



TRANSPARENCY IN ACTION : **Asset & interest disclosure, two sides** **of a same coin**

INTERESTS AND ASSET DISCLOSURES BY PUBLIC OFFICIALS: WHAT WORKS AND WHAT DOES NOT?
– VIENNA, 8 NOVEMBER 2017



THE HIGH AUTHORITY

AN INSTITUTION FOR PUBLIC INTEGRITY

PROBITY

- Financial disclosures
- Interests disclosures
- Ethics opinion

POST-PUBLIC EMPLOYMENT

- Prevention of incriminations
- Compatibility / compatibility with reserves / Incompatibility

ETHICS

- Auditing & counselling
- Schemes of prevention of conflicts of interests

LOBBYING

- Online public lobbying register
- Control and counsel



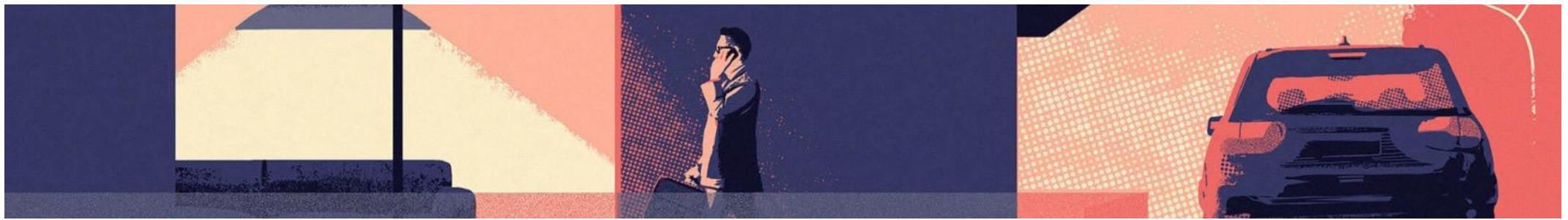
VETTING CABINET MEMBERS

Preliminary check for future members of Government

Tax returns

Interest disclosure





AN INDEPENDENT BODY

COLLEGE

9 Members

President
Council of State
Court of cassation
Court of Auditors
Competent nominated
persons

Decision board,
weekly meetings

SERVICES

60 agents

Civil servants (Finances,
Justice, Council of State,
etc.)
Contract agents recruited
from the private sector

