

"Money, politics, power: corruption risks in Europe": The new report published by Transparency International on 6 June 2012

According to the report published on 6 June 2012 by Transparency International on the risks of corruption in Europe, France would appear to be lagging behind its European neighbours.

The report, funded with the support of the European Commission's Home Affairs Directorate General in the scope of the Programme entitled "Prevention of and Fight against Crime", is the first complete study focusing on the ability of European countries to fight against corruption. The report sets forth the results of the assessment of the integrity systems of 25 European countries carried out in 2011 by the Organisation. For this purpose, more than 300 national institutions have been analysed. Each institution and each sector have been examined in light of what they offer in terms of resources and institutions, of their internal governance and their ability to perform their role within the concerned State's system relating to the fight against corruption.

While the report emphasises the major trends that are noticed throughout Europe in this respect, it also issues recommendations in view of specific reforms. According to the Organisation, understanding common trends is essential in order to develop better integrity policies. The report thus issues recommendations for the attention of the European countries, the European Union bodies, political parties, the private sector and the civil society.

Europe

According to the report, 75% of the European Parliaments offer integrity mechanisms that are either improperly applied or insufficient, which confirms the feeling of 74% of the European citizens who believe that corruption is a growing problem in their country. The institutions referred to as the most problematic in terms of integrity are political parties, businesses, the civil service and the private sector. Financial institutions and courts, election review committees and mediators promote integrity.

The close relationships between the private sector and politicians are particularly mentioned in the vast majority of European countries, even in those considered as the most virtuous. The main substantial weaknesses identified at the European level are as follows:

- the gaps in regulations concerning the funding of political parties (for instance, a significant number of examined countries do not limit the amount of donations given to political parties and some countries (like Switzerland or Sweden) do not have any regulations in this respect);
- the lack of transparency of lobbying activities;
- the lack of guarantee regarding the Members of Parliaments' integrity;

- the insufficient access to information for the public;
- the increased risks in terms of public procurements; and
- the absence of effective protection for whistle-blowers.

As a consequence, the report suggests improvements aiming at regulating lobbying activities, establishing limits for political donations, prohibiting anonymous donations and the mentioning of reservations in the declarations of interests of Members of Parliaments, adopting codes of conduct for the latter or improving the protection of whistle-blowers. The Organisation particularly encourages the European bodies to take initiatives in this respect.

France

Compared with many of its European neighbours, which are particularly well positioned, like the Scandinavian countries, Germany or Switzerland, France thus appears to be lagging behind in the fight against corruption.

In December 2011, the Organisation had already issued recommendations aiming at the improvement of the policies regarding the fight against corruption in France (see *Situation of the fight against corruption in France*, by Thomas Rouhette and Pauline Blondet, Paris International Litigation Bulletin no. 3, May 2012). These recommendations notably included the prevention of conflicts of interests in the public sector, the creation of an audit of the Assemblies' financial situations, the reform of the status of the Department of the Public Prosecutor and the strengthening of the impartiality of the military classification procedure.

According to this last report, the Parliament and the Executive power are the weakest sectors of the French integrity system. For instance, French parliamentarians are the only ones (with their Slovenian colleagues) who do not make their declarations of assets and interests public. Furthermore, even though a register of lobbyists is available at the French *Assemblée Nationale*, registration only occurs on a voluntary basis, which limits its efficiency (127 lobbyists were registered in March 2011 on the official registers of the French *Assemblée Nationale*, while the report mentions 9,300 meetings between July 2007 and July 2010 between ministries and lobbyists, concerning around 5,000 organisations represented by more than 16,000 persons).

However, the French public services have received a good grade. The bodies considered as the most honest in France are financial institutions like the French *Cour des Comptes* (national Court controlling the country's financial situation) and the *Chambres Régionales des Comptes* (local financial courts). The election review Committees also seem to meet the integrity criteria of the Organisation.

The latter has thus pleaded in favour of the improvement of the transparency of lobbying activities, of the parliamentary integrity mechanisms, of access to information, of the transparency of public procurements and of the protection of whistle-blowers.

Conclusion

Finally, the Organisation has insinuated that it expects the new French Government to implement the undertakings publicly taken by François Hollande during the presidential campaign, notably concerning the ban of the plurality of offices for Members of Parliaments, the extension of the period of ineligibility to 10 years for the elected representatives convicted of corruption and the publication of the declarations of interests of the Members of Parliaments.

Moreover, it ought to be noted that a criminal sentence for corruption of foreign public officials, which is an extremely rare event in France, has just been handed down against a big French company. By judgment of 5 September 2012, the Paris Criminal Court thus ordered a company in the aviation and defence industry, as legal entity, to pay a fine of 500,000 Euros as a consequence of the corruption of members of the Government of Nigeria to win a public procurement contract of approximately 170 million Euros. This judgment has been appealed. The two executives of the company, also prosecuted for the same facts, have been discharged.



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