

France's High Authority for transparency in public life

Title of the governance practice: France's High Authority for transparency in public life: promoting probity of French public officials and regulating lobbying

Summary of the governance practice

The High Authority for transparency in public life controls the integrity of the highest-ranking French officials (more than 15,000), who are required to disclose their assets and interests when taking up their official duties. Since its creation in 2014, over 42,000 declarations have been submitted and more than 60 cases were referred to justice. The High Authority is also in charge of preventing conflicts of interest and regulating lobbying.

Short description of the governance practice

The High Authority for transparency in public life aims to promote the integrity of public officials in France. Its independence is guaranteed by the characteristics of its executive board and its financial and administrative autonomy.

The High Authority controls the integrity of the highest-ranking French public officials, who are required to disclose their assets and interests when taking up their official duties. The Authority ensures that these officials do not abuse their functions with illicit enrichment. It checks the consistency and integrity of their declarations or any omissions and unexplained variations of their assets throughout their mandate. The Authority also verifies the fiscal situation of government officials to ensure that they respect their fiscal obligations and pay taxes. The High Authority ensures that private interests of public officials do not interfere with the proper exercise of their public missions. The High Authority also has an advisory competency and can advise all the filers on ethical issues they may encounter throughout their missions.

Since 2017, the High Authority has been in charge of lobby regulation. It manages an online public register of lobbyists, shared by governmental and local authorities and the Parliament, in order to inform citizens about relations between lobbyists and decision makers. The registration is mandatory for private firms and associations that strive to influence the decision making process, particularly a law or regulation, through interactions with public officials. The public register contains information about the activities of lobbyists, particularly the interests that they represent, their identity, their actions and affiliated expenses. The Authority ensures that they respect the code of ethics set out by legislation. The High Authority is also in charge of elaborating guidelines for lobbyists and of advising public officials on ethical interactions with lobbyists.

Achievement/Outcome of the governance practice

Since the High Authority's creation in 2014, over 42,000 declarations have been submitted and more than 60 cases were referred to justice. All cases have so far resulted in systematic judicial investigations and proceedings. The first definitive sanctions were pronounced in 2016 and a few examples now include:

- 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;
- 2018: 31 cases were referred to criminal justice

On 15 October 2016, online disclosures became mandatory and all declarations are now filed online in an open data format. Over 7,000 declarations have been published and there were 1.5 million page views on the High Authority's website in 2018. The Authority publishes the declarations once they have been checked to allow access to all to complete and accurate information and to accompany the declarations of a public statement in case the Authority identifies an irregularity.

The lobby register is available in an open data format. More than 1,900 entities and 14,000 activities were registered as of July 2019. When the High Authority detects, on its own initiative or following a report, a breach of ethical rules, it sends a formal notice to the lobbyist in question. The formal notice, which may be published, orders the lobbyist to comply with its obligations, after allowing him or her to present his or her observations. After a formal notice, and for the next three years, the disregard of ethical obligations is punishable by one year's imprisonment and a 15 000 euros fine.

Source: Example of country practice provided by the Government of France as part of the Policy Framework's consultation process