



**IACC HIGH-LEVEL SEGMENT  
MONITORING MECHANISM  
FRANCE  
2018-2021**

# Transparency International France

Transparency International France is the French section of Transparency International, a global movement driven by a shared vision: a world in which states, businesses, civil society and individuals in their daily lives are free of corruption in all its forms. With over 100 chapters worldwide and an international secretariat in Berlin, we lead the fight against corruption to make this vision a reality.

Our values are justice, democracy, transparency, accountability, integrity, solidarity and courage.

Through our action, we want to help overcome the crisis of confidence that is currently undermining French democracy. This issue of trust in institutions, public speech and economic actors is at the heart of our advocacy: transparency in lobbying, prevention of conflicts of interest, protection of whistleblowers and judicial independence.

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# EXECUTIVE SUMMARY

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## SUMMARY OF FINDINGS

Total number of commitments made at the 18 <sup>th</sup> IACC	9
Total number of commitments selected for monitoring	7
<b>Current level of progress in commitment implementation</b>	
Number of fulfilled commitments	4
Number of partially fulfilled commitments	3
Number of commitments not fulfilled/dropped	0

## KEY CHALLENGES TO COMMITMENT IMPLEMENTATION

- 1. Lack of technical and human resources within the state administration on open data:** There are many efforts to make open data on the transparency of public commitments available in a more readable and aggregated format. However, there is much need for support to guarantee that services are accessible. In some instances, the poor quality of data makes it hard for civil society to use it.<sup>1</sup> A 2021 report points out the need for 400 new data specialist positions in ministries and statistical services by 2023.<sup>2</sup>
- 2. “Open Washing”:** Despite attractive visuals, datasets are often limited. For examples the final beneficiaries being aggregated on a too large a territorial scale or the amounts allocated are not always specified. Greater precision is necessary to move beyond data as simply a public communications tool, to real, proactive data transparency.<sup>3</sup>
- 3. Lack of detail in the lobbying register:** Lobbyists are obliged to update the register only once a year, while some organisations do not need to register at all. Also public officials do not have to report their meetings with representatives of special interests. As a result, the register is not exhaustive, to date. Registration is mandatory, but it is difficult to assess whether lobbyists are accurately declaring all their activities. In addition, there is need for

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<sup>1</sup> For example, the NGO "Ouvre-boîte", which advocated for the publication of the source code of the post-high-school selection platform in 2017, has recently mentioned that the data on social housing applications published on the Data Logement website lacks the required quality for open data.

<sup>2</sup> DINUM, Report: Assessment of the State's needs in data skills and expertise, <https://www.numerique.gouv.fr/uploads/RAPPORT-besoins-competences-donnee.pdf>

<sup>3</sup> Transparency International France, Position of Transparency France on France's 2021-2023 commitments within the framework of the Open Government Partnership (OGP), <https://transparency-france.org/actu/position-de-transparenc-ty-france-sur-les-engagements-2021-2023-de-la-france-dans-le-cadre-de-lopen-government-partnership-ogp/#.YfqyurMKUI>

more granularity in the data provided – for example, the name of public officials whom lobbyists meet and the exact topic they cover.<sup>4</sup>

4. **Lack of human resources at the High Authority for Transparency in Public Life (HATVP):** There is a lack of human resources at the HATVP to oversee a high number of compliance checks on asset declarations.<sup>5</sup>
5. **Lack of sanctions:** Despite numerous commitments to improving the transparency of public policies through publishing open data, the lack of sanctions for public agencies and administrations which fail to do so results in poor compliance.<sup>6</sup>

## KEY OPPORTUNITIES TO ACCELERATE COMMITMENT IMPLEMENTATION

In the next two years, a busy political and international agenda offers opportunities to accelerate the fulfilment of commitments and increase their scope:

1. **New term of government under President Macron:** During this new term, the government should prioritise the anti-corruption efforts it has neglected in former years, drawing on the comprehensive proposals to strengthen the fight against corruption published by Transparency International France ahead of the 2022 elections:<sup>7</sup>
  1. Implement a comprehensive public anti-corruption policy.
  2. Raise awareness and provide training on the impact of corruption.
  3. Make implementation of a corruption prevention plan compulsory in large local authorities and their satellites, and provide for sanctions in the event of non-compliance.
  4. Limit to three the number of consecutive mandates for parliamentarians and heads of local executives.
  5. Force the resignation of any member of the government under investigation for breach of probity.
  6. Reform the judiciary to guarantee its independence.
  7. Increase judicial and policing resources specialised in the fight against economic and financial crime.
  8. Ensure the exemplary nature of financing for the presidential election.
  9. Strengthen lobbying transparency.
  10. Put transparency at the heart of the fight against money laundering and terrorist financing.
  11. Ensure transparency and accountability in the restitution of ill-gotten gains.

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<sup>4</sup> OGP, France Transitional Results Report 2018-2020, <https://www.opengovpartnership.org/documents/france-transitional-results-report-2018-2020/>

<sup>5</sup> French Senate, Hearing of Mr. Martin Hirsch, Director General of Public Assistance - Hôpitaux de Paris (AP-HP), [http://www.senat.fr/compte-rendu-commissions/20220124/ce\\_conseil.html](http://www.senat.fr/compte-rendu-commissions/20220124/ce_conseil.html)

<sup>6</sup> See the “open data by default” principle, mandatory since October 2018 under the Digital Republic Law: French Republic, Code of relations between the public and the administration, [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000033205512/](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000033205512/)

<sup>7</sup> Transparency International France, #Présidentielle2022: Who is committed against corruption? Candidates' responses to our 11 proposals to strengthen the fight against corruption, <https://transparency-france.org/actu/presidentielle2022-nos-11-propositions-aux-candidats-pour-une-politique-publique-de-lutte-contre-la-corruption-2/#>

2. **France is hosting the 2024 Olympic Games:** Following numerous incidents of corruption in previous Olympic Games,<sup>8</sup> the dedicated anti-corruption mechanism for the 2024 games will face thorough scrutiny. The French government and the City of Paris have pledged to hold transparent and ethical games.<sup>9</sup> It is important that the government makes precise promises outlining concrete and measurable actions it will take in this regard – an element missing in the IACC 2018 commitments.
3. **Open Government Partnership (OGP) Action Plan 2021-2023:** The French government must continue to implement the 59 commitments included in its latest action plan, relating to citizen participation, public policy transparency, inclusive digital transformation, green transition, open diplomacy and measures to tackle the health crisis.<sup>10</sup>
4. **5th Evaluation Round Compliance Report:** This compliance report assesses how French authorities have implemented the recommendations made in the “Fifth Round Evaluation Report on France” adopted by the Group of States against Corruption (GRECO) in 2019. The government should implement recommendations from the evaluation report, which focuses on “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”.<sup>11</sup>

## KEY RECOMMENDATIONS

1. Implement a public anti-corruption policy, stating all the authorities involved in the fight against corruption.
2. Abandon the transfer of part of the French Anti-Corruption Agency (AFA) public-sector control missions to the HATVP.
3. Abandon the proposed changes to the public interest judicial agreement (CJIP).
4. Provide power of administrative sanction to HATVP and AFA as the agencies in charge of checking public- and private-sector actors’ compliance with French anti-corruption law under the Sapin II Act.
5. Provide adequate technical and human resources to support public institutions’ anti-corruption control strategies and implementation of anti-corruption mechanisms.
6. Align the requirements for the appointment of public prosecutors with those for judges, and provide for assent of the *Conseil Supérieur de la Magistrature*, giving it disciplinary powers over prosecutors.
7. Reform the National Commission for Campaign Accounts and Political Financing (CNCCFP) to establish continuous oversight of candidates’ expenses and revenues, and of political parties’ accounts.
8. Allocate dedicated resources to Etalab and the state’s Chief Data Officer.<sup>12</sup>
9. Establish central public registers with verified information about companies’ beneficial owners, including those of foreign companies.
10. Strengthen mechanisms for tracing, seizing, confiscating and returning assets.
11. Provide qualitative and quantitative data to assess France’s anti-corruption efforts.

<sup>8</sup> franceinfo:sport, The IOC, an institution marked by corruption cases, [https://www.francetvinfo.fr/les-jeux-olympiques/tokyo-2020/le-cio-une-institution-marquee-par-les-affaires-de-corruption\\_4448227.html](https://www.francetvinfo.fr/les-jeux-olympiques/tokyo-2020/le-cio-une-institution-marquee-par-les-affaires-de-corruption_4448227.html)

<sup>9</sup> France Urbaine, The City of Paris Puts Transparency at the Heart of the Paris 2024 Project, <https://franceurbaine.org/actualites/la-ville-de-paris-met-la-transparence-au-coeur-du-projet-paris-2024>

<sup>10</sup> OGP, France Current Action Plan 2021-2023,

<https://www.opengovpartnership.org/members/france/#:-:text=France%20is%20currently%20implementing%2059,health%20crisis%2C%20and%20open%20diplomacy>

<sup>11</sup> GRECO, 5th Evaluation Round Compliance Report, France, <https://rm.coe.int/greco/c5-2021-12-final-eng-compliance-report-france-public/1680a50f59>

<sup>12</sup> Etalab, Who we are, <https://www.etalab.gouv.fr/qui-sommes-nous>

# INTRODUCTION

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The 18th International Anti-Corruption Conference (IACC) in Copenhagen featured a series of high-level meetings among countries in the Organisation for Economic Co-operation and Development (OECD) and non-OECD countries, as well as international and regional organisations. As part of these meetings, participants made a set of statements on the steps that each intends to take to make progress in anti-corruption, based on existing commitments, such as Open Government Partnership (OGP) action plans, the UK Summit, the United Nations Convention against Corruption (UNCAC), OECD instruments and the UN Sustainable Development Goals (SDGs).<sup>13</sup> Participants at the high-level meetings agreed to establish a follow-up mechanism engaging all stakeholders (including governments, international and regional organisations, companies and civil society) in monitoring implementation of these commitments.

The aims of the follow-up mechanism are to:

- assess the level of progress towards implementation of the commitments
- provide further analysis on, and complement, other reporting mechanisms
- focus on the qualitative nature of the commitments, rather than quantitative scoring or ranking
- provide insights into what has and has not worked, and why
- provide insights into the opportunities and challenges for implementation, as a basis for understanding where to target technical support.

The follow-up mechanism aims to capture the context and conditions under which the commitments are being implemented, as well as recording progress in their implementation. It provides further analysis on, and complements, other reporting mechanisms, rather than duplicating them.

This report presents the results of the first round of monitoring for France. It contains the following sections:

1. Filtering of commitments: the results of our selection process for French commitments to monitor, based on an assessment of their levels of specificity and measurability, and the feasibility of monitoring each of them.
2. Analysis of the French context: a brief analysis of the extent to which the overall commitments are considered pertinent to the country context.
3. Progress in implementing the commitments: the level of progress obtained for each of the commitments selected for monitoring, as well as the challenges and opportunities for implementation.
4. Recommendations: key recommendations to accelerate implementation of commitments.

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<sup>13</sup> 18th IACC high-level segment commitments, <https://iaccseries.org/18th-iacc/18th-iacc-high-level-segment-commitments/>

# FILTERING OF COMMITMENTS

In total, France presented nine commitments at the 18<sup>th</sup> IACC in 2018. Of these, seven are deemed feasible to monitor, based on their levels of specificity and measurability, as presented below.

**COMMITMENT 1: The French Court of Auditors (*Cour des Comptes*) commits to strengthen the publication of financial courts' data and to innovate in the way it interacts with civil society, in order to enable it to track public finance data [OGP 19].**

IS THE COMMITMENT SPECIFIC?

YES

This commitment is specific, because it targets a concrete and sufficiently narrow anti-corruption mechanism: the "publication of financial courts' data". The commitment also states that it is connected to commitment 19 in the French OGP Action Plan 2018-2020, "Involving citizens further in the work carried out by the *Cour des Comptes*".<sup>14</sup>

IS THE COMMITMENT MEASURABLE?

YES

The commitment does not explicitly state clear measurable actions. However, since it relates to commitment 19 in the French OGP Action Plan 2018-2020, it is possible to identify more concrete and measurable actions relating to this commitment:

1.1 Strengthen the publication of financial court data.

The French Court of Auditors aims at publishing more data on financial courts, a continuous commitment since France's first National OGP Action Plan 2015-2017,<sup>15</sup> "in particular, by making available growing numbers of quantitative datasets used or produced in the context of their controls, investigations and assessments, along with data bearing on their own activities". We can therefore identify the following measurable actions in relation to the IACC commitment: "Disseminating certain data resulting from work carried out by financial courts in opening data, reinforcing data quality and diversification requirements at the same time". However, from the wording, it is unclear how to measure this, beyond the number of publications and the type of data published.

1.2 "To innovate in the way financial courts interact with civil society, in view of enabling civil society to track public finance data." This could be achieved by:

- a) organising open events
- b) developing tools and applications facilitating civil society's reuse of data
- c) trying out new ways of informing and consulting citizens.<sup>16</sup>

IS THE COMMITMENT SELECTED FOR MONITORING

YES

<sup>14</sup> OGP, France National Action Plan 2018-2020, p.54, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>15</sup> OGP, France National Action Plan 2015-2017, [https://www.gouvernement.fr/sites/default/files/action/piece-jointe/2016/01/2015\\_07\\_09\\_plan\\_gouvernement\\_ouvert\\_en\\_version\\_finale.pdf](https://www.gouvernement.fr/sites/default/files/action/piece-jointe/2016/01/2015_07_09_plan_gouvernement_ouvert_en_version_finale.pdf)

<sup>16</sup> OGP, France National Action Plan 2018-2020, p.54, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

**COMMITMENT 2: The High Authority for Transparency in Public Life commits to ensuring greater transparency on lobbying activities, notably by facilitating exploitation and enrichment of its own registry by citizens and civil society organisations, and enabling increased access to and use of asset and interest declarations already published in an .XML format. In addition, the High Authority will launch its first control strategy on lobbyists, to ensure compliance with registration obligations [OGP 20,21].**

IS THE COMMITMENT SPECIFIC?

YES

This commitment is specific as it focuses on a sufficiently narrow policy area: the role of the High Authority for Transparency in Public Life (HATVP) in controlling lobbying activities. The anti-corruption mechanism concerned is the registry of lobbying activities. The commitment also states that it is connected to commitment 20 in the French OGP Action Plan 2018-2020, "Ensuring greater transparency in the activities of special-interest representatives", and commitment 21, "Improving access to public information on elected representatives and public officials".<sup>17</sup>

IS THE COMMITMENT MEASURABLE?

