

IMPLEMENTING ASSETS AND INTERESTS DISCLOSURE TO PREVENT CORRUPTION OF MPs

The French High Authority role in controlling and counselling MPs

PREVENTION OF CORRUPTION IN RESPECT TO PARLIAMENTARIANS, JUDGES AND PROSECUTORS:
MAIN TRENDS AND LESSONS LEARNED FROM GRECO IVTH EVALUATION ROUND
– PRAGUE, 10 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



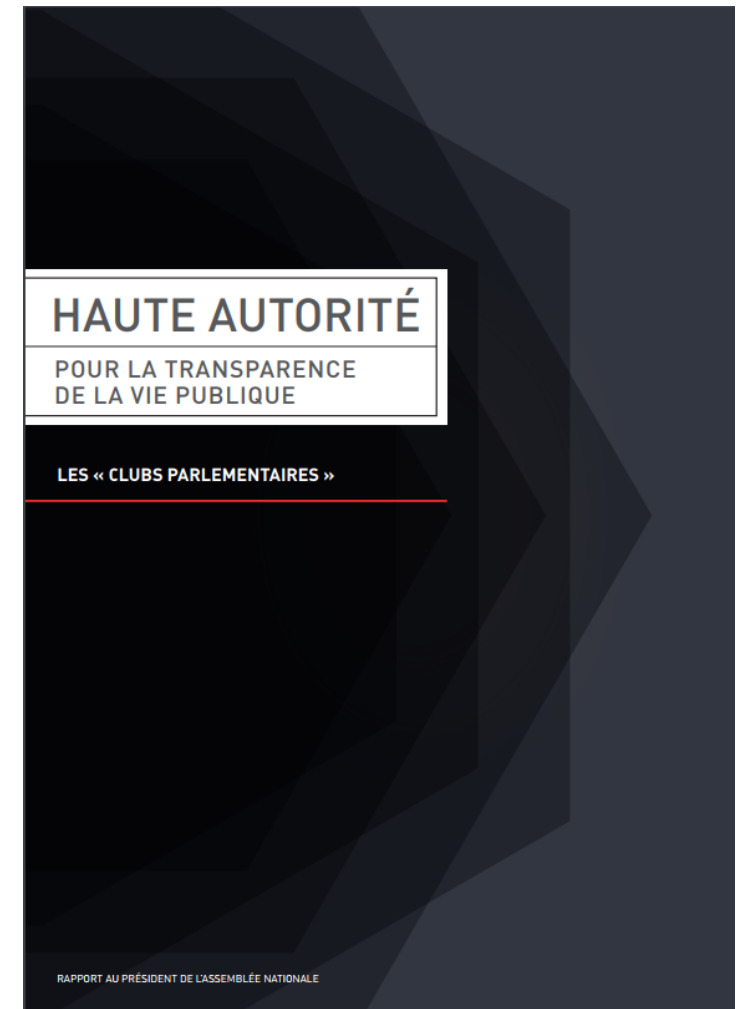
COUNSELLING

INSTITUTIONAL - REPORT (2016)

- MPs/lobbyists informal groups and gatherings
- Proposals to strengthen transparency and integrity
- Proposals now entrenched in the legislation
- Current discussions for evolutions of the MPs' code of conduct

INDIVIDUAL

- Confidential counselling on ethical matters to all public officials, including MPs (e.g. secondary activities)





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
Project : President and high officials of the Olympic Games organization committee



