

## Articles LO. 135-1 to LO. 135-6 of the Electoral Code

### Article LO 135-1

*Amended by Organic Law no. 2013-906 dated 11 October 2013 - Art. 1*

I. — Within two months of his/her entry into office, the member of the National Assembly shall personally send an exhaustive, accurate, sincere and sworn declaration of his/her assets including all of his/her private property, as well as, where applicable, community property and joint property to the President of the High Authority for Transparency in Public Life. These assets shall be evaluated at the date on which the reporting obligation became operative as is the case regarding gift tax. Under the same conditions, each member of the National Assembly shall send the President of the High Authority, as well as the bureau of the National Assembly, a declaration showing the interests held on the date of his/her entry into office and within the five years prior to said date, as well as the list of professional activities or activities in the public interest, including those which are not remunerated, that he/she plans to retain. The member of the National Assembly may include observations within each of his/her declarations.

Any substantive change in the assets or interests held by the person concerned shall require that a new declaration be filed under the same format within two months, as well as any factor of a nature to change the list of activities retained by said person.

A declaration of assets which complies with the provisions set out above shall be submitted to the High Authority for Transparency in Public Life seven months at the earliest and six months at the latest before the end of his/her term of office or, if the National Assembly is dissolved or the term of office ends for a reason other than death, within two months of the end of his/her duties. Said declaration shall include a summary of all income received by the member of the National Assembly and, where applicable, by the community since said member of the National Assembly took office. The member of the National Assembly may include his/her observations regarding the development of his/her assets in his/her declaration.

Where the member of the National Assembly has filed a declaration of assets within the last six months pursuant to this Article or to Articles 4 and 11 of Act no. 2013-907 dated 11 October 2013 on Transparency in Public Life, no new declaration referred to in the first sentence of the first subparagraph of this paragraph I shall be required and the declaration provided for by the third subparagraph of said paragraph I shall be limited to the summary referred to in the second sentence of the same subparagraph and to the presentation referred to in the last subparagraph of paragraph II.

The fact that a member of the National Assembly neglects to declare a substantial portion of his/her assets or interests or provides an untruthful valuation of his/her assets is punishable by three years of imprisonment and a €45,000 fine. Additional penalties may be ordered under the form of the loss of civic rights, under the conditions provided for by Articles 131-26 and 131-26-1 of the Criminal Code, as well as the prohibition from exercising public functions, under the conditions provided for by Article 131-27 of the same Code.

Without prejudice to Article LO 136-2, any breach of the obligations provided for in the third subparagraph shall be punished by a €15,000 fine.

II. — The declaration of assets shall include the following items:

- 1) Developed and undeveloped real property;
- 2) Securities;
- 3) Life insurance policies;
- 4) Current and savings bank accounts, savings books and other savings products;
- 5) Items of movable property with a value exceeding an amount set by regulations;
- 6) Motorised land vehicles, boats and aircraft;
- 7) Goodwill, custom, official appointments and offices;
- 8) Movable property, real property and accounts held abroad;
- 9) Other property;
- 10) Liabilities.

Where applicable, the declaration of assets shall specify, for every item referred to in 1) to 10) of this paragraph II, whether the property is private property, community property or joint property.

The declarations of assets which are submitted pursuant to the third subparagraph of paragraph I include, in addition to the information referred to under the same 1) to 10), a presentation of major events having affected the composition of assets since the last declaration.

II. — The declaration of interests shall include the following items:

- 1) Professional activities which give rise to remuneration or gratuities that are performed on the date of appointment;
- 2) Professional activities which give rise to remuneration or gratuities and which were performed over the last five years;
- 3) Consulting activities which are performed on the date of appointment and which were performed over the last five years;
- 4) Involvement in the managing bodies of a public or private organisation or of a company on the date of appointment or over the last five years;

- 5) Direct stakes in the capital of a company on the date of appointment;
- 6) Professional activities performed on the date of appointment by the spouse, civil union partner or common law spouse;
- 7) Volunteer work likely to give rise to a conflict of interest;
- 8) [*Provisions declared unconstitutional by Constitutional Council decision no. 2013-675 DC of 9 October 2013*];
- 9) Elective duties and mandates performed and held on the date of appointment.
- 10) The names of parliamentary members of staff as well as other professional activities declared by them;
- 11) The professional activities or activities in the public interest, even those which are not remunerated, that the member of the National Assembly plans to retain during his/her term of office.

The declaration shall specify the amount of remunerations, allowances or gratuities received by the member of the National Assembly, under the items referred to in 1) to 5), 9) and 11) of this paragraph III.

IV. — A decree of the Conseil d'Etat, following the opinion of the Data Protection Authority, shall set out the model and the content of the declarations provided for in this Article and shall stipulate the conditions under which they are updated and archived.

#### **Article LO 135-2**

*Amended by Organic Law no. 2013-906 dated 11 October 2013 - Art. 1*

*Amended by Ordinance no. 2016-307 dated 17 March 2016– Art. 4*

I. — The declarations of interests and activities which are submitted by the member of the National Assembly pursuant to Article LO 135-1 as well as, where applicable, the observations which he/she has made shall be made public, within the limits defined under paragraph III of this Article, by the High Authority for Transparency in Public Life. Electors may send any written observations regarding these declarations of interests and activities to the High Authority.

The declarations of assets submitted by the member of the National Assembly pursuant to the same Article LO 135-1 shall be transferred to the tax administration by the High Authority for Transparency in Public Life. Within thirty days of said transferral, the latter shall provide the High Authority with all information enabling it to assess the exhaustiveness, accuracy and sincerity of the declaration of assets, in particular income tax notices for the person concerned and, where applicable, solidarity on wealth tax notices.

Within three months of the receipt of the items referred to in the second subparagraph of this paragraph I, any assessments deemed useful with regards to the exhaustiveness, accuracy and

sincerity of the declarations of assets may be appended to said declaration by the High Authority, before such declaration is made public within the limits set out by paragraph III of this Article, and after having given the member of the National Assembly the opportunity to make his/her observations.

Declarations of assets shall be put at the disposal of electors registered on the electoral roll, for information purposes only:

- 1) At the *département* prefecture in which the member of the National Assembly was elected;
- 2) At the high commission, for members of the National Assembly elected in New Caledonia or French Polynesia;
- 3) At the prefecture, for members of the National Assembly who were elected in other overseas Authorities which are governed by Article 74 of the Constitution;
- 4) At the prefecture of Paris, for members of the National Assembly who were elected by French citizens established outside of France.

These electors may send any written observations regarding the declarations which they have viewed to the High Authority.

Unless the filing party has himself/herself made his/her declaration of assets public, the act of publishing or disclosing, in any way whatsoever, all or part of the declaration of assets or of observations or assessments provided for by the second to the penultimate subparagraphs of this paragraph I is punishable by a €45,000 fine.

II. — The procedure provided for by the nine last subparagraphs of paragraph I of this Article shall apply to the declaration of assets submitted following departure from government office, pursuant to the third subparagraph of paragraph I of Article LO 135-1.

- 2) The following information may not be made public: the personal addresses of persons subject to such declaration, the names of his/her spouse, civil union partner or common law spouse or other members of his/her family;

As regards the declaration of assets, the following real property cannot be made public: indications, other than the name of the *département*, regarding the location of property; the names of persons who previously owned the property referred to in the declarations; for joint property, the names of the other joint owners; for property to which bare title is held, the names of usufructuaries; for property in usufruct, the names of the bare title holders.

As regards the declaration of interests and activities, the following real property cannot be made public: indications, other than the name of the *département*, regarding the location of property. As regards the spouse, civil union partner or common law spouse:

- 1) The names of persons who previously owned the property referred to in said declaration;

- 2) For property which is jointly owned, the names of the other joint owners;
- 3) For property to which bare title is held, the names of usufructuaries;
- 4) For property in usufruct, the names of bare title holders.

