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# FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in  
central governments (top executive functions) and  
law enforcement agencies

## SECOND COMPLIANCE REPORT

# FRANCE



Adopted by GRECO  
at its 96<sup>th</sup> plenary meeting (Strasbourg, 18-22 March 2024)



Group of States against Corruption  
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## **I. INTRODUCTION**

1. The fifth GRECO evaluation round concerns “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”.
2. This Second Compliance Report assesses the measures taken by the French authorities to implement the recommendations made in the Fifth Round Evaluation Report on France which was adopted by GRECO at its 84th plenary meeting (6 December 2019) and made public on 9 January 2020, following authorisation by France. The corresponding Compliance Report was adopted at GRECO’s 89th Plenary Meeting (3 December 2021) and made public on 7 January 2022, following authorisation by France.
3. As required by GRECO’s Rules of Procedure,<sup>1</sup> the French authorities submitted a situation report containing information on measures taken to implement the recommendations. That report was received on 3 November 2023 and served, together with the information submitted subsequently, as a basis for this Second Compliance Report.
4. GRECO selected Belgium (in respect of top executive functions in central governments) and the Republic of Moldova (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed – Mr Carl PIRON for Belgium and Mr Alexandru CLADCO for the Republic of Moldova – were assisted by the GRECO Secretariat in drawing up this report.

## **II. ANALYSIS**

5. GRECO addressed 18 recommendations to France in its Evaluation Report. In the Compliance Report, GRECO concluded that recommendation xv had been satisfactorily implemented, recommendations i, ii, iii, iv, v, vii, xiii, xiv and xvii had been partly implemented and recommendations vi, viii, ix, x, xi, xii, xvi and xviii had not been implemented. Compliance with the outstanding recommendations is examined below.

*Preventing corruption and promoting integrity in central governments (top executive functions)*

### **Recommendation i**

6. *GRECO recommended that the requirement of prior integrity checks for all posts of adviser to the Government or the President of the Republic, carried out as part of the selection process and with the support of the High Authority for Transparency in Public Life, be provided for by law.*
7. GRECO recalls that this recommendation was deemed to be partly implemented in the Compliance Report. GRECO had welcomed the fact that appointments of members of

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<sup>1</sup> The compliance procedure for the Fifth Evaluation Round is governed by GRECO’s Rules of Procedure as amended. See Rule 31 revised bis and Rule 32 revised bis.

ministers' private offices and staff of the President of the Republic who had worked in the private sector within the previous three years had been made subject to prior vetting by the HATVP of the relevant candidates' integrity. While acknowledging that this concerned the most sensitive appointments, GRECO had nevertheless considered that some form of control should be undertaken before the appointment as adviser of all persons foreseen for such a post, as required by the recommendation.

8. The French authorities point out that the reason why the HATVP focuses its vetting on advisers from the private sector is precisely because the gainful professional activities in which they were previously engaged could potentially interfere with the performance of their duties and compromise the proper running, independence or neutrality of the public service. On the other hand, there is virtually no such risk when advisers come from the public sector, as they are already subject to ethical obligations which, if breached, may lead to disciplinary action.
9. The authorities report that, in 2022, the HATVP issued 230 opinions on proposed appointments of members of ministers' private offices and staff of the President of the Republic, an increase of 164% compared with 2021. These opinions concerned the staff of ministers' private offices and of the President of the Republic who had worked in the private sector within the three years prior to their appointment, i.e. more than a third of them. Furthermore, in 2022 it took an average of seven days to process opinions before appointment, one day less than in 2021 and eight days less than the statutory deadline of 15 days. Although the standard of referrals has been improved by numerous exchanges of information with ministers' private offices before they are made, thereby facilitating the vetting process, their sheer volume and very high concentration in a limited period of time – 200 of the 230 opinions were issued between May and August, when a new government was appointed – still required a very substantial effort from the staff involved.<sup>2</sup> Given the circumstances, prior vetting of all advisers to the Government or staff of the President of the Republic, whether from the private or public sector, would not be an efficient use of the HATVP's human and budgetary resources.
10. Lastly, the authorities point out that, once appointed, all ministerial advisers, whether from the private or public sector, are subject to extensive checks based on the declaration of interests that they must submit within two months of their appointment. The declaration is a means of detecting other risks of conflict of interest and may give grounds for additional mitigation measures, including in relation to the interests of the spouse.
11. GRECO notes with satisfaction that HATVP's prior vetting of the appointments of members of ministers' private offices and staff of the President of the Republic has been effective. However, the vetting of persons considered for such employment is only carried out when they have worked in the private sector within the previous three years. GRECO takes note of the arguments put forward by the authorities to the effect that integrity-related risks are lower for advisers from the public sector, as they are already subject to ethical obligations. As regards the declaration of interests to be submitted by each adviser, GRECO notes that this is only an ex post facto control once the person has

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<sup>2</sup> See HATVP [Activity Report 2022](#), 31 May 2023, p. 95.

been appointed and therefore does not meet the objective of the recommendation. GRECO refers to the Evaluation Report, which stressed the need for the HATVP to screen all candidates for posts of adviser to the Government or the President of the Republic from both the private and public sectors, given the increased mobility between sectors (paragraph 41). GRECO therefore cannot consider that the recommendation has been fully implemented.

12. GRECO concludes that recommendation i remains partly implemented.

#### **Recommendation ii**

13. *GRECO recommended that the multi-annual plan for the fight against corruption be extended to cover the Private Office of the President of the Republic.*
14. GRECO recalls that this recommendation was partly implemented in the previous report. GRECO had indicated that it was mindful of the efforts being made to strengthen internal control within the offices of the Presidency, on the one hand, and through the diagnostic assessment carried out by the French Anti-Corruption Agency (AFA) in order to identify measures and good practice in preventing breaches of integrity, on the other. However, GRECO had noted that this did not amount to a global approach as required by the recommendation and highlighted the importance of strategic documents, such as action plans, not only in terms of structuring prevention activity (by setting precise targets to be achieved in set timeframes and initiating follow-up) but also in terms of sending out a clear signal to the public.
15. The French authorities report that, as part of a cross-cutting approach, the AFA held an interministerial working meeting with the Directorate of Administrative and Financial Services (Prime Minister's Office - SPM/DSAF), the Secretariat General of the Government (SGG), the Directorate General of Administration and Public Service (DGAFP) and the Ministry for Europe and Foreign Affairs (MEAE) in May 2023 to discuss the possibility of incorporating the recommendation into the drafting of the new multi-annual national anti-corruption strategy. The authorities have also indicated that a working meeting with the HATVP on this issue would be held soon and that a public consultation on the multi-annual strategy has been published on the AFA's website.<sup>3</sup> The five-axis structure of the future strategy, including one devoted to "reinforcing the control of the risks of breaches of probity in the public sphere" and including several measures aimed at PTEFs, has already been validated.
16. GRECO notes that the preparation of the next national anti-corruption plan (2024-2027) is under way and a public consultation has taken place. It welcomes the ongoing discussions on the possibility of including the Private Office of the President of the Republic in the plan. However, these discussions are still in progress and the next multi-annual anti-corruption plan has not yet been adopted. In the meantime, GRECO is not yet in a position to consider that the recommendation has been fully implemented.
17. GRECO concludes that recommendation ii remains partly implemented.