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

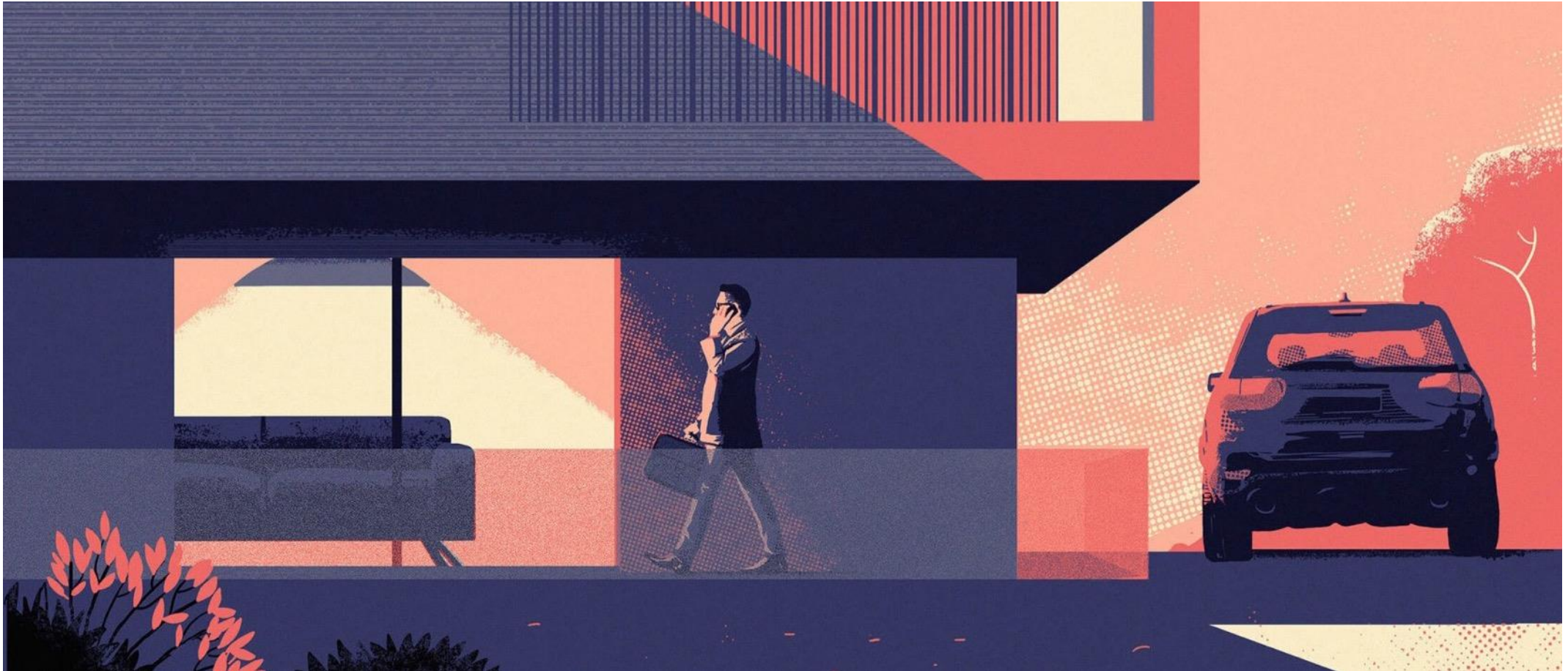
24 magistrates

Council of State
Court of cassation
Court of Auditors

Independent and non
permanent account
and legal experts

01

WHAT DOES AN MP DECLARE AND HOW?





TWO INSTRUMENTS

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:

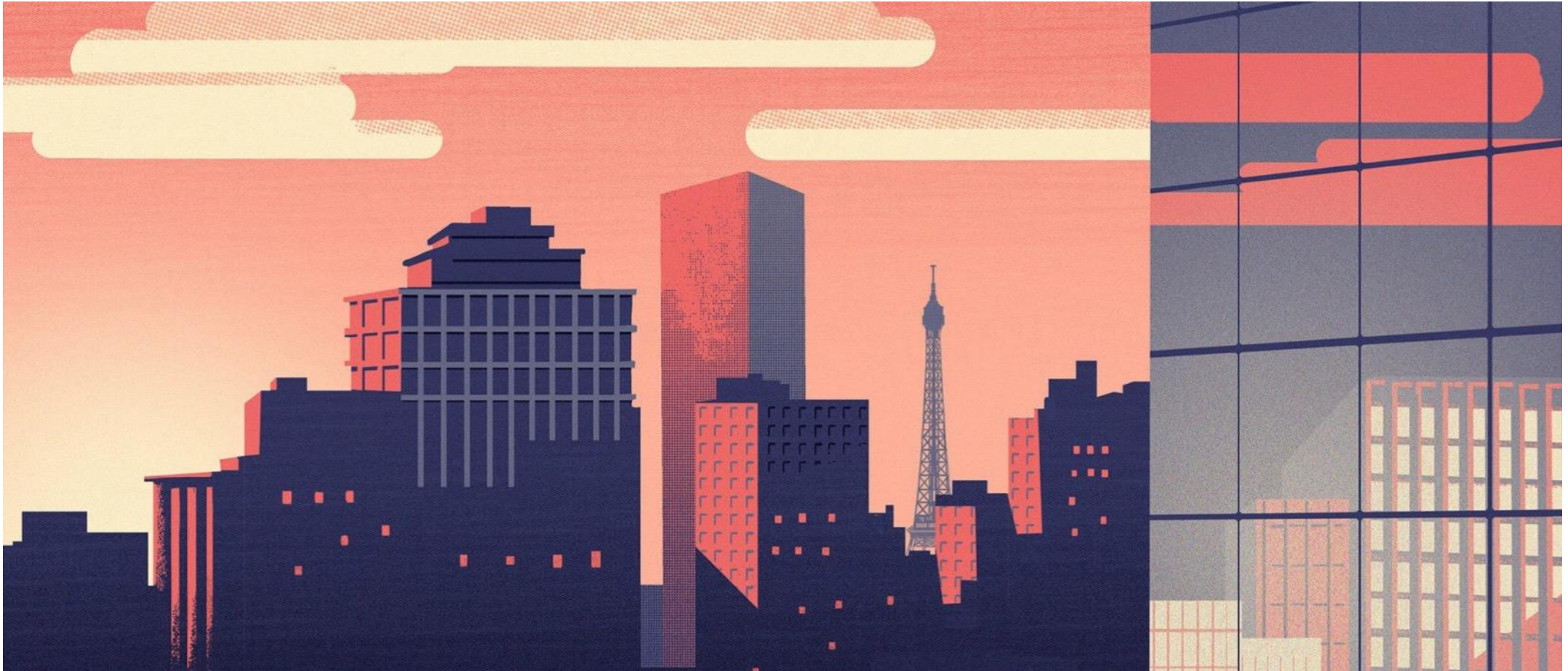
Pecuniary interests of the declarant and his/her spouse:

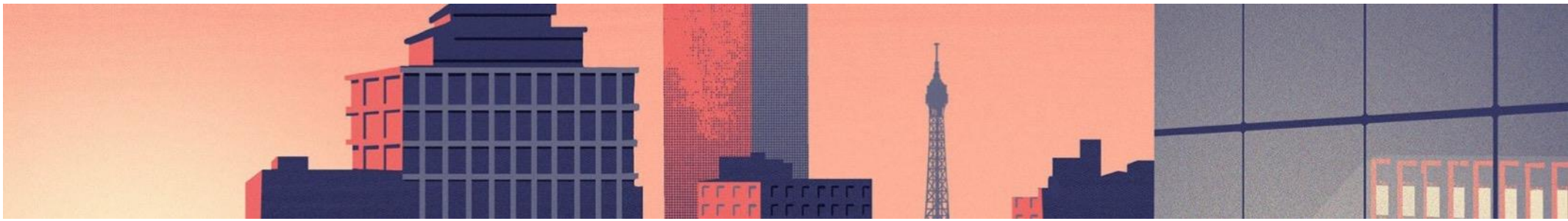
- Professional activity,
- Secondary activities,
- Actions, etc.