As regards movable property, the following information cannot be made public: the names of persons who previously owned the movable property referred to in the declaration of assets; the names of persons who previously owned the movable property referred to in the declaration of interests and activities where such person is the spouse, civil union partner or common law spouse of the person concerned by such declaration.

As regards financial instruments, the following information cannot be made public: the addresses of financial institutions and the numbers of the accounts held.

Where applicable:

- 1) The evaluation that was made public on the value of community property held shall correspond to one-half of the market value of said property;
- 2) The evaluation that was made public on the value of jointly-owned property shall correspond to the portion of the joint ownership rights held by the filing party.

The information referred to in this paragraph III may only be disclosed at the express request of the filing party or of his/her beneficiaries or at the request of the legal authorities where disclosure to them is necessary for the resolution of a dispute or useful to establish the truth.

IV. — The information contained in declarations of interests and of activities which are made public in accordance with and within the limits set out by this Article may be reused under the conditions provided for by Articles [L. 321-1](#), [L. 321-2](#), [L. 322-1](#) and [L. 322-2](#) of the Code of relations between the public and the administration.

V. — A decree of the Conseil d'Etat, adopted following the opinion of the Data Protection Authority (CNIL) shall specify the rules for application of this Article.

#### **Article LO 135-3**

*Amended by [Organic Law no. 2013-906 dated 11 October 2013 - Art. 1](#)*

The High Authority for Transparency in Public Life may request that a member of the National Assembly provide it with the declarations that it has filed pursuant to Articles 170 to 175 A of the General Tax Code and, where applicable, pursuant to Article 885W of the same Code.

It may also, where it deems it necessary, request the declarations referred to in the first subparagraph, filed by the spouse with separate property, civil union partner or common law spouse of the member of Parliament concerned.

In the absence of disclosure within two months of the declarations referred to in the two first subparagraphs of this Article, the High Authority may request that the tax administration provide it with a copy of these same declarations, and who shall transfer such declarations to the High Authority within thirty days.

The High Authority may request that the tax administration exercise its right of discovery provided for by section I of Chapter II of Title II of part one of the Book of Tax Procedures, with a view to obtaining all information relevant to the performance of its monitoring role. This information shall be disclosed to the High Authority within sixty days following the request.

To the same end, the High Authority may request that the tax administration implement the international administrative assistance procedures.

Tax administration officers shall be released from their professional secrecy obligation with regards to the High Authority members and rapporteurs, concerning the inspections and audits they perform for the application of this Chapter.

#### **Article LO 135-4**

*Created by [Organic Law no. 2013-906 dated 11 October 2013 - Art. 1](#)*

I.- Where a declaration submitted pursuant to Article LO 135-1 is incomplete or where no response has been given to a request for explanations made by the High Authority, the latter shall send the Member of the National Assembly an injunction to send the completed declaration or explanations requested to it without delay.

II.- The fact that a member of the National Assembly does not abide by the injunctions issued by the High Authority for Transparency in Public Life, or does not disclose the information and documents required for the performance of its duties within one month from the date on which the injunction or disclosure request is notified to said member of the National Assembly is punishable by one year of imprisonment and a €15,000 fine.

#### **Article LO 135-5**

*Created by [Organic Law no. 2013-906 dated 11 October 2013 - Art. 1](#)*

The High Authority for Transparency in Public Life shall monitor variations in the assets of the members of the National Assembly, on the basis of their declarations, any observations and explanations they may have made or provided, and other information at the High Authority's disposal.

In all cases in which the High Authority has observed, after having given the member of the National Assembly the opportunity to make his/her observations, a breach of one of the obligations provided for by Articles LO 135-1 and LO 135-4 or evolutions in the assets of the member of the National Assembly for which he/she is unable to provide sufficient explanations, the High Authority shall transfer the file to the French Public Prosecutor's Office.

#### **Article LO 135-6**

*Created by [Organic Law no. 2013-906 dated 11 October 2013 - Art. 1](#)*

Where it observes a breach of the obligations provided for by Articles LO 135-1 and LO 135-4, the High Authority for Transparency in Public Life shall refer the matter to the bureau of the National Assembly.