YES

The commitment identifies three actions:

2.1 "Ensuring greater transparency for lobbying activities, notably by facilitating exploitation and enrichment of HATVP's own registry by citizens and civil society organisations." From the wording of the commitment, it is unclear what is meant by "facilitating exploitation and enrichment". However, further research into the OGP Action Plan shows that what is meant here are several actions outlined in the roadmap of commitment 20:

- a) Organising one or more workshops in order to consult civil society over criteria for making the data repository available and enriching it
- b) Using open-source code for the repository
- c) Publishing, in an open and easily reusable format, data from the repository of information on representatives
- d) Publishing, in an open and easily reusable format, the list of public officials to whom a communication may constitute an action of representation of interests.<sup>18</sup>

2.2 "To increase access and reuse of the content of asset and interest declarations that are already published in an .XML format". From the wording of the commitment, it is unclear what is meant by increasing access and reuse. However further research into the OGP Action Plan shows that this is connected to two measurable actions in the roadmap of commitment 21:

- a) "Improving clarity of data provided to the public by accompanying its publication with production of data visualisation and analyses"
- b) "Widening the choice of exportable formats by also publishing declarations in CSV format".<sup>19</sup>

2.3 "To launch the first HATVP control strategy on lobbyists to ensure compliance with registration obligations". Here the wording is very clear on developing and launching a control strategy as a measurable action. This is a new action that was not mentioned in the French OGP Action Plan 2018-2020.

IS THE COMMITMENT SELECTED FOR MONITORING

YES

<sup>17</sup> OGP, France National Action Plan 2018-2020, pp.56-59, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>18</sup> OGP, France National Action Plan 2018-2020, p.57, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>19</sup> OGP, France National Action Plan 2018-2020, p.59, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

**COMMITMENT 3: The High Authority for Transparency in Public Life commits to improving access to public information on elected representatives and public officials by publishing this data under an open data format (OGP 21).**

IS THE COMMITMENT SPECIFIC?

YES

This commitment is specific because it focuses on a concrete and sufficiently narrow anti-corruption mechanism: access to public information on elected representatives and public officials. However, it is unclear from the wording of the commitment what kind of information is meant here. This commitment is related to OGP commitment 21, on providing access to data on elected representatives and public officials ("Improving access to public information on elected representatives and public officials" in the French OGP Action Plan 2018-2020).<sup>20</sup> Further research into the action plan shows that the information mentioned in this commitment relates to asset and interest declarations by public officials.

IS THE COMMITMENT MEASURABLE?

YES

The commitment is measurable because it identifies "publishing this data under an open data format" as a clear, measurable action and deliverable. Looking further into the OGP Action Plan, it becomes clear that this specifically relates to "publishing" asset and interest declarations of public officials in CSV format. The availability of the registry in CSV format can easily be checked on the HATPV website, as can the data visualisation effort.

IS THE COMMITMENT SELECTED FOR MONITORING

YES

**COMMITMENT 4: The Ministry of Economy and the Ministry of State in charge of digital issues commit to strengthen transparency of public procurement and will help public services achieve their digital transition. France is also chairing the "Contracting five" initiative [OGP 2].**

IS THE COMMITMENT SPECIFIC?

YES

This commitment is specific because it targets a concrete and sufficiently narrow policy instrument: public procurement. The commitment also states that it is connected to commitment 2 in the French OGP Action Plan 2018-2020, "Increasing transparency in public procurement".<sup>21</sup>

IS THE COMMITMENT MEASURABLE?

YES

The commitment identifies three indefinite actions. However, through further research, corresponding actions can be identified for commitment 2 in the roadmap details of the French OGP Action Plan.<sup>22</sup>

<sup>20</sup> OGP, France National Action Plan 2018-2020, p.58, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>21</sup> OGP, France National Action Plan 2018-2020, pp.9-10, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>22</sup> OGP, France National Action Plan 2018-2020, p.10, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

- 4.1 Strengthening transparency in public procurement. From the wording, it is unclear what is meant by “strengthening”. Concrete actions from the OGP Action Plan commitment 2 are:
- “Designing a ‘single flow’ of procurement contract data” (meaning a unique stream of data) and making it available on the government website, data.gouv.fr.
  - “Increasing the level of detail provided in the public procurement dataset for each contract.”
  - “Developing and implementing innovative uses of public procurement data at public procurement observatories in the two ‘testing grounds’: Brittany and Occitania.”
  - “Disseminating these practices across other territories: involvement of other territories in experiments underway and publication of their data in the same format.”
- 4.2 Helping public services achieve their digital transition. From the wording, it is unclear how the Ministry of Economy and the Ministry of State want to help public services achieve this objective. The OGP Action Plan mentions a concrete action:
- “Developing a policy ensuring support for and training of those involved in the digital transformation of public procurement.”
- 4.3 Chairing the “Contracting five” (“C5”) initiative to promote transparency of public procurement at international level. C5 is an alliance between France, Colombia, Mexico, the UK and Ukraine, with Open Contracting Partnership support. The C5 group aims to share tools and best practices on the subject, and develop the international “open contracting data standard”. France began chairing C5 in January 2018. However, it is unclear what actions or deliverables are associated with chairing this initiative. Further research into the OGP Action Plan showed that it mentions two steps:
- “Disseminating standards among the international community via Contracting 5.”
  - “Incorporating more countries into Contracting 5 and promoting the use of international standards in those countries.”

IS THE COMMITMENT SELECTED FOR MONITORING

YES

**COMMITMENT 5: The Ministry of State in charge of digital issues commits to help French public services accelerate public data publication, as well as source codes and algorithms [OGP 5,6,7].**

IS THE COMMITMENT SPECIFIC?

YES

This commitment is specific as it targets the publication of data, source codes and algorithms by French public services as a sufficiently narrow anti-corruption mechanism. This commitment states that it relates to French OGP commitments from the 2018-2020 action plan: commitment 5 “Appoint ministerial data administrators and support the implementation of the ‘open by default’ principle”; commitment 6, “Improving transparency of public algorithms and source codes” and commitment 7, “Support local areas in implementing open data by the default principle”.<sup>23</sup>

IS THE COMMITMENT MEASURABLE?

YES

The commitment can be made measurable by referring to the roadmaps of OGP commitments 5, 6 and 7.

<sup>23</sup> OGP, France National Action Plan 2018-2020, pp.17-25, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

- 5.1 Appoint ministerial data administrators and support implementation of the “open by default” principle [OGP 5].
- a) Appoint a data administrator within each ministry.
  - b) Oversee the network of ministry data administrators (together with the general data administrator at the Inter-ministerial Department of the Government’s Digital, Information and Communication Systems (DINSIC).
  - c) Support government departments and bolster dialogue on opening up public data:
    - Publish a practical educational guide on opening up public data, including a reminder of the new legal framework (Digital Republic Act, General Data Protection Regulation)
    - Offer training to officials
    - Involve data re-users in drawing up future open data policies – through hackathons, consultations or training, for example.
  - d) Assess the impact of opening up public data:
    - Organise a study day for understanding the impacts of opening up public data
    - Develop tools (such as indicators, data science) for measuring the impact that instruments for opening up public data have on the economy, democratic life and other areas
    - Set up an international working group on the impact of opening up public data, for discussing feedback from other countries.
- 5.2 Improving transparency of public algorithms and source codes [OGP 6]
- a) Producing five public algorithm monographs in order to identify technical, legal and organisational issues, and enabling civil society to access them for analysis
  - b) Making recommendations to administrations on essential information about public algorithms, in compliance with the principle of transparency over algorithms.
  - c) Drafting a guide to public-sector open-source codes for use by administrations
  - d) Organising hackathons based on opening public-sector algorithms.
- 5.3 Support local areas in implementing the principle of open data by default [OGP 7]
- a) Maintain and add to educational and methodological resources for local areas.
  - b) Continue and add to the training provision for local areas by capitalising on new partnerships and setting up a network of training leaders.
  - c) Continue to support and update the common local database.
  - d) Set up a community open data observatory, producing various summary indicators from the data collected on publication platforms:
    - Local authorities publishing information in open data format (number, type, geographic distribution)
    - Sets of open data (e.g. number, date, theme, access conditions)
    - Publication platforms (e.g. number, type, technical solutions)
    - Uses (reuse, traffic)
    - Local area coordination (stimulation of reuse and support for local authorities).<sup>24</sup>

**IS THE COMMITMENT SELECTED  
FOR MONITORING**

**YES**

<sup>24</sup> French government, “The Government and the Institutions”, <https://www.gouvernement.fr/composition-du-gouvernement>

**COMMITMENT 6: The Ministry for Europe and Foreign Affairs and the French Development Agency commit to guide the implementation of transparency standards and participation at the international level. In this regard, France has launched a project to support open government in French-speaking countries. In cooperation with the NGO International Budget Partnership, France also organised a series of workshops on budget transparency [OGP 16].**

IS THE COMMITMENT SPECIFIC?

YES

The commitment focuses on transparency standards and participation at the international level as anti-corruption mechanisms. The focus is on the implementation of open government in French-speaking countries. Although the commitment links to actions other countries should implement, it can be considered specific as it focuses on the supportive actions France plans to take to help other French-speaking countries. This commitment corresponds to OGP commitment 16, "Supporting implementation of the principles of transparency and citizen participation at the international level."<sup>25</sup>

IS THE COMMITMENT MEASURABLE?

YES

The commitment is composed of two parts. The first, "to guide the implementation of transparency standards and participation at the international level" is a general statement of intent. From the wording, it is unclear what is meant by "guide" and "participate". The second part mentions two concrete initiatives that merely describe previous work in relation to this commitment. The first initiative refers to the launch of the Project on Open Government in French-speaking Developing Countries (PAGOF).<sup>26</sup> According to the OGP Action Plan, commitment 16 aims to "improve governance in several French-speaking countries that are OGP members or nearing eligibility for membership, by assisting them in implementing institutional procedures and frameworks for consultations that comply with Open Government principles." In relation to this, three measurable actions were identified in the OGP action plan:<sup>27</sup>

- 6.1 "Provide technical and financial support, via the PAGOF, to the achievement of OGP member countries' National Action Plans (Tunisia, Burkina Faso and the Ivory Coast) and network countries intending to join the OGP." This part of the project is implemented by Expertise France (the French agency for international technical expertise) and Canal France International (the French media development agency), to a value of €3.5 million, out of a total budget of €4.5 million.
- 6.2 Participate in the OGP Multi-Donor Fund through the PAGOF, funding projects enabling better implementation of Open Government principles, in particular in countries recently eligible for OGP membership, and research projects on open government.
- 6.3 Continue the Innovative Digital Solution prize, launched in 2017, rewarding three projects to counter corruption with €10,000 per project, and monitor their implementation.

IS THE COMMITMENT SELECTED FOR MONITORING

YES

<sup>25</sup> OGP, France National Action Plan 2018-2020, p.45, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>26</sup> #PAGOF, Francophone Open Government Support Programme, <https://www.pagof.fr/>

<sup>27</sup> OGP, France National Action Plan 2018-2020, pp.45-46, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

**COMMITMENT 7: France will support the International Sport Integrity Partnership: France is an active member of the International Partnership Against Corruption in Sports (IPACS) and participated in the launch of this multi-party initiative. It currently sits on two of the three IPACS task forces<sup>28</sup> and will pursue its efforts to support this initiative. France is also strengthening its anti-corruption frameworks in this field.**

IS THE COMMITMENT SPECIFIC?

YES

This commitment is specific because it identifies “corruption in sports” as a defined policy area.

IS THE COMMITMENT MEASURABLE?

NO

This commitment cannot be considered as measurable because it lacks clarity on how France aims to support the International Sport Integrity Partnership, beyond its current involvement. The commitment merely lists activities France was involved in before the IACC in 2018. It is also unclear what is meant by “strengthening its anti-corruption frameworks in this field” or how France aims to strengthen the framework.

The French 2020-2022 national anti-corruption plan included priority 3.3 – “Promoting the consideration of integrity in sports organisations and events”,<sup>29</sup> which calls for:

1. “systematic mainstreaming of corruption prevention and detection systems”:
  - “in legislation governing the organisation of major sport events”: Through the law relating to the organisation of the 2024 Olympic and Paralympic Games, the French Anti-Corruption Agency (AFA) was entrusted with a role, alongside the Court of Auditors and General Economic and Financial Control, in the supervision of systems for controlling the risk of breaches of probity established within the legal entities involved in the preparation, organisation, running and management of the games (Article 30).<sup>30</sup>
  - “in the bodies overseeing or taking part in event organisation: the model based on an ethics committee for each body implemented for the Paris Olympics in 2024 and the Rugby World Cup in 2023 will need to be evaluated” The AFA has set up a specific control plan. It carries out two types of check: 1) checks intended to assess the existence, quality and deployment of measures and procedures 2) ongoing checks, intended not only to audit anti-corruption systems, but also to support audited entities in the design, validation and deployment of measures and procedures.<sup>31</sup>
2. “AFA audits of these bodies and all stakeholders”: “As of 31 December 2020, the AFA had initiated two *in itinere* audits, three audits of local governments that are managing projects related to the games and 12 audits of the leading companies in the construction sector. AFA will continue to audit the anti-corruption programmes of the entities involved in the Paris Olympic Games until 2024.”<sup>32</sup>

<sup>28</sup> A fourth task force was launched in 2021: <https://www.ipacs.sport/news/launch-of-task-force-4>

<sup>29</sup> AFA, National Multi-Year Plan to Fight Corruption 2020-2022, <https://www.agence-francaise-anticorruption.gouv.fr/files/files/PlanVAnglais.pdf>

<sup>30</sup> French Republic, LAW No. 2018-202 of 26 March 2018 relating to the organisation of the 2024 Olympic and Paralympic Games (1), <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000036742943/>

<sup>31</sup> United Nations Office on Drugs and Crime (UNODC), Major sports events and corruption, [https://www.unodc.org/res/safeguardingsport/grcs/section-10\\_html/SPORTS\\_CORRUPTION\\_2021\\_S10.pdf](https://www.unodc.org/res/safeguardingsport/grcs/section-10_html/SPORTS_CORRUPTION_2021_S10.pdf)

<sup>32</sup> United Nations Office on Drugs and Crime (UNODC), Major sports events and corruption, [https://www.unodc.org/res/safeguardingsport/grcs/section-10\\_html/SPORTS\\_CORRUPTION\\_2021\\_S10.pdf](https://www.unodc.org/res/safeguardingsport/grcs/section-10_html/SPORTS_CORRUPTION_2021_S10.pdf)

3. “Guidelines on integrity in sport, involving all public and private stakeholders, in order to provide guidance for the sports movement in the implementation of anti-corruption systems”. The AFA participated in the drafting of the AFNOR SPEC S50-020 standard, published in June 2021, relating to ethics and integrity in sport.<sup>33</sup>

However, these activities were not part of the IACC 2018 commitment and can therefore not be considered in the monitoring. In future commitments, the government should ensure it includes clear, measurable activities that will advance its anti-corruption work in relation to sport, via an approach similar to that for developing the 2020-2022 national anti-corruption plan.<sup>34</sup>

IS THE COMMITMENT SELECTED FOR MONITORING

NO

**COMMITMENT 8: The Ministry for Europe and Foreign Affairs (MEAE) and the French Development Agency (AFD) commit to strengthen transparency of public aid. The AFD implemented a process to publish information on certain types of operation. The agency also participates in the International Aid Transparency Initiative (IATI) [OGP 3].**

IS THE COMMITMENT SPECIFIC?