Non-pecuniary interests:

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

02 WHY DISCLOSING AND HOW?





INTEREST DISCLOSURE IMPACT

HAUTE AUTORITÉ
POUR LA TRANSPARENCE
DE LA VIE PUBLIQUE

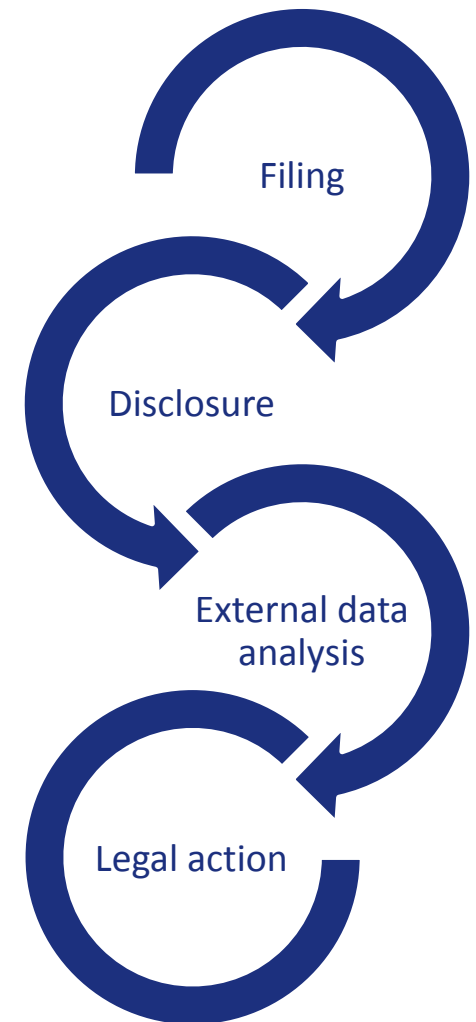
LA HAUTE AUTORITÉ LES DÉCLARATIONS LE RÉPERTOIRE | ESPACE DÉCLARANT

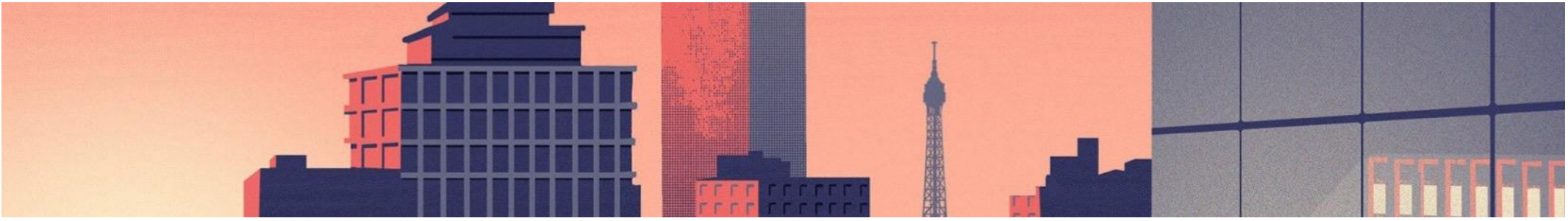
Les déclarations

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

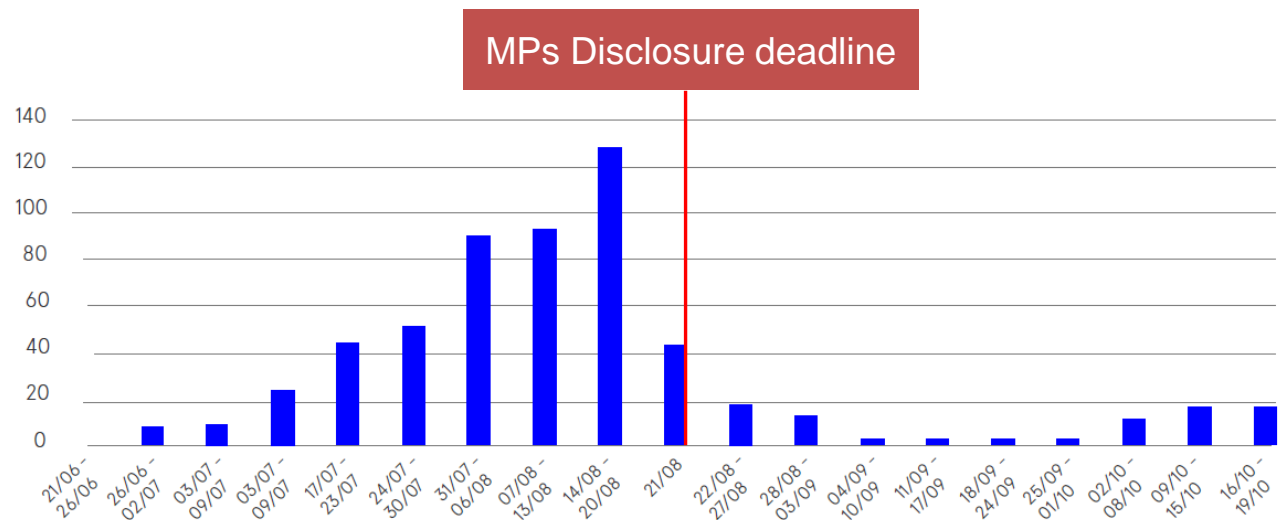
COMPLIANCE WITH LEGAL DELAYS

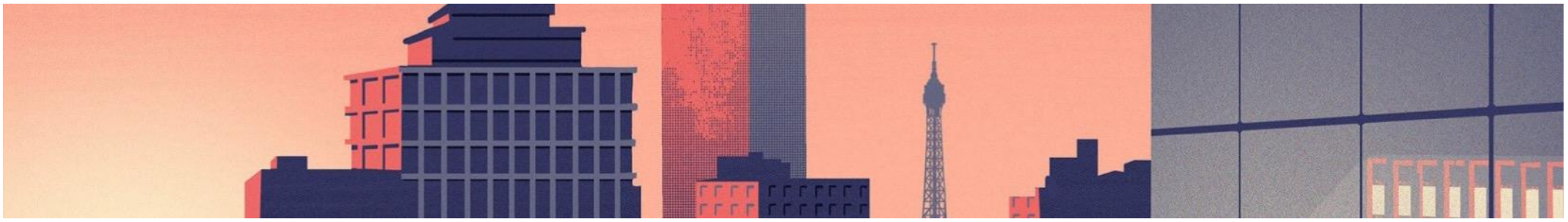
Out of the 571 initial declarations

- 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





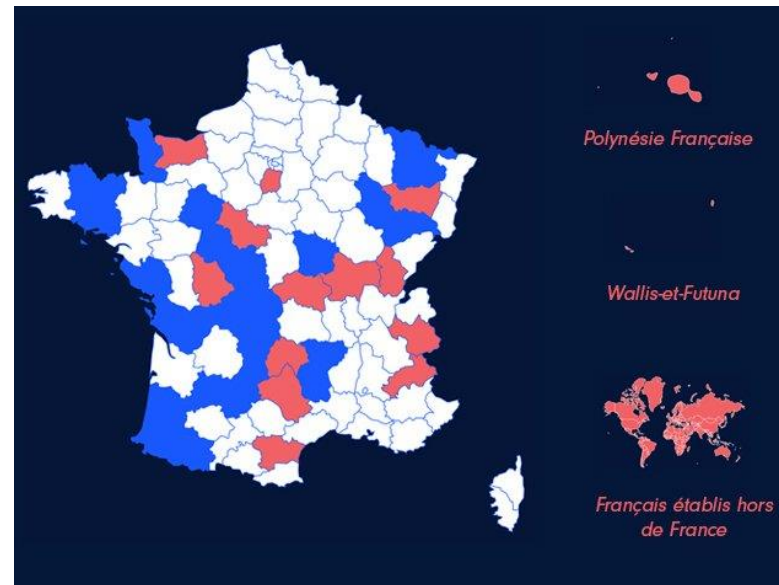
PUBLICATION OF ASSET DECLARATIONS OF INCOMING MPS

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
39 - Jura	hors de France
41 - Loire-et-Cher	986 - Wallis-et-Futuna
	987 - Polynésie
	Française

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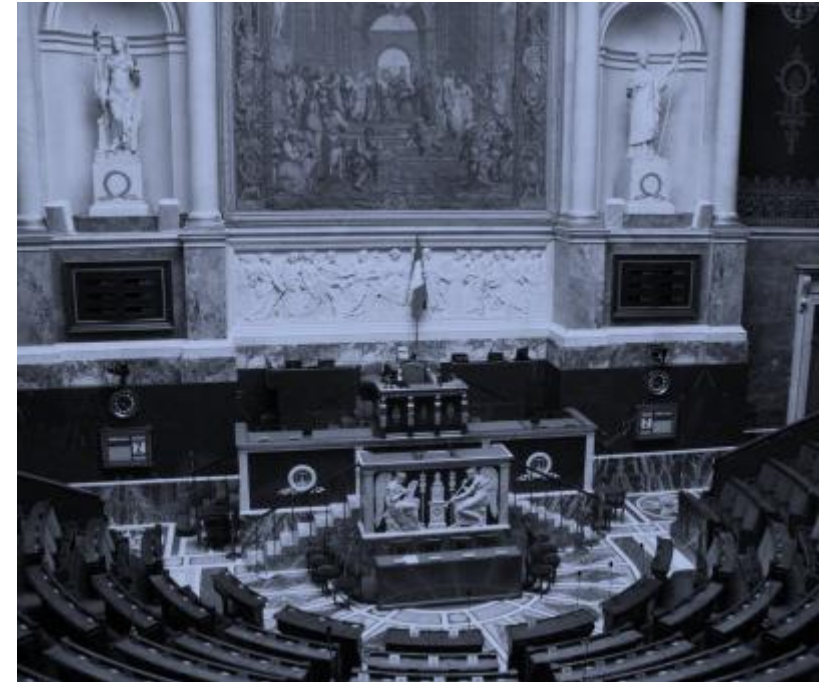
Departments where MPs assets declarations can be accessed (27 Oct. 2017)

Recommandation of the GRECO (2016) :
Online publication of MPs' asset disclosure forms

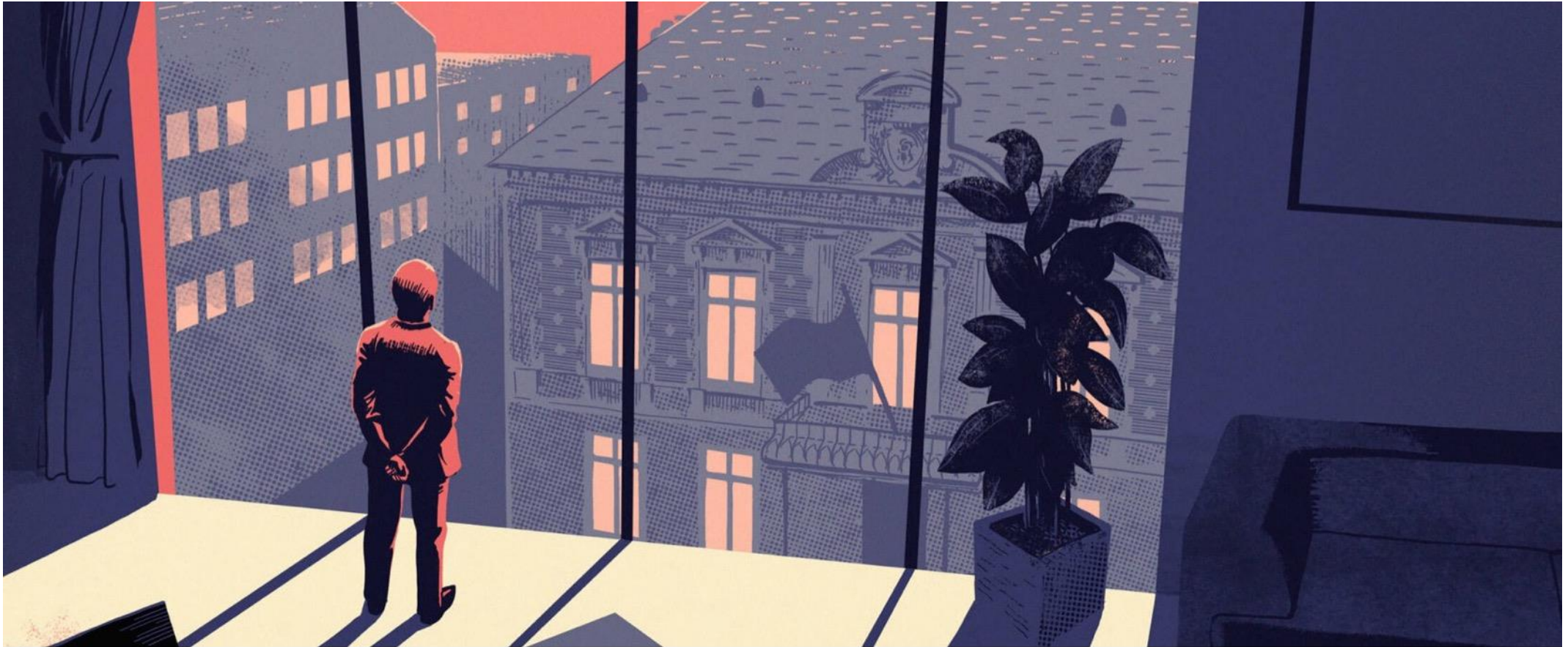


OPENNESS

- 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**



ASSETS AND INTERESTS, TWO 03 COMPONENTS OF A THOROUGH CONTROL OF MPS' SITUATIONS





PREVENTION OF CONFLICT OF INTEREST FOR MPS

« any situation that causes interference between a public interest and public or private interests, which could influence or appear to influence the independent, impartial and objective performance of a duty »
(Art. 2, Law of 11 October 2013)

DEFINE

- Position of interest
- Inteference with public missions
- Intencity of interfering

DETECT

- Declarations of interest
- Investigations
- Alerts

ACT

- Dialogue with the **Bureau** (incompatibilities) or the **Ethics Committee** or **Officer** in the Chamber (CoI)

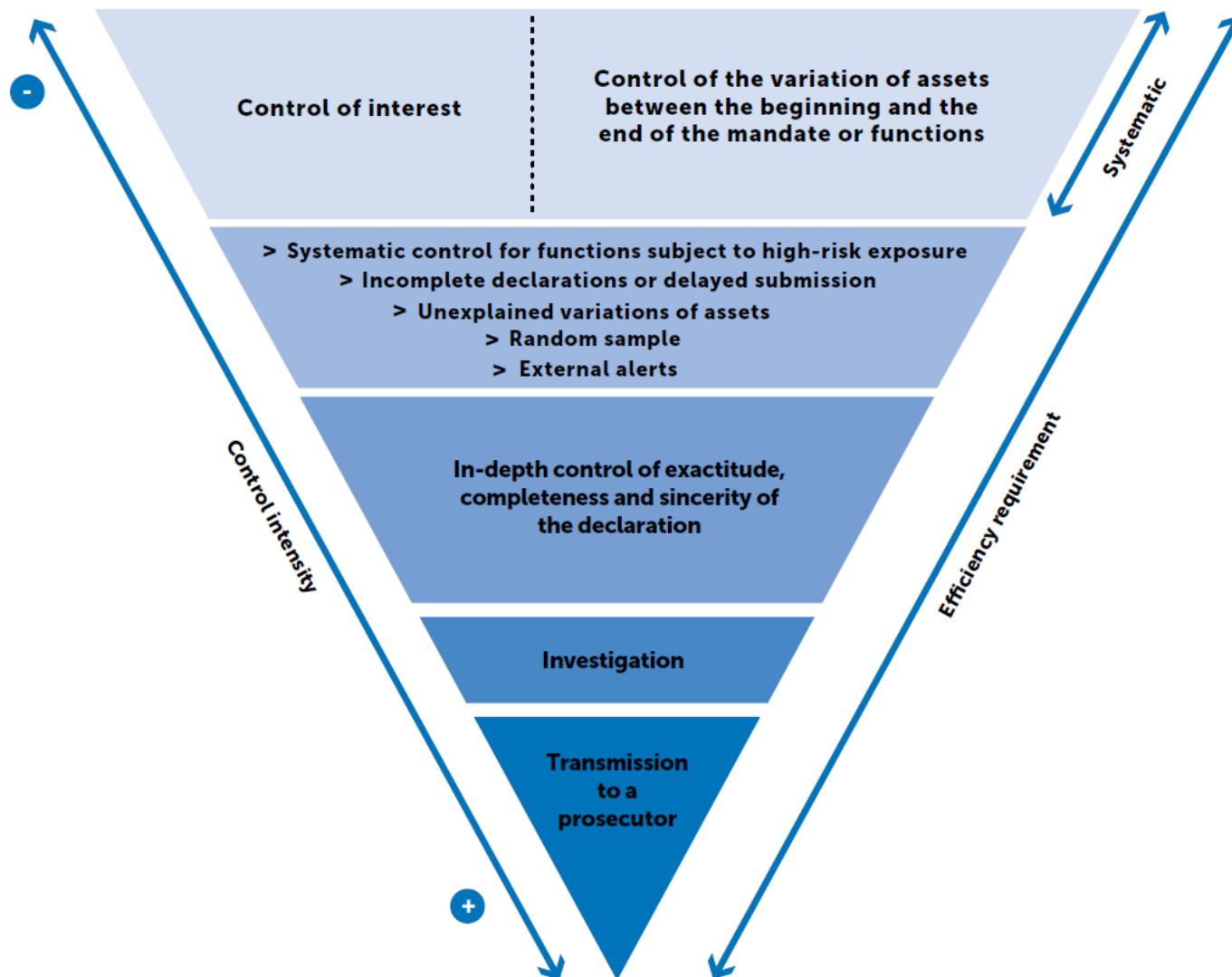
PREVENT

- Openness
- Adjusting public service
- Abandoning an interest

The High Authority makes sure there are no substantial omissions in MPs' declarations of interests and activities



A SYSTEMATIC IN-DEPTH CONTROL OF MPS' ASSETS

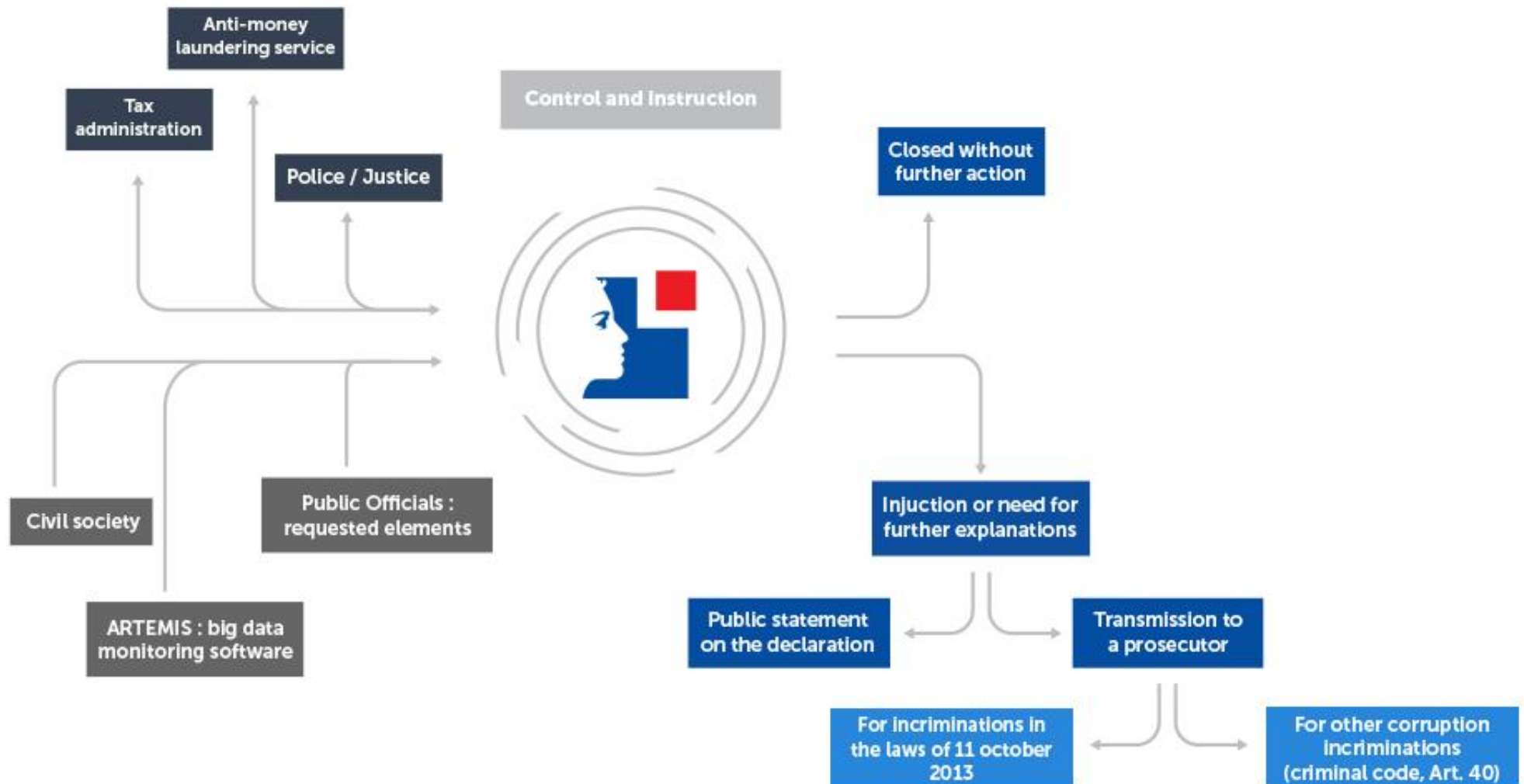


OBJECTIVES

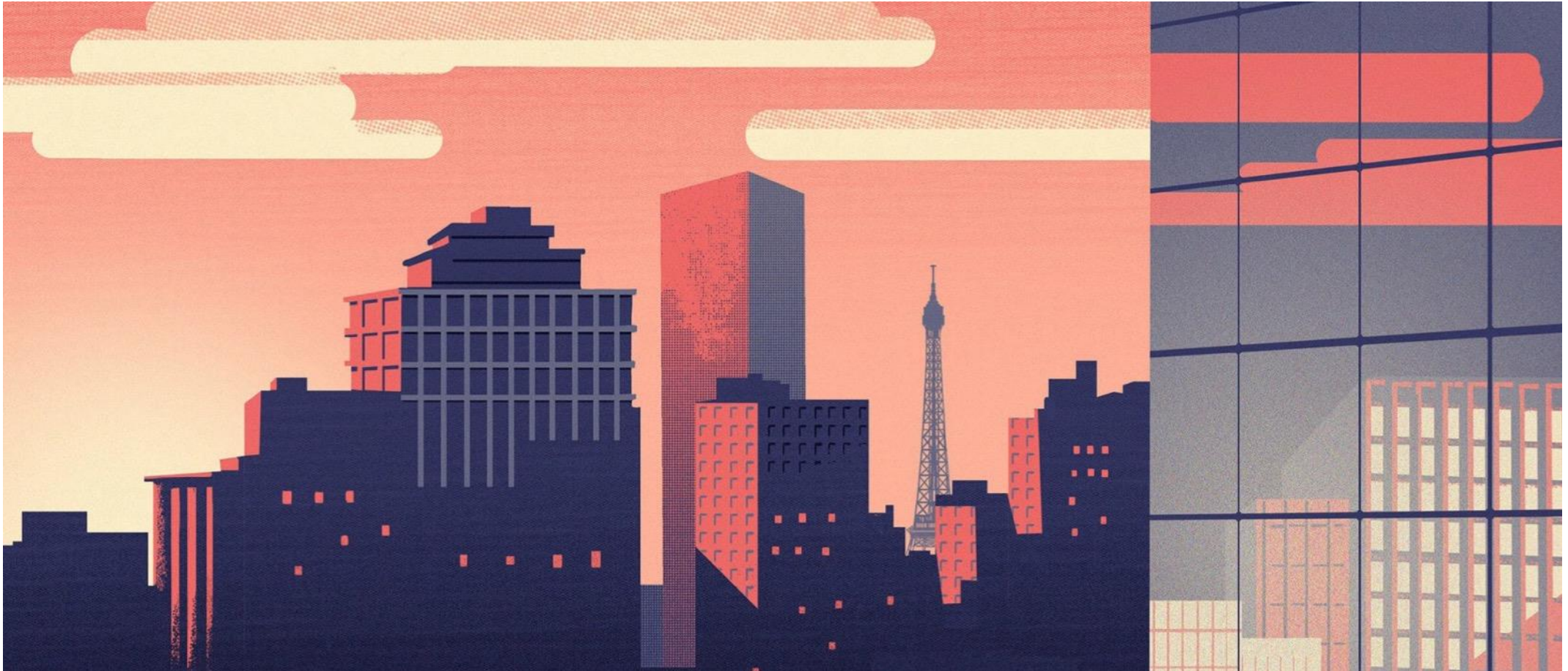
- Systematic in-depth control for MPs;
- Control the consistency and completeness;
- Investigate potential omissions or unexplained variations during office

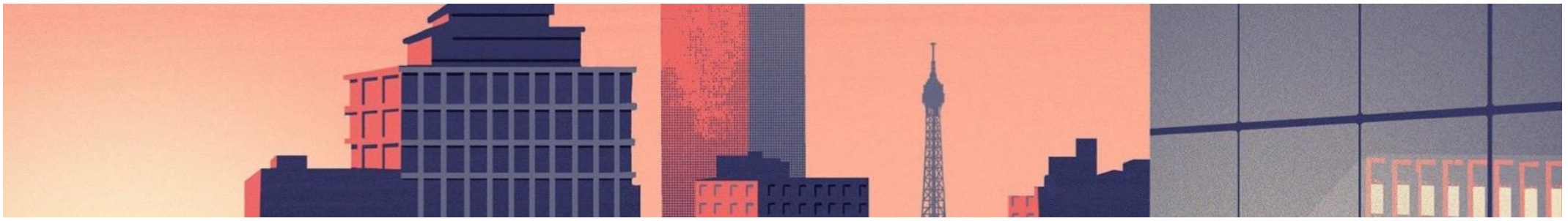


DATA COLLECTION – INSTRUMENTS AND PARTNERSHIPS



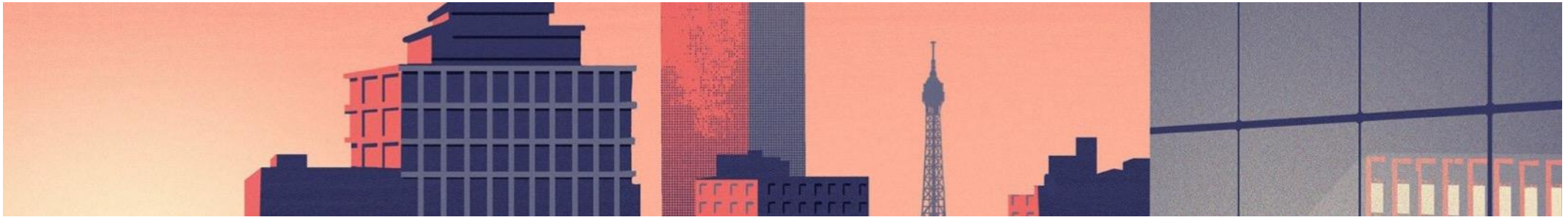
04 REAL ENFORCED SANCTIONS





CRIMINAL FRAMEWORK

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



JUDICIAL IMPACT

REFERRALS TO PROSECUTORS

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

SANCTIONS – FIRST EXAMPLES

- April 2016: six-month suspended sentence and 60 000€ fine for a **senator** ;
- 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





NOVEMBER 9TH 2017

TWO FORMER MPS

- End of mandate asset disclosure
- Data gathering and monitoring, investigations and reception of the public officials' observations
- Doubts on the comprehensiveness, correctness and sincerity of the declaration (underestimations of real estate)
- Referral to the Public prosecutor on Thursday 9 November