Preparation and
instruction of files

RAPPORTEURS

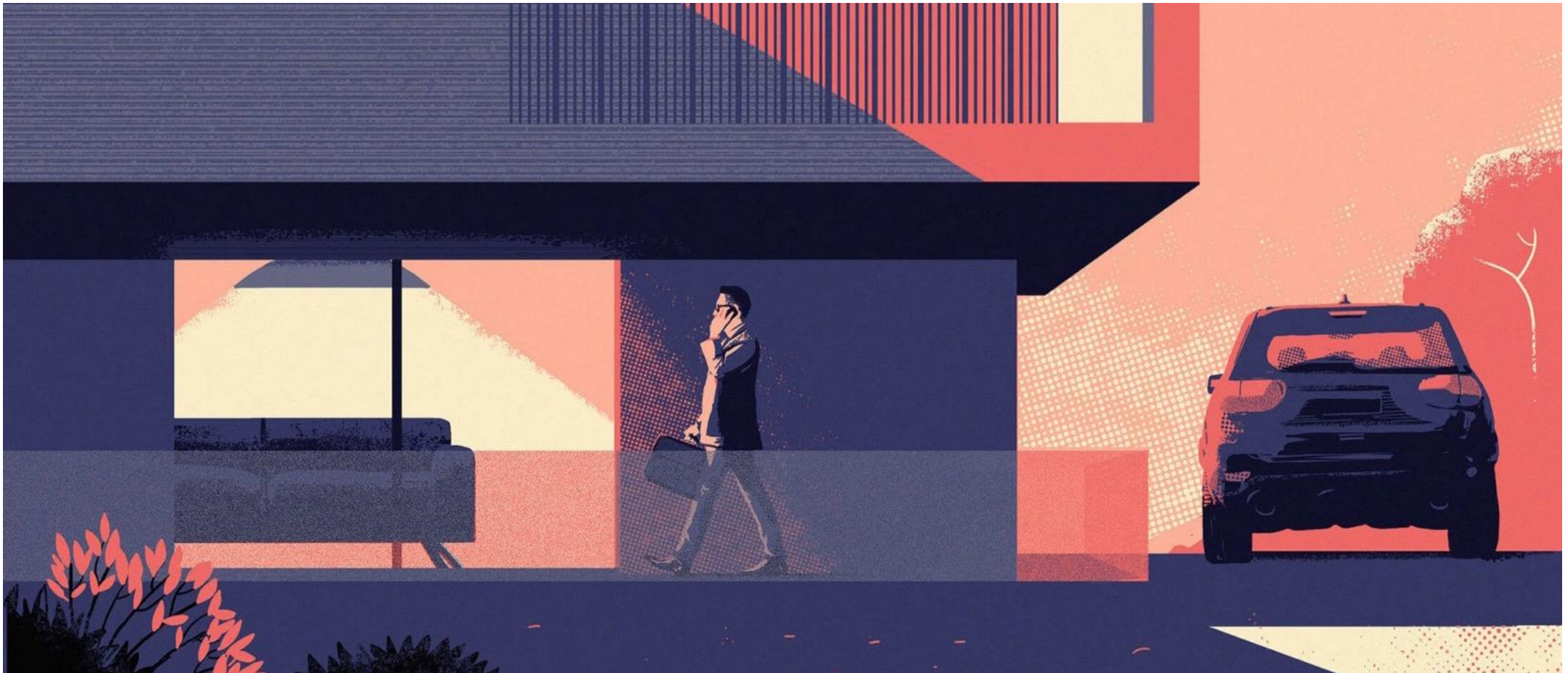
24 magistrates

Council of State
Court of cassation
Court of Auditors

Independent and non
permanent account
and legal experts

01

GETTING A CLEARER PICTURE OF PUBLIC OFFICIALS





A TARGETED BUT EXPANDING SCOPE

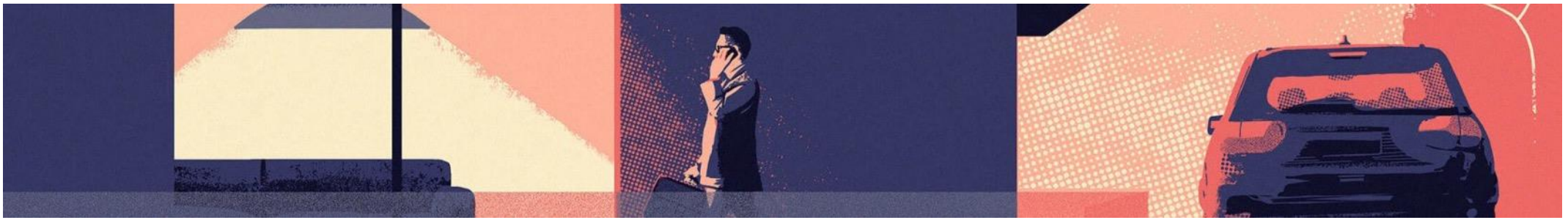
15 800 HIGH-RANKING FRENCH PUBLIC OFFICIALS

Elected officials

Members of the Government
Members of the Parliament
French members of the European Parliament
Top Local elected public officials

Non-elected public officials

Cabinet advisors
Members of independent administrative authorities
Public officials nominated in Council of Ministers
High-ranking civil servants
Heads of public enterprises
Members of the Supreme Council of the Judiciary



TWO INSTRUMENTS, ONE DISCLOSURE SYSTEM

Assets

The **image** of what the declarant owns, including abroad:

- Real estate assets,
- Financial investments,
- Bank accounts, etc.

- Income
- Loans and debt

Interests and activities

All **information** related to:

Pecuniary interests of the declarant and his/her spouse:

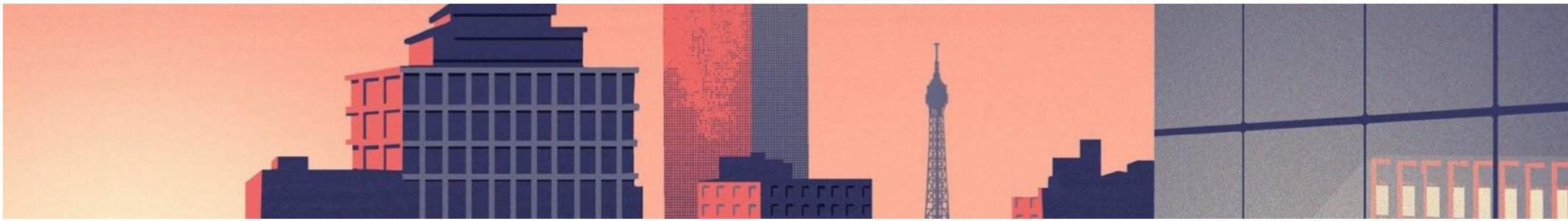
- Professional activity,
- Secondary activities,
- Actions, etc.

Non-pecuniary interests:

- Memberships or unremunerated positions,
- Charities and volunteering, etc.

