation of subsidies remain fairly vague and do not seem sufficient to limit the risks of bias, cronyism and conflicts of interest noted in the Evaluation Report. The distribution of funds within the political groups remains free and therefore potentially inequitable as between senators and there is currently no provision for auditing the use of funds. GRECO calls on the Senate to bear in mind these points and those contained in the Evaluation Report in the ongoing discussions on a future new legal framework for the DAP.

22. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii.

23. *GRECO recommended that a body of rules of conduct/professional ethics applying directly to Senators be adopted, as is already the case for members of the National Assembly.*

24. The French authorities report that the Bureau of the Senate has introduced a system for preventing and dealing with conflicts of interest, which has been applicable to members of the Senate since 1 October 2014. This system includes ethical principles set out in chapter XXbis of the General Instruction of the Bureau which are aimed directly at the members of the Senate. These principles are seven in number: the general interest, independence, integrity, secularity, attendance, dignity and exemplarity.

25. GRECO welcomes the Senate's adoption of a set of ethical principles applying directly to senators, in line with the recommendation. It notes that these principles remain fairly general, but are intended to be supplemented by a good practice

guide also forming an integral part of the General Instruction of the Bureau, which will be expanded to reflect the actual situations encountered by the Bureau of the Senate, where appropriate after consultation with the Ethics Committee. GRECO further notes that senators can seek advice from the Chair of the Ethics Committee.

26. GRECO concludes that recommendation ii has been satisfactorily implemented.

Recommendation iii.

27. *GRECO recommended that the system for dealing with conflicts of interests of members of the National Assembly and Senators be supplemented by rules and guidance on when there may be an individual obligation, depending on the case, to declare a potential conflict of interests or to abstain from participation in parliamentary activities.*

28. Where the National Assembly is concerned, the French authorities reiterate that, rather than imposing an obligation to withdraw, Article 5 of the Code of Ethics favours the incentive approach, stipulating that "*members of the National Assembly have a duty to disclose any personal interest that could interfere with their public activity and take all steps to resolve any such conflicts of interest for the sole benefit of the general interest*". To implement this article, successive ethical standards commissioners have chosen to focus on certain draft legal texts examined by the National Assembly which appear sensitive in terms of the interests potentially at stake. The aim is to alert members to the precautions to be taken, in particular when they are involved as rapporteurs or initiators of amendments in a debate concerning sectors or issues affecting their private or family interests.

29. If the Ethical Standards Commissioner finds a breach, he is empowered, after exchanging with the member concerned, to refer the matter to the Bureau. Under Rule 80-4 of the rules of procedure, if the Bureau finds that there has actually been a breach of the obligations laid down in Article 5 of the Code, it may decide to impose a disciplinary penalty. In his last annual public report, the Ethical Standards Commissioner proposes going further by adding a new article to the Code of Ethics: "*Members who, in the discussion of a question brought before the National Assembly, have a private or financial interest for themselves or persons close to them which is distinct from the general interest may declare that interest orally. They may also choose to withdraw without participating in the discussion or exercising their right to vote*". This proposal was submitted to the Bureau on 17 June 2015 and is still under consideration.

30. Regarding the Senate, the French authorities report that, under the system for preventing and dealing with conflicts of interests referred to in paragraph 24 of this report, the definition of conflicts of interest has been modified and now covers "*any situation in which the private interests of a member of the Senate might interfere with the performance of the duties attaching to his/her office and lead him/her to give priority to his/her particular interest over the general interest*". The President or Bureau of the Senate may refer any potential conflicts of interest situation to the parliamentary ethics committee, which is responsible for all ethical issues relating to the exercise of a senator's mandate or the functioning of the Senate. Any member of the Senate may also make a request on a strictly personal basis to the Chair of the Ethics Committee for advice on a situation which he believes might place him in a position of conflicts of interests. The committee issues a confidential opinion, which may be accompanied by recommendations, on the basis of which the Bureau may decide to ask the senator in a conflicts of interest situation to immediately bring the situation to an end or take the measures recommended by the committee. It may impose disciplinary sanctions under the conditions laid down in the Senate's rules of procedure.