YES

The commitment is specific because it identifies “transparency of public aid” as a sufficiently narrow policy area. It also mentions two anti-corruption mechanisms: 1) an internal AFD publishing process and 2) the publication of development aid information via the International Aid Transparency Initiative (IATI). However, these are merely a description of existing anti-corruption work around aid transparency. The commitment also states that it is connected to commitment 3 in the French OGP Action Plan 2018-2020, “Improving transparency in public development aid.”<sup>35</sup>

IS THE COMMITMENT MEASURABLE?

YES

Based on the wording of the commitment, no measurable actions can be identified for how France aims to strengthen the transparency of public aid. However, via the roadmap of the OGP Action Plan commitment 3, we identified five measurable actions in relation to this objective:

- 8.1 Extending publication of data on public development aid to new geographical areas
- 8.2 Publishing data on public development aid provided by new entities such as Proparco, which finances and supports the private sector in developing countries
- 8.3 Merging publication of data onto a single platform
- 8.4 Publishing data on the impact or results of AFD projects
- 8.5 Continuing to provide the OECD Development Aid Committee with quality data for publication, in compliance with the latest OECD standards.<sup>36</sup>

IS THE COMMITMENT SELECTED FOR MONITORING

YES

<sup>33</sup> French Ministry in Charge of Sports, AFNOR SPEC S50-020,

[https://www.sports.gouv.fr/IMG/pdf/afnorethiqueintegritesport\\_vf.pdf](https://www.sports.gouv.fr/IMG/pdf/afnorethiqueintegritesport_vf.pdf)

<sup>34</sup> AFA, National Multi-Year Plan to Fight Corruption 2020-2022, <https://www.agence-francaise-anticorruption.gouv.fr/files/files/PlanVAnglais.pdf>

<sup>35</sup> OGP, France National Action Plan 2018-2020, p.13, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>36</sup> Ibid.

**COMMITMENT 9: France will work with other countries, civil society, and international organisations to accelerate implementation of the voluntary provisions of the UN Convention against Corruption.**

IS THE COMMITMENT SPECIFIC?

NO

This commitment is a general statement of intent to accelerate implementation of the voluntary provisions of the UN Convention against Corruption (UNCAC).<sup>37</sup> It also partly refers to actions to be taken by a third party, such as another country. The voluntary provisions touch on a variety of policy areas. Therefore this commitment cannot be considered specific.

The commitment could be narrowed down by specifying what voluntary UNCAC provisions France specifically aims to accelerate. For example, in 2021, the French parliament voted for the law on “solidarity development and the fight against global inequalities”,<sup>38</sup> complying with UNCAC article 57, “Return and disposal of assets”. In August 2021, France initiated the restitution of ill-gotten assets in foreign countries.<sup>39</sup>

IS THE COMMITMENT MEASURABLE?

NO

This commitment is not measurable, because it does not contain any measurable actions. It is unclear how France wants to “work with other countries, civil society and international organisations to accelerate implementation of the voluntary provisions of the UN Convention against Corruption”.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

<sup>37</sup> United Nations, United Nations Convention against Corruption,

[https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

<sup>38</sup> French Republic, LAW No. 2021-1031 of 4 August 2021 on programming relating to inclusive development and the fight against global inequalities (1), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043898536/>

<sup>39</sup> French Ministry of Foreign Affairs, France adopts a new mechanism for the restitution of “ill-gotten gains”, <https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/developpement/la-france-se-dote-d-un-nouveau-mecanisme-de-restitution-des-biens-mal-acquis/>

# COUNTRY CONTEXT

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In 2021, France scored 71 points on Transparency International's *Corruption Perceptions Index* (CPI), putting it 22nd in the international ranking. This was a slight improvement on the year before, by two points, but is an overall decline compared to previous years.<sup>40</sup> In the Worldwide Governance Indicators, France's "Control of Corruption" score decreased slightly over the last 10 years, from more than 90 to 84.6 in 2020.<sup>41</sup> In recent years, there seems to have been a decline in political will to progress in the fight against corruption.<sup>42</sup>

Despite a high score on the CPI and the Control of Corruption indicators, France only moderately enforces OECD standards against companies bribing abroad, as Transparency International's 2020 *Exporting Corruption* report has shown. "France accounts for 3.5 per cent of global exports and opened 24 investigations and seven cases between 2016 to 2019. The country also closed nine cases with sanctions during the same period." France still lacks sufficient resources allocated to the fight against economic and financial crime. There are also ongoing concerns with regards to the lack of independence of the Public Prosecutor's Office.<sup>43</sup>

## Eroding trust – high-level state corruption scandals

Although France remains one of the highest-ranking countries in the fight against corruption and has developed a reasonably comprehensive institutional anti-corruption framework, numerous corruption cases involving public officials have significantly contributed to an erosion of public trust in the political field. According to Transparency International's *Global Corruption Barometer* European Union survey conducted in 2021, 29 per cent of people thought corruption increased in the previous 12 months.<sup>44</sup>

There have been suspicions of severe irregularities in three recent presidential campaigns, in 1995, 2007 and 2012. These corruption affairs were uncovered not by the supervisory authorities, but thanks to whistleblowers, investigative journalists and civil society organisations.<sup>45</sup> In 2021, former president Nicolas Sarkozy was convicted of corruption and bribery,<sup>46</sup> followed by a sentence for illegal campaign financing in September.<sup>47</sup> François Fillon, prime minister under Sarkozy, and his wife were also sanctioned for embezzlement of public funds.<sup>48</sup> Thirdly, Claude Guéant, Secretary-General of the Presidency of the French Republic under Sarkozy, was investigated in the "Elysée polls trial" for favouritism when using public funds to commission opinion polls, which was opened in October

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<sup>40</sup> Transparency International, *Corruption Perceptions Index 2021*, <https://www.transparency.org/en/cpi/2021/index/fra>

<sup>41</sup> Worldwide Governance Indicators – Control of corruption: France, <http://info.worldbank.org/governance/wqi/Home/Reports>

<sup>42</sup> Transparency International France and Transparency International EU, To win the fight against corruption, the European Union needs a willing and credible French Presidency, <https://transparency.eu/french-presidency-against-corruption/>

<sup>43</sup> Transparency International, *Exporting Corruption*, 2020, France, <https://www.transparency.org/en/projects/exporting-corruption/data/france>

<sup>44</sup> Transparency International, *Global Corruption Barometer European Union – France*, <https://www.transparency.org/en/gcb/eu/european-union-2021/results/fra>

<sup>45</sup> Transparency International France, *Financing of Political Life*, [https://transparency-france.org/wp-content/uploads/2019/12/FinancementViePolitique\\_041219\\_web\\_compressed.pdf](https://transparency-france.org/wp-content/uploads/2019/12/FinancementViePolitique_041219_web_compressed.pdf)

<sup>46</sup> Le Monde, After the conviction of Nicolas Sarkozy, a stunned right supports the former president, [https://www.lemonde.fr/societe/article/2021/03/02/condamnation-de-nicolas-sarkozy-a-droite-la-stupefaction-a-gauche-la-prudence\\_6071632\\_3224.html](https://www.lemonde.fr/societe/article/2021/03/02/condamnation-de-nicolas-sarkozy-a-droite-la-stupefaction-a-gauche-la-prudence_6071632_3224.html)

<sup>47</sup> Mediapart, Bygmalion: Nicolas Sarkozy sentenced to prison, <https://www.mediapart.fr/journal/france/300921/bygmalion-nicolas-sarkozy-condamne-de-la-prison-ferme>

<sup>48</sup> Le Monde, Fillon case: five years in prison, including one suspended, and a 375,000-euro fine required against the former Prime Minister, [https://www.lemonde.fr/politique/article/2021/11/29/affaire-fillon-cinq-ans-de-prison-dont-un-ferme-et-375-000-euros-d-amende-requis-contre-l-ancien-premier-ministre\\_6104059\\_823448.html](https://www.lemonde.fr/politique/article/2021/11/29/affaire-fillon-cinq-ans-de-prison-dont-un-ferme-et-375-000-euros-d-amende-requis-contre-l-ancien-premier-ministre_6104059_823448.html)

2021.<sup>49</sup> He was eventually sentenced to one year in jail in January 2022.<sup>50</sup> Additionally, Guéant had already been sentenced in 2017 to two years imprisonment and a fine of €75,000 in a case involving cash bonuses in the Interior Ministry.<sup>51</sup> Suspected corruption affairs have also tainted incumbent ministers and close associates of President Macron. For example, Gérard Darmanin, Minister of the Interior, was accused by two women of sexual extortion.<sup>52</sup> Éric Dupond-Morretti, Minister of Justice, is under investigation for receiving illegal interest payments,<sup>53</sup> while Alexis Kohler, the Secretary-General of the Elysée, is facing two cases of peddling influence.<sup>54</sup>

In several cases, the public registry of assets and interests was an important starting point for identifying breaches of probity and launching investigations. This was the case for Jean-Paul Delevoye, High Commissioner for Pension Reform, who failed to declare other remunerated mandates,<sup>55</sup> and for Alain Griset, Secretary of State for Small and Medium-sized Enterprises. Griset was sentenced for omitting to declare interests and had to resign, having failed to declare financial holdings, including stock-based bank accounts and stocks in leading French companies.<sup>56</sup> On one hand, these affairs reveal the proper functioning of the registry, which by increasing transparency, sheds light on illegal behaviour. On the other hand, it also indicates that sanctions as currently applied do not deter unlawful conduct.

### **Institutional anti-corruption framework**

In 2016, France introduced its new legal framework for the fight against corruption with the Sapin II law.<sup>57</sup> Its main provisions are:

- establishment of the French Anti-Corruption Agency (AFA)
- making an anti-corruption compliance programme compulsory for French companies of a certain size
- establishment of criminal settlement without admission of guilt, primarily for acts of corruption, money laundering and tax fraud (the *Convention judiciaire d'intérêt public*, Judicial Public Interest Agreement or CJIP),
- extension and protection of whistleblower status
- significant extension of the jurisdiction of the French criminal courts for international acts of corruption
- creation of a lobbying register.<sup>58</sup>

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<sup>49</sup> Mediapart, At the trial of the Elysée polls, Claude Guéant is overwhelmed by his former subordinates, <https://www.mediapart.fr/journal/france/221021/au-proces-des-sondages-de-l-elysee-claude-queant-est-accable-par-ses-anciens-subordonnes>

<sup>50</sup> Le Monde, Elysée polls: Claude Guéant sentenced to one year in prison, including eight months' suspended sentence, [https://www.lemonde.fr/societe/article/2022/01/21/sondages-de-l-elysee-claude-queant-condamne-a-un-an-de-prison-dont-huit-mois-ferme\\_6110446\\_3224.html](https://www.lemonde.fr/societe/article/2022/01/21/sondages-de-l-elysee-claude-queant-condamne-a-un-an-de-prison-dont-huit-mois-ferme_6110446_3224.html)

<sup>51</sup> Mediapart, Claude Guéant imprisoned pursuant to a 2017 conviction, <https://www.mediapart.fr/journal/fil-dactualites/131221/claude-queant-incarcere-en-application-d-une-condamnation-de-2017>

<sup>52</sup> Le Monde, Darmanin accused of "influence peddling": the Paris prosecutor's office classifies without follow-up, [https://www.lemonde.fr/police-justice/article/2020/09/02/darmanin-accuse-de-traffic-d-influence-le-parquet-de-paris-classe-sans-suite\\_6050723\\_1653578.html](https://www.lemonde.fr/police-justice/article/2020/09/02/darmanin-accuse-de-traffic-d-influence-le-parquet-de-paris-classe-sans-suite_6050723_1653578.html)

<sup>53</sup> Le Figaro, Eric Dupond-Moretti still indicted for "illegal taking of interests", <https://www.lefigaro.fr/actualite-france/eric-dupond-moretti-toujours-mis-en-examen-pour-prise-illegale-d-interets-20211103>

<sup>54</sup> Mediapart, The court condemns Alexandre Benalla and his "feeling of impunity", <https://www.mediapart.fr/journal/france/231121/alexis-kohler-un-secretaire-general-de-l-elysee-cerne-par-deux-affaires>

<sup>55</sup> Le Monde, The serial omissions of Jean-Paul Delevoye on his declaration of interests, [https://www.lemonde.fr/politique/article/2019/12/14/declaration-d-interets-les-oublis-en-serie-du-haut-commissaire-aux-retraites-jean-paul-delevoye\\_6022841\\_823448.html](https://www.lemonde.fr/politique/article/2019/12/14/declaration-d-interets-les-oublis-en-serie-du-haut-commissaire-aux-retraites-jean-paul-delevoye_6022841_823448.html)

<sup>56</sup> Le Monde, One-year suspended prison sentence required for former minister Alain Griset, [https://www.lemonde.fr/politique/article/2022/05/25/un-an-d-emprisonnement-avec-sursis-requis-contre-l-ancien-ministre-alain-griset\\_6127691\\_823448.html](https://www.lemonde.fr/politique/article/2022/05/25/un-an-d-emprisonnement-avec-sursis-requis-contre-l-ancien-ministre-alain-griset_6127691_823448.html)

<sup>57</sup> French Republic, LAW No. 2016-1691 of 9 December 2016 relating to transparency, the fight against corruption and the modernisation of economic life (1), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000033558528>

<sup>58</sup> French Republic, Sapin II Law: The new French legal framework for the fight against corruption, <https://www.dentons.com/-/media/pdfs/insights/2017/march/sapin-law-ii-the-new-french-legal-framework-for-the-fight-against-corruption.pdf?la=en>

However, research by Transparency International France four years after the Sapin II law was adopted shows that there are still gaps in the framework, especially in the control of lobbying interests (register of special-interest representatives) and transparency of political party funding.<sup>59</sup>

The national institutional framework relies on two leading agencies: the High Authority for the Transparency of Public Life (HATVP)<sup>60</sup> and the French Anti-Corruption Agency (AFA)<sup>61</sup>. The HATVP is an independent body with administrative and financial autonomy. It supervises asset and interest declarations by public officials, oversees lobbyist activities (by curating a registry) and ensures the ethics of civil servants who leave to work in the private sector.<sup>62</sup> The AFA, the national anti-corruption agency, is a department under the Minister of Justice and the Minister of Finance. Its mission is to control implementation of the mandatory corruption prevention plan in the private sector, and to advise private and public actors in implementing such measures.<sup>63</sup> However, a 2021 evaluation by the OECD found a lack of sufficient funding for the anti-corruption agency.<sup>64</sup>

The OECD evaluation also states that recent reforms have led to a weakening of the institutional anti-corruption framework. For example, in November 2021, the Confidence in the Judiciary Act<sup>65</sup> introduced a two-year limit for preliminary investigations, which can be relatively short for complicated corruption affairs. The OECD also states a lack of financial and human resources for financial justice in France.<sup>66</sup>

More recently, the debate on the bill to improve whistleblower protection<sup>67</sup> raised fears that the country would adopt protection measures weaker than current French law, calling into question the definition of “whistleblower” established by the Sapin II law.<sup>68</sup> However, the text finally adopted at the beginning of 2022 is reassuring and in line with the advances of the European directive.<sup>69</sup>

In March 2021, France adopted new provisions for returning stolen assets and the proceeds of crime – a significant step forward in the international framework – but it is important to remain vigilant. Transparency International France warns of the need “to strengthen the mechanism to ensure that the funds, once returned, do not fall back into the hands of the corrupt”, by applying the principles of transparency, accountability and collaboration with civil society.<sup>70</sup>

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<sup>59</sup> Transparency International France, Four years after the adoption of the Sapin II law: what are the results?, <https://transparency-france.org/wp-content/uploads/2021/02/Evaluation-Sapin-2-position-Transparency-International-France.pdf>

<sup>60</sup> The High Authority for Transparency in Public Life (HATVP), <https://www.hatvp.fr/>

<sup>61</sup> French Anti-Corruption Agency (AFA), <https://www.agence-francaise-anticorruption.gouv.fr/en>

<sup>62</sup> Network for Integrity, The High Authority for Transparency in Public Life – HATVP, <https://networkforintegrity.org/continents/europe/the-high-authority-for-transparency-in-public-life/>

<sup>63</sup> Coat Haut de Sigy de Roux Minor, The French Anti-Corruption Agency: A New Agency Created by the Sapin II Law, <https://coatsigy.com/en/the-french-anti-corruption-agency-a-new-agency-created-by-the-sapin-ii-law/>

<sup>64</sup> Transparency International France, What is happening to the Waserman Bill illustrates the lack of will in the executive to fight effectively against corruption, <https://transparency-france.org/actu/communique-protection-des-lanceurs-dalerte-ce-qui-arrive-a-la-proposition-de-loi-waserman-illustre-labsence-de-volonte-de-lexecutif-de-lutter-efficacement-contre/#.YewivP7MJd8>

<sup>65</sup> French Republic, Bill n° 4091 for confidence in the judicial institution, [https://www.assemblee-nationale.fr/dyn/15/textes/15b4091\\_projet-loi](https://www.assemblee-nationale.fr/dyn/15/textes/15b4091_projet-loi)

<sup>66</sup> OECD, Implementing the OECD Anti-Bribery Convention Phase 4 Report France, <https://www.oecd.org/daf/anti-bribery/France-Phase-4-Report-EN.pdf>

<sup>67</sup> National Assembly France, Bill No. 4398 aimed at improving the protection of whistleblowers, [https://www.assemblee-nationale.fr/dyn/15/textes/15b4398\\_proposition-loi](https://www.assemblee-nationale.fr/dyn/15/textes/15b4398_proposition-loi)

<sup>68</sup> Transparency International France, What happens to the Waserman bill illustrates the lack of will of the executive to fight effectively against corruption, <https://transparency-france.org/actu/communique-protection-des-lanceurs-dalerte-ce-qui-arrive-a-la-proposition-de-loi-waserman-illustre-labsence-de-volonte-de-lexecutif-de-lutter-efficacement-contre/#.YewivP7MJd8>

<sup>69</sup> OneTrust, France: Senate adopts whistleblowing bill in its first reading, <https://www.dataguidance.com/news/france-senate-adopts-whistleblowing-bill-its-first>

<sup>70</sup> Transparency International France, France adopts new provision for returning stolen assets and proceeds of crime: a step forward with room for improvement, <https://www.transparency.org/en/press/france-adopts-new-provision-for-returning-stolen-assets-and-proceeds-of-crime-a-step-forward-with-room-for-improvement>

Despite these advancements, there is still more work to be done. In January 2022, the Group of States against Corruption (GRECO) published a report on France's compliance with the recommendations made in 2019 for the fifth evaluation round on the theme of "Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies".<sup>71</sup> Of the 18 recommendations, only one has been satisfactorily implemented, nine have been partly implemented and eight have not been implemented. Those not implemented mainly cover the need for:

- stricter control of lobbying activities, by modifying the scope of mandatory registration
- scrutiny of the integrity of inner staff members of the presidency and the government, and increasing the National Financial Prosecutor's resources
- improving the anti-corruption framework in law enforcement agencies.

The compliance report stresses that further progress is needed within the next 18 months to achieve adequate levels of compliance with the recommendations.<sup>72</sup>

### **IACC commitments and France's anti-corruption agenda**

Seven out of nine commitments made by the French government at the IACC in 2018 draw on existing commitments from the French OGP Action Plan 2018-2020.<sup>73</sup> Most of these commitments relate to open data issues in areas essential for the fight against corruption, such as public procurement, budget transparency, asset and interest declarations by public officials, and control of lobbying through public registers. However, Transparency International France warns against "open-washing" in which the government builds interactive dashboards and produces data visualisation instead of publishing relevant data for monitoring the use of public funds.<sup>74</sup>

In addition, none of France's IACC commitments explicitly includes improving transparency of private enterprises, except through the registry of special-interest representatives and public procurement. The IACC commitments therefore fail to address some of the vulnerable sectors and areas identified as the country's major corruption and governance challenges: the funding of political parties, more constraint of lobbying activities, and improving the national anti-corruption institutional framework (see the GRECO recommendation mentioned above).

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<sup>71</sup> GRECO, Evaluation Report France, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/16809969fc>

<sup>72</sup> GRECO, Compliance Report France, <https://rm.coe.int/grecorc5-2021-12-final-eng-compliance-report-france-public/1680a50f59>. The 4<sup>th</sup> evaluation round had led in 2018 to a second compliance report in September 2018 that concluded on the "globally unsatisfactory" level of compliance with the GRECO recommendations.

<sup>73</sup> OGP, France National Action Plan 2018-2020, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>74</sup> Transparency International France, Position of Transparency France on France's 2021-2023 commitments within the framework of the Open Government Partnership (OGP), <https://transparency-france.org/actu/position-de-transparency-france-sur-les-engagements-2021-2023-de-la-france-dans-le-cadre-de-lopen-government-partnership-ogp/#.Ye1Duv7MJD8>

# PROGRESS ON COMMITMENT IMPLEMENTATION

**COMMITMENT 1: The French Court of Auditors (*Cour des Comptes*) commits to strengthen the publication of financial court data and to innovate in the way it interacts with civil society in order to enable it to track public finance data.**

**THEMATIC AREA:** 2. Public Integrity

**COMMITMENT TIMEFRAME:** 2018-2020 OGP Action Plan

**COMMITMENT SOURCE:** OGP Action Plan [OGP 19]

## Current level of progress in commitment implementation

Fulfilled

X

Partially fulfilled

Not fulfilled/dropped

The *Cour des Comptes* is an independent institution in charge of auditing the French administration, public agencies and local governments (through the regional audit courts). It is the supreme body implementing and controlling the audits of public funds, and therefore has a crucial role in ensuring that funds are not embezzled and in guaranteeing the integrity of public actors.<sup>75</sup> The court has been publishing datasets since 2014, in particular on “the budgetary data on which the analysis of the execution of the State budget is based; whenever possible, the data underlying the Court’s thematic surveys, data underlying the work on local finances; specific data on the activities of the financial jurisdictions, in particular updating the list of the Court’s publications and the financial jurisdictions’ resources”.<sup>76</sup>

The commitment is measurable through actions promised in the roadmap of the French OGP Action Plan 2018-2020, commitment 19, “Involving citizens further in work carried out by the *Cour des Comptes*”.<sup>77</sup>

1.1 "Disseminating certain data resulting from work carried out by financial courts in opening data, reinforcing data quality and diversification requirements at the same time".

### Fulfilled

By the end of 2021, the French Court Auditors had published 204 datasets on the data.gouv.fr platform. The number of publications was very high in the 2016-2018 period because the court published datasets from before 2014. After 2018, the variation corresponds with the published work of the court (there is no fixed number of studies or audits per year).<sup>78</sup>

<sup>75</sup> Cour des comptes, <https://ccomptes.fr/en/who-we-are-and-what-we-do/cour-des-comptes>

<sup>76</sup> Cour des comptes, Public data, <https://www.ccomptes.fr/fr/nous-decouvrir/donnees-publiques>

<sup>77</sup> OGP, France National Action Plan 2018-2020, p.54, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>78</sup> Open platform for French public data, Cour des comptes, <https://www.data.gouv.fr/fr/organizations/cour-des-comptes/#organization-datasets>

<p>1.2 The OGP Action Plan further lists several actions around how France plans to innovate in the way it interacts with civil society and enables civic actors to track public finance data.</p> <p>a) Organising open events.</p>	<p><b>Fulfilled</b></p> <p>The court organised open events to improve citizens' access to public information and data. It ran two hackathons in June 2018<sup>79</sup> and January 2020, providing an opportunity for data specialists, developers, researchers, journalists and even curious citizens to take up challenges based on the financial data of local authorities – including the execution of local authority budgets, the impact of public policies on local finances, and financial relations between the state and local authorities.<sup>80</sup> The <i>Cour des Comptes</i> also co-organised a hackathon with the Ministry of Finance on local public finances in December 2021,<sup>81</sup> and ran an online public consultation in 2022, to fix its topics of control for the upcoming year.<sup>82</sup></p>
<p>b) Developing tools and applications facilitating reuse of data.</p>	<p><b>Fulfilled</b></p> <p>All datasets published by the court are available at <a href="https://data.gouv.fr">data.gouv.fr</a> with a built-in app.<sup>83</sup> Different tools have been published to facilitate the reuse of data. In 2018, the <i>Cour des Comptes</i> published on GitHub the source code of its financial analysis software OpenAnafi,<sup>84</sup> which automatically uses local authority accounting data to produce financial analysis grids.<sup>85</sup> This source code was crucial for civil society to understand how the financial analysis of the court was carried out. In December 2021, the court published a dashboard of the state public finances.<sup>86</sup> According to official statistics on <a href="https://data.gouv.fr">data.gouv.fr</a>, most open datasets have never been reused.<sup>87</sup> However, it is difficult to assess reuse, because the platform only concerns re-usage which users post on the platform or studies published on it, which is unlikely to cover most cases.<sup>88</sup></p>
<p>1.3 Further developing citizens' interest in the court's work, in accordance with the institution's principles and procedures, by trying out new ways of informing and consulting citizens.</p>	<p><b>Fulfilled</b></p> <p>The court's priority has been to increase communication on its outputs and activities. As a result, it has taken the following actions:</p> <ul style="list-style-type: none"> <li>- The court advertises all its reports in the media, issuing a press release after each publication. The financial jurisdictions received more than 27,000 items of print, audio-visual and online press coverage in 2020.</li> </ul>

<sup>79</sup> Cour des comptes, Take part in the 1st #Datafin hackathon "Exploit public financial data", <https://www.ccomptes.fr/fr/actualites/participez-au-1er-hackathon-datafin-exploitez-les-donnees-financieres-publiques>

<sup>80</sup> Cour des comptes, 2nd edition of the #dataFin hackathon, dedicated to local finances, <https://www.ccomptes.fr/fr/actualites/2e-edition-du-hackathon-datafin-consacree-aux-finances-locales>

<sup>81</sup> Direction générale des Finances publiques, Hackathon DGFIP x École 42, [https://www.youtube.com/watch?v=GI5GBUK0x1o&ab\\_channel=Direction%C3%A9n%C3%A9raledesFinancespubliques](https://www.youtube.com/watch?v=GI5GBUK0x1o&ab_channel=Direction%C3%A9n%C3%A9raledesFinancespubliques)

<sup>82</sup> Plateforme citoyenne, Thank you for contributing to our work programme, <https://participationcitoyenne.ccomptes.fr/>

<sup>83</sup> Open data catalog API – data.gouv.fr, [https://api.gouv.fr/les-api/api\\_data\\_gouv](https://api.gouv.fr/les-api/api_data_gouv)

<sup>84</sup> Cour des comptes, News, The Court opens the source code of the OpenAnafi software, <https://www.ccomptes.fr/fr/communiqués-presse/la-cour-ouvre-le-code-source-du-logiciel-openanafi>

<sup>85</sup> GitHub, Cour des comptes, <https://github.com/Cour-des-comptes>

<sup>86</sup> Dashboard of State accounts, <https://data.economie.gouv.fr/pages/comptabilite-etat/?headless=true>

<sup>87</sup> Data.gouv.fr., Cour des comptes, <https://www.data.gouv.fr/en/datasets/?organization=53698dada3a729239d20331d&sort=-created>

<sup>88</sup> Interview with a representative from the NGO Ouvre-boîte, November 2021. L'Ouvre-boîte is an association whose purpose is to obtain the effective publication of administrative documents, and more particularly of data, databases and source codes, in accordance with the texts in force. <https://ouvre-boite.org/>

	<p>Although this is 30 per cent less than in 2019, it is almost as much as the number of publications.<sup>89</sup></p> <ul style="list-style-type: none"> <li>- The court has become active on social media, especially Facebook and Twitter.<sup>90</sup> It posts about the activities of the court's first president and other court events. The social media accounts also inform users about new reports or other publications.</li> <li>- In April 2019, the court organised a one-day workshop on building a visualisation platform for online contributions by citizens to the Grand National Debate. Some 130 people gathered to design a platform to analyse and visualise the 14,000 online contributions mentioning France's financial jurisdictions.<sup>91</sup></li> </ul>
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**This commitment is considered fulfilled.** Also, the 2018-2020 OGP evaluation report assessed progress towards the commitment as “substantial”.<sup>92</sup>

### Challenges to effective commitment implementation

**Open data publication:** The main challenges to publishing open data are the legal constraints, because data from audits comes from third parties, and the court is not authorised to publish it.<sup>93</sup> However, there is also a lack of an “open data culture” within the administration.<sup>94</sup>

**Interaction with civil society:** Public policy evaluations incur substantial cost, which prevents the court from launching more than two per year under its current budget.<sup>95</sup>

**“Open-washing”:** Despite attractive visuals, datasets are often limited “where the final beneficiaries are aggregated at too large a territorial scale and where the amounts allocated are not always specified”. Greater precision is necessary to move beyond a public communication tool to real proactive data transparency.<sup>96</sup>

### Opportunities to accelerate commitment implementation

The premier opportunity to advance this engagement is through the 2025 Financial Jurisdiction roadmap, which has the publication of financial data at its core and contains the court's action plan.<sup>97</sup>

- Improve the use of datasets: The court is working on developing data visualisation platforms to increase the reuse of its data by journalists, academics and civil society.
- Develop new publication formats and shorter, more engaging content, to increase the visibility of the court's activities and its role in the public debate.

<sup>89</sup> Written answer to Transparency International questions to the Cour des Comptes, December 2021.

<sup>90</sup> Twitter, Cour des comptes, <https://twitter.com/courdescomptes>

<sup>91</sup> Innovations in Eurasia, Newsletter, August 2019, [https://www.eurosai.org/handle404?exporturi=/export/sites/eurosai/.content/documents/ESP\\_2017\\_2023/SG1/Innovati ons-in-EUROSAI\\_No-3\\_2019-08.pdf](https://www.eurosai.org/handle404?exporturi=/export/sites/eurosai/.content/documents/ESP_2017_2023/SG1/Innovati ons-in-EUROSAI_No-3_2019-08.pdf)

<sup>92</sup> OGP, France Transitional Results Report 2018-2020, <https://www.opengovpartnership.org/documents/france-transitional-results-report-2018-2020/>

<sup>93</sup> Interview with Cour des comptes, November 2021.

<sup>94</sup> Cour des comptes, JF2025, The strategic project for financial jurisdictions, <https://www.ccomptes.fr/fr/actualites/jf2025-le-projet-strategique-des-juridictions-financieres>

<sup>95</sup> Interview with Cour des comptes, November 2021.

<sup>96</sup> Transparency International France, Position of Transparency France on France's 2021-2023 commitments within the framework of the Open Government Partnership (OGP), <https://transparency-france.org/actu/position-de-transparenc y-france-sur-les-engagements-2021-2023-de-la-france-dans-le-cadre-de-lopen-government-partnership-ogp/#.YfgvuurMKUJ>

<sup>97</sup> Cour des comptes, JF2025, the strategic project for financial jurisdictions, <https://www.ccomptes.fr/fr/actualites/jf2025-le-projet-strategique-des-juridictions-financieres>

- Publish all the reports: To date, only a third of reports have been published. This is partly due to secrecy around defence audits of military organisations, but also to the lack of an open-data culture within the administration.
- Develop public policy evaluations that include a citizen panel: There has been an average of around two evaluations per year in the last 4-5 years.

## Recommendations

- **Improve the quality of the datasets to foster their use by citizens:** The court should keep in mind that datasets need to provide high-quality, structured and well-documented data if citizens are to use them. It should further ensure data is presented in a disaggregated form, to avoid “open-washing”.
- **Exhaustive publication of data and reports:** This is already in the court’s 2025 action plan, and is crucial to achieving transparency.
- **Greater public policy evaluation involving citizens:** The state should dedicate more resources to evaluation and citizen panels.
- **Increase cooperation with civil society:** Involve more CSOs advocating for open data, such as Ouvre-Boîte and La Quadrature du Net, and take their recommendations into account when designing and implementing strategies, action plans and commitments.

**COMMITMENT 2: The High Authority for Transparency in Public Life commits to ensuring greater transparency in lobbying activities, notably by facilitating exploitation and enrichment of its own registry by citizens and civil society organisations, and increasing access to and reuse of asset and interest declarations already published in an .XML format. In addition, the High Authority will launch its first control strategy on lobbyists to ensure compliance with registration obligations.**

**THEMATIC AREA:** 2. Public Integrity, 4. Business Integrity

**COMMITMENT TIMEFRAME:** 2018-2020 OGP Action Plan

**COMMITMENT SOURCE:** OGP Action Plan [OGP 20,21], Sapin II Act

### Current level of progress in commitment implementation

Fulfilled

X

Partially fulfilled

Not fulfilled/dropped

In 2016, the Sapin II Act<sup>98</sup> mentioned creating a digital data repository on special-interest representatives, and it became mandatory by law in 2017 for special-interest representatives to register.<sup>99</sup> The commitment states that it is connected to commitment 20 in the French OGP Action

<sup>98</sup> French Republic, LAW No. 2016-1691 of 9 December 2016 relating to transparency, the fight against corruption and the modernisation of economic life (1), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000033558528>

<sup>99</sup> OGP, Transparency of Interest Representatives (FR0049), <https://www.opengovpartnership.org/members/france/commitments/FR0049/>

Plan 2018-2020, "Ensuring greater transparency in representatives of special-interest activities", and 21, "Improving access to public information on elected representatives and public officials".<sup>100</sup>

<p>2.1 Greater transparency in lobbying activities, by facilitating exploitation and enrichment of its registry by citizens and CSOs:</p> <p>a) Organising one or more workshops to consult civil society in discussions on criteria for making the data repository available and its enrichment.</p>	<p><b>Fulfilled</b></p> <p>The HATVP organised a workshop in May 2018 with citizens, developers and journalists, on the openness and use of data from the public register of lobbyists.<sup>101</sup> This was part of the Open State Forum organised by the French Inter-ministerial Directorate for Digital Affairs – with the participation of Transparency International EU.<sup>102</sup></p>
<p>b) Opening the repository's source code.</p>	<p><b>Fulfilled</b></p> <p>The source code for the repository of information on special-interest representatives is published on GitLab.<sup>103</sup></p>
<p>c) Publishing, in an open and easily reusable format, data from the repository of information on representatives.</p>	<p><b>Fulfilled</b></p> <p>The digital repositories can be downloaded in several formats (JSON, CSV, XLSX). In addition, the website provides basic visualisation of aggregated data.<sup>104</sup></p>
<p>d) Publishing, in an open and easily reusable format, the list of public officials regarding whom a communication may constitute an action of representation of interests.</p>	<p><b>Fulfilled</b></p> <p>An exhaustive list in HTML format indicates public officials with whom communication may constitute an act of special-interest representation. This is readily available on the "how to declare section" of the HATVP website.<sup>105</sup> In addition, there is a precise list of roles for which the government decides whether communication falls in this category, available in XLSX format.<sup>106</sup></p>
<p>2.2 To increase access and reuse of the content of asset and interest declarations that are already published in an .XML format.</p> <p>a) accompanying publication with production of data visualisation and analyses</p>	<p><b>Fulfilled</b></p> <p>There is a basic animated dashboard with data visualisation on the landing page of the registry, and a more detailed one in the statistics section.<sup>107</sup> There is also a webpage dedicated to analysing the data and presenting lobbying activities.<sup>108</sup> Recent HATVP publications have been accompanied by data visualisations and analyses, although very basic in some cases. In its 2020 annual report, the HATVP provided numerous infographics, data visualisations and analyses.<sup>109</sup></p>

<sup>100</sup> OGP, France National Action Plan 2018-2020, pp.56-59 <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>101</sup> HATVP, Back to the 2nd State Open Forum on the Directory of Interest Representatives, <https://www.hatvp.fr/presse/opengov-la-haute-autorite-accueille-le-2eme-forum-open-detat-sur-le-repertoire-des-representants-dinterets/>

<sup>102</sup> Etalab Forum, State Open Forum #2 – Shedding light on the data of the directory of interest representatives, <https://forum.etalab.gouv.fr/t/forum-open-detat-2-lumiere-sur-les-donnees-du-repertoire-des-representants-d-interets/4089>

<sup>103</sup> GitLab, AGORA, <https://gitlab.com/hatvp-open/agora>

<sup>104</sup> HATVP, Open Data, <https://www.hatvp.fr/le-repertoire/#statistiques>

<sup>105</sup> HATVP, How to declare, [https://www.hatvp.fr/espacedeclarant/representation-dinterets/les-responsables-publics-et-les-decisions-publiques/#post\\_4611](https://www.hatvp.fr/espacedeclarant/representation-dinterets/les-responsables-publics-et-les-decisions-publiques/#post_4611)

<sup>106</sup> HATVP, List of jobs to be decided by the government, <https://www.hatvp.fr/wordpress/wp-content/uploads/2021/01/EDG-JANVIER-2021.xlsx>

<sup>107</sup> HATVP, The directory, <https://www.hatvp.fr/le-repertoire/>

<sup>108</sup> HATVP, Lobbying, <https://www.hatvp.fr/lobbying/>

<sup>109</sup> HATVP, Activity report 2020, [https://www.hatvp.fr/wordpress/wp-content/uploads/2021/06/HATVP\\_RA2020\\_web\\_PAP\\_VF.pdf](https://www.hatvp.fr/wordpress/wp-content/uploads/2021/06/HATVP_RA2020_web_PAP_VF.pdf)

b) Widening the choice of exportable formats by also publishing declarations in CSV format	<b>Fulfilled</b> The list of declarations can be downloaded in CSV format. <sup>110</sup>
2.3 To launch its first control strategy on lobbyists to ensure compliance with registration obligations.	<b>Fulfilled</b> The HATVP is mandated by law <sup>111</sup> to control lobbyists and ensure compliance with registration. It carries out three types of checks on special-interest representatives, as part of its overall control strategy: - Control of non-registered special-interest representatives. This involves checking that representatives who meet the legally defined criteria are registered. - Control of annual activity declarations. This is a substantive control to verify the accuracy and completeness of the information declared. - Control of professional ethical obligations, in the event of a suspected breach. Between 2019 and July 2021, the High Authority launched 180 controls on non-registered persons, 117 controls on the annual activity declarations and two controls relating to ethical obligations. Of these checks, 145 had been completed by 1 July 2021. In 2020, the HATVP carried out 77 checks, 51 for non-registrants and 26 annual activity declarations. <sup>112</sup>

The OGP evaluation report assessed the progress as “substantial” for OGP commitments 20 and 21 in the 2018-2020 evaluation report.<sup>113</sup> Civil society actors such as Transparency International France and Anticor acknowledge the significant step achieved with this registry, despite major limitations that prevent it from fulfilling its goals.

**Overall, this commitment is considered fulfilled.**

### Challenges to effective commitment implementation

The 2020 OGP evaluation identified limitations in the Sapin II legal framework. Lobbyists need to update the registry only once a year; some organisations, such as religious associations or local elected associations, do not need to register; communications initiated by public officials need not be registered, and public officials do not have to report their meetings with special-interest representatives. As a result, the registry is not exhaustive. Although registration is mandatory, it is difficult to assess whether lobbyists declare all their activities accurately. The data provided should also be more granular, including the names of public officials lobbyists meet with, and the exact topics they cover.<sup>114</sup>

<sup>110</sup> HATVP, Directory of interest representatives: Open data in CSV format, <https://www.hatvp.fr/wordpress/wp-content/uploads/2019/06/Notice-open-data-RRI.pdf>

<sup>111</sup> Article 18-6 of LAW No. 2013-907 of 11 October 2013 relating to the transparency of public life (1), <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000028056315>

<sup>112</sup> HATVP, Activity report 2020, p.128, [https://www.hatvp.fr/wordpress/wp-content/uploads/2021/06/HATVP\\_RA2020\\_web\\_PAP\\_VF.pdf](https://www.hatvp.fr/wordpress/wp-content/uploads/2021/06/HATVP_RA2020_web_PAP_VF.pdf)

<sup>113</sup> OGP, France Transitional Results Report 2018-2020, <https://www.opengovpartnership.org/documents/france-transitional-results-report-2018-2020/>

<sup>114</sup> OGP, France Transitional Results Report 2018-2020, <https://www.opengovpartnership.org/documents/france-transitional-results-report-2018-2020/>

## Recommendations

- **Improve the granularity of the activity registry** by providing more details for each declaration. In particular, more information should be required on who is met, including names and detail on the reason for the meeting. In addition, following GRECO's recommendation, "persons with top executive functions [should] be required to disclose regularly details of the lobbyists they meet and the topics discussed; all lobbyists who enter into contact with public officials (in particular, persons with top executive functions), regardless of whether they initiated the contacts, [should] be required to register on the register of lobbyists."<sup>115</sup>
- **Increase the scope of the register on declarations of interests** by increasing mandatory compliance to a broader range of public officials – for instance, members of ministers' offices. The more lobbying activities are documented, the more civil society will be able to hold public officials accountable.
- **Provide power of administrative sanctions** to the HATVP. It is crucial that failure to comply, results in fast and substantial fines. The existing penal sanction is too heavy to be triggered for smaller omissions.

**COMMITMENT 3: The High Authority for Transparency in Public Life commits to improving access to public information on elected representatives and public officials by publishing this data under an open data format.**

**THEMATIC AREA:** 2. Public Integrity

**COMMITMENT TIMEFRAME:** 2018-2020 OGP Action Plan

**COMMITMENT SOURCE:** OGP Action Plan [OGP 21], 2015-2017 National Action Plan

## Current level of progress in commitment implementation

Fulfilled

X

Partially fulfilled

Not fulfilled/dropped

The mandatory assets and interests declaration for elected representatives and public officials was introduced with the foundation of the HATVP in the 2013 Transparency of Public Life Act,<sup>116</sup> complemented by the Law for Confidence in Political Life in 2017.<sup>117</sup> The registry was initiated following the Cahuzac scandal, named after a former Minister of the Budget at the Ministry of the Economy who concealed millions of euros from French tax authorities.<sup>118</sup>

<sup>115</sup> GRECO, Compliance Report 5th Round, Recommendation vi, <https://rm.coe.int/greccorc5-2021-12-final-eng-compliance-report-france-public/1680a50f59>

<sup>116</sup> LAW No. 2013-907 of 11 October 2013 relating to the transparency of public life (1), <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000028056315/>.

<sup>117</sup> Organic LAW No. 2017-1338 of 15 September 2017 on trust in political life (1), <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000035567936/>

<sup>118</sup> Mediapart, Cahuzac case: investigation completed, <https://www.mediapart.fr/journal/france/091214/affaire-cahuzac-enquete-terminee>

The content of the declarations of assets and interests made public on the High Authority's website is published as open data in XML format. Declarations and assessments published on the website are also available in CSV format.<sup>119</sup>

In December 2021, the Minister for Small and Medium-sized Enterprises resigned following his condemnation by the courts for incomplete declaration, after a referral by the HATVP.<sup>120</sup>

**This commitment is therefore considered fulfilled.**

### Challenges to effective commitment implementation

One crucial challenge is the lack of human resources at the HATVP to carry out a high number of compliance checks. There are few cases where the declaration of assets and liabilities was referred to the Public Prosecutor's Office for substantial omission, such as that of Jean-Paul Delevoye, High Commissioner for Pension Reform, who failed to declare other remunerated mandates.<sup>121</sup>

There is a lack of rigour in updating the declarations of interests, especially for members of parliament (MPs) who maintain a professional side-activity, leading to risks of conflict of interests. Public officials must update their declaration when there is substantial change in their interests, but they do not always comply with this obligation.

### Opportunities to accelerate commitment implementation

The high number of declarations means the role of journalists is crucial for investigations. For example, their work has revealed that Alexis Kohler, Secretary-General of the Élysée, hid his relationship with his family's business group, the Mediterranean Shipping Company.<sup>122</sup>

The HATVP is planning to make this register more engaging and announced in an interview for this report that new data visualisation tools are being built.<sup>123</sup>

### Recommendations

- **Oversee in detail the accuracy of declarations, strengthen sanctions and broaden the scope of mandatory declarations** to include close staff of MPs.
- **Publish the asset declarations of MPs and locally elected officials**, as with declarations by members of the government.
- Further **strengthen civil society and journalists' participation** in developing data visualisation tools.

<sup>119</sup> HATVP, The directory, <https://www.hatvp.fr/le-repertoire/>

<sup>120</sup> Le Monde, Sentenced for incomplete declaration of his assets, Minister Alain Griset resigns, [https://www.lemonde.fr/politique/article/2021/12/08/le-ministre-alain-griset-condamne-pour-non-declaration-de-patrimoine\\_6105183\\_823448.html](https://www.lemonde.fr/politique/article/2021/12/08/le-ministre-alain-griset-condamne-pour-non-declaration-de-patrimoine_6105183_823448.html)

<sup>121</sup> Le Monde, The serial omissions of Jean-Paul Delevoye on his declaration of interests, [https://www.lemonde.fr/politique/article/2019/12/14/declaration-d-interets-les-oublis-en-serie-du-haut-commissaire-aux-retraites-jean-paul-delevoye\\_6022841\\_823448.html](https://www.lemonde.fr/politique/article/2019/12/14/declaration-d-interets-les-oublis-en-serie-du-haut-commissaire-aux-retraites-jean-paul-delevoye_6022841_823448.html)

<sup>122</sup> Mediapart, The phantom declaration of interests of No. 2 of the Elysée Palace Alexis Kohler, <https://www.mediapart.fr/journal/france/160918/la-declaration-d-interets-fantome-du-n-2-de-l-elysee-alexis-kohler>

<sup>123</sup> Interview with the HATVP, November 2021.

**COMMITMENT 4: The Ministry of Economy and the Ministry of State in charge of digital issues commit to strengthen transparency of public procurement and will help public services achieve their digital transition. France is also chairing the "Contracting five" initiative [OGP 2].**

**THEMATIC AREA:** 2. Public Integrity

**COMMITMENT TIMEFRAME:** 2019-2022

**COMMITMENT SOURCE:** OGP Action Plan; TECH.GOUV programme

Current level of progress in commitment implementation	
Fulfilled	
Partially fulfilled	X
Not fulfilled/dropped	

This commitment is part of the broader objectives of the French administration regarding digital transition. In 2019, the government launched the TECH.GOUV programme, which aims to accelerate the digital transformation of public services.<sup>124</sup> Based on commitment 2 of the French OGP Action Plan 2018-2020, the following actions were promised:<sup>125</sup>

4.1 Strengthening the transparency of public procurement. a) Designing a "single flow" of procurement contract data and making it available on data.gouv.fr.	<b>Fulfilled</b> The "single flow" was finalised and published in October 2018 and is being piloted by the General Secretariat of the Economic and Financial Ministries. In 2020, the Economic Observatory for Public Procurements (OECF), recorded 169,000 public procurements, amounting to €111 billion. The data is published on data.gouv.fr, in two datasets, one representing "identified public contracts" from 2013 to 2018 <sup>126</sup> and the other, public procurements since May 2019. <sup>127</sup>
b) Working on the scope of data incorporated into the "contract flow" to go beyond the "essential data" provided for by the Decree.	<b>Partly fulfilled</b> The French Ministry of Economy and Finances published a website with more than 300,000 sets of "essential data" in June 2021. <sup>128</sup> The aggregation work has been carried out over several years, but is still incomplete, due to technical difficulties and the complexity of gathering all the data from several publishers on a single platform. However, the process is underway, involving stakeholder groups (buyers, companies, publishers) as part of the Digital Transformation Plan for Public Procurement (action 16), and should be finalised by the end of 2022. <sup>129</sup>

<sup>124</sup> French Republic, TECH.GOUV: Strategy and roadmap 2019-2022 – updated edition mid-2021, <https://www.numerique.gouv.fr/publications/tech-gouv-strategie-et-feuille-de-route-2019-2021>

<sup>125</sup> OGP, France National Action Plan 2018-2020, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>126</sup> French Republic, Concluded public contracts listed on the state procurement platform, <https://www.data.gouv.fr/fr/datasets/marches-publics-conclus-recenses-sur-la-plateforme-des-achats-de-letat/>

<sup>127</sup> French Republic, Essential public procurement data, <https://www.data.gouv.fr/fr/datasets/donnees-essentielles-de-la-commande-publique-fichiers-consolides/#description>

<sup>128</sup> Ministry of Economy and Finance (France), Essential public procurement data – enriched data, [https://data.economie.gouv.fr/explore/dataset/decp\\_augmente/table/](https://data.economie.gouv.fr/explore/dataset/decp_augmente/table/)

<sup>129</sup> French Republic, Digital transformation plan for public procurement, <https://www.economie.gouv.fr/daj/plan-transformation-numerique-commande-publique>

<p>c) Developing and implementing innovative uses of public procurement data at public procurement observatories in the two "testing grounds": Brittany and Occitania.</p>	<p><b>Fulfilled</b> Public procurement observatories are online platforms with data on public procurement at the local level. Regional public procurement observatories aim to gather several public actors to raise their awareness of their roles and responsibilities. The observatories also consolidate data and build monitoring indicators. This action is completed. The Occitanie region has created a platform for accessing public contracts: <a href="http://scope-occitanie.mystrikingly.com/">http://scope-occitanie.mystrikingly.com/</a>. The Brittany region is developing a tool based on 50 indicators to manage its purchasing policy, which will soon be available to the public via <a href="https://data.bretagne.bzh/">https://data.bretagne.bzh/</a>.</p>
<p>d) Disseminating these practices across other territories: involvement of other territories in experiments underway and publication of their data in the same format.</p>	<p><b>Partly fulfilled</b> Other territories have been made aware of the subject via several events involving territorial public procurement observatories,<sup>130</sup> for instance, the Hauts de France region, although no data is available online.<sup>131</sup> The department of Essonne (91) is also on its way to building an observatory.<sup>132</sup> The region Bourgogne-France Comte has its own open data website, <a href="https://ideo.ternum-bfc.fr/">https://ideo.ternum-bfc.fr/</a>, with all data and analysis on public procurement.</p>
<p>4.2 Achieving the digital transition of public services: "Developing a policy ensuring support for and training of those involved in the digital transformation of public procurement".</p>	<p><b>Not fulfilled</b> There is no public evidence available on progress in developing the policy.</p>
<p>4.3 Chairing the "Contracting five" initiative to promote transparency in public procurement at the international level. a) "Disseminating standards among the international community via Contracting 5." b) "Incorporating more countries into Contracting 5 and promoting the use of international standards in those countries."</p>	<p><b>Not fulfilled/Dropped</b> France no longer participates in the work of Contracting 5 and the commitment was dropped.</p>

**Overall, this commitment is considered partially fulfilled.**

<sup>130</sup> OGP, France End-of-Term Self-Assessment 2018-2020, <https://www.opengovpartnership.org/documents/france-end-of-term-self-assessment-2018-2020/>

<sup>131</sup> Cerdd, The Regional Observatory of Public Procurement reaffirms its role, <http://www.cerdd.org/Actualites/Transitions-economiques-vers-le-DD/L-Observatoire-Regional-de-la-Commande-Publique-reaffirme-son-role>

<sup>132</sup> Essonne, Observatory of public procurement in Essonne, [https://www.essonne.fr/fileadmin/actus3/20190220-VF\\_Flyer\\_commande\\_publique-9023-V9.pdf](https://www.essonne.fr/fileadmin/actus3/20190220-VF_Flyer_commande_publique-9023-V9.pdf)

## Challenges to effective commitment implementation

The main challenge is the lack of technical and human resources within the state administration to implement this commitment. More specifically, there are still efforts to make open data on public commitments available in a more readable and aggregated format. There are also significant disparities across regions regarding digitalisation of public services.

## Opportunities to accelerate commitment implementation

Now that a complete “single flow” register exists, the next steps are to ensure compliance with the law through more checks and sanctions. The €1 billion spending on the state digital transition within the 2021 French Recovery Plan is a significant opportunity for accelerating commitment implementation.

## Recommendations

**Transparency in public procurement.** Encourage data publication beyond the “essential data” provided for by law. Publish a list of the purchasers who do not comply with the obligation to publish “essential data”.

**Digital transition of public services.** Improve support for local governments in accessing funding and initiating their digital transition.

**COMMITMENT 5: The Ministry of State<sup>133</sup> in charge of digital issues commits to help the French Administration’s public services accelerate data publication, as well as source codes and algorithms [OGP 5,6,7]**

**THEMATIC AREA:** 2. Public Integrity

**COMMITMENT TIMEFRAME:** Not Stated

**COMMITMENT SOURCE:** OGP Action Plan, TECH.GOUV programme

## Current level of progress in commitment implementation

Fulfilled

Partially fulfilled

X

Not fulfilled/dropped

<sup>133</sup> This competency has been transferred to the Ministry of Civil Service and Public Transformation, which has authority over the DINUM.

For several years, French administrations have been engaged in publication of data, source codes, and algorithms. A 2018 decree implementing the 2016 Digital Republic Act added source codes and algorithms to the list of documents which administrations or public agencies must make available to citizens.<sup>134</sup> To date, the data, source codes and algorithms can be found on data.gouv.fr, code.gouv.fr and api.gouv.fr.

<p>5.1 a) Appoint a data administrator within each ministry.</p>	<p><b>Fulfilled</b> The prime minister appointed ministry data administrators, responsible for developing the ministry strategy for data, algorithms and source codes, and for coordinating stakeholders within each ministry. There are data administrators in 17 ministries, and one in the prime minister's cabinet.<sup>135</sup></p>
<p>b) Oversee the network of ministry data administrators, together with the general data administrator at the Inter-ministerial Department of Government Digital, Information and Communication Systems (DINSIC).</p>	<p><b>Fulfilled</b> A series of dedicated committees have been established and are led by the Etalab department:<sup>136</sup></p> <ul style="list-style-type: none"> <li>- Inter-ministry councils of the chief data officers of each ministry (<i>Comité interministériel des administrateurs des données</i>, CIAD), held every six months. These meetings were institutionalised in the prime-ministerial circular of 27 April 2021 on data, algorithms and source code policy<sup>137</sup></li> <li>- Quarterly steering committees</li> <li>- Regular bilateral exchanges between ministries</li> </ul>
<p>c) Support government departments and bolster dialogue on opening up public data:</p> <ul style="list-style-type: none"> <li>- Publish a practical educational guide on opening up public data, which provides a clear reminder of the new legal framework (Digital Republic Act, GDPR)</li> <li>- Offer training to officials</li> <li>- Involve data re-users in drawing up future open data policies (through hackathons, consultations or training, for example)</li> </ul>	<p><b>Partly fulfilled</b></p> <ul style="list-style-type: none"> <li>- Etalab has published different guides on producing, collecting and using data, software source code or algorithms.<sup>138</sup> These refer, for example, to Article 119 of the Data Protection Act. Two of the guides are aimed at public institutions.<sup>139</sup></li> <li>- Etalab is also developing a civil servants training package, but this will not be available before the end of 2022.<sup>140</sup> It has organised thematic exchange workshops with public agents and administrations on data quality, reuse and availability.<sup>141</sup></li> <li>- Etalab is organising events on public algorithms to create a consolidated registry across ministries.<sup>142</sup> For instance, DINUM participated in six workshops</li> </ul>

<sup>134</sup> French Republic, Code of relations between the public and the administration,

[https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000033218946/](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000033218946/)

<sup>135</sup> French Republic, List of departmental data administrators, <https://www.data.gouv.fr/fr/datasets/liste-des-administrateurs-ministeriels-des-donnees/>

<sup>136</sup> French Republic, DINUM: With digital, we are creating the public service of tomorrow,

<https://www.numerique.gouv.fr/dinum/>

<sup>137</sup> Etalab, Data, algorithms and source code policy: 15 ministerial strategies and 500 actions to accelerate,

<https://www.etalab.gouv.fr/politique-de-la-donnee-des-algorithmes-et-des-codes-sources-15-strategies-ministerielles-et-500-actions-pour-accelerer>

<sup>138</sup> Etalab, Etalab guides, <https://guides.etalab.gouv.fr/accueil.html>

<sup>139</sup> Etalab, Open source codes, <https://guides.etalab.gouv.fr/logiciels/#a-qui-s-adresse-ce-guide>; Etalab, Explain public algorithms, <https://guides.etalab.gouv.fr/algorithmes/>

<sup>140</sup> Ministry of Transformation and Public Service, Transforming public action and service by data: Roadmap 2021-2023 of the Ministry of Transformation and Public Service, <https://static.data.gouv.fr/resources/politique-publique-de-la-donnee-des-algorithmes-et-des-codes-sources-15-feuilles-de-route-ministerielles/20210927-145718/feuillede-route-mtsp.pdf>

<sup>141</sup> Etalab, Launch of the 10th spring of data.gouv.fr, <https://www.data.gouv.fr/fr/posts/lancement-du-10e-printemps-de-data-gouv-fr/>

<sup>142</sup> GitHub, Etalab : Guide des algorithmes publics, <https://github.com/etalab/algorithmes-publics/blob/master/guide.md>

	to define and implement its policy for publishing some of its source codes. <sup>143</sup> DINUM has also organised several hackathons with other ministries or administrations – for instance, two editions of #dataFin on local finances (with the <i>Cour des Comptes</i> ). <sup>144</sup> However, according to the OGP Independent Reporting Mechanism (IRM) report, feedback from participants of the #datafin event indicated that there could have been more citizens and data scientists present. <sup>145</sup>
d) Assess the impact of opening up public data: - Organise a study day for understanding the impacts of opening up public data - Develop tools (indicators, data science) for measuring the impact that instruments opening up public data have on the economy, democratic life and other areas - Set up an international working group on the impact of opening up public data for discussing feedback from other countries	<b>Partially fulfilled</b> - There is no public evidence of a study day having been organised. - France contributes to the European Open Data Maturity Index, which assesses the impact of published data (strategic awareness, and political, social, environmental and economic impact). <sup>146</sup> - France is involved in an international OGP working group, “Open Algorithms”. <sup>147</sup>
5.2 a) Produce five public algorithm monographs to identify technical, legal and organisational issues. Include civil society participation in the study.	<b>Not fulfilled</b> Etalab has published a guide to help the administration produce monographs of algorithms. <sup>148</sup> So far, these monographs have not been produced.
b) Make recommendations to administrations on essential information on public algorithms, in compliance with the principle of algorithmic transparency.	<b>Fulfilled</b> In September 2021, the ministerial roadmaps on data, algorithms and source code policy were published. Among the general objectives of enhancing data quality, availability, infrastructure and use in public policy decision-making, the main aim is to consolidate data across administrations and make it available. <sup>149</sup>
c) Draft a guide to open public source codes for use by administrations.	<b>Fulfilled</b> Etalab published a guide to help administrations to open public-sector source codes and on using public algorithms (version 2 in 2020). <sup>150</sup>
d) Organise hackathons based on opening public algorithms.	<b>Not fulfilled</b> Etalab confirmed that no hackathons dedicated to public algorithms have yet been organised. <sup>151</sup>

<sup>143</sup> Amue, Long live Free Digital!, [https://www.amue.fr/fileadmin/amue/systeme-information/documents-publications/la-collection-numerique/N\\_13\\_-\\_Vive\\_le\\_Numerique\\_libre\\_fevrier\\_2021\\_.pdf](https://www.amue.fr/fileadmin/amue/systeme-information/documents-publications/la-collection-numerique/N_13_-_Vive_le_Numerique_libre_fevrier_2021_.pdf)

<sup>144</sup> French Republic, Hackathon “Request for Land Values”, <https://www.numerique.gouv.fr/agenda/hackathon-demande-de-valeurs-foncieres-dvf/>

<sup>145</sup> OGP, Independent Reporting Mechanism (IRM): France Transitional Results Report 2018-2020: p.8, <https://www.opengovpartnership.org/documents/france-transitional-results-report-2018-2020/>

<sup>146</sup> Open Data in Europe 2021, France, <https://data.europa.eu/fr/dashboard/2021>

<sup>147</sup> Etalab, Supporting administrations in the use of public algorithms, <https://www.etalab.gouv.fr/algorithmes-publics>, see also <https://www.opengovpartnership.org/about/partnerships-and-coalitions/open-algorithms-network/>

<sup>148</sup> Etalab, Explain public algorithms, <https://guides.etalab.gouv.fr/algorithmes/>

<sup>149</sup> French Republic, Ministerial roadmaps on data policy, algorithms and source codes, <https://www.data.gouv.fr/fr/datasets/feuilles-de-route-ministerielles-sur-la-politique-de-la-donnee-des-algorithmes-et-des-codes-sources/>

<sup>150</sup> Etalab, Explain public algorithms, <https://guides.etalab.gouv.fr/algorithmes/>

<sup>151</sup> Email exchange with Etalab 8 July 2022.

<p>5.3 Support local areas in implementing the principle of open data by default.</p> <p>a) Maintain and add to the educational and methodological resources for local areas.</p>	<p><b>Fulfilled</b></p> <p>The Etalab department of the DINUM works together with the association OpenDataFrance<sup>152</sup> and the National Agency for Territorial Cohesion (<i>Agence nationale de la cohésion des territoires</i>, ANCT) to help local governments open their data and conform to legal obligations. The ANCT is the public body in charge of coordinating cooperation between the central government and local authorities in the field of open government data.<sup>153</sup> Numerous educational and methodological resources were made available on the platform OSMOSE. This platform allows all state actors to coordinate a professional community online.<sup>154</sup></p>
<p>b) Perpetuate and add to the training provision for local areas by building on new partnerships and setting up a network of training leaders.</p>	<p><b>Not fulfilled</b></p> <p>According to the OGP 7 IRM evaluation,<sup>155</sup> few efforts were made to provide training or build capacities at local level. Further research shows that this was still the case in December 2021. As part of the Digital transformation of territories programme (<i>Transformation numérique des territoires</i>, TNT), a survey was launched among local elected officials to identify their training needs,<sup>156</sup> indicating that the training programme is only at its inception phase.</p>
<p>c) Continue to support and update the common local database.<sup>157</sup></p>	<p><b>Fulfilled</b></p> <p>A series of data standards and schemas for local government have been developed by OpenDataFrance and Etalab as part of the “common local database” (<i>Socle commun des données locales</i>). The schemas aimed towards local governments are provided on the national platform <a href="https://schema.data.gouv.fr">schema.data.gouv.fr</a>, operated by Etalab.<sup>158</sup> Each schema goes through an open investigation and construction phase before official publication. Discussions take place on GitHub and are accessible to the public.<sup>159</sup></p>
<p>d) Set up a community open data observatory producing various summary indicators from the data collected on publication platforms:</p> <ul style="list-style-type: none"> <li>- Local authorities publishing information in open data format</li> </ul>	<p><b>Fulfilled</b></p> <p>A community open data observatory – a website providing analyses and information on the progress made by local governments towards opening up their data – was launched in 2018.<sup>160</sup> It publishes data annually, such as the number of local governments</p>

<sup>152</sup> Open Data France, <https://www.opendatafrance.net/>

<sup>153</sup> Ministry of Transformation and Public Service, Transforming public action and service by data: Roadmap 2021-2023 of the Ministry of Transformation and Public Service, <https://static.data.gouv.fr/resources/politique-publique-de-la-donnee-des-algorithmes-et-des-codes-sources-15-feuilles-de-route-ministerielles/20210927-145718/feuillede-route-mtsp.pdf>

<sup>154</sup> French Republic, Osmose, platform of state professional communities, <https://www.numerique.gouv.fr/outils-agents/osmose/>

<sup>155</sup> OGP, Independent Reporting Mechanism (IRM): France Transitional Results Report 2018-2020: p.8, <https://www.opengovpartnership.org/documents/france-transitional-results-report-2018-2020/>

<sup>156</sup> French Republic, Digital transformation of territories (TNT), <https://www.numerique.gouv.fr/services/tnt/outils/#contenu>

<sup>157</sup> Notes by Etalab: The formulation of the commitment in the OGP plan is a bad translation of the *Socle commun des données locales*, which is more of a catalogue of data schemas than a database. It is supported by OpenDataFrance together with Etalab.

<sup>158</sup> French republic, Public Data Schema Repository, <https://schema.data.gouv.fr/>

<sup>159</sup> GitHub, etalab/schema.data.gouv.fr, <https://github.com/etalab/schema.data.gouv.fr/issues>

<sup>160</sup> Observatoire, Summary of the 2021 edition, <https://www.observatoire-opendata.fr/resultats/>

(number, type, geographic distribution) - Sets of open data (e.g. number, date, theme, access conditions) - Publication platforms (e.g. number, type, technical solutions) - Uses (reuse, traffic) - Local area coordination (stimulation of reuse and support options for local authorities)	providing open datasets or the types of platforms used to share data. By December 2021, 715 local governments had opened up their data (21 per cent more than 2020). <sup>161</sup> The observatory publishes data on open data communities, datasets available, publication platforms, uses and territorial animation. <sup>162</sup>
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Overall this commitment is considered **partially fulfilled**.

### Challenges to effective commitment implementation

The publication of algorithms is still an ongoing process for most French administrations and public agencies. In some instances, data is published, but the poor quality makes it impossible for civil society to use. For example, the NGO Ouvre-boîte, which advocated for the publication of the source code of the post-high-school selection platform in 2017, has recently highlighted that the data on social housing applications published by the Ministry of Housing and Sustainable Habitat<sup>163</sup> lacks the required quality for open data.<sup>164</sup>

The challenges to this commitment are the lack of technical and human resources available within the French administration. For example, a recent report points out the need for 400 new data specialist positions by 2023 in ministries and statistical services (2,000 such posts already exist).<sup>165</sup>

According to Etalab, the Covid-19 pandemic hindered the organisation of events and overall community animation activities. Although it brought visibility to the initiatives in the field of open data, the pandemic underlined the need for a strengthened data policy and an inter-ministry coordination mechanism.<sup>166</sup>

### Opportunities to accelerate commitment implementation

The prime minister published a roadmap in November 2021, an opportunity for each ministry to identify the gaps and objectives for data, source code and algorithm publication.<sup>167</sup>

<sup>161</sup> OpenDataFrance, Territorial open data observatory, Edition 2021, <https://www.opendatafrance.net/wp-content/uploads/2021/12/Observatoire-ODT-2021-v1.1-17dec21.pdf>

<sup>162</sup> Observatoire, The observatory, <https://www.observatoire-opendata.fr/observatoire/>

<sup>163</sup> Ministry of Housing and Sustainable Habitat, Welcome to the "Statistics" section of the national social housing demand portal, <https://www.data.logement.gouv.fr/statistiques/>

<sup>164</sup> Ouvre-boîte, Opening of data on social housing applications, <https://forum.ouvre-boite.org/t/ouverture-des-donnees-sur-les-demandes-de-logement-social/531>

<sup>165</sup> French Republic, Report: Assessment of the state's needs in data skills and expertise, <https://www.numerique.gouv.fr/publications/rapport-evaluation-besoins-etat-en-competences-et-expertises-en-matiere-de-donnee/>

<sup>166</sup> Written statement by Etalab, shared with Transparency International for this report, 8 July 2022.

<sup>167</sup> French Republic, Ministerial roadmaps on data policy, algorithms and source codes, <https://www.data.gouv.fr/fr/datasets/feuilles-de-route-ministerielles-sur-la-politique-de-la-donnee-des-algorithmes-et-des-codes-sources/>

In December 2020, the public report “For a public data policy”, was released to assess the current national policy regarding data management in the French administration, and make both practical and structural recommendations.<sup>168</sup>

European initiatives on data impact, similar to the Open Data Maturity Index, are in place and will be an opportunity for DINUM to learn from other leading countries.<sup>169</sup> At the OECD level, France contributes to the OURdata index on open government data, as well as the Digital Government Index.<sup>170</sup> According to Etalab in 2022, the OECD survey on open government data has been completed by participating countries, and the results of the survey will offer an opportunity to share best practices.<sup>171</sup>

## Recommendations

- **Follow up on the 12 recommendations from the DNUM/INSEE report on human resources** – in particular, the recommendations to train existing senior managers, enlarge the recruitment field for data-oriented civil servants and provide attractive salaries.<sup>172</sup>
- **Ensure that the publication of data, source codes and algorithms remains a priority** in the national digital transition strategy.
- **Ensure Etalab builds a consolidated registry** for sources codes and algorithms published by French administrations.
- **Provide safeguards to ensure individual data privacy** when making administration datahubs for individual data, and organise debates with civil society to help address concerns over the use of algorithms in citizens’ daily life, in particular involving mass surveillance.<sup>173</sup>

**COMMITMENT 6: The Ministry for Europe and Foreign Affairs and the French Development Agency commit to guiding the implementation of transparency standards and participation at the international level. In this regard, France has launched a project to support open government in French-speaking countries. In cooperation with the NGO International Budget Partnership, France also organised a series of workshops on budget transparency [OGP 16].**

**THEMATIC AREA:** 6. International Cooperation and Support

**COMMITMENT TIMEFRAME:** Not stated

**COMMITMENT SOURCE:** OGP Action Plan

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<sup>168</sup> French Government, Mission Bothorel – Pour une politique publique de la donnée, <https://www.vie-publique.fr/sites/default/files/rapport/pdf/277879.pdf>

<sup>169</sup> European Commission, Open Data Maturity Report 2021, [https://data.europa.eu/sites/default/files/landscaping\\_insight\\_report\\_n7\\_2021\\_0.pdf](https://data.europa.eu/sites/default/files/landscaping_insight_report_n7_2021_0.pdf)

<sup>170</sup> OECD, OECD Open, Useful and Re-usable data (OURdata) Index: 2019, <https://www.oecd.org/gov/digital-government/ourdata-index-policy-paper-2020.pdf>

<sup>171</sup> Written statement by Etalab shared with Transparency International for this report, 8 July 2022.

<sup>172</sup> French Republic, Report: Assessment of the State's needs in data skills and expertise, <https://www.numerique.gouv.fr/publications/rapport-evaluation-besoins-etat-en-competences-et-expertises-en-matiere-de-donnee/>

<sup>173</sup> Basta !, New intelligence law: the government places the population under algorithmic surveillance, <https://basta.media/anti-terrorisme-loi-renseignement-surveillance-de-masse-boite-noire-SILT-CNIL-adresse-URL-espionnage-applications>

## Current level of progress in commitment implementation

Fulfilled

X

Partially fulfilled

Not fulfilled/dropped

When taking over the presidency of the OGP in 2016, France committed to supporting transparency in public action at the international level by showing support to French-speaking countries in implementing their action plans. To this end, the French Development Agency (AFD) has financed the Project to Support Open Government in Francophone Countries (*Projet d'Appui aux Gouvernements Ouverts Francophones – PAGOF*).<sup>174</sup> PAGOF 1 (€4.5 million, 2017-2021)<sup>175</sup> aimed to support administrations and civil society (including the media) in Tunisia, Burkina Faso and Côte d'Ivoire in fulfilling their commitments to open government.<sup>176</sup>

The commitment is connected to France's OGP Action Plan commitment 16, "Supporting implementation of the principles of transparency and citizen participation at the international level",<sup>177</sup> which provides clear actions to be monitored:

<p>6.1 Provide technical and financial support, via the PAGOF, to the achievement of OGP member countries' National Action Plans (Tunisia, Burkina Faso and the Ivory Coast) and network countries intending to join the OGP.</p>	<p><b>Fulfilled</b> France is committed to promoting and implementing the OGP, mainly through the project to support open government efforts in developing Francophone countries (PAGOF). It includes bilateral support to certain OGP member countries (Burkina Faso, Côte d'Ivoire, Senegal and Tunisia), a component to raise awareness of open government principles in French-speaking African countries, and a contribution to the World Bank's multi-donor trust fund for the OGP.<sup>178</sup></p>
<p>6.2 Participate in the OGP's Multi-Donor Fund through the PAGOF, funding projects enabling better implementation of Open Government principles, in particular in countries that have just become eligible for OGP membership, and research projects on open government.</p>	<p><b>Fulfilled</b> According to government self-assessment, France contributed €1 million to the OGP's Multi-Donor Fund.<sup>179</sup> The second phase is planned for 3.5 years starting in June 2022, with a budget of €7 million. A second phase of the PAGOF project was confirmed by AFD for two years, starting in April 2022. This will also focus on French-speaking communities in African countries, especially Burkina Faso, Côte d'Ivoire, Tunisia, Senegal and Morocco.<sup>180</sup> A project sheet will be available on AFD open data by late summer 2022.<sup>181</sup></p>

<sup>174</sup> #PAGOF, Francophone Open Government Support Programme, <https://www.pagof.fr/>

<sup>175</sup> AFD, *Projet d'Appui aux Gouvernements Ouverts Francophones (PAGOF)*, [www.afd.fr/base-projets/consulterProjet.action?idProjet=CZZ2257](http://www.afd.fr/base-projets/consulterProjet.action?idProjet=CZZ2257)

<sup>176</sup> AFD, *Promoting Transparent and Collaborative Public Action in African Francophone Countries*, <https://www.afd.fr/en/carte-des-projets/promoting-transparent-and-collaborative-public-action-african-francophone-countries>

<sup>177</sup> OGP, *France National Action Plan 2018-2020*, p.45 <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>178</sup> #PAGOF, Francophone Open Government Support Programme, <https://www.pagof.fr/>

<sup>179</sup> OGP, *France: International Transparency and Citizen Participation (FR0045)*, <https://www.opengovpartnership.org/members/france/commitments/FR0045/>

<sup>180</sup> Fratmat, *Partnership for an open government: AFD supports five French-speaking countries to the tune of 4.6 billion FCfa*, <https://www.fratmat.info/article/218889/conomie/partenariat-pour-un-gouvernement-ouvert-lafd-accompagne-5-pays-francophones-a-hauteur-de-46-milliards-de-fcfa>

<sup>181</sup> Transparency International, email exchange with AFD, 17 July 2022.

6.3. Perpetuate the "innovative digital solution" prize, rewarding three projects on countering corruption with €10,000 per project, and monitor their implementation (launched in 2017).	<p><b>Fulfilled</b></p> <p>The "Innovative digital solution" prize was absorbed into the "Citizen connections 2" prize (worth €3.25 million across 2019-2022). This prize aims at supporting civic tech project leaders in French-speaking Africa.<sup>182</sup> Within this framework, the Ministry for Europe and Foreign Affairs contributed €50,000 to finance three projects aimed at fighting corruption. These citizen initiatives are ongoing in the Democratic Republic of Congo, Mali and Ivory Coast.<sup>183</sup></p>
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Overall, we evaluate the commitment as **fulfilled**. All the actions mentioned in the OGP 16 have been implemented, and the PAGOF secured four more years of funding.

## Recommendations

- **Support transparency in international cooperation working groups, and their evaluation.** Those working groups should commit to regular publication and public evaluation to communicate their plans, lines of work and recommendations.

**COMMITMENT 8: The Ministry for Europe and Foreign Affairs and the French Development Agency (AFD) commit to strengthen transparency of public aid. The AFD implemented a process to publish information on certain types of operations. The agency also participates in the International Aid Transparency Initiative (IATI) [OGP 3].**

**THEMATIC AREA:** 2. Public Integrity, 6. International Cooperation and Support

**COMMITMENT TIMEFRAME:** Not stated

**COMMITMENT SOURCE:** OGP Action Plan, National Law on programming for solidarity development and the fight against global inequalities

## Current level of progress in commitment implementation

Fulfilled

Partially fulfilled

X

Not fulfilled/dropped

The AFD has been publishing its data on public aid since 2014 (and has been a member of IATI since 2016). The AFD has its own open data registry<sup>184</sup> and aims to comply with the publication standards promoted by the IATI.<sup>185</sup>

<sup>182</sup> CFI, Citizen Connections 2, <https://cfi.fr/fr/projet/connexions-citoyennes-2>

<sup>183</sup> CFI, Citizen Connections 2, <https://cfi.fr/fr/projet/connexions-citoyennes-2>

<sup>184</sup> AFD, View our data, <https://opendata.afd.fr/explore/?sort=modified>

<sup>185</sup> International Aid Transparency Initiative (IATI), <https://iatistandard.org/en/>

The commitment was monitored in line with commitment 3 in the French OGP Action Plan 2018-2020, "Improving transparency in public development aid."<sup>186</sup>

8.1 Extending publication of data on public development aid to new geographical areas	<b>Fulfilled</b> Since 2018, the scope of published data has been expanded geographically, from 36 to 47 countries, according to government self-assessment. <sup>187</sup>
8.2 Publishing data on public development aid provided by new players such as Proparco	<b>Fulfilled</b> Information on MEAE and AFD Group development projects (including Proparco) is published on a joint MEAE/AFD aid transparency website set up in 2016, which lists projects according to open data standards, and whose data is then converted to the IATI standard. This site includes bilateral official development assistance (ODA) data published by the OECD Development Aid Committee (DAC) and reported by the MEAE and the AFD Group, as well as by the EU concerning projects implemented by French operators with European funding (which are not counted as French ODA by the OECD). Unlike the OECD DAC timetable, which is annual, AFD Group data is updated monthly. The site also includes qualitative and budgetary aspects of AFD. <sup>188</sup> Since 2018 and in line with commitments, the scope of published data has been expanded in terms of the information made available online, with publication extended to non-sovereign financing and project evaluation summaries. The scope has also been expanded in terms of the structures concerned, with data on Proparco's activities published since 2019. <sup>189</sup>
8.3 Merging publication of data onto a single platform.	<b>Fulfilled</b> Development projects by MEAE and AFD are openly published on the data.gouv.fr platform as well as on a single platform ( <a href="http://www.transparence-aide.gouv.fr/">http://www.transparence-aide.gouv.fr/</a> ).
8.4 Publishing data on the impact and/or results of AFD projects.	<b>Not fulfilled</b> According to the OGP IRM information published regarding project impact and result is still limited to project objectives at best. The government self-assessment indicated that the publication of impact data is currently under discussion. <sup>190</sup>
8.5 Continuing to provide the OECD Development Aid Committee with quality data for publication, in compliance with the OECD latest standards.	<b>Fulfilled</b> The MEAE and AFD continue to provide the OECD DAC with data. In March and July, France provided the OECD with its official ODA statistics, which are verified and validated by the OECD and constitute the only source of public, verified and comparable data on ODA ( <a href="https://data.oecd.org/fr/">https://data.oecd.org/fr/</a> ). <sup>191</sup>

Overall, we consider the commitment **partially fulfilled**, because most of the actions mentioned in the OGP action plan have been completed or are being implemented.

<sup>186</sup> OGP, France National Action Plan 2018-2020, p.12, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf>

<sup>187</sup> OGP, Transparency of Development Aid (FR0032), <https://www.opengovpartnership.org/members/france/commitments/FR0032/>

<sup>188</sup> AFD, Development aid data, <https://afd.opendatasoft.com/page/accueil/>

<sup>189</sup> Written answer from the MEAE to a query from Transparency International France, 22 November 2021.

<sup>190</sup> OGP, Transparency of Development Aid (FR0032), <https://www.opengovpartnership.org/members/france/commitments/FR0032/>

<sup>191</sup> Written answer from the MEAE, 22 November 2021.

## Challenges to effective commitment implementation

In autumn 2021, an investigation by the NGO Disclose and the online magazine Mediapart indicated transparency issues and that the AFD hides behind banking secrecy.<sup>192</sup> The lack of transparency “in procedures, impact studies, public inquiry or disbursements” was also highlighted in a 2020 report by the Court of Auditors.<sup>193</sup> The organisation Publish What You Fund also criticises the AFD for lack of transparency in its budgets and performance monitoring.<sup>194</sup> Despite slight improvements in its 2022 Aid Transparency Index score, the AFD is still lagging behind other development agencies and organisations.<sup>195</sup> Mediapart and Disclose further criticise errors in the AFD's open data portal, concluding that “project descriptions are regularly incomplete, the dates inconsistent – when the data is not simply missing”.<sup>196</sup>

## Opportunities to accelerate commitment implementation

The Law of 4 August 2021 on programming for solidarity development and the fight against global inequalities will push forward France's commitment to aid transparency.<sup>197</sup> The programming law states that the government shall set up, “an open database grouping together information on France's bilateral and multilateral ODA”.<sup>198</sup> Since August 2022 the AFD publishes this database that brings together all the data related to France's official development assistance from 2018 to 2020. The data relating to the year 2021 are currently being verified and will be published as soon as it is validated by OECD.<sup>199</sup>

## Recommendations

- **Follow the recommendations of the latest Publish What You Fund report**, MAEA and AFD should improve the comprehensiveness of data publication, publish more data on evaluations of ODA programmes and improve data quality.<sup>200</sup>
- **Publish data on the impact of AFD projects.**
- **Impose more transparency on private enterprises benefitting from public procurement.** This could take the form of publishing accounting data in an open format for firms receiving public aid or under public procurement contracts.

<sup>192</sup> Mediapart, The excesses of French development aid, <https://www.mediapart.fr/journal/international/270921/les-derives-de-l-aide-francaise-au-developpement>

<sup>193</sup> Cour des comptes, Strategic Management of Operators of External State Actions by the Ministry of Europe and Foreign Affairs, <https://www.vie-publique.fr/sites/default/files/rapport/pdf/274503.pdf>

<sup>194</sup> Publish What You Fund, Aid Transparency Index 2022 – France – French Development Agency (AFD), <https://www.publishwhatyoufund.org/the-index/2022/france-french-development-agency-afd/>

<sup>195</sup> Publish What You Fund, Aid Transparency Index 2022, <https://www.publishwhatyoufund.org/download/2022-aid-transparency-index-report/>

<sup>196</sup> Mediapart, The excesses of French development aid, <https://www.mediapart.fr/journal/international/270921/les-derives-de-l-aide-francaise-au-developpement>

<sup>197</sup> French Republic, Law of 4 August 2021 on programming relating to solidarity development and the fight against global inequalities, <https://www.vie-publique.fr/loi/277797-loi-4-aout-2021-programmation-aide-publique-developpement-solidaire>

<sup>198</sup> French Republic, Law of 4 August 2021 on programming relating to solidarity development and the fight against global inequalities, <https://www.vie-publique.fr/loi/277797-loi-4-aout-2021-programmation-aide-publique-developpement-solidaire>

<sup>199</sup> Etalab, Official development assistance from France (2018-2020), <https://www.data.gouv.fr/fr/datasets/aide-publique-au-developpement-de-la-france-2018-2020/>

<sup>200</sup> Publish What You Fund, Aid Transparency Index 2022 – France – French Development Agency (AFD), <https://www.publishwhatyoufund.org/the-index/2022/france-french-development-agency-afd/>

# RECOMMENDATIONS

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- 1. Implement a public anti-corruption policy, clearly stating all the authorities involved in the fight against corruption**
  - Give the prime minister responsibility for the development and steering of the policy, to guarantee efficient coordination of all actors.
  - Provide a dedicated budget for the policy.
  - Organise an annual evaluation of the policy in parliament as part of the Spring Evaluation.
- 2. Abandon the transfer of part of the AFA's public-sector control missions to the HATVP**

This transfer constitutes a disproportionate institutional upheaval that does not serve the interests of the anti-corruption policy. However, there should be better coordination between the AFA and the HATVP, and with any other administration leading a public policy against corruption (such as the Ministry of Finance service against money laundering (TRACFIN) or the National Commission for Campaign Accounts and Political Financing (CNCCFP).
- 3. Abandon the proposed changes to the Judicial Public Interest Agreement (CJIP)**

The Confidence in the Judiciary Act, passed in November 2021, reduces the duration of all preliminary investigations to two years, even though corruption cases are inherently complex and require lengthier investigations than the average. In addition, a bill proposed in October 2021, supposedly aiming to strengthen the fight against corruption, intends to modify the CJIP. Not only are these changes unnecessary because of the very positive results of the CJIP, but they also jeopardise the balance of the investigation mechanism created by the Sapin II Act. The proposed changes reflect a desire to respond exclusively to the demands of private companies.
- 4. Provide power of administrative sanction to the HATVP and the AFA, as the agencies in charge of checking public and private actors' compliance with the Sapin II Act**

The HATVP should be given powers of administrative sanction toward lobbyists and public officials, as criminal proceedings are too long and the resulting penalties too heavy for light cases of compliance failure. These agencies' powers of sanction currently concern only the private sector. The AFA sanction commission should be given the right to impose sanctions in the public sector as well.
- 5. Provide adequate technical and human resources to support public institutions' anti-corruption control strategies and their implementation of anti-corruption mechanisms:**
  - Increase the resources dedicated to financial justice – in particular, the number of financial magistrates and judicial police officers.
  - Increase the number of specialist assistants required to deliver justice in particularly complex corruption cases.
  - Increase the number of staff dedicated to checks and controls at the HATVP and AFA.
  - Train staff in public agencies, administrations and local government in understanding of the anti-corruption laws. Training efforts have to date been mainly directed at private firms, leaving public actors or organisations lagging.
- 6. Guarantee the conditions for an independent judicial system**
  - Align the requirements for appointment of public prosecutors with those of judges.
  - Provide for assent by the *Conseil Supérieur de la Magistrature* and give it disciplinary powers over prosecutors.

**7. Reform the National Commission for Campaign Accounts and Political Financing (CNCCFP)**

Reforms should establish continuous monitoring of candidates' expenses and revenues, and enable the commission to oversee political party finances.

**8. Allocate dedicated resources to Etalab and the state's Chief Data Officer**

The publication of open data by the French administration is a core mechanism for reinforcing interactions with civil society through more transparency. In the current legal framework established by the Sapin II Act, administrations and public agencies can avoid engaging with open data by arguing before a judge that they do not have the internal human and technical resources to provide it. Therefore, it must become mandatory for Etalab to provide the resources public agencies to achieve the objective of full data publication.

**9. Establish central, public registers with verified information about the beneficial owners of companies, including foreign companies**

- Ensure information is available in open data formats.
- Mandate the agency in charge of beneficial ownership registers to undertake independent checks on the information provided by companies or beneficial owners. Verification mechanisms should allow for cross-checking beneficial ownership data with other relevant databases, such as registers of national identity papers and addresses.
- Require companies and trusts that invest in the real estate sector to disclose their beneficial owners, and make this information available in a publicly accessible register. Real estate registers should be digitised and contain key data such as historical ownership, property value and purchase date. They should be interoperable, easily accessible and, where the data may be of importance to investigations, in an open data format. France should prioritise legal reforms to require foreign companies and trusts that purchase or own real estate to disclose their beneficial owners.
- Extend companies' obligation to declare their beneficial owners, in the context of the revised European anti-money laundering legal framework, to foreign entities (companies or trusts) that establish business relations or invest within the EU
- Strengthen disciplinary and criminal sanctions against natural or legal persons who fail to comply with their obligations reporting beneficial owners, and publish data by sector and by regulated profession.

**10. Strengthen mechanisms for tracing, seizing, confiscating and returning assets.**

- Ensure the effective application of the principles of transparency, accountability and the inclusion of civil society in future asset recovery processes.
- Evaluate the restitution mechanism three years after the adoption of the law on "programming relating to inclusive development and the fight against global inequalities", which created this mechanism in August 2021.
- Ensure civil and criminal mechanisms are in place to seize and confiscate assets – including, for example, unexplained wealth orders or non-conviction-based forfeiture – and eventually return these assets to the victims of corruption.
- Substantially increase the resourcing of financial intelligence units (FIUs), to enable them to adequately perform their analytical and intelligence-sharing functions.
- Prioritise investment in technological platforms and advanced analytics, in order to assist in the analysis of incoming Suspicious Transaction Reports (STRs).
- Prioritise reforms that ensure that FIUs have the necessary powers to request additional information from obliged entities, as part of sanctions implementation and asset tracing.

**11. Provide qualitative and quantitative data to assess France's anti-corruption efforts.**

This should include the budget annually dedicated to law enforcement authorities for economic and financial cases; the number of investigations opened and concluded per year by type or category of offence, and the responses to requests for mutual legal assistance, by type or category of offence.

# ANNEX 1: LIST OF INTERVIEWEES

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**People interviewed during the commitment monitoring – online, via calls and email exchanges, October-November 2021**

	<b>Position</b>	<b>Organisation</b>
1	Deputy Secretary General	Cour des comptes
2	Head of Strategic Projects	Haute Autorité pour la transparence de la vie publique
3	Project Manager, Open Innovation	Direction Interministérielle de la Transformation Publique
4	Manager, Accountability and Transparency	Agence Française du Développement
5	Policy Officer	Agence Française Anti-corruption
6	Senior Business and Data Analyst	IATI
7	University Law Professor	Observatoire de l'éthique publique
8	Volunteer	Ouvre-boîte
9	Project Manager	One
10	Academic Researcher	Université Catholique de Lille

# ANNEX 2: STAKEHOLDERS CONSULTED

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## People engaged during consultation on monitoring findings – online, date

	Position	Organisation
1	Desk Officer - Fight against corruption, Accountability, Financial transparency	MEAE
2	Legal Advisor to the Economic Diplomacy Directorate	MEAE
3	Policy Advisor	MEAE
4	Human Rights and Development Officer	MEAE
5	Policy Officer " Official Development Aid"	MEAE
6	Head of Open Data and Data Sharing	Etalab
7	Open Data Officer	Etalab
8	Director of Public, Information and Communication	HATVP
9	Transparency and Accountability Officer	AFD
10	International Affairs Officer	AFA
11	Project Director	Legal Affairs Department - Bercy

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