02 DISCLOSING INTERESTS AND ASSETS





INTEREST DISCLOSURE IMPACT

HAUTE AUTORITÉ
POUR LA TRANSPARENCE
DE LA VIE PUBLIQUE

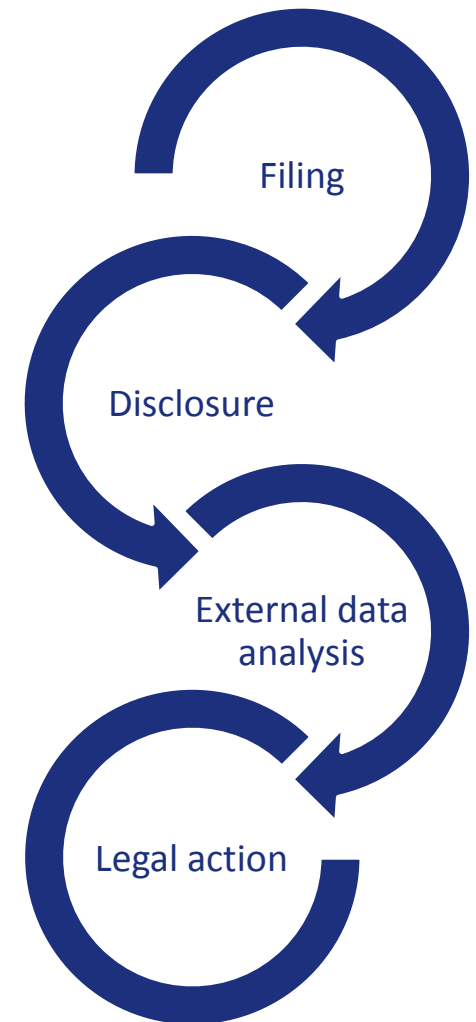
LA HAUTE AUTORITÉ LES DÉCLARATIONS LE RÉPERTOIRE | ESPACE DÉCLARANT

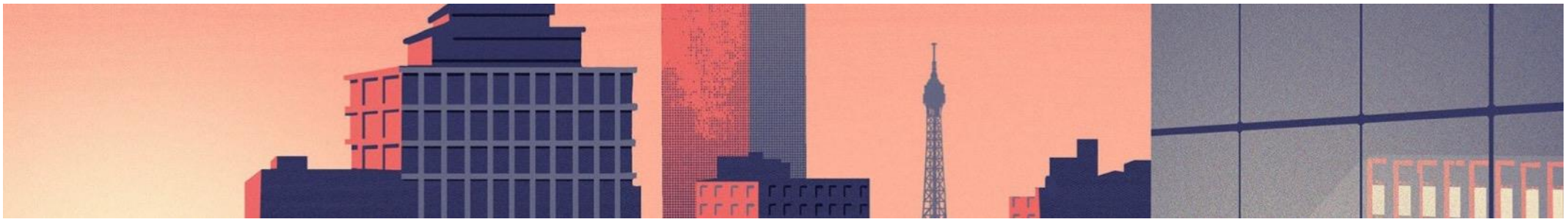
Les déclarations

Consulter les déclarations des responsables publics

RECHERCHER COMPRENDRE OPEN DATA

RECHERCHE GÉNÉRALE





INTEREST AND ACTIVITIES DECLARATION - MEMBERS OF THE PARLIAMENT

577 MEMBERS OF THE NATIONAL ASSEMBLY

Among them, 351 declared for the first time

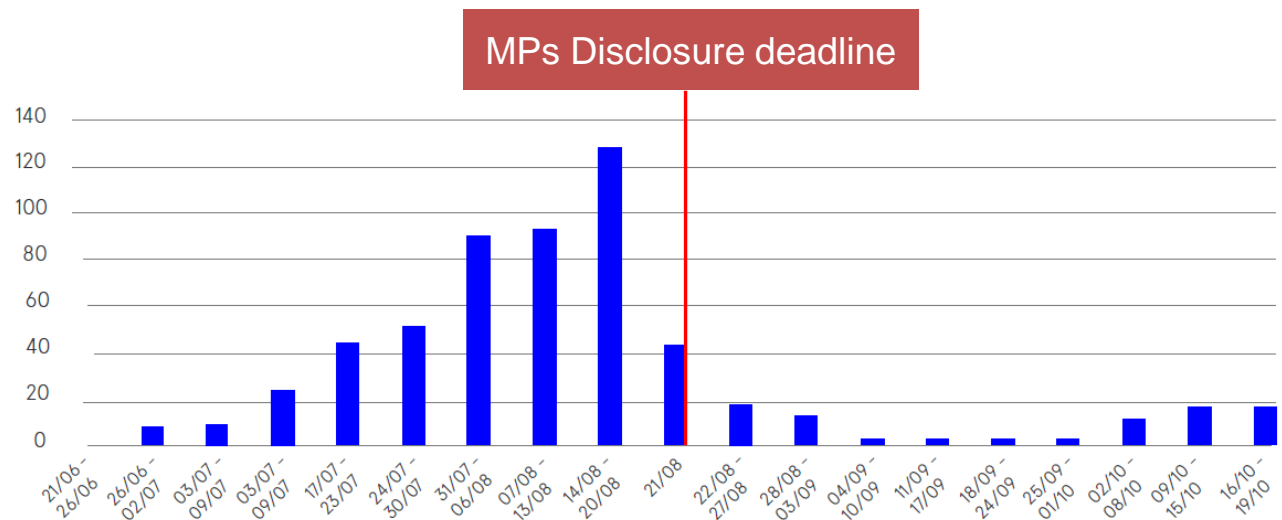
COMPLIANCE WITH LEGAL DELAYS

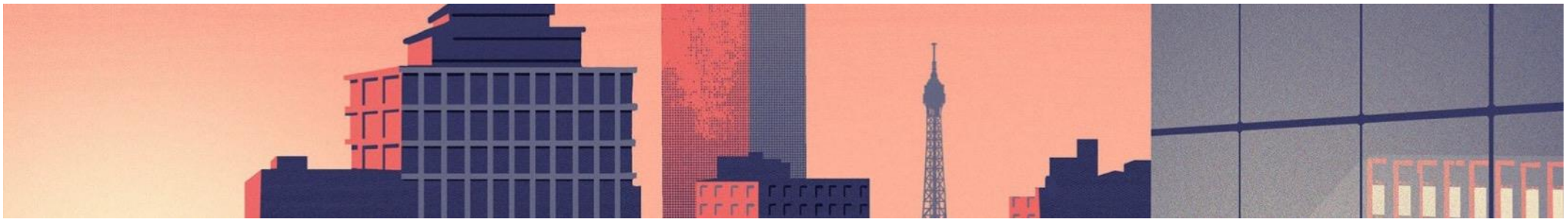
Out of the 571 initial declarations

- 487 in compliance with the delays
- 84 after the deadline
- 6 missing declarations on 19 October

587 DECLARATIONS PUBLISHED

- 571 initial interests and activities declarations
- 16 modificative declarations





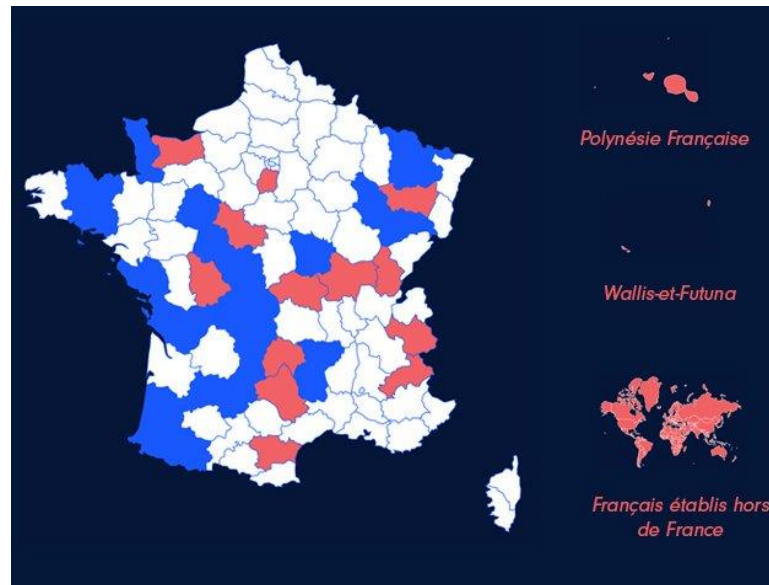
INCREMENTAL PUBLICATION OF ASSET DECLARATIONS FOR INCOMING MEMBERS OF THE PARLIAMENT

ACCESS LIMITED

- Specific disclosure for MPs
- Local Government offices

PUBLICATION WAVES

- After in-depth control of all declarations of the constituency
- 42 départements concernés

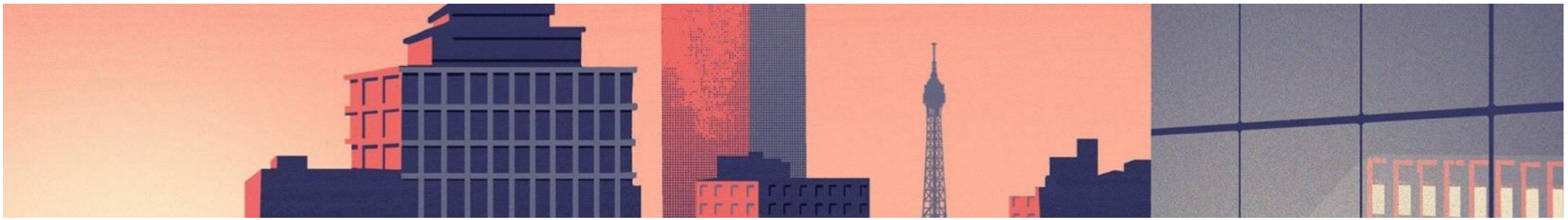


03 - Allier	71 - Saône-et-Loire
05 - Haute Alpes	73 - Savoie
11 - Aude	86 - Vienne
12 - Aveyron	88 - Vosges
14 - Calvados	91 - Essonne
15 - Cantal	99 - Français établis hors de France
39 - Jura	986 - Wallis-et-Futuna
41 - Loir-et-Cher	987 - Polynésie Française

www.hatvp.fr |  | 



Departments where MPs assets declarations can be accessed (27 Oct. 2017)



PUBLICATION DILEMMA

Declarations are published **after being controlled**, creating a tension between:

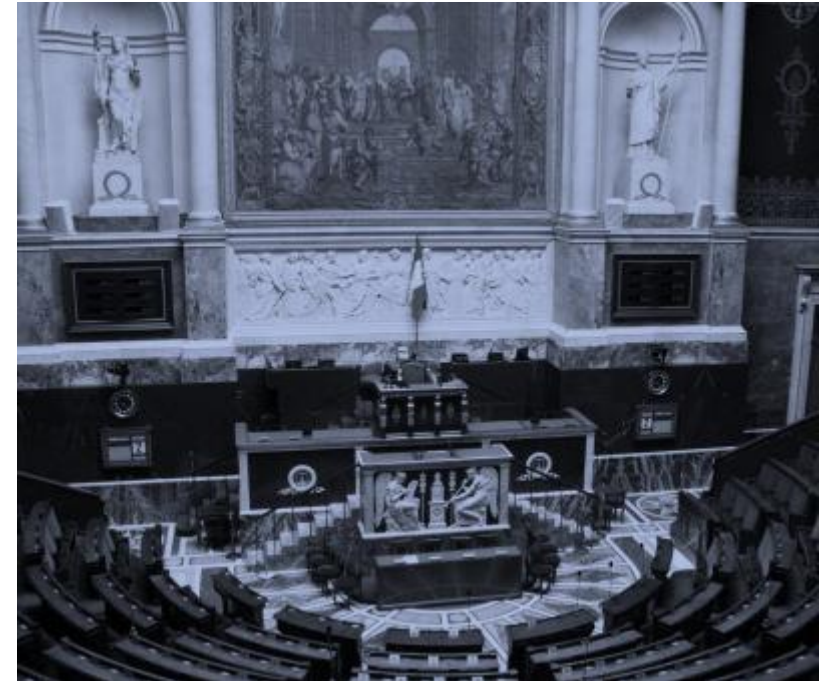
- Publication of **controlled and complete information** (e.g. with a public statement, updates, etc.) to better inform citizens;
- Delays between reception and publication of declarations.

PUBLICITY OF DECLARATIONS	
On www.hatvp.fr	In local government offices
_Asset declarations Members of the Government	_Asset declarations Members of the National assembly
_Interest declarations Members of the Government French MEPs Local elected public officials	
_Interest & activities declarations Members of the National assembly	

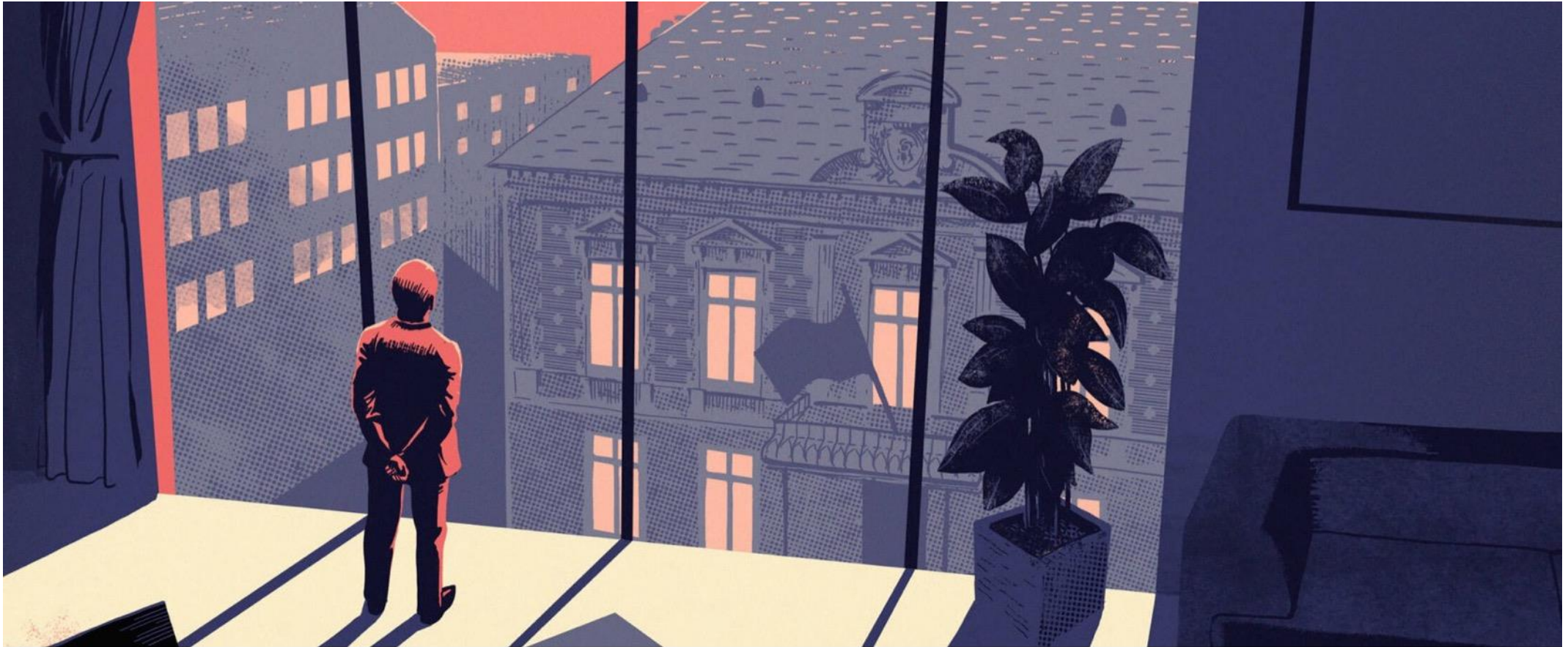


OPENNESS

- Declarations of candidates to the presidential elections (March 2017)
 - **250 000 pages viewed** in 48 hours
- Declarations of interests and activities of incoming deputies (October 2017):
 - **200 000 pages viewed** in 48 hours
- Publicity of declarations: importance of the data format
 - **Open data**