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<sup>3</sup> <https://www.agence-francaise-anticorruption.gouv.fr/fr/preparation-plan-national-lutte-contre-corruption-2024-2027-consultation-publique> (the consultation ended on 19 November 2023).

### **Recommendation iii**

18. *GRECO recommended that the French Anti-Corruption Agency and the High Authority for Transparency in Public Life strengthen their co-operation in their work pertaining to persons holding top executive functions.*
19. GRECO recalls that this recommendation was partly implemented in the Compliance Report. GRECO had noted with satisfaction the co-operation agreement signed by the AFA and the HATVP, which heralded closer co-operation between the two institutions. However, no co-ordination efforts had been made in relation to the goal of the recommendation, i.e. strengthening co-operation between the two institutions specifically in relation to PTEFs.
20. The French authorities report that, as part of the work under way to draft the national anti-corruption strategy, the AFA has sought to strengthen the mechanisms for preventing, detecting and remedying breaches of integrity by members of ministers' private offices. In addition to introducing an anti-corruption code of conduct in each ministerial private office as part of a common interministerial framework, this would have to involve making efforts to raise awareness among PTEFs of offences of breach of integrity and of the tools, methods and best practices to prevent and detect the risk of committing such offences. These issues were addressed at a working meeting between the AFA and the HATVP in spring 2023 and were the subject of several interservice discussions at the end of 2023. The HATVP and the AFA have focused their actions primarily on ministerial advisers and advisers to the President of the Republic, but this does not rule out further actions concerning other PTEFs. Following the meetings held in 2023, measures to raise awareness of how to detect and avoid the risks of breaches of probity for PTEFs have been included in the draft multi-annual national anti-corruption plan for 2024-2027, which is awaiting political approval. These actions will be implemented jointly by the HATVP and the AFA.
21. GRECO takes note of the information provided by the authorities that the co-operation between the AFA and the HATVP continues and that efforts are being made to co-ordinate on the issue of PTEFs and to raise their awareness of the risks of breaches of probity.
22. GRECO concludes that recommendation iii has been dealt with in a satisfactory manner.

### **Recommendation iv**

23. *GRECO recommended (i) the adoption of codes of conduct for each ministry containing rules common to all PTEFs in government that cover all integrity matters (preventing and managing conflicts of interest, declaration requirements, incompatibilities, gifts, post-employment restrictions, contacts with lobbies, and confidential information, etc.), including practical examples, and being made public; (ii) the finalisation of the revision of the Ethics Charter of the Presidency, making sure that it covers the relevant above-mentioned integrity matters and includes practical examples to illustrate each standard;*

*(iii) the introduction of checks on compliance with the codes, together with proportionate disciplinary measures.*

24. GRECO recalls that this recommendation was partly implemented in the Compliance Report. With regard to part (i) of the recommendation, GRECO had noted that the process of adopting codes of conduct within each ministry was being supported by the AFA and that discussions had started between ministries on integrity matters. Noting that only two ministries had updated codes of conduct, GRECO had reiterated that these codes should cover all PTEFs. Therefore, it had considered that this part of the recommendation had been partly implemented. As to part (ii) of the recommendation, as efforts were still being made to revise the Ethics Charter of the Presidency and GRECO had not been able to examine the contents of the revised Charter, the aim of this part of the recommendation was not regarded as having been achieved, even in part. Lastly, regarding part (iii) of the recommendation, GRECO had taken note of the existing forms of disciplinary action for integrity breaches committed by public servants and the fact that the most serious acts were criminal offences. However, it had underlined, on the one hand, that “the codes of conduct should expressly make reference to the sanctions incurred, either already in existing regulations or, if necessary, to be introduced” (Evaluation Report, paragraph 65) and, on the other, that this recommendation covered all PTEFs, beyond the sole category of public servants. This part of the recommendation had thus not been fulfilled.
25. Regarding part (i) of the recommendation, the French authorities reiterate that, in line with the AFA’s guidelines, authorities are invited to adopt an anti-corruption code of conduct following mapping of the risks of breaches of integrity. Two codes have been adopted or updated: those of the Ministry of the Armed Forces and of the Ministry for Europe and Foreign Affairs. Other codes are currently being drawn up by various ministries. Within the Ministry of Justice, a Compliance and Risk Management Department was set up at the end of 2023 and prepared an initial draft memorandum on the rules for preventing the risks associated with gifts, invitations and all forms of benefits. This draft was submitted at the beginning of 2024 to the Central Administration Directors’ Committee for review and is in the process of being adopted, with the aim of then producing a code of conduct, or equivalent document, covering the aforementioned rules. More generally, the draft multi-annual national anti-corruption plan includes proposals for measures to assist ministries in developing and verifying the effectiveness of their corruption prevention system, which includes codes of conduct.
26. As to part (ii) of the recommendation, the authorities state that work on the Ethics Charter of the Presidency is in its final stages. It is currently being reviewed by the Secretariat General of the Government and was submitted to the HATVP for opinion on 4 March 2024. The new charter takes into account the latest version of the AFA’s Practical Guide to the risks of integrity breaches relating to gifts and invitations, which was published at the end of 2022. Aimed at all members of the President’s private office and staff, it will be published on the intranet site and on the public website of the Presidency, in the interests of transparency. New recruits will also be systematically briefed on these issues during the mandatory induction seminar, organised by the human resources service.

27. Regarding part (iii) of the recommendation, the authorities point out that the codes of conduct do not include sanctions for any breaches as this would be both unconstitutional and inappropriate, given, on the one hand, the principles of proportionality and individualisation of punishment and, on the other hand, the specific nature of disciplinary rules and criminal law, which do not have the same objectives, do not classify misconduct in the same way and do not afford the same level of guarantees to those liable to prosecution. However, when a code of conduct is in force within a ministry, which is the case for the Ministry of the Interior for example, breaches are subject to an administrative investigation and, where appropriate, disciplinary action, guaranteeing the effectiveness of the code.
28. Noting that codes of conduct are being drawn up within various ministries, GRECO considers that the first part of the recommendation remains partly implemented. As for part (ii) of the recommendation, GRECO welcomes the finalisation of the revision of the Presidency's Ethics Charter. However, as GRECO has not been able to consult the Charter as revised, it is not in a position to determine whether its content meets the conditions of the recommendation. Therefore, this part of the recommendation has still not been implemented.
29. With regard to part (iii) of the recommendation, the authorities have demonstrated that checks on compliance with the existing codes of conduct were accompanied by proportionate disciplinary measures, as required by the recommendation. Pending the adoption of codes of conduct within each ministry, GRECO considers that this part of the recommendation has been partly implemented.
30. GRECO concludes that recommendation iv remains partly implemented.

#### **Recommendation v**

31. *GRECO recommended that (i) awareness-raising on integrity issues be provided systematically for persons with top executive functions when they take office and when legislative developments so require; (ii) confidentiality of interviews with ethics advisers be provided for by law; (iii) ethics advisers be required to take specific training on addressing ethical issues referred to them.*
32. GRECO recalls that this recommendation was partly implemented in the previous report. The first part was deemed to be partly implemented. GRECO considered that contacts with the HATVP when PTEFs file their declarations of interests and assets could not be regarded as increased awareness-raising on a more structured and comprehensive basis. It welcomed the future introduction of compulsory training covering integrity matters for members of private offices who did not have civil servant status, while suggesting that the obligation to undertake that training could be extended to civil servants who hold high-ranking offices within the Executive, as it was not compulsory at that time. Furthermore, GRECO pointed out that some form of awareness-raising should also be introduced for the President of the Republic upon taking office. On the other hand, GRECO considered that part (ii) of the recommendation had been dealt with in a satisfactory manner, as the authorities stated that pursuant to Decree No. 2017-519, consultations of ethics advisers were confidential. Lastly, GRECO had considered that

part (iii) of the recommendation had also been complied with. In this respect, it welcomed the fact that the network of ethics advisers met regularly and noted the HATVP's commitment to supporting ethics advisers, including by publishing a guide providing tools enabling them to identify and prevent conflicts of interest more effectively.

33. As regards part (i) of the recommendation, the French authorities point out that, in addition to working closely with PTEFs when they file their declarations of interests and assets, the HATVP sends a questionnaire<sup>4</sup> to members of Government so as to identify any potential conflicts of interest that could interfere with the performance of their duties. It includes a reminder of what constitutes a conflict of interest and tips on how to prevent such situations from arising. Once appointed, Government members have seven days to send the questionnaire back to the HATVP. This self-assessment tool was actually handed to the new members of Government in person when they were appointed in July 2023. In addition, the draft multi-annual national anti-corruption plan includes very concrete measures to raise awareness of risk detection/avoidance for PTEFs, which are currently being examined in the first quarter of 2024.
34. GRECO notes the introduction of a questionnaire designed to help Government members identify potential conflicts of interest at the time of their appointment. This is a welcome development. The questionnaire comes with a Conflict of Interest factsheet and has to be returned to the HATVP within a week of the appointment. GRECO considers, however, that these measures cover only part of the recommendation (raising awareness of conflicts of interest when taking office) and that no information has been provided about raising awareness of integrity issues when the President of the Republic takes office. The first part of the recommendation therefore remains partly implemented, as does the recommendation as a whole.
35. GRECO concludes that recommendation v remains partly implemented.

#### **Recommendation vi**

36. *GRECO recommended that (i) persons with top executive functions be required to disclose on a regular basis details of the lobbyists they meet and the topics discussed; (ii) all lobbyists who enter into contact with public officials (in particular, persons with top executive functions), regardless of whether they themselves initiated the contacts, be required to register on the register of lobbyists.*
37. GRECO recalls that this recommendation was not implemented in the Compliance Report. GRECO had regretted that no steps had been taken to implement either part of its recommendation and pointed out that the two parts complemented one another and restored a balance between obligations for PTEFs and obligations for lobbyists in order to make these contacts significantly more transparent (Evaluation Report, paragraph 80).
38. The French authorities report that the HATVP's Activity Report for the 2022 financial year had noted a steady improvement in the quality of declarations submitted by

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<sup>4</sup> Self-assessment of the risks of conflicts of interest - to be completed when taking office.



lobbyists, resulting in particular from better understanding of the system introduced by the Decree of 9 May 2017 on the digital register of lobbyists. In line with its Open Government Partnership commitment, the HATVP has continued to develop its [website](#) dedicated to lobbying in order to raise public awareness.

39. As regards part (i) of the recommendation, the authorities state that Parliament addressed the issue by commissioning a rapid response report on 22 March 2023 with a view to amending the 2017 decree on the digital register of lobbyists. A number of recommendations were made in this respect.<sup>5</sup> In particular, the report recommends increasing the frequency with which lobbying information is submitted to the HATVP. The authorities indicate that the Government is working to determine whether more regular disclosure would be appropriate, bearing in mind that the reporting obligations are intended to be borne by lobbyists and not public officials, in line with the legislature's intentions. The report also noted that legislative amendments would be the most appropriate way of removing the initiative requirement.<sup>6</sup>
40. As for part (ii) of the recommendation, the authorities consider that requiring all persons who enter into contact with a public official to register on the register of lobbyists, even where they did not request the interview, would have a dissuasive effect and would be likely to hinder the participation of interested parties in the design and implementation of public policies and decisions. It would also create considerable complexity for those involved to deal with. However, the authorities indicate that the draft multi-annual national anti-corruption plan, currently being validated, proposes legislative and regulatory reform measures for the supervision of lobbyists (in particular the removal of the initiative requirement).
41. GRECO takes note of the information provided. It welcomes the conclusions of the rapid response report drawn up by members of the National Assembly, which recommends removing the initiative requirement so that lobbyists must also declare communications entered into at the request of a public official. However, the authorities have not announced any concrete measures to implement this recommendation and the disclosure requirement continues to apply to lobbyists only. GRECO encourages the authorities to continue considering the most appropriate measures to address the aim of this recommendation.
42. GRECO concludes that recommendation vi remains not implemented.

#### **Recommendation vii**

43. *GRECO recommended that the register of withdrawals cover not only ministers but also members of private offices.*
44. GRECO recalls that this recommendation was partly implemented in the Compliance Report. GRECO had welcomed the fact that registers of withdrawals exist for members

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<sup>5</sup> See [rapid response report](#) of 3 May 2023 on the wording of the Decree of 9 May 2017.

<sup>6</sup> The 2017 decree goes further than the law by providing that contact must occur at the initiative of the lobbyist to be included in the register. As a result, lobbyists are not required to declare communications entered into at the request of a public official, and such communications are not made public.

of private offices and the offices of the Presidency. However, it had reiterated the importance of also making public withdrawals of members of private offices (as noted in paragraph 92 of the Evaluation Report), which had not seemed to be the case.

45. The French authorities stress that the current arrangements enable the effective prevention of conflicts of interest with respect to members of ministers' private offices and staff of the President of the Republic. Where the situation so requires, such positions are subject to withdrawal requirements similar to those applicable to members of the Government. In the spirit of transparency, the ministers' private offices have set up a register of withdrawals of advisers to the Government, even though it has no statutory basis. The information in this register is protected by the right to respect for private and family life. The authorities also point out that there is a register of withdrawals for the Presidency.
46. GRECO takes note of the information provided by the French authorities while pointing out that it includes nothing that was not known when the previous report was adopted. It notes that, unlike the register of withdrawals for members of the Government,<sup>7</sup> withdrawals of members of ministers' private offices and of the offices of the Presidency are not made public. GRECO points out that the aim of this recommendation is to include such withdrawals in the public register for ministers or at least to publish separate registers for withdrawals of members of private offices, as noted in the Compliance Report (paragraph 46). GRECO also notes that the Commission on Access to Administrative Documents (CADA), in an opinion delivered on 12 May 2022,<sup>8</sup> considered that the registers of withdrawals of members of ministers' private offices were administrative documents that could be disclosed to any person who requests them. Consequently, nothing seems to stand in the way of these registers being published online. GRECO cannot therefore consider this recommendation to have been fully implemented at this stage.
47. GRECO concludes that recommendation vii remains partly implemented.

### **Recommendation viii**

48. *GRECO recommended that declarations of assets and interests of the presidential candidate who has been elected be examined by the High Authority for Transparency in*

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<sup>7</sup> See <https://www.gouvernement.fr/registre-de-prevention-des-conflits-d-interets>.

<sup>8</sup> CADA, [Opinion 20221421](#), Ministry of Economy, Finance and Industrial and Digital Sovereignty, 12 May 2022: "registers of withdrawals by members of ministers' private offices that only take note of such withdrawals and not the reason for them cannot be equated with declarations of interest. [The Commission] therefore considers that these documents, where they exist, are administrative documents which may be disclosed to any person who requests them, pursuant to Article L311-1 of the Code on Relations between the General Public and Administrative Bodies. On the other hand, if the reason for the withdrawals were recorded in the register, this information should be redacted as it is protected by the right to privacy". The Ministry had justified its refusal to disclose the documents requested on the basis of Decision No. 2013-676 DC of 9 October 2013, in which the Constitutional Council had found that the publication of declarations of interest by public officials constituted a disproportionate interference with the right to privacy. However, the register of withdrawals of private office members consists of copies of their letters of withdrawal, which are merely a substantive reflection of the declarations of interest of the public officials concerned.

*Public Life upon his/her taking office in order to prevent any conflict of interest, real or perceived.*

49. GRECO recalls that this recommendation was not implemented in the Compliance Report. It had taken note of the information provided by the French authorities while pointing out that it included nothing that was not known when the Evaluation Report was adopted.
50. The French authorities refer to Article 3 of Law No. 62-1292 of 6 November 1962 on the election of the President of the Republic by universal suffrage, which provides that presidential candidates must submit to the HATVP a declaration of interests and activities and a declaration of assets, to be published at least 15 days before the first ballot, failing which their candidature will be invalid. It also provides that the elected candidate must then submit a new declaration of assets no more than six months and no less than five months before the end of his/her term of office, (or, in the event of resignation, one month thereafter). It is made public by the HATVP 30 days after its submission, together with an opinion assessing the change in assets between the beginning and the end of the President's term of office. The obligation for candidates to submit a declaration of interests and activities was introduced by Institutional Law No. 2017-1338 of 15 September 2017 on promoting trust in public life. These rules, which provide transparency not only on the assets but also on the interests of the candidates, including those of the candidate who is ultimately elected, were applied for the first time for the 2022 presidential election.
51. GRECO notes that there have been no new developments since the last report. While the requirement for presidential candidates to submit a declaration of assets and a declaration of interests and activities and their publication are positive elements, the declarations of the elected candidate are not subject to any control. In particular, they are not examined by the HATVP when the President takes office, as required by the recommendation.
52. As a result, GRECO concludes that recommendation viii remains not implemented.

#### **Recommendation ix**

53. *GRECO recommended (i) examining how to increase transparency concerning the interests declared by close advisers of ministers and the President of the Republic; (ii) considering extending the requirement for persons with top executive functions to make declarations of assets and interests to their spouses, partners and dependants (it being understood that such information would not necessarily need to be made public).*
54. GRECO recalls that this recommendation was not implemented in the Compliance Report. GRECO had noted that, in relation to part (i) of the recommendation, the position of the authorities was identical to what it had been when the Evaluation Report had been adopted. As a result, it could not be said that the authorities had considered how to increase the transparency of declarations of close advisers to ministers and the President of the Republic since the report's adoption. As for part (ii) of the recommendation, the authorities had not provided new arguments regarding the

inclusion of spouses, partners, children and any dependants of PTEFs in their declarations of assets and interests. Therefore, it appeared that this issue had not been re-examined since the Evaluation Report's adoption. GRECO had underlined that this was a matter not of disclosure but of checking in order to avoid any conflicts of interest through PTEFs' relatives.

55. With regard to the first part of the recommendation, the French authorities reiterate the information submitted in the Compliance Report, namely that in line with the Constitutional Council's case-law (Decision No.2013-676 DC), publication of declarations of assets and interests must be based on the degree of the public official's exposure. As a result, declarations submitted by members of ministers' private offices and staff of the President of the Republic are not subject to the same publication rules as declarations made by those who wield decision-making power and are entitled to express the Government's position in public, such as ministers or elected representatives.
56. As to part (ii) of the recommendation, the authorities reiterate that, as the Constitutional Council held in its aforementioned decision, instituting an obligation to declare the work of dependent children and ascendants of the declarant would interfere to a disproportionate extent with the right to respect for private life and would therefore be unconstitutional. In any event, spouses are indirectly checked when the declaration of interests is checked, insofar as the interests of the spouses are included in the declaration of interests. For example, the fifth section of the HATVP's declaration of interests form asks for a list of "the professional activities carried out by the spouse, civil partner or cohabiting partner". In practice, withdrawals have also occurred when a conflict of interest was identified due to the professional activities of declarants' children or, in certain specific cases, their close relatives.
57. GRECO takes note of the position of the French authorities, which had already been set out in the Compliance Report. In the absence of any new information, it considers that part (i) of the recommendation has still not been implemented. As regards part (ii) of the recommendation, GRECO reiterates its established position that careful consideration of any matter requires that the reflection process is sufficiently in-depth, involves the pertinent stakeholders and is fully documented. With this in mind, GRECO encourages the authorities to pursue their efforts towards the implementation of this recommendation.
58. GRECO concludes that recommendation ix remains not implemented.

#### **Recommendation x**

59. *GRECO recommended that the High Authority for Transparency in Public Life be able to make public as a last resort any failure of the Prime Minister to end a conflict of interest.*
60. GRECO recalls that this recommendation was not implemented in the Compliance Report. GRECO had referred to the Evaluation Report, which had taken note "of the exception under which, unlike the situation regarding ministers, the HATVP cannot order the PM to end a conflict of interest" and "the HATVP should be able to make public, as

a last resort, situations where the PM fails to prevent a conflict of interest revealed by his/her interest declaration” (paragraph 126). GRECO had considered that this would contribute to greater transparency in the handling of conflicts of interest by the Prime Minister.

61. The French authorities reiterate the information previously provided on the Prime Minister’s obligations to prevent or end any conflict of interests. They add that, prior to the appointment of members of the Government, including the Prime Minister, the President of the Republic may request the head of the HATVP to provide information on whether the relevant individuals have complied with the relevant disclosure requirements concerning their interests and/or assets, as well as proof of the steps taken to manage their financial instruments under conditions which preclude any oversight on their part, the existence of any conflict of interest and, where applicable, the measures required to prevent or immediately end the latter.<sup>9</sup> The purpose of these provisions is to enable potential conflicts of interest to be identified prior to the appointment of members of the Government, including the Prime Minister.
62. GRECO takes note of the information provided by the French authorities, which more or less describes the information already outlined in the Evaluation Report. This is an indication that no progress has been made in the implementation of this recommendation.
63. GRECO concludes that recommendation x remains not implemented.

#### **Recommendation xi**

64. *GRECO recommended that, with regard to acts of corruption relating to the performance of their duties, government members be brought before a court that ensures total independence and impartiality, both real and perceived.*
65. GRECO recalls that this recommendation was not implemented in the Compliance Report. GRECO had noted that the situation had not changed since the adoption of its Evaluation Report and so the aim of the recommendation had not been addressed.
66. The French authorities point out that the Court of Justice of the Republic (CJR) only has jurisdiction if members of Government commit a crime or a lesser offence “in the exercise of their functions”. In describing new developments since the Compliance Report, they note that on 26 October 2022, the CJR handed down a suspended sentence of one year’s imprisonment and a €20 000-fine to a former Minister for Veterans and Secretary of State for Veterans and Remembrance for benefiting from a conflict of interest, infringing freedom of access and equality in relation to public procurement contracts and misappropriation of public funds committed in 2014. The decision was published on the [Court of Cassation’s website](#) and may be consulted by the public. In addition, in a ruling dated 3 October 2022, the CJR’s Investigating Committee referred a serving Minister of Justice to the CJR for having, in his capacity as Minister as of 6 July 2020, knowingly taken, received or retained, directly or indirectly, an interest such as to compromise his impartiality, independence or objectivity in any undertaking or

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<sup>9</sup> Article 8-1 of Law No. 2013-907 of 11 October 2013 on transparency in public life.

transaction over which he exercised control at the time of the actions taken, in particular over the discipline of magistrates. In a [judgment dated 29 November 2023](#), the CJR found the person concerned not guilty of the charges against him and acquitted him. This ruling is final, as none of the parties lodged an appeal within the period provided for by law.

67. GRECO takes note of the information provided according to which the composition of the Court of Justice of the Republic remains unchanged. It reiterates that such composition may create suspicion about the CJR's independence and impartiality, as politicians will, at least in part, be tried by their peers (Evaluation Report, paragraph 134). Furthermore, GRECO notes that recent cases have reopened the debate on the CJR's independence and impartiality, in particular its perceived impartiality. On this occasion, there have been renewed calls for the CJR to be abolished.<sup>10</sup> GRECO regrets that, to date, the authorities have taken no action to implement this recommendation.
68. GRECO concludes that recommendation xi remains not implemented.

#### **Recommendation xii**

69. *GRECO recommended that the National Financial Prosecution Office be provided with additional resources, specifically in terms of staff, and that its independence from the Executive be ensured, in particular through additional guarantees on the reporting to the Executive of information concerning ongoing proceedings against persons with top executive functions in order to preserve the integrity of investigations.*
70. GRECO recalls that this recommendation was not implemented in the previous report. GRECO had noted that with regard to the National Financial Prosecution Office's (PNF) resources, there did not appear to have been changes since the adoption of the Evaluation Report – it had already mentioned 18 judges/prosecutors and six specialised assistants. As for the reporting of information from the PNF to the Minister of Justice, GRECO had pointed out that its recommendation did not call the system itself into question and that the Evaluation Report focused on the need for additional guarantees for PNF cases that concern PTEFs, which were inevitably more politically sensitive. While it had welcomed the publication of a dispatch from the Ministry of Justice which was intended to govern all reporting of information more generally, it had noted that the issue of reporting in cases concerning PTEFs in particular had not been examined specifically.
71. As regards the resources allocated to the PNF, the French authorities point out the number of staff employed by the PNF has been increased on a regular basis since it was set up in 2014. With 10 judges/prosecutors at the outset, it had double that number by 2022. Since 2016, three additional specialised assistants have joined the PNF, bringing the total number of assistants to seven as of 1 July 2023, with the recruitment of another assistant now under way. Lastly, the PNF has two assistant legal experts: one specialising

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<sup>10</sup> *Le Monde*, article: [Pourquoi il faut supprimer la Cour de justice de la République](#), 8 December 2023; *Transparency International France*, press release: [Relaxe d'Éric Dupond-Moretti par la Cour de justice de la République: tirer les leçons d'un procès impossible](#), 29 November 2023.

in competition law and one general practitioner (recruitment in progress). The draft multi-annual national anti-corruption plan also includes measures relating to the proposal to continue to commit additional staff resources (police and judiciary).

72. Regarding the question of upward reporting, the authorities state that such reporting is not systematic and that its sole purpose is to enable the Ministry to determine the most appropriate criminal justice response to each case. The criteria for reporting information to the Ministry of Justice are clearly defined in the Law of 25 July 2013, which prohibits individual instructions from the Minister of Justice to public prosecutors. While there are no autonomous criteria that would be “linked to the person concerned/status as a person exercising top executive functions (PTEF)”, as this concept is unknown in French law, the status of the person concerned is likely to be taken into account, in terms of the status of the respondent or the victim concerned, through the objectives adopted by the Circular of 31 January 2014, as justifying the reporting of information. Particularly with regard to corruption cases, the reporting of information provides the Directorate of Criminal Matters and Pardons with concrete indications that enable it to adopt a proactive criminal justice policy. The authorities again refer to the despatch of 3 March 2021, which is specifically aimed at reducing the number of upward reports. The frequency, level of detail and timeframe of upward reporting is decided by the PNF and, ultimately, by the Paris Public Prosecutor’s Office, which assesses its necessity or appropriateness in the light of the criteria set out in the dispatch<sup>11</sup> and determines its substance in the light of the need to preserve the confidentiality of investigations. In addition, reports are not systematically forwarded to the Minister of Justice, except in cases that meet the following criteria (which are not exclusive): those that have a media impact, involve diplomatic issues or relate to current legislative development. Furthermore, under Article 2-1 of Decree No. 59-178 of 22 January 1959 on ministers’ powers, a withdrawal mechanism, with powers transferred to the Prime Minister’s Office, prevents and safeguards against any risk of conflict of interest regarding matters in respect of which the minister concerned considers that he or she should not exercise his or her powers.
73. GRECO notes with satisfaction that additional resources have been allocated to the PNF, which now has 20 judges/prosecutors, eight specialised assistants and two assistant legal experts, i.e. a slight increase in staff since the adoption of the Evaluation Report (which noted 18 prosecutors and six specialised assistants). It encourages the authorities to continue their efforts and considers that this part of the recommendation has now been partly implemented. Regarding reporting of information from the PNF to the Executive concerning ongoing proceedings, GRECO points out that it already examined the current arrangements in its previous report and concluded that sufficient consideration had not been given to the issue of reporting in cases concerning PTEFs in particular. Therefore, this part of the recommendation has still not been implemented.
74. GRECO concludes that recommendation xii has been partly implemented.

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<sup>11</sup> The reports relate only to acts that have been carried out, never to acts that are in progress or to be carried out in the future; no case documents may be transmitted; the upward reports are designed to be of an analytical nature in order to help identify the general difficulties raised by the proceedings or by the criminal activities involved; upward reporting is a corollary to the rule laid down by the law, which prohibits any instructions from the Minister of Justice in individual cases.

**Recommendation xiii**

75. *GRECO recommended the adoption of a global strategy focusing on the prevention of corruption risks within law enforcement agencies on the basis of risk assessments and the most vulnerable sectors as drawn up by the National Gendarmerie and the National Police.*
76. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO had noted, with regard to the National Police, the inclusion of corruption in the list of existing risks on which internal measures are based. As for the National Gendarmerie, it had believed that mapping relating specifically to ethics that included “lack of integrity and probity” was a positive step. Lastly, it had noted that there were plans to adopt an action plan with a monitoring and follow-up mechanism. However, GRECO had pointed out that the recommendation called for the adoption of a global anti-corruption strategy covering all law enforcement agencies which would be made public and could be followed up by action plans specific to the National Police and Gendarmerie (Evaluation Report, paragraph 165).
77. As regards the National Police, the French authorities state that each department identifies and assesses risks from a catalogue of selected risks so as to identify the most critical areas on which to focus risk management efforts. Since 2022, corruption has been a specific risk in its own right, with its own precise wording and description (it was previously included under the risk of breach of professional ethics). The new “breach of integrity” risk includes corruption, influence peddling, benefiting from a conflict of interest, misappropriation, favouritism, theft, fraud, breach of trust, concealing the proceeds of unlawful activity, money laundering and abuse of power by a public official for personal gain. On average, breaches of integrity account for 3% of investigations by the National Police Inspectorate General (IGPN). The authorities also report that a set of measures, reflecting a comprehensive anti-corruption strategy, are in place to limit these risks: an investigation (and not just a screening) carried out by an intelligence service on all candidates who pass a police entrance examination (including internal competitive exams), regardless of the corps (categories B, A and A+); initial and in-service training on the code of ethics and its legal force, the role of the national police’s ethics advisers and the rules on whistleblower status; continuous hierarchical supervision, which may lead to a pre-disciplinary administrative investigation if there is any suspicion that officers have failed to fulfil their obligations. Police officers can be disciplined for breaches committed in the course of their duties and in their private lives.
78. The authorities report that the national police’s global strategy focusing on the prevention of corruption risks has been implemented in particularly vulnerable departments. In the Central Department for Racing and Betting (SCCJ), a code of conduct has been drawn up for its activities and the local and regional racing and betting correspondents. In 2024, an update is planned to bring the wording into line with the organisation of the National Police and developments in the gambling sector. A draft set of guidelines on dealing with the racing and betting sector has also been drawn up and



could be implemented in 2024. It complements existing arrangements by making local and regional racing and betting correspondents responsible for upholding professional conduct.

79. With regard to the National Gendarmerie, the authorities state that lack of integrity and, in particular, corruption are rare and are not among the main risks identified in the Gendarmerie's risk mapping. In the past three years, no cases of corruption have been referred to the National Gendarmerie Inspectorate General (IGGN). However, the professional conduct action plan validated by the head of the IGGN in September 2022 has identified the risk of a lack of integrity. The plan is based on the IGGN's risk map and an analysis of the most significant cases of misconduct between 2017 and 2020. Action 1.5 of the plan ("Distribution of a guide to combating corruption and promoting integrity in the Gendarmerie") clearly addresses the risk of integrity breaches. The guide is currently being drafted and will be distributed to all units.
80. GRECO takes note of the information provided. Developments are under way and are moving in the right direction. A number of measures have been taken within the National Police. One of them is the explicit inclusion of lack of integrity in the risk catalogue. Steps have also been taken with regard to departments which are particularly vulnerable to corruption, such as the Central Department for Racing and Betting (with the revision of its code of conduct under way, as is the development of a set of guidelines for dealing with the racing and betting sector). GRECO is also pleased to note the implementation of the professional conduct action plan by the National Gendarmerie in 2022. The plan considers the risk of breaches of integrity and will soon be supplemented by a guide to combating corruption and promoting integrity in the Gendarmerie. These are positive steps. However, GRECO notes that, in the absence of a global strategy covering all law enforcement agencies on the basis of existing risk assessments, the recommendation cannot be considered as fully implemented.
81. GRECO concludes that recommendation xiii remains partly implemented.

#### **Recommendation xiv**

82. *GRECO recommended that the commentary on the code of ethics of the National Police and the National Gendarmerie be revised to further expand on integrity issues (such as conflicts of interest, gifts, contacts with third parties and handling of confidential information) with specific examples being included.*
83. GRECO recalls that this recommendation was partly implemented in the Compliance Report. GRECO had had access to the draft revised version of the Code of Ethics of the National Police and Gendarmerie which expanded further on the concepts of conflicts of interest, gifts and second jobs among other things and gave examples. It had noted that this proposal, which had been approved by the National Gendarmerie and Police, had yet to be ratified by the Ministry of the Interior.

84. The French authorities report that an updated version of the commentary on Articles R. 434-9 (integrity) and R. 424-13 (conflict of interest) of the code of ethics<sup>12</sup> of the National Police and Gendarmerie expands further on integrity issues and gives specific examples of possible breaches or authorised behaviours. The text was presented to the members of the Military Training Council of the Gendarmerie (CFMG) during its plenary meeting in May 2021. The authorities state that it is intended to guide gendarmes and police officers in their professional conduct and in dealing with common situations in which potential conflicts of interest may arise. It also indicates how to consult the ethics advisers provided for by the Law of 20 April 2016 on ethics and the rights and duties of civil servants. This text (drafted jointly by the National Police and Gendarmerie) has been validated by the cabinet of the Minister of the Interior. It will be published very shortly.
85. GRECO welcomes the adoption of an updated version of the commentaries on two articles of the code of ethics of the national police and the national gendarmerie, concerning integrity and conflict of interest. They provide more detail on the instances of conflicts of interest, gifts and invitations, the handling of confidential information and activities that are prohibited or require prior approval. They also give tangible examples and guidance on consulting an ethics adviser if in doubt. GRECO has seen these texts and considers that they meet the requirements of the recommendation. It invites the authorities to publish and disseminate them without delay and awaits further information on their actual entry into force.
86. GRECO concludes that recommendation xiv remains partly implemented.

#### **Recommendation xvi**

87. *GRECO recommended that security checks relating to the integrity of members of the National Police and the National Gendarmerie be carried out at regular intervals in accordance with the Internal Security Code.*
88. GRECO recalls that this recommendation was deemed to be not implemented in the Compliance Report. GRECO had noted that security checks were only carried out upon recruitment and in the event of a change of post but apart from those two cases, they were not carried out regularly. It had reiterated that officers' personal circumstances were likely to change over time and, in some cases, make a person more vulnerable to possible corruption risks, which required the introduction of regular vetting during the careers of police personnel, whose frequency should depend on risk exposure, in order to identify possible vulnerabilities.
89. As regards the National Police, the French authorities state that the IGPN set up a working group to examine GRECO's recommendations. The group compiled a list of all the different types of checks carried out on police officers: at recruitment (pre-employment vetting), during initial training, for different types of duties (national security clearance, checks on criminal police officers by the Public Prosecutor's Office, declarations of interest submitted to the HATVP, monitoring of secondary activities and

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<sup>12</sup> The [code of ethics](#) of the National Police and National Gendarmerie is laid down in Book IV, Part 3, Chapter 4 of the regulatory part of the Internal Security Code (Articles R.434-1 to R.434-33). It entered into force on 1 January 2014.

end-of-service checks). They are also subject to continuous monitoring through the IGPN's reporting platform and annual hierarchical evaluation. Closer management supervision of corruption risks has been introduced in the annual appraisal of operational police officers by including two new objectives: exemplary and ethical conduct, and trust and reliability. In 2021 and 2022, 14 cases of corruption were the subject of disciplinary proceedings: five resulted in direct dismissal and two in removal from the force following a criminal conviction leading to a ban on working as a police officer. The working group concluded that the cumulative effect of these checks constituted an almost permanent integrity check.

90. As for the National Gendarmerie, the authorities state that systematic and comprehensive screening of its personnel is not considered appropriate and would be difficult to implement. However, a number of checks are carried out, particularly at recruitment, but also during staff members' careers. Checks are conducted depending on the job and assignment, particularly during the clearance phase for access to classified information. Senior officers are also vetted when they are appointed to such positions and must renew their national security clearance each time they change jobs. As a result, the authorities believe that the combination of this requirement and the mobility rule for officers ensures that commanding staff are regularly vetted. In addition, all members of the Gendarmerie are subject to internal hierarchical control throughout their careers, within personnel units of a manageable size. Lastly, as gendarmes are required by law to live in barracks (i.e. official accommodation), there is a high degree of social control within the Gendarmerie units, which makes any discrepancy between income and lifestyle quite noticeable. This acts as a strong deterrent.
91. GRECO takes note of the conclusions of the working group set up within the National Police that the checks carried out throughout the career of a police officer amount to an almost permanent integrity check. As for the National Gendarmerie, GRECO also takes note of the information provided by the authorities, according to which a number of checks are carried out during staff members' careers, and it is not considered appropriate to add further security checks. GRECO notes that, while regular vetting is carried out within the National Police and Gendarmerie, its frequency should depend on risk exposure, in order to identify possible vulnerabilities. As the level of risk has not been taken into account, GRECO considers that the aim of this recommendation has not been achieved.
92. GRECO concludes that recommendation xvi remains not implemented.

#### **Recommendation xvii**

93. *GRECO recommended that the National Police set up a rotation system in the sectors identified as most vulnerable to corruption risks.*
94. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO had noted that discussions had begun with a view to implementing the recommendation while taking into account the constraints inherent in the running and organisation of the National Police. It had underlined that the measures taken by the authorities to organise a form of rotation were within their margin of appreciation.

95. The French authorities reiterate the fact that a working group, led by the IGPN, has been giving careful consideration to the setting up of a rotation system in the sectors identified as most vulnerable to corruption risks. However, this process has not been concluded yet. The authorities explain that all operational members of the National Police are subject to varying mobility requirements during their careers. There is already a high level of staff mobility due to the compulsory nature of the system. In the Policy and Strategic Planning Corps (category A+), mobility is promotion-related, function-related (with a five-year limit on assignment to a single post) or elective. The Command Corps (category A) also requires geographical and functional mobility, with assignments limited to four years, renewable for a maximum of eight years in total. For a number of years now, the Management and Enforcement Corps (category B) has been operating a retention policy, to avoid excessive mobility. It has no compulsory mobility, except for the heads of local police units, who are appointed on secondment from their original corps (five years, renewable once for the same post). Thanks to elective mobility, however, many transfers still take place every year.
96. Lastly, the authorities point out that a number of specific posts are already subject to restrictions on the duration of the posting: police officers posted abroad within the framework of the Directorate for International Security Co-operation (DCIS) network (four years for internal security attachés and liaison officers), trainers, members of the National Police Intervention Force (FIPN) and assignments in overseas départements (four years), with the exception of retained staff. In addition, a significant proportion of police officers (about 10 000) do not work in the geographical area in which they are based (CRS companies, excluding motorway CRS companies) and 9 800 police community support officers on contract (maximum of two three-year contracts) are, by their nature, assigned to their post for a fixed period.
97. GRECO notes that the authorities have not added any new information to what was known at the time of the adoption of the Evaluation Report, namely that there is provision for rotation within the National Police only for the most senior positions. Although there is a high level of staff mobility in practice, it seems that no specific rotation system has been set up in the sectors identified as most vulnerable to corruption risks, as required by the recommendation. GRECO reiterates that it considers rotation to be a way of preventing any corrupt behaviour which could arise from holding the same post over a prolonged period of time in a sensitive department; it should thus be put in place as it can prove a useful prevention tool (Evaluation Report, paragraph 212). GRECO therefore invites the authorities to further examine this matter with a view to the full implementation of the recommendation.
98. GRECO concludes that recommendation xvii remains partly implemented.

#### **Recommendation xviii**

99. *GRECO recommended that (i) the protective regime for whistleblowers be evaluated and revised in order to simplify the reporting procedure; (ii) the training of law enforcement authorities on this regime be further strengthened.*

100. GRECO recalls that this recommendation was deemed to be not implemented in the Compliance Report. It had noted that with regard to part (i) of the recommendation, the whistleblowing system would change in the near future because of the transposition of Directive 2019/1937 on the protection of persons who report breaches of Union law. As it had considered that this would have an impact on the procedure for reports made within law enforcement agencies, it had been unable to express a view at that stage. As for part (ii) of the recommendation, GRECO had noted as a positive development the inclusion of a module on the whistleblowing system in the revised initial training for gendarme cadets. It had stressed that those efforts needed to be sustained in order to incorporate a module of this kind into in-service training. Regarding the National Police, GRECO had noted that the whistleblowing system was only covered in general training.
101. As regards part (i) of the recommendation, the French authorities report that the protection of whistleblowers has been reinforced by [the Law No. 2022-401 of 21 mars 2022](#) on improving the protection of whistleblowers and [Institutional Law No. 2022-400 of 21 March 2022](#) on strengthening the role of the Defender of Rights with regard to whistleblowing. These texts were implemented by the entry into force of the [Conseil d'Etat Decree of 3 October 2022](#) on procedures for receiving and processing reports from whistleblowers and listing the external authorities set up by Law No. 2022-401 of 21 March 2022 to improve whistleblower protection. They transpose into French law EU Directive 2019/1937 of 23 October 2019 on the protection of persons who report breaches of Union law, while on certain points, in particular the protections afforded to whistleblowers, they go beyond it.
102. The authorities point out that, going beyond the limits of the Directive, France has adopted a broad concept of protection as part of a more flexible definition of whistleblowers than that used in EU law. The new texts fall within the same scope established by Law No. 2016-1691 of 9 December 2016 on transparency, anticorruption measures and the modernisation of economic life ("Sapin II" law), which goes far beyond that of the Directive. The reporting procedure has been made clearer and more flexible. The protection of whistleblowers and those associated with or assisting them has been significantly strengthened. In particular, the law has improved confidentiality guarantees for whistleblowers and extended the list of prohibited acts of retaliation. The new legislation has also clarified the definition of a whistleblower and expanded the range of information that can be the subject of a whistleblowing report. It has introduced a simplified framework for the handling of whistleblowing reports in France, transposing the Directive's provisions into the single framework of the Sapin II law and abolishing or harmonising pre-existing sector-specific whistleblowing systems.
103. Although whistleblowers are encouraged to make an "internal" report (i.e. within the structure in which they work), they can now choose to report their concerns directly to an external body. The list of competent external bodies is set out in the Decree of 3 October 2022 and includes the AFA,<sup>13</sup> the Defender of Rights, the National Commission for Information Technology and Freedoms, the Directorate General for Competition

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<sup>13</sup> In 2023, the AFA set up a single system enabling it to receive and process all reports concerning facts likely to constitute breaches of probity or concerning the measures implemented by companies and public bodies to prevent and detect breaches of probity. In 2023, the AFA received 435 external reports, compared with 304 in 2022 and 216 in 2021. Several reports were forwarded to the competent judicial authorities.

Policy, Consumer Affairs and Fraud Control, the Financial Market Authority (AMF), the National Health Authority (HAS), the Directorate General of Public Finance and the Directorate General of Labour. Whistleblowers who disclose information to the public do not lose their right to protection, provided that certain conditions are met. Lastly, the Decree of 3 October 2022 calls for the internal and external procedures to be publicised so that the public is fully informed about these reporting channels.