HATVP @HATVP · 5 h

#Justice - @HATVP a transmis la déclaration de patrimoine de fin de mandat de M. Patrick Balkany, ancien député des Hauts-de Seine, au @pr_financier & celle de M. François-Xavier Villain, ancien député du Nord, au Procureur de la République de Paris : bit.ly/2mdpLBx



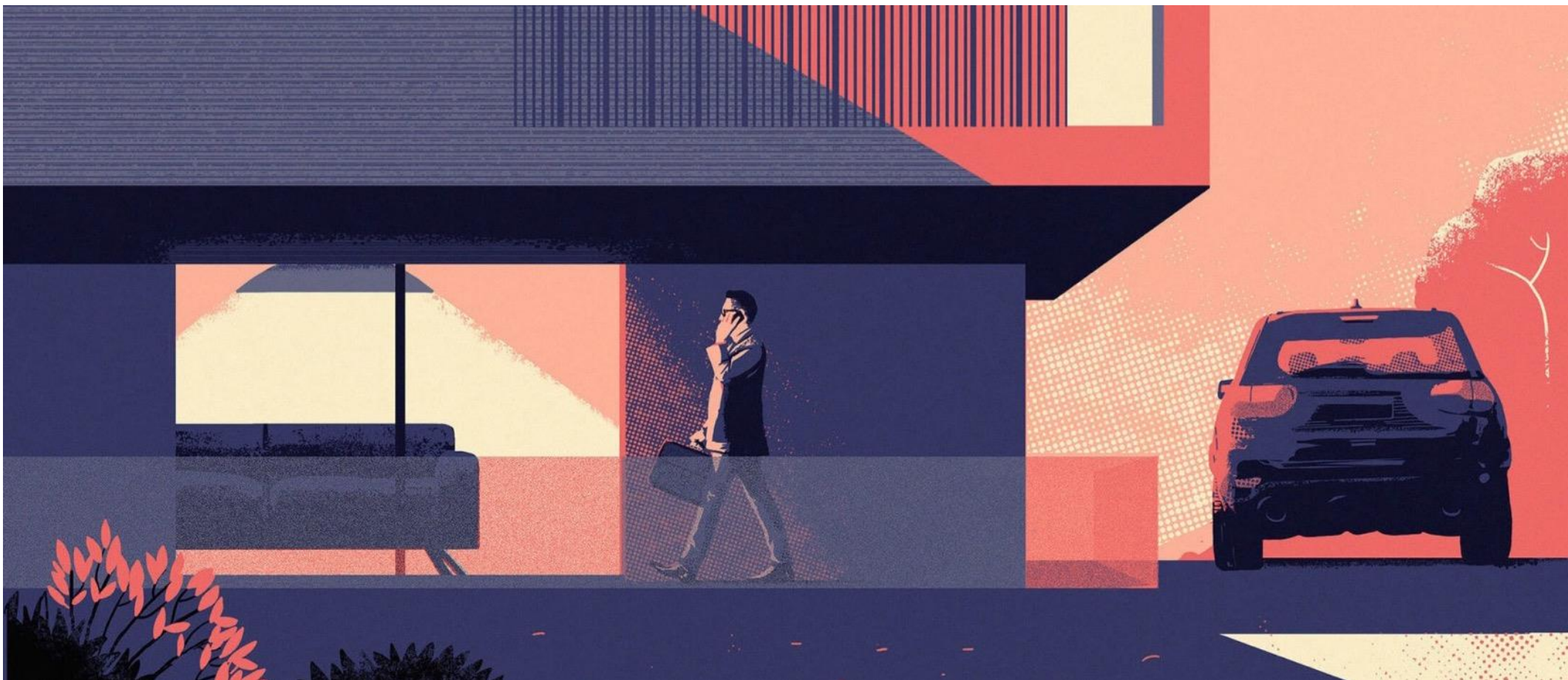
Décision de la Haute Autorité relative aux déclarations de situation patrimoniale de fin de mandat de MM. Patrick Balkany et François-Xavier Villain

La Haute Autorité pour la transparence de la vie publique a procédé à l'examen des déclarations de situation patrimoniale de fin de mandat établies à la fin de l'année 2016 par MM. Patrick Balkany, ancien député des Hauts-de-Seine, et François-Xavier Villain, ancien député du Nord.

Après instruction de leurs dossiers et recueil de leurs observations, la Haute Autorité estime, au regard des différents éléments dont elle a connaissance, qu'il existe en l'état un doute sérieux quant à l'exhaustivité, l'exactitude et la sincérité de ces déclarations.

En application de l'article 40 du code de procédure pénale, la Haute Autorité a jugé nécessaire de porter ces faits, susceptibles de constituer des infractions pénales, à la connaissance des procureurs de la République compétents et leur a transmis les dossiers concernés.

06 LOBBYING REGISTER





INSTITUTIONS CONCERNED	WHICH PUBLIC OFFICIALS ARE COVERED?
Government	Members of the Government and staff
Parliament	Members of the National Assembly, members of the Senate, staff of the Presidents of both chambers, high-ranking civil servants
Independant administrative or public authorities	Director general, secretary general and deputy, members of collegial body with a sanction power
Presidency of the Republic	President's staff
Central administration	High-ranking civil servants appointed in Council of Ministers + Functions detailed in a decree of the Conseil d'État (entry into force 01/07/18)
Local authorities	Main positions of local executive authorities (entry into force 01/07/18)



INCREASING TRANSPARENCY OF THE DECISION MAKING PROCESS

CREATION OF A COMMON REGISTER

- Online register (open source code);
- first declarative obligations for lobbyists;
- 170 entries disclosed in an open data format.

COMPLIANCE WITH ETHICAL RULES

- Public consultations;
- Guidelines;
- Sanctions



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