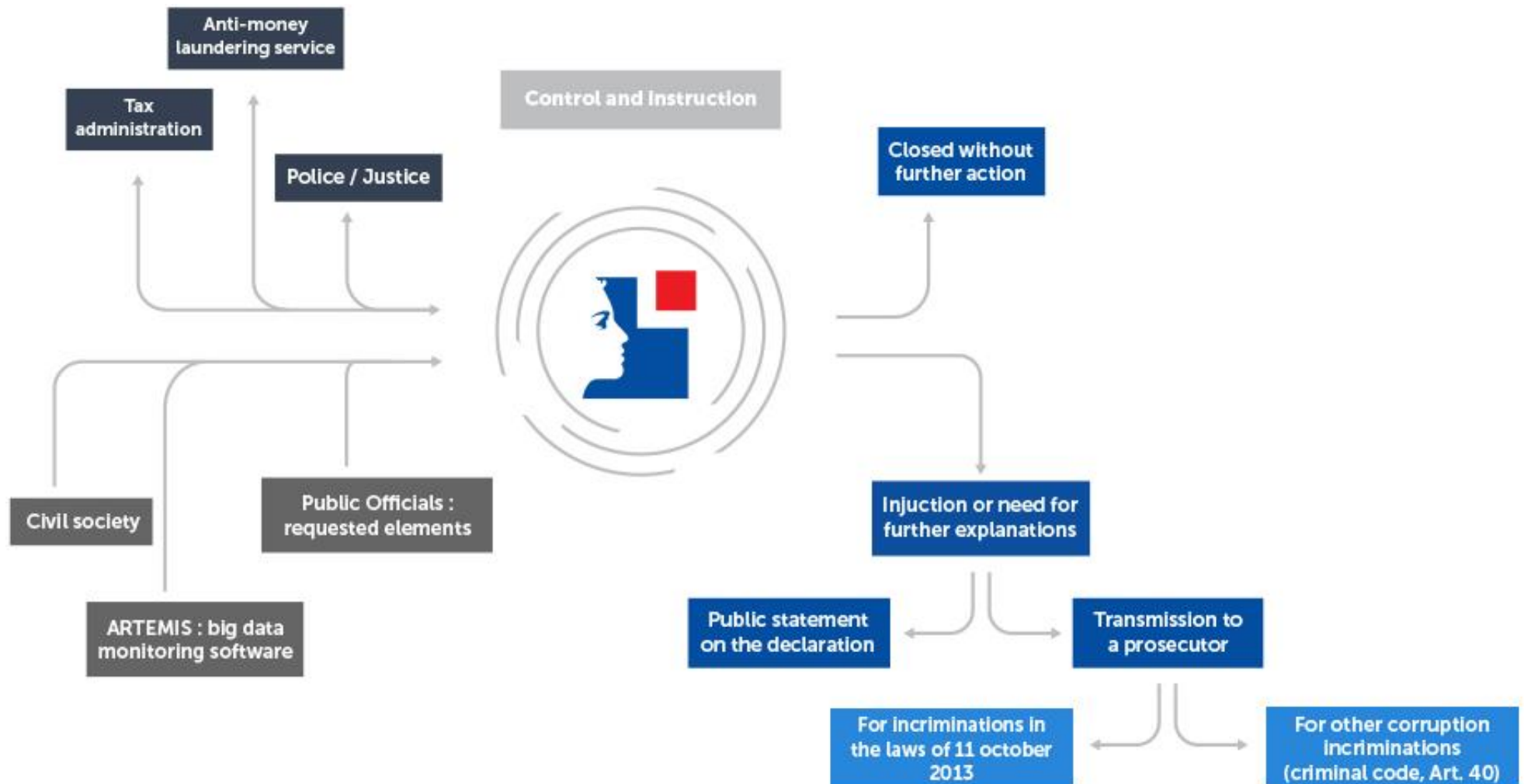


03 TWO COMPLEMENTARY COMPONENTS OF A THOROUGH CONTROL



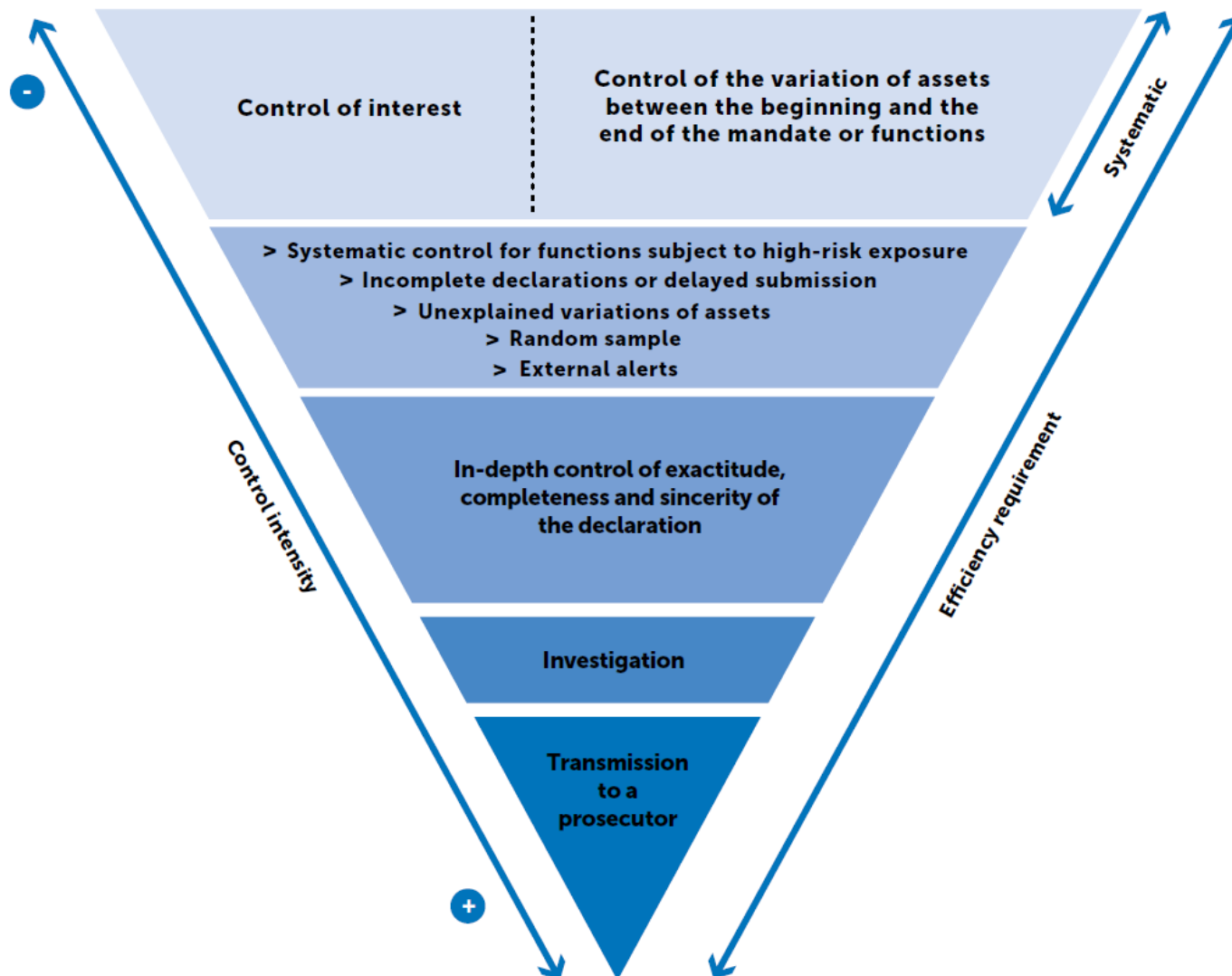


DATA COLLECTION – INSTRUMENTS AND PARTNERSHIPS





A DATA-DRIVEN CONTROL STRATEGY

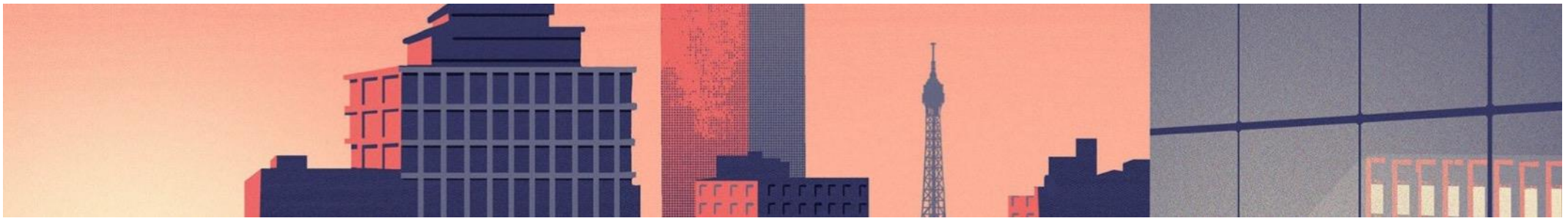


OBJECTIVES

- Control the consistency and completeness;
- Investigate potential omissions or unexplained variations during office

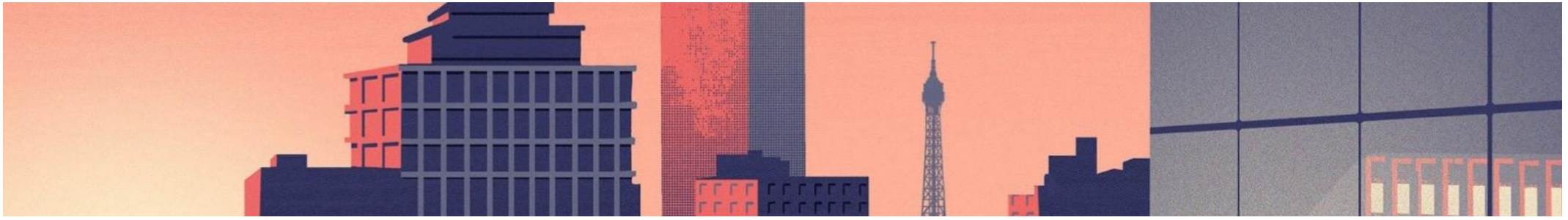
05 CLEAR ENFORCED SANCTIONS





INFRACTIONS AND SANCTIONS

INCRIMINATION	SANCTION
Non-submission of a declaration	3-year imprisonment, 45 000 € fine and loss of civic rights
Non-submission of an end-of-mandate declaration for a member of the Parliament	15 000 € fine
Substantial omission or false declaration	3-year imprisonment, 45 000 € fine and loss of civic rights
Non-compliance with an injunction	1-year imprisonment, 15 000 € fine