104. In addition, the authorities point out that the Decree of 3 October 2022 also lays down the internal procedure. The officer in charge of receiving whistleblower reports in the National Police, appointed by the Director General of the National Police, is the head of the IGPN. The officer is responsible for receiving and processing reports and is bound by confidentiality (Article 6 of the Decree). Similarly, for the National Gendarmerie, the head of the IGGN is the officer in charge of receiving whistleblower reports, a function he combines with that of deontologist and referent for secularism.
105. The Defender of Rights has been given new powers to better assist whistleblowers and plays a central role in the new system. In addition to providing assistance and support to whistleblowers, the Defender may now refer requests that do not fall within the remit of the external body receiving the whistleblowing report to another body that the Defender considers best placed to deal with the disclosure, whether or not that body is named in the Decree. In practice, the Defender is the main point of contact for all the external bodies and seeks to co-ordinate their efforts so that whistleblowing reports can be dealt with more effectively. The Defender may also issue an opinion on the status of the whistleblower in order to prevent any retaliation, which helps to make the whistleblowing process safer. In addition, the Institutional Law of 21 March 2022 requires the Defender to submit a biennial report to the President of the Republic and the speakers of the two parliamentary chambers on the overall functioning of the whistleblower protection system; the first report is due in the summer of 2024. Lastly, the Defender of Rights has already published a [Guide for whistleblowers](#), updated in March 2023, as a practical tool setting out the legal framework for protection in a clear and accessible way. Two new posts have been created within the institution, a deputy to the Defender in charge of providing support for whistleblowers and a whistleblowing follow-up officer.
106. In parallel with the situation report submitted by the authorities, GRECO also received information from the Defender of Rights on certain shortcomings of the current system. First, the financial and psychological support for whistleblowers is still inadequate.<sup>14</sup> Apart from provisions for legal costs and allowances that can be claimed in court, there is no provision for psychological and financial support for whistleblowers: the law only states that external bodies may provide it. With the resources available, very few are able to do so. Furthermore, the institution has not been provided with sufficient material, financial and human resources to cope with its new responsibilities. In total, there are only two posts for the processing and monitoring of whistleblower reports – yet almost 134 requests were received in 2022, an increase of over 50% on the previous year. Processing and monitoring of whistleblower reports also needs to be done quickly. Lastly, in addition to preparing the biennial report on the overall functioning of the

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<sup>14</sup> See also, Defender of Rights, [Annual Activity Report 2022](#), p. 90.

whistleblower protection system, the Defender of Rights is responsible for co-ordinating the 41 external bodies designated by the State to receive and process whistleblower reports and for other tasks such as drafting and publishing a guide for whistleblowers.

107. As regards part (ii) of the recommendation, the authorities state that, following the transposition of the EU Directive, the IGPN has included awareness-raising on the new system in its initial and in-service training, in particular for the Command Corps and the Policy and Strategic Planning Corps. All regional directors have received or will receive awareness training on this subject during a continuing education course provided by the IGPN between November 2023 and March 2024. This is a 4-hour general training course during which the legal framework for whistleblowing is explained. In addition, since December 2023, a new 3-hour compulsory training course designed and conducted by the IGPN, on “Ethics that oblige and protect: control procedures”, has been provided as part of initial training for all cadets and assistant police officers throughout mainland France and the French overseas territories. As for the National Gendarmerie, the subject of whistleblowers and their protection has been included in the “Ethics” module of the initial training of gendarme cadets. This represents a total of 20 hours, plus 4 hours dedicated to presentations by associations and the Human Rights Defender for the Officers’ School. There is currently no specific module on whistleblowing in the in-service training programme, but the subject is raised during presentations by the whistleblower referent during training courses. There are plans to include such a module in the core training syllabus, which is currently undergoing a complete overhaul as part of the new career paths for non-commissioned officers. Once this process is complete, each core training syllabus will include a module on whistleblowing.
108. GRECO welcomes the entry into force of the various laws strengthening the whistleblower protection system. GRECO notes that whistleblowers can now choose the most appropriate reporting channel for their situation and that the simplification of the procedure limits the legal risks that could result in whistleblowers losing their right to protection.<sup>15</sup> In this context, it notes that the Defender of Rights is responsible for assessing the overall functioning of the whistleblower protection system in a biennial report. Such a report is due to be published in 2024. It should provide a first assessment of the actual effectiveness of the new system. GRECO considers that part (i) of the recommendation has been satisfactorily implemented.
109. As regards part (ii) of the recommendation, GRECO notes with satisfaction that awareness raising on the whistleblower system has been included in the initial and in-service training of the National Police. For the National Gendarmerie, the subject of whistleblowing is now included in the “Ethics” module of the initial training of gendarme cadets, but no specific whistleblowing module is currently offered as part of the in-service training programme, which is currently being overhauled. In view of the above, GRECO considers that part (ii) of the recommendation has been partly implemented.
110. GRECO concludes that recommendation xviii has been partly implemented.

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<sup>15</sup> See also, Defender of Rights, [Annual Activity Report 2022](#), p. 91.

### III. CONCLUSIONS

111. **In the light of the foregoing, GRECO concludes that France has satisfactorily implemented or dealt with in a satisfactory manner two of the eighteen recommendations set out in the Fifth Round Evaluation Report.** Of the sixteen remaining recommendations, ten recommendations have been partly implemented and six recommendations have not been implemented.
112. More specifically, recommendations iii and xv has been implemented satisfactorily or dealt with in a satisfactory manner, recommendations i, ii, iv, v, vii, xii to xiv, xvii and xviii have been partly implemented and recommendations vi, viii to xi and xvi have not been implemented.
113. With regard to top executive functions, more than half of the recommendations have been partly implemented and some positive developments have taken place. The AFA and HATVP have strengthened their cooperation on the topic of PTEFs. A self-assessment questionnaire on conflicts of interest was handed out to members of Government when they first took office in July 2023. HATVP's prior vetting of the appointments of members of ministers' private offices and staff of the President of the Republic from the private sector has been effective but should be extended to all advisers. While there are registers of withdrawals for members of ministers' private offices and offices of the Presidency, these are not made public. The preparation of the next national anti-corruption plan (2024-2027) is under way and will include a focus on preventing breaches of probity in the public sphere, particularly affecting PTEFs. However, a number of recommendations have still not been implemented and require stronger action, in particular to increase the transparency of PTEFs' contacts with lobbyists. The declarations of assets and interests of the presidential candidate who has been elected should be subject to scrutiny. Lastly, the composition of the Court of Justice of the Republic has not changed, and sufficient consideration has not been given to the issue of reporting to the Executive of information in cases concerning PTEFs.
114. As regards law enforcement agencies, GRECO welcomes the adoption of an updated version of the commentaries on two articles of the code of ethics of the National Police and the National Gendarmerie. Other positive developments have been noted, such as the explicit inclusion of lack of integrity in the National Police's risk catalogue and the National Gendarmerie's implementation of a professional conduct action plan in 2022. The whistleblower protection system has also been strengthened. On the other hand, there is still no global strategy focusing on the prevention of corruption risks within law enforcement agencies, no security checks whose frequency would depend on risk exposure and, within the National Police, no specific rotation system in the sectors identified as most vulnerable to corruption risks.
115. In the light of the foregoing, GRECO notes that France is not in sufficient compliance with the recommendations contained in the Fifth Round Evaluation Report within the meaning of Rule 31 revised bis, paragraph 10 of the Rules of Procedure. It therefore decides to apply Rule 32 revised, paragraph 2 (i) and asks the Head of delegation of France to provide a report on the progress in implementing the outstanding recommendations, i.e. recommendations i, ii, iv to xiv and xvi to xviii, by 31 March 2025.



116. In addition, in accordance with Rule 32 revised, paragraph 2, sub-paragraph (ii.b), of its Rules of Procedure, GRECO invites the President of the Statutory Committee to send a letter to the Permanent Representative of France to the Council of Europe – with a copy to Head of delegation of France – drawing attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
117. GRECO invites the French authorities to authorise the publication of this report at their earliest convenience.