31. In addition to this procedure, the Bureau of the Senate has adopted a good practice guide (appended to chapter XXter of the General Instruction of the Bureau) to provide guidance for senators faced with potential conflicts of interest situations. The onus is on them to study these rules in the light of the actual circumstances and, in case of doubt regarding the course of action to be taken, seek the advice of the Chair of the Ethics Committee. This guide, which is designed to be expanded to reflect actual cases dealt with by the Bureau and the Ethics Committee, currently contains recommendations on the following three subjects:

- oral declarations of interests: for the sake of transparency, members of the Senate participating in a committee debate may make an oral declaration of any personal interests connected with the subject of the debate. This oral declaration is mentioned in the record of the meeting;
- appointment as rapporteur: a member of the Senate approached to act as rapporteur on a legislative text, for a committee of enquiry or for a fact-finding or monitoring mission should consider whether his private interests seem likely to place him in a conflicts of interest situation. He may turn down this appointment if he considers that his acceptance would entail such a risk from the standpoint of professional ethics;
- publication of a rapporteur's hearings and contacts: a rapporteur must inform his fellow senators of all the opinions gathered during the preparation of his report and publish a full list of the persons heard by the committee or the mission. This list must also include persons heard individually by the rapporteur and any informal contacts which the rapporteur sees fit to include.

32. Where the National Assembly is concerned, GRECO takes a favourable view of the incentive system consisting of Article 5 of the Code of Ethics combined with monitoring of certain draft legal texts which the Ethical Standards Commissioner regards as sensitive. It reiterates, however, that the recommendation also calls for the provision of guidance to members concerning possible concrete cases of conflicts of interest, to help them adopt the appropriate course of action. GRECO also notes with interest the more detailed provisions contained in the draft new article proposed by the Ethical Standards Commissioner, which would cover both reporting and withdrawal in the event of a conflict of interest, as requested in the recommendation. It notes, however, a possible contradiction between the wording of Article 5, which mentions a duty to report, and the draft new article, which would reduce reporting to a mere possibility left to the discretion of the member concerned.

33. Regarding the Senate, GRECO takes note of the new definition of conflicts of interest and of the embryonic good practice guide appended to the General Instruction of the Bureau. Insofar as this guide is designed to be expanded to reflect actual cases encountered by the Bureau and Ethics Committee of the Senate, it performs the guidance function mentioned in the recommendation. GRECO regrets, however, that in the first two topics covered by this guide, a senator who becomes aware of a conflict of interest merely has the possibility of reporting the situation or withdrawing.

34. Concerning both chambers and as already emphasised in the Evaluation Report (paragraph 35), GRECO is unconvinced by the argument that a duty to withdraw might conflict with the constitutionally guaranteed right to vote. Incidentally, even though members of parliament have to submit a declaration of interests and activities, which is published and controlled by the High Authority for Transparency in Public Life, the possibility of a member being knowingly in a conflict of interest situation but choosing not to report that situation or not to withdraw, as the guide allows him to do, cannot be ruled out. This would undoubtedly damage his

reputation and credibility and would show the limits of the system for the management of conflicts of interest.

35. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv.

36. *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).*

37. The French authorities have provided the following information with regard to the National Assembly: according to the Ethical Standards Commissioner's report, in the period from 16 April 2014 to 1 June 2015, 19 declarations of donations or benefits of a value exceeding 150 euros were received, 9 of which were invitations to sporting or cultural events. In addition to this obligation, there were several cases in which members handed over gifts they had received to the Ethical Standards Commissioner. To supplement the existing provisions, the Ethical Standard Commissioner's report proposes the following addition: "Declarations of donations and benefits: if a donation or benefit appears to be intended to influence members' independence or impartiality, they must refuse it. Otherwise, members may accept it and must then declare to the National Assembly's Ethical Standards Commissioner any donation, invitation to a sporting or cultural event or benefit which they have received in connection with their mandate and whose value they estimate at over 150 euros." This proposal was submitted to the Bureau on 17 June 2015.

38. On 25 June 2014, the Bureau of the Senate issued rules on the declaration of gifts, donations, benefits in kind and invitations to trips financed by external bodies (section III of chapter XXbis of the General Instruction of the Bureau). Members of the Senate are henceforth required to declare any invitations they receive to trips financed by external bodies where the value of those invitations exceeds 150 euros. This requirement does not apply to invitations to cultural or sporting events in metropolitan France or to trips undertaken at the invitation of the French state authorities or in the context of a local mandate. Invitations are declared to the Directorate of the Secretariat of the Bureau, Protocol and International Relations for examination by the competent Bureau delegation. These declarations must be made at least thirty days in advance or, failing that, immediately the invitation is received. They are published on the Senate's website[3]. In addition to this, members of the Senate are required to declare gifts, donations and benefits, whatever their source, where their value exceeds 150 euros. The declaration must be made within thirty days to the Directorate of the Secretariat of the Bureau, Protocol and International Relations for examination by the delegation responsible for the conditions governing the exercise of the mandate of senator.

