

A close-up, slightly blurred photograph of a man with short brown hair and glasses, looking intently at a computer screen. The screen is in the foreground, partially obscuring his face. The background is a light, out-of-focus office environment.

GUIDE

WHISTLEBLOWER

Ensuring that the law forgets no one

Défenseurdesdroits
— RÉPUBLIQUE FRANÇAISE —

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WHISTLEBLOWER STATUS

1· WHAT IS WHISTLEBLOWER STATUS?

If you report or disclose actions that are unlawful (crimes, offences, etc.) or contrary to the general interest (behaviour that is potentially dangerous to the public), this may give you whistleblower status.

Whistleblowing is a right.

Legislation protects individuals who exercise this right by prohibiting any form of retaliation against whistleblowers, and by giving them the means to defend themselves if they suffer such acts of retaliation.

Whistleblowers are thus protected against negative measures taken against them because of their actions; such measures may include dismissal, a sanction, the loss of a subsidy, or a “gagging clause”. A “gagging clause” is a legal action (e.g.: legal case for defamation or reputational damage) which is in reality intended to intimidate the whistleblower.

Whistleblowers are protected by several pieces of legislation.

Chief among these is Act No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life, known as the “Sapin II Act”. This act was significantly amended by Act No. 2022-401 of 21 March 2022

aimed at improving protection for whistleblowers, relaxing the definition of a whistleblower and enhancing the protection afforded to whistleblowers.



You can be considered as a whistleblower and be entitled to protected status only if:

- **you meet the definition of a whistleblower as specified by this Act or by a specific item of legislation;**
- **AND you follow the procedure intended for reporting the actions covered by your report.**

2· WHY A GUIDE?

The purpose of this guide is to **guide you through the process** so that you can take full advantage of whistleblower status and the protective regime that accompanies it.

Unless otherwise specified, the rules it describes are those contained in the general regime of Act No. 2016-1691 of 9 December 2016, known as the “Sapin II Act”, as amended by Act No. 2022-401 of 21 March 2022. The main specific regimes are described on p. 32.

3· WHAT IS THE ROLE OF THE DEFENDER OF RIGHTS?

The Defender of Rights is an independent administrative authority enshrined in the French Constitution. Its duty is to uphold rights and freedoms.

The Defender of Rights has been **responsible for supporting whistleblowers since 2016**. Its role was considerably strengthened in 2022 by Act No. 2022-401 and the Framework Act No. 2022-400 of 21 March 2022.

Now with responsibility for ensuring the smooth running of the general mechanism for protecting whistleblowers in France, the Defender of Rights is also tasked with informing, guiding and protecting whistleblowers (see p. 38) in all sectors, and irrespective of the applicable regime (general regime of the Sapin II Act, or specific regime). One of these tasks is the production of a guide for whistleblowers.

The Defender of Rights is also competent to **deal with alerts relating to its own purpose**; that is, the rights of the child, discrimination, ethics relating to persons performing security functions, and relations with public services (see p. 40).



YOU'RE CONSIDERING MAKING A REPORT: HOW CAN YOU OBTAIN PROTECTION?

THE DEFENDER OF RIGHTS CAN **INFORM** YOU OF YOUR RIGHTS AND **GUIDE** YOU THROUGH THE PROCESS.

If you are considering making a report, you must first ask yourself whether you **meet the definition of a whistleblower** as set by law.

If you do, you may be **protected** (see the protections described on p. 23) if you **follow the procedure as specified in the legislation** to make your report (see the procedures described on p. 10).

1· WHAT IS A WHISTLEBLOWING REPORT?

A whistleblowing report is when you **disclose or reveal certain actions** by bringing them to the attention of an employer or an administrative authority, or by making them public.

You can make a whistleblowing report **in connection with a professional relationship** (e.g.: if you are an employee, public official, former employee or shareholder), **or separately** from any professional context (e.g.: if you are making your report as a citizen, a user of a public service, or a customer).

In any event, **a certain number of conditions** must be met before you are entitled to whistleblower status within the meaning of the law. You must fulfil all of these conditions.

2· CAN YOU BE A WHISTLEBLOWER?

- To be a whistleblower, you must **be a natural person** (as opposed to a legal entity, such as a company or an association).



Legal entities are entitled to benefit from the protections afforded to facilitators (see p. 31).

- You must **derive no direct financial benefit from your whistleblowing report**. If you have received compensation for making your report, you cannot benefit from the whistleblower protection regime.
- You must be **acting in good faith**; in other words, have **a reasonable belief** that the actions you are

reporting are true in light of the information available to you, and that they may reasonably constitute grounds for a whistleblowing report (see *below*, point 3). You will not be entitled to whistleblower status if you are aware that the actions you are reporting are false, or if you are acting with the intention to cause harm.

- If the information you are reporting has been obtained **outside of a professional context**, you must **have had personal knowledge of it**. If you simply relay an information held by another person, you will not be entitled to whistleblower status.

3· WHAT CAN YOUR WHISTLEBLOWING REPORT RELATE TO?

3·1· ACTIONS THAT MAY BE COVERED

Information that may be included in a whistleblowing report must relate to situations that could potentially amount to:

- a **crime** (e.g.: a murder or a rape);
- a **misdemeanour** (e.g.: bribery, influence peddling, embezzlement of public or private funds, endangering the lives of others);
- a **threat or actual harm to the public interest** (e.g.: actions that may endanger or harm public safety in respect to health or the environment);
- a **breach**, or an attempt to cover up a breach:

- of **legislation** or a **regulation** (e.g.: a decree or an order);
- of **European Union law** (e.g.: the Treaty on the Functioning of the European Union, a European directive, or a European regulation);
- of an **international commitment** that has been duly ratified or approved by France (e.g.: the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Convention on the Rights of the Child);
- of a unilateral act by an international organisation undertaken on the basis of such a commitment.



A report or disclosure may relate only to information that is illicit or harmful to the general public interest.

Ordinary malfunctions in a public or private entity are not within the scope of the whistleblowing process.

PRACTICAL ADVICE

Before making a report, make sure you have practical evidence of the information you wish to report or disclose (emails, accounting documents, etc.).

3-2· SECRETS NOT COVERED BY THE WHISTLEBLOWING PROCESS

The whistleblowing regime does not apply where the **disclosure** of information and documents is **prohibited by laws** and regulations regarding:

- national defence secrets;
- medical confidentiality;
- confidential judicial deliberations;
- confidential judicial enquiries or investigations;
- lawyer-client privilege.

If you divulge information of this kind, you risk not only not being protected but also, in some cases, being found guilty of committing an offence.

4· WHAT PROCEDURE SHOULD YOU FOLLOW?

If you qualify as a whistleblower, the law provides you with protections against acts of retaliation taken against you. To qualify for such protection, you need to comply with the specified whistleblowing procedure.

Several options are available to you; these are described on pages 10 to 13 of this guide.

WHAT THE LAW SAYS

Definition of a whistleblower:

Article 6 of Act No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life:

“I.- A whistleblower is a natural person who discloses or reports, without direct financial reward and in good faith, a crime, offence, threat or harm to the public interest, a violation, or attempt to conