

Peer review of Greece's conflict of interest system

Experience from France

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23 April 2024

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The High Authority for Transparency in Public Life

Staff : 75
Budget : 9,6 M€

Missions

- Detect illicit enrichment by monitoring asset declarations
- Detect and prevent conflicts of interest by monitoring interest declarations
- Monitor the revolving-doors between the public and private sectors
- Raise awareness, counsel and accompany public officials
- Regulate lobbying

Legal framework

Laws on transparency in public life
October 11th, 2013

Law on ethics of public servants
April 20th, 2016

Sapin II Law
December 9th, 2016

Law on Independent Administrative Authorities
January 20th, 2017

Law of transformation of the public service
August 6th, 2019

Codification of statutory laws on civil service
March 2022



Public officials having to submit a declaration of interest and a declaration of assets

18 000

High-ranking French public officials

Elected officials

MPs and Senators

French Members of the
European Parliament

Members of local
executive bodies

Non-elected public officials

Members of the Government
Members of ministerial cabinets

Members of independent
administrative authorities

Senior civil servants

Government-appointed positions
Managing directors of State-owned
companies

Members of the Superior Council of
the judicial authority

Presidents of sports federations
Heads of Olympic and Paralympic
Companies



What is included in the declarations

Assets

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

- Income
- Real estate assets
- Financial investments
- Bank accounts ...

Loans and debts

Interests

All **information** related to:

- Professional activities:
- Of the declarant
 - Of his/her partner

- Shares ;
- Seats on the board of directors of a company ;
- Volunteer activities

Public officials have to complete their declarations online since October 2016



Checks in 2023

8 816 received declarations

3 536 completed checks

1987 declarations on interest

1 549 declarations of assets

More than 3 out of 10 declarations led the High Authority to request measures to prevent conflicts of interest



Preventing conflicts of interest

Why prevent conflicts of interest ?

- Ensure public action impartiality
- Protect citizens' trust in public administration
- **Protect the public official** against :
 - A criminal offense (illegal taking of interest/*prise illégale d'intérêts*)
 - Accusation of partiality

01. Conflict of interest



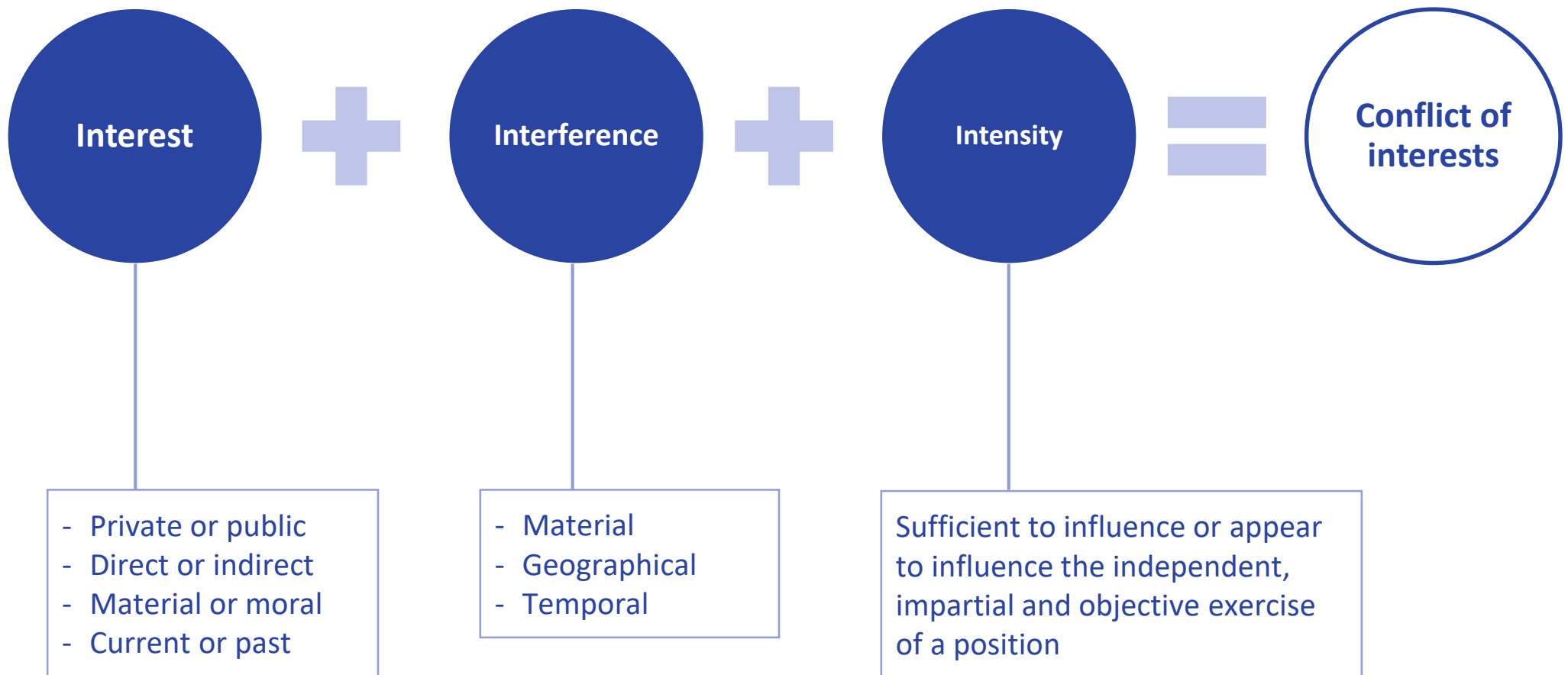
Defining a conflict of interest: three cumulative criteria