39. Where the National Assembly is concerned, GRECO regrets that no further measures have been taken to implement the two parts of the recommendation. No limits or prohibitions in principle have been laid down and declarations are still not published. Regarding the Senate, GRECO welcomes the decision by the Bureau to the effect that declarations are henceforth made public, thus complying with the second part of the recommendation. As regards the first part of the recommendation, however, the provisions described do not appear to differ from those already analysed in the Evaluation Report. Consequently, the problems

[3] http://www.senat.fr/fileadmin/Fichiers/Images/sgp/Liste2014-2016_en_ligne.pdf

identified in that report remain unresolved, namely the uncertainty regarding the coherence between the General Instruction of the Bureau, which sets out a duty to declare gifts, donations, advantages and invitations, and the principle laid down by the Ethics Committee in 2010 according to which any advantage is forbidden in exchange for an act carried out as part of parliamentary duties, except courtesy gifts of a small value, as well as invitations to cultural and sporting events in metropolitan France. The confirmation by the French authorities that senators have to declare gifts, donations and benefits whatever their origin is welcome, but it would be useful to specify this explicitly in section III of chapter XXbis of the General Instruction of the Bureau, to make this provision clearer.

40. GRECO concludes that recommendation iv has been partly implemented.

Recommendation v.

41. *GRECO recommended that declarations of assets by members of the National Assembly and Senators be made easily accessible to the public at large.*

42. The French authorities explain that the question of the degree of access to declarations of assets gave rise of differences of opinion between the two Houses when they debated the reform proposal which resulted in the adoption of the laws of 11 October 2013 on transparency in public life. The position which prevailed was that of limited access: voters registered on the electoral rolls may consult declarations of assets at the prefecture of the *département* in which the member was elected. This situation still obtains in respect of declarations of assets, whether they are made by a member of the National Assembly or a senator.

43. The authorities point out that declarations of assets are nevertheless subject to the scrutiny of the High Authority for Transparency in Public Life, in association with the tax authorities. Furthermore, parliamentarians' declarations of interests and activities, which summarise all their interests and activities pursued concomitantly with or prior to their mandate, are widely disseminated (published in full on the High Authority's website).

44. GRECO regrets that no measures have been taken by the two Houses to give effect to this recommendation. It reiterates the transparency and social accountability objectives which have led parliaments in many other countries to opt for publication of parliamentarians' declarations of assets, on their own initiative or in response to GRECO recommendations. This is a position consistently upheld by GRECO, which believes that the obligations of transparency placed on elected representatives by virtue of holding public office must exceed those of ordinary citizens. While scrutiny of declarations of assets and publication of declarations of interests and activities are, of course, also necessary, they cannot compensate fully for the lack of transparency of declarations of assets.

45. GRECO concludes that recommendation v has not been implemented.

Recommendation vi.

46. *GRECO recommended that the range of criminal-law measures be supplemented by internal disciplinary measures in the assemblies, in relation to possible breaches of the rules on the integrity of the members of the National Assembly and Senators.*

47. The French authorities report that this recommendation has been put into effect in both Houses. A resolution tabled by the President of the National Assembly and adopted on 28 November 2014 introduced a new article into the rules of procedure stipulating the applicable procedure in the event of non-compliance by a member

with his or her ethical obligations (Rule 80-4). Following adversarial proceedings initiated by the Ethical Standards Commissioner, the Bureau of the National Assembly may, should the member refuse to put an end to the situation of non-compliance, not only make this situation public – which is not new – but also impose a disciplinary penalty – which is. Rule 70 of the rules of procedure, which lists all cases where a disciplinary sanction may be incurred, was amended accordingly to include "breaches of ethical rules". In the event of a breach, Rules 71 to 73 of the rules of procedure provide for a range of sanctions:

- publicising the breach, based on the practice of "naming and shaming" in the English-speaking world, whereby the member is exposed to the judgment of public opinion;
- call to order;
- call to order recorded in the minutes;
- ordinary censure;
- censure with temporary exclusion. It should be noted that these last three sanctions entail the automatic loss of part of the parliamentary allowance.