Non-communication of requested information or elements	1-year imprisonment, 15 000 € fine



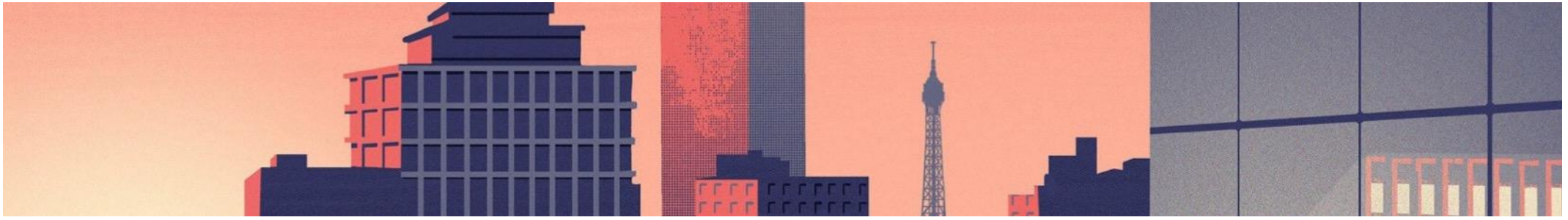
FIRST RESULTS

REFERRALS TO PROSECUTORS

- 25 cases referred ;
- Systematic judicial investigations and proceedings.

SANCTIONS – FIRST EXAMPLES

- April 2016: six-month suspended sentence and 60 000€ fine for a **senator** ;
- September 2016: a 1-year ineligibility and 2-month suspended sentence and a 5 000€ fine for a **former Minister** ;
- November 2016: 45 000€ fine for a **member of the National assembly** ;
- October 2017: four-month suspended sentence and a 30 000€ fine for a former **Member of the National Assembly**.



OTHER REFERRALS

CORRUPTION INCRIMINATIONS

- About 20 additional referrals on suspicions of :
 - Illegal taking of interest
 - Nepotism
 - Embezzlement
 - Corruption



WWW.HATVP.FR

INTERESTS AND ASSET DISCLOSURES BY PUBLIC OFFICIALS: WHAT WORKS AND WHAT DOES NOT?
– VIENNA, 8 NOVEMBER 2017