The French approach to regulating revolving doors for public officials

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High Authority for transparency in public life

JUNE15, 2017
BARCELONA, SPAIN
MISSION: Ensure integrity of public officials

- ASSET CONTROL OF PUBLIC OFFICIALS
- PREVENTION OF CONFLICT OF INTEREST
- ADVISING PUBLIC OFFICIALS ON ETHICAL ISSUES
- MANDATORY REGISTER FOR LOBBYISTS

NUMBERS

- Created in 2013
- 15,000 officials
- 50 staff members
PANTOUFLAGE IN FRANCE

1. Revolving doors or ‘pantouflage’ in France

2. Criminal offense

3. Administrative control
PANTOUFLAGE IN FRANCE

Source: www.pantouflewatch.org
CRIMINAL OFFENSE

1919

The origin of the “pantouflage” offense

1994

New Penal Code
Article 432-13

2007

Cooling off period

2013

5 years

3 years

Imprisonment and fines

2 years
30,000€

3 years
200,000€
## CRIMINAL OFFENSE

### FORBIDDEN ACTIVITIES

**Public**
- Members of the Government & staff members
- Local executives & staff members
- Civil servants
- Employees in a public administration or a publicly held company
- Members of independent agencies

**Activities**
Take or receive participation through labor, advice or capital in any private company if:
- The person ensured supervision or control of this company
- The person concluded or advised on contracts with this company
- The person suggested decisions to the competent authorities about this company before the expiration of 3 years (cooling off period) following the termination of their public functions
ADMINISTRATIVE CONTROL

1993
Law on corruption prevention and transparency of economic life and public procedures

2007
Law on public sector modernization

2009
Law on mobility and career paths in the public administration

2013
Law on transparency in public life

2017
Law on independent agencies

3 Different commissions:
- State
- Local
- Hospital

Public administration ethics Commission

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MINISTÈRE DE LA FONCTION PUBLIQUE
ADMINISTRATIVE CONTROL

Ethics Commission on public service

- Civil servants (state and local level + hospital public service)
- Political advisors

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- Members of Government
- Members of independent agencies
- Local elected officials
  - Presidents of regional & county councils
  - Mayors of cities over 20,000 inhabitants

4.8 M people
5 staff members

1,100 people
3 staff members
### SCOPE OF CONTROL BY THE HIGH AUTHORITY

<table>
<thead>
<tr>
<th>Category</th>
<th>People</th>
<th>Awareness of Revolving Doors Regulations</th>
<th>Cases Since 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members of Government</td>
<td>About 40 people</td>
<td>Good awareness</td>
<td>20 cases since 2014</td>
</tr>
<tr>
<td>Local elected officials</td>
<td>About 500 people</td>
<td>Very poor awareness</td>
<td>10 cases since 2014</td>
</tr>
<tr>
<td>Independant agencies members</td>
<td>About 600 people</td>
<td>Newly regulated (since January 2017)</td>
<td>2 cases so far in 2017</td>
</tr>
</tbody>
</table>

The High Authority uses an intelligence software to monitor their post mandate activities.
ADMINISTRATIVE CONTROL

What are we looking for?

Would the criminal offense be committed?

- Did the public official have one of the forbidden interactions with this company in the last three years?
- Did he have such an interaction with a major client or a branch of the company?

Are there any major ethical concerns?

- Would this job raise any conflict of interest towards his/her former public function?
- Would it impede the proper functionning of the administration he/she was a part of?
# ADMINISTRATIVE CONTROL

What can we do?

Three types of decisions can be taken by the High Authority:

<table>
<thead>
<tr>
<th>Authorization</th>
<th>Authorization with reservations</th>
<th>Prohibition</th>
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Since 2017, decisions are made public (ministers and local elected officials) or at least sent to the future employer (members of agencies).