



# France: Law of Bribery

June 1999

LL File No. 1999-2566  
LRA-D-PUB-001480

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### FRANCE: LAW OF BRIBERY

Bribery is prohibited by Law N° 93-122 of January 29, 1993, on bribery prevention, transparency of economic and political life and of public procedures. The law was incorporated in the New Criminal Code, which entered into force on March 1, 1994.

As requested, below is a translation of the main provisions on bribery:

#### **Passive Corruption and Influence Peddling Committed by Persons Exercising Public Functions**

**Art. 432.11:** A person who is an authorized public official, who has been charged with carrying out a public service mission, or who has received a mandate of elective office is punishable by imprisonment for ten years and a fine of 1,000,000 F[rancs] for the act of directly or indirectly soliciting or agreeing to, without being entitled thereto, any offers, promises, donations, presents or advantages of any sort:

1°- be it by carrying out or failing to carry out one of his[/her] functions, missions or mandates or [an act] facilitated by his [/her] function, mission or mandate; [or]

2°- be it by abusing his [/her] real or supposed influence with a view to obtaining from a public authority or a public administration, favors, employment, government contracts or any other type of favorable decision. [*Translator's note:* citation omitted.]

#### **Active Corruption and Influence Peddling Committed by Individuals.**

**Art. 433.1:** The act of directly or indirectly proposing, without [the intended recipient's] being entitled thereto, offers, promises, donations, presents or advantages of any sort, to obtain from a person who is an authorized public official, who has been charged with carrying out a public service mission, or who has received a mandate of elective public office is punishable by imprisonment for ten years and a fine of 1,000,000 F[rancs]:

1°- be it that he [/she] carries out or fails to carry out one of his[/her] functions, missions, or mandates; [or]

2°- be it that he [/she] abuses his [/her] real or supposed influence with a view to obtaining from a public authority or a public administration favors, employment, government contracts or any other type of favorable decision.

The act of directly or indirectly giving to an authorized public official, a person who has been charged with carrying out a public service mission, or a person who has received a mandate of elective public office who solicits and is not entitled to it, offers, promises, donations, gifts, or advantages of any sort to carry out or to fail to carry out an act envisioned in 1° or to abuse his [her] influence under the conditions sated in 2° is punishable by the same penalties.

**Art 433-2:** The act by any individual to directly or indirectly solicit or agree to offers, promises, donations, gifts or any sort of advantages in order to abuse his[her] real or supposed influence with a view to obtaining from a public authority or a public administration favors, employment, government contracts or any other favorable decision is punishable by 5 years imprisonment and a fine of 500,000 F[rancs].

The act of directly or indirectly agreeing to the solicitation stated above, or of proposing, without the [recipient's] being entitled thereto, offers, promises, donations, gifts, or any sort of advantages, in order for a person to abuse his[her] real or supposed influence with a view to obtaining from a public authority or a public administration, favors, employment, government contracts or any other favorable decision is punishable by the same penalties.

### **Additional penalties**

The Code provides a list of additional penalties that may be imposed at the court's discretion, including loss of civil, civic and /or family rights, prohibition against holding a public function or engaging in his or her profession which the offender held at the time the offense occurred, confiscation of any bribes received and publication of the court decision.<sup>1</sup>

### **Legal entities**

Legal entities may be found guilty of bribery under article 433-1.<sup>2</sup> In that case, the penalty is a fine, the maximum of which is equal to five times the amount of the fine imposed by article 433-1.<sup>3</sup> Additional penalties, such as, for example, placement under court supervision, temporary or permanent closing of the premise[s] owned by the guilty party, publication of the court decision and a permanent or temporary prohibition on the right to bid for government contracts may also be imposed, at the court's discretion.<sup>4</sup>

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<sup>1</sup> CODE PÉNAL, (C. pén), arts. 432-17, 433-22, 433-23.

<sup>2</sup> *Id.*, art. 433-25.

<sup>3</sup> *Id.*, art. 131-38.

<sup>4</sup> *Id.*, art. 131-39.

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June 1999