



SCPC

# **Improving the flow and access of information**

**THE FRENCH EXPERIENCE**

**PREVENTING AND FIGHTING CORRUPTION IN THE PUBLIC  
ADMINISTRATION IN EUROPE, Cologne, 20-21 February 2006. Pierre-  
Christian SOCCOJA**



- 1- Legislative reform April 2000
- 2- Service Central de Prévention de la Corruption
- 3- Ethics committees, detection

# 1- LEGISLATIVE REFORM

SCPC

## **Act on Citizens' Rights in their relationship with the public administration, 12 April 2000**

- Grant access to documents
- simplification of procedures
- strenghtening the role of the Ombudsman
- Public Service Houses.



# More transparency

- 1- the right to get clear and accessible information
- 2- no anonymous response
- 3- better access to administrative documents
- 4- financial disclosure



# Simplification of procedures

- Tracing the demands : acknowledgement
- reducing the time for answering
- Principle: silence equals rejection, but in certain cases: 2 month silence equals implicit acceptance



# strengthening the role of the Ombudsman

- Gives opinions and proposes remedies concerning any administration
- his annual report public and discussed in Parliament « *communication* »
- a foreign Ombudsman can refer to his French counterpart (European)
- local delegates of the Ombudsman



# Public Service Houses

- 1999, centralizes public services in rural areas
- better access, better service.



## **2- Central Agency for the Prevention of Corruption**



## **Law 93-122 of 29 January 1993**

on preventing corruption and transparency in  
business

and government

- **NO authority to send notifications and to conduct cross-examinations**
- **NO administrative investigation powers**



**PROFESSIONAL ADVICES**

**CENTRALISATION OF DATA**

**RECOMMENDATIONS**

**TRAINING**



# **ADVICES**

**Judicial authorities**

**Ministers and prefects**

**Financial courts**

**Elected officials exercising executive powers**

**Public Control Bodies**

**Administrative commissions**

**Local officials of the Treasury**

# **OFFENCES**

**SCPC**

**Active and passive bribery**

**Trading in influence**

**Illegal taking of interest**

**Inequality in public procurement procedures**

**Misappropriation of public funds by public officials**

**Active Bribery of Foreign Public Officials in  
International Business Transactions (OECD)**



# **CENTRALIZATION OF DATA**

- Research of systems and  
NOT of cases
- Problems concerning cases reported  
by individuals



# RECOMMENDATIONS

- Occasionnaly
- But usually in the annual report
- [www.justice.gouv.fr/minister/minscpc.htm](http://www.justice.gouv.fr/minister/minscpc.htm)

**« The SCPC prepares annually an activity report which formulates in particular draft measures aiming at preventing the same type of irregularities that have been drawn attention to it. This report is addressed to the Prime Minister as well as to the Minister of Justice».**



# **SERVICE CENTRAL DE PRÉVENTION DE LA CORRUPTION**

**RAPPORT 2004**

*Les éditions des*  
**JOURNAUX OFFICIELS**

# EXAMINED SECTORS OF ACTIVITIES

**Lobbying and trading in  
influence**  
**Sport**  
**International business**  
**Decentralisation**  
**Control of legality**  
**Public procurements**  
**Health**  
**Advertising companies**  
**Derivatives and  
merchandising**  
**Sects**  
**Data processing contracts**  
**Domestic retail trade, craft  
industry and commercial  
services**  
**Consultancy and  
intermediary**

**Mass marketing**  
**Professional training**  
**Publicity**  
**Internal auditing**  
**Pantouflage (Revolving doors)**  
**Adoption and populations in  
distress**  
**Exclusion**  
**Globalisation and nebulous  
charities**  
**Private safety**  
**Cleaning companies**  
**OECD convention**  
**Correctness of accounts**  
**Illegal interest taking**  
**Favouritism**  
**Associations**



# EXAMINED SECTORS OF ACTIVITIES

## Report 2004

**Conflict of interests :**

**Public sector, judicial professionals**

**Literary prize, gastronomic guides**

**Economic intelligence and corruption**

**Shell companies**

**Various sectors of money laundering :**

**Companies accounts, insurance, lawyers, solicitors**

**The international fight against corruption**

**Lawful commissions**



# **TRAINING**

- ✓ **National School of Administration**
- ✓ **National School of Magistrates**
  
- ✓ **School of Police, « Gendarmerie » and Customs**
- ✓ **Inspectorates**
- ✓ **Competition and Consumption Dept.**
- ✓ **Training Centre for Public Territorial Agents**
  
- ✓ **Universities**
  
  
- ✓ **[www.justice.gouv.fr/minister/formscpc.htm](http://www.justice.gouv.fr/minister/formscpc.htm)**



## Training modules for:

- control services: to detect fraud or corruption (i.e. Ministry of Defence)
- administrative departments : implement preventive and effective internal control mechanisms -identifying a system of reference, a typology of risks, improving internal control.(i.e. Ministry of Public Works and Housing)



# MEANS

- **Interministerial**
- 10 ADVISORS : 3 magistrates, 3 senior civil servants (customs, « équipement ») 3(police, gendarmerie) officers, 1 tax officer
- 370 000 euros
- **Independant public authority**



## **3 -Ethics committees**

- Ethics commissions (3): regulations for public servants leaving the public sector to private companies (*Pantouflage*);
- Ethics committee in certain ministries (MAE)
- Codes of Ethics: Police, Finance, Public works.



## **Reporting corruption**

- Sub section 2 article 40 Code of criminal procedure: judicial offences
- Inspectorates or control bodies: administrative offences
- No hotlines
- No specific protection of whistleblowers out of the Public service rules and regulations already very protective for the public servant



## **Conclusion**

- Wide range of well tested rules, regulations and procedures concerning, ethics, transparency, and supervision of the different branches of the administration;
- but,
- Lack of a comprehensive policy in terms of ethical issues, detection;
- Lack of communication and sharing experiences between departments on supervising, controlling and preventing corruption, or breaches of the procedures