48. For its part, the Senate adopted, on 13 May 2015, a resolution no. 100 (2014-2015), Article 16 of which provides for a system of disciplinary sanctions: "The sanction of ordinary censure or censure with temporary exclusion shall be incurred by any senator who:

- has failed to comply with a decision of the Bureau requiring him/her either to immediately put an end to a conflict of interest situation or to take the steps recommended by the parliamentary ethics committee;
- has knowingly omitted to declare to the Bureau a donation or benefit in kind potentially constituting a conflict of interests received from an interest group or a foreign agency or state, with the exception of ceremonial gifts;
- has knowingly omitted to declare to the Bureau an invitation potentially constituting a conflict of interests which he or she has accepted from an interest group or a foreign agency or state;
- has knowingly omitted to declare to the Bureau his or her participation, potentially constituting a conflict of interests, in an event organised by an interest group or a foreign agency or state;
- has committed a serious breach of the ethical principles laid down by the Bureau (general interest, independence, integrity, secularity, attendance, dignity and exemplarity)."

49. Ordinary censure entails the loss, for one month, of a third of the parliamentary allowance and the whole of the duty allowance. Censure with temporary exclusion means that the senator is banned from taking part in the Senate's proceedings and even from entering the Palais du Luxembourg for fifteen sitting days (in some cases this may be increased to thirty sitting days). The financial consequences may extend to the loss, for sixteen months, of two-thirds of the parliamentary allowance and the whole of the duty allowance. It is the Bureau which decides these disciplinary sanctions, giving reasons, on a proposal from the President of the Senate, according to the seriousness of the breach, after hearing the senator concerned or a fellow senator acting on his or her behalf. Sanctions are published.

50. GRECO welcomes the measures taken by both Houses, which meet the objectives of the recommendation. Where the Senate is concerned, however, it observes that there is no sanction for a breach of ethical principles unless it is "serious". This omission could be usefully remedied, providing the opportunity to supplement the existing sanctions of censure with sanctions of a more symbolic nature entailing no financial consequences.

51. GRECO concludes that recommendation vi has been satisfactorily implemented.

Corruption prevention in respect of judges

Recommendation vii.

52. *GRECO recommended that a reform be carried out in respect of commercial courts and industrial tribunals with a view to strengthening the independence, impartiality and integrity of lay judges.*

53. Regarding commercial courts, the French authorities explain that a draft law no. 661 "implementing the measures on a justice system for the 21st century" was laid before the Senate by the Government under the fast-track procedure on 31 July 2015. It was adopted by the Senate at first reading on 5 November 2015 and forwarded on 6 November 2015 to the National Assembly, where it is currently at the committee stage. This draft law includes an Article 47 containing a series of measures concerning the training, professional ethics and disciplinary regime of commercial court judges. The provisions include a requirement for commercial court judges to undergo initial and further training. As regards professional ethics, the judges of these courts would be subject to the same rules as professional judges. Provision is made for a series of incompatibilities, covering professions connected with the judiciary (lawyer, bailiff, court registrar etc.) and political mandates. Conflict of interest situations are identified and specific arrangements are established for preventing and dealing with them, including the submission of a declaration of interests to the President of the commercial court at an ethics interview held within one month of the judge taking up his or her duties. This declaration is forwarded to the state prosecutor and the heads of the court of appeal in the judicial district in which the court is located and is updated at the declarant's initiative. The disciplinary sanctions to which commercial court judges are liable will be increased in number and supplemented by a national database of disciplinary sanctions kept by the Minister of Justice, placing restrictions on commercial court judges in terms of eligibility and the exercise of their functions. In addition to disciplinary aspects, appeal court presidents will have a watchdog and pre-disciplinary function, with the power to issue warnings, refer matters to the national disciplinary board or propose the suspension of a commercial court judge. Lastly, the protection afforded to commercial court judges in their official capacity will be comparable to that enjoyed by professional judges.

54. In addition to this draft law, the procedure for transferring cases from one court to another in the event of bias on the part of commercial court judges was extended by Order No. 2014-326 of 12 March 2014 reforming the prevention of business difficulties and collective procedures and by its implementing decree, no. 2014-736. In terms of legislation, Article L 662-2 of the Commercial Code was amended to allow cases to be transferred, where justified by the interests at stake, between courts of different kinds (previously, this was only possible between courts of the same category). In terms of regulations, the reform broadened the possibility of requesting the transfer of a case. Whereas, previously, a transfer could only be requested by the prosecution service or decided on his own initiative by the President of the court hearing the case, this procedure can now also be requested by the debtor or the creditor bringing proceedings (Article R. 662-7 of the Commercial Code).