Article 2 of the law of 11 October 2013 on the transparency of public life

« 1. For the purposes of this law, any situation of interference between a public interest and public or private interests which is likely to influence or appear to influence the independent, impartial and objective exercise of a function constitutes a conflict of interest. »



Defining a conflict of interest: three cumulative criteria





Resolving a conflict of interest

Disclose the interest	Inform the superior and the ethics officer; possibly colleagues, members of the deliberative assembly
Recusal	Identify the object/aspect that needs recusal Organize the recusal procedure : delegation of decision-making and signature, prior publicity of the interest, process not to participate in preparatory meetings, and to leave the room when the decision is taken Distribute the content and the recusal procedure to the people concerned
Renounce the interest	Situation that cannot be resolved by a recusal or when the interest is of such a nature that it is impossible to depart from it



02. Regulating revolving doors



The different checks

Ensure ethical rules during revolving-door movements:

Before the
appointment

**Appointment to certain
public jobs (ex: ministerial
advisers)**

For people having worked in
the private sector in the three
years before the appointment

During functions

Starting a company

While conducting a public
function, part time

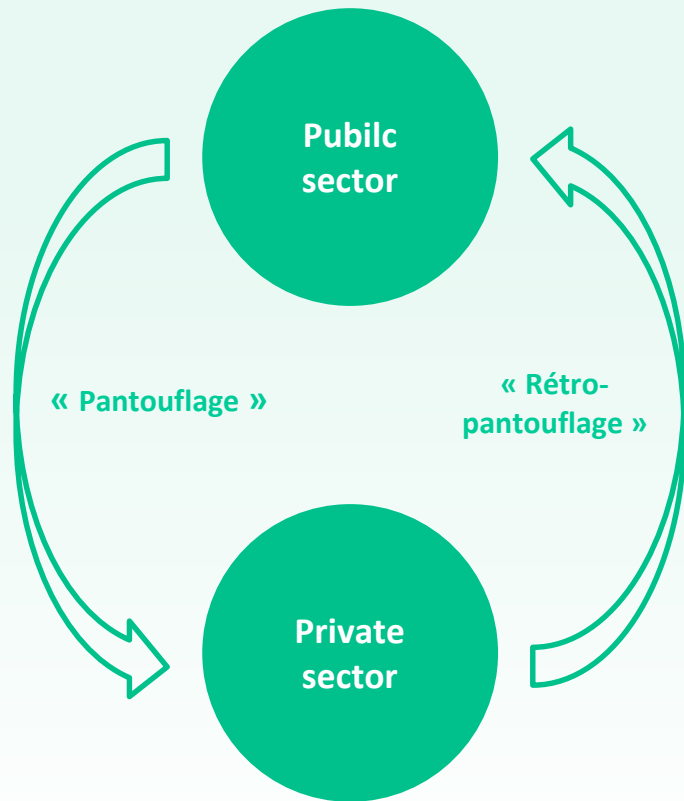
After functions

**Move towards the
private sector**

Conducting a private for-
profit activity in the three
years following the end of
functions.

How it works

Regulate movements between the public and private sector



Who is concerned?

- 15 000 public officials and civil servants who hold the most exposed positions

How?

- **Mandatory prior referral to the HATVP for the most exposed public jobs and functions**
- For other public officials, **prior referral to the hierarchical authority, then to the ethics adviser** in the event of serious doubt about the compatibility of the project. The HATVP can be contacted as a last resort if this doubt is not resolved.



A double control

Criminal risk assessment – Illegal taking of interests

- Risk of illegal taking of interests under article 432-13 of the penal code:
Prohibits a former public official "from taking or receiving an interest by labor, consultancy or capital in a business that was subject to his power of supervision or control while he held public office, with which he entered into contracts or in respect of which he has taken or proposed decisions."

Ethical risk assesment

- Risk of ignorance of the ethical principles of articles L. 121-1 and L. 121-2 of the General Civil Service Code (dignity, impartiality, integrity, probity, neutrality);
- Risk of calling into question the normal functioning, independence and neutrality of the former services.



Possible outcomes of the revolving-door checks

438 opinions issued in 2023

✓
Compatibility

No criminal or ethical risk
The public official/agent can engage in their new activity unconditionally

18%
79 opinions

⚠
Qualified Compatibility

There is a criminal and / or ethical risk that warrants implementation of precautionary measures by the public official/agent:

- Refraining from any dealings with their former administration;
- Not engaging in lobbying activities

Reservations expressed are valid **for three years** and are **monitored**

77%
337 opinions

✗
Incompatibility

The criminal and / or ethical risk is too high (for example, this would place the public official in a situation of illegal taking of interests)
The public official cannot engaged in the planned activity

5%
22 opinions



Thank you for your attention

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