55. As regards industrial tribunals, the French authorities report that a large-scale reform has been undertaken following the adoption of Law No. 2015.990 of 6 August 2015 to promote growth, activity and equality of economic opportunities, known as the "Macron Law[4]". This reform, contained in Article 258 of the law, covers several aspects: professional ethics, disciplinary rules and training.

[4] JORF no. 0181 of 7 August 2015, p.13537

56. Regarding professional ethics, the members of industrial tribunals are henceforth subject to the same rules[5] as professional judges. In the matter of the prevention of disciplinary breaches, the law provides that "in addition to any disciplinary action, appeal court presidents may issue a reminder of their obligations to members of industrial tribunals located in their judicial district" (Article L. 1442-13-1 of the Labour Code). The disciplinary regime has been strengthened and disciplinary power, formerly the preserve of the Minister of Justice, is vested in a national disciplinary board which is chaired by a division president at the Court of Cassation appointed by the President of the Court of Cassation and consists of:

- A member of the Conseil d'Etat appointed by the Vice-President of the Conseil d'Etat;
- Two appeal court judges (one male, one female) appointed by the President of the Court of Cassation from a list drawn up by the appeal court presidents;
- Two employee representatives (one male, one female) who are current or former members of an industrial tribunal, appointed by the employee representatives on the *Conseil supérieur de la prud'homie* (industrial tribunals board) from among its members;
- Two employer representatives (one male, one female) who are current or former members of an industrial tribunal, appointed by the employer representatives on the *Conseil supérieur de la prud'homie* from among its members. (Article L 1442-13-2 of the Labour Code, to whose implementation the previously cited Article L 1442-11 refers).

57. A case may be referred to the national disciplinary board by the Minister of Justice or the President of the court of appeal in whose district the industrial tribunal member sits, following a hearing of the latter. The board requires a quorum of at least four of its members in order to deliberate and takes reasoned decisions by a majority of its members, the chair having the casting vote in case of a tie. The disciplinary sanctions applicable to members of industrial tribunals are:

- Reprimand;
- Suspension for a period of not more than six months, renewable once;
- Disqualification from serving as a member of an industrial tribunal for up to ten years;
- Permanent disqualification from serving as a member of an industrial tribunal (Article L. 1442-14)

58. Lastly, provision is made for initial and further training for members of industrial tribunals, initial training being obligatory. Employers are required to grant their employees who are members of an industrial tribunal leave of absence, which may be taken in instalments, of up to five days per term of office for initial training and six weeks per term of office for further training (Article L.1442-2). These new legislative measures will be amplified by implementing regulations.

59. GRECO welcomes the reform of industrial tribunals introduced by the "Macron Law". The three strands of this reform – professional ethics, disciplinary rules and training – are in line with the recommendation. Regarding professional ethics, however, GRECO observes that little specific attention is given to the problem of conflicts of interests, to which attention was drawn in the Evaluation Report (paragraph 79).

[5] "The members of industrial tribunals shall exercise their functions with complete independence, impartiality, dignity and integrity and conduct themselves in such a way as to rule out any legitimate doubt in this regard. They shall, in particular, refrain from any public act or conduct inconsistent with their functions. They are required to observe the secrecy of deliberations. They are prohibited from taking any concerted action to halt or impede the functioning of the courts where the adjournment of a case would be likely to entail irremediable or manifestly excessive consequences for a party's rights" (Article L. 1421-2 of the Labour Code).

Neither does the reform remedy the fact that each group of lay judges defends in the first instance the sectional interests of its electorate. Only a change in the method of appointment and/or the composition of industrial tribunals would seem likely to resolve this problem. Lastly, except as regards Article L. 1421-2 of the Labour Code on the professional ethics of industrial court members which is immediately applicable, the Macron Law still has to be supplemented by enabling decrees, which are decisive for the implementation of its provisions. GRECO calls on the French authorities to show due diligence in this matter.

60. Regarding commercial courts, Article 47 of draft law no. 661 seems to meet to some extent the objectives of the recommendation in that it provides for compulsory training for commercial court judges, makes them subject to the same ethical obligations as professional judges and strengthens the provisions relating to conflicts of interest and the disciplinary regime. GRECO notes, however, that some of the provisions described above were deleted when the draft text was examined by the Senate (in particular the incompatibility of the function of commercial court judge with a mandate of municipal councillor and the national database of disciplinary sanctions). The content of the law as adopted will need to be examined in a future compliance report. As for the measures relating to the transfer of cases in the event of bias, they too are in line with the recommendation.

61. GRECO concludes that recommendation vii has been partly implemented.

Recommendation viii.

62. *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.*

63. The French authorities indicate that the matter is under consideration. One possibility that might be envisaged is to amend the statutory order to make the award of honorary decorations and distinctions subject to the approval, based on certain criteria, of the Judicial Service Commission, which would go further than the previous requirement simply for an opinion (Article 12 of Order No. 58-1271 of 22 December 1958 enacting the law on the Judicial Service Commission, repealed by law no. 94-100 of 5 February 1994).

64. GRECO takes note of the information provided and, given that consideration of this matter is in the early stages, concludes that recommendation viii has not been implemented.

Recommendation ix.

65. *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.*

66. The French authorities emphasise that such a concentration is inconceivable as the Judicial Service Commission (CSM) currently operates. An in-depth reform would be needed to enable it to take on these new responsibilities. However, proximity is the favoured approach. This accounts for the fact that the possibility of referring matters to the CSM, which was previously restricted to the Minister of Justice, was extended to appeal court presidents (by organic law no. 2001-539 of 25 June 2001), then to litigants themselves (by the constitutional reform of 2008). This also accounts for the fact that court presidents and hierarchical superiors are vested with the power to conduct administrative investigations and also to issue warnings to the judges concerned. Moreover, in its last annual activity report, the CSM noted

the usefulness of this system of warnings in terms of ensuring a graduated approach in dealing with judges faced with ethical issues. In line with this proximity approach, there are plans to expand the role of court presidents in preventing conflicts of interests, in particular by providing for an ethics interview with newly appointed judges. This is what emerges from draft organic law no. 660, registered at the Senate on 31 July 2015, on the independence and impartiality of judges and the openness of the judiciary to society at large.

67. GRECO notes that no measures have been taken to implement the recommendation and that the concerns mentioned in the Evaluation Report (paragraph 126) still remain. The Minister of Justice retains the power of referral to the CSM, which, for its part, has no real investigative resources.

68. GRECO concludes that recommendation ix has not been implemented.

Corruption prevention in respect of prosecutors

Recommendation x.

69. *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).*

70. The French authorities report no new developments where the first part of the recommendation is concerned. As noted in the Evaluation Report (paragraphs 145 and 148), on 14 March 2013 the French government tabled a draft constitutional law reforming the CSM (no. 815) aimed, inter alia, at making the appointment of prosecutors subject to a favourable opinion from the CSM. There is a political consensus on this point, with both Houses having adopted this measure at first reading (along with the provision making prosecutors subject to the disciplinary authority of the CSM). However, this draft law, which contains other, less consensual points, has not yet been passed. Where the second part of the recommendation is concerned, the authorities refer to the information provided in paragraph 64 of this report.

71. GRECO takes note of the information provided and concludes that recommendation x has not been implemented.

Recommendation xi.

72. *GRECO recommended i) that the capacity of the Minister of Justice to ask or obtain information in a particular case be regulated precisely as to its purposes; ii) that a clear limit be set on "national security confidentiality", accompanied by a procedure enabling undue impediments to be avoided to inquiries relating to cases of national or international corruption.*

73. The French authorities state, where the first part of the recommendation is concerned, that measures regulating the upward reporting of information are contained in the circular of the Minister of Justice of 31 January 2014 presenting and implementing law no. 2013-669 (circular no. CRIM/2014-2/E1-31.01.2014), which, among other things, put an end to the practice whereby the Minister of Justice was able to issue individual instructions in specific cases. This circular specifies the purposes for which information may be transmitted from the prosecution service to the Ministry of Justice, as well as the reporting criteria and

the practical procedures to be employed. It specifies in particular that the abolition of individual instructions should be the opportunity for a significant reduction in the number of cases reported. Upward reporting must meet clearly identified needs and serve the following purposes: factual information relevant to the conduct, updating or assessment of criminal policy, information concerning the allocation of the necessary resources for that policy; cases raising a societal or public order issue, having a media impact at national level or bringing to light a legal problem or a difficulty relating to the application of criminal law; information concerning international mutual assistance in judicial matters; and cases which might call into question the judicial system. An appendix to the circular specifies the criteria for reporting individual cases and the practical arrangements for transmitting information.

74. As regards the second part of the recommendation, the French authorities emphasise that decision no. 2011-192 QPC of the Constitutional Council, of 10 November 2011, referred to in the Evaluation Report (paragraph 162), censured only one aspect of the "national security confidentiality" system, namely places classified under the national security provisions. All the other aspects, i.e. classified information – including the procedure for declassifying and communicating such information and access to it when searches are conducted, whether in places already identified as containing information covered by national security confidentiality or in places found to contain such information – were declared constitutional in view of the balanced way in which the law reconciles the protection of national security confidentiality and the requirements of judicial investigations.

75. The French authorities refer to the composition of the Advisory Committee on National Security Confidentiality (three members of the judiciary, one member of the National Assembly and one member of the Senate) and the fact that it is required to decide on all requests for declassification within two month, and stress that the Council of Europe's Civil and Criminal Law Conventions on Corruption, including the Additional Protocol to the Criminal Law Convention, are among the factors taken into account by the committee in assessing the desirability of declassifying a document. As GRECO pointed out in its Evaluation Report (paragraph 162), the opinions given by the Advisory Committee on National Security Confidentiality are nearly always in favour of complete or partial declassification, and very rarely unfavourable. An update of the statistics supplied to GRECO at the time of the Evaluation Report confirms this trend:

- in 2013, of the 26 opinions given, 23 were favourable (13 completely and 10 partially) and only 3 were unfavourable; as regards specifically opinions given in connection with economic and financial crimes, such as corruption, all were favourable (3 completely and 3 partially);
- in 2014, of the 11 opinions given, 9 were favourable (6 completely and 3 partially) and only 2 were unfavourable; in the field of economic and financial crime, of the 4 opinions given, 3 were favourable (1 completely and 2 partially) and only one was unfavourable.

76. It should be noted that opinions in favour of partial declassification are sometimes justified by a concern not to disclose the content of information protected by the law (such as the identity of a source), but above all by the finding that some of the documents requested are unrelated to the purpose of the investigation and, therefore, irrelevant. This applies, for example, to administrative reports (periodical or final mission report, summary of events over a given period, intelligence memo etc.), only part of which falls within the scope of the judge's investigation and which may therefore be partially declassified, the other information being irrelevant.

77. The opinions issued by the committee are nearly always followed by the administrative authority concerned. This is what emerges, once again, from the figures for opinions given in 2013 and 2014:

- in 2013, of 26 opinions given, 25 were followed (13 completely favourable, 9 partially favourable and 3 unfavourable) and one partially favourable opinion was partially followed; in the field of economic and financial crime, all opinions were followed (7 completely favourable and 3 partially favourable);
- in 2014, of 11 opinions given, 10 were followed (5 completely favourable, 3 partially favourable and 2 unfavourable) and one completely favourable opinion was only partly followed; in the field of economic and financial crime, all opinions were followed (1 completely favourable, 2 partially favourable and 1 unfavourable).

78. It may be seen from the above that, as determined by the Constitutional Council, the procedure for declassifying and communicating classified information is such as to reconcile, in an effective and balanced way, the protection of national security confidentiality and the requirements of investigations, in that:

- First of all, procedural time frames are reduced, which means that proceedings are not held up;
- Secondly, and most importantly, an independent administrative authority is systematically involved in the procedure; its composition, the powers vested in it and the fact that its opinions are acted on testify to the significant authority it enjoys vis-à-vis the administration concerned, which can only help to overcome any obstacles.

79. Lastly, as regards access to classified information during searches, the French authorities draw GRECO's attention to the fact that, since the adoption of the Prime Minister's order of 2 May 2013, judges have had direct access to the list of classified places (identified as containing information covered by national security confidentiality), which is drawn up by the Prime Minister, regularly updated and communicated to the committee and the Minister of Justice. This direct access on the premises of the Ministry of Justice complements the already existing possibility of indirect access by telephone, which is often used.

80. Where the first part of the recommendation is concerned, GRECO welcomes the information provided regarding the purposes of upward reporting of information on individual cases, detailed in the circular of 31 January 2014, and the target of reducing the number of cases reported. This circular regulates the provision of information to the Minister of Justice by prosecutors acting on their own initiative. GRECO, notes, however, that the circular does not explicitly cover requests for information from the Minister of Justice, especially as the appendix stipulates that "prosecuting authorities shall respond with due diligence, in accordance with the provisions of Article 35 [of the Code of Criminal Procedure], to individual requests for information from the Minister of Justice". These individual requests do not appear to be restricted or regulated as to their purpose. It notes that, according to the French authorities, the logic of this circular is to regulate the mechanism of individual information in both ways and to apply also to ad hoc requests by the Minister of Justice. Therefore, it calls upon the French authorities to specify this interpretation explicitly, in order to complement the mechanism.

81. Regarding the second part of the recommendation, GRECO notes that no measures have been taken to give effect to the recommendation. The information and clarifications provided do not warrant any fundamental change in its analysis as set out in the Evaluation Report. Even if the opinions of the Advisory Committee on

National Security Confidentiality are followed – completely or partially – in the great majority of cases, it is still for the executive to decide whether or not to follow an opinion, without any possibility of an appeal to challenge the Minister's decision. In the event of an opinion of the committee being partly followed (see paragraph 73), it is not possible to challenge the Minister's view that the non-declassified information is irrelevant to the judge's investigation. Lastly, as regards the list of places identified as containing information covered by national security confidentiality, while it is true that it can be consulted by the investigating judges themselves, this consultation takes place at the Ministry of Justice, which, as mentioned in the Evaluation Report, may result in additional delays and difficulties for the investigation. This arrangement, which derives from a circular predating the adoption of the Evaluation Report, is not new and neither is the possibility to obtain this information by telephone.

82. GRECO concludes that recommendation xi has been partly implemented.

III. CONCLUSIONS

83. **In the light of the foregoing, GRECO concludes that France has satisfactorily implemented only two of the eleven recommendations contained in the Fourth Round Evaluation Report.** Of the other recommendations, five have been partly implemented and four have not been implemented.

84. More specifically, recommendations ii and vi have been satisfactorily implemented, recommendations i, iii, iv, vii and xi have been partly implemented and recommendations v, viii, ix and x have not been implemented.

85. Where members of parliament are concerned, GRECO welcomes the fact that most of the recommendations have been addressed by the National Assembly and the Senate. Progress has been, or is being, made, especially as regards the status of parliamentary assistants, the operational expenses allowance, the adoption of ethical principles applying directly to senators, greater awareness, and better management, of conflicts of interests, and the disciplinary measures incurred by parliamentarians who fail to comply with the rules on integrity. Further progress is expected regarding transparency and scrutiny of the use of the parliamentary reserve facility and the declaration of gifts and benefits, particularly in the National Assembly. Lastly, GRECO calls on both Houses to facilitate public access to the assets declarations of members of the National Assembly and the Senate. No new measures have been taken for this purpose.

86. As regards judges and prosecutors, GRECO welcomes the provisions of the "Macron Law" strengthening the professional ethics, disciplinary regime and training of members of industrial tribunals and hopes that the corresponding implementing decrees will soon be adopted. A reform pursuing the same aims for commercial court judges is under way. Another positive measure is better regulation of the reporting of individual cases by the prosecuting authorities to the Minister of Justice. This still needs to be supplemented by indicating specifically that this regulation also covers requests for information concerning such cases from the Minister of Justice. On the other hand, GRECO regrets that several of its recommendations have not been put into effect, in particular those concerning the concentration of disciplinary powers in respect of judges and prosecutors in the hands of the Judicial Service Commission, a method of appointing prosecutors similar to that used for judges, and the criteria for awarding honorary decorations and distinctions. It calls on the French authorities to show greater diligence in these matters.

87. In the light of the foregoing, GRECO notes that, in the present absence of concrete final results, significant progress in respect of members of parliament and continuation of the measures taken in respect of judges and prosecutors are necessary in order to demonstrate that an acceptable level of compliance with the recommendations can be achieved within the next 18 months. Given the fact that several positive measures have already been taken and the perceived intention of the French authorities to continue their efforts, GRECO concludes that the current low level of compliance with recommendations is not "globally unsatisfactory" within the meaning of Rule 31, paragraph 8.3, of its Rules of Procedure. GRECO calls on the head of the French delegation to submit further information on the implementation of recommendations i, iii to v and vii to xi by 30 September 2017.

88. GRECO calls on the French authorities to authorise publication of this report as soon as possible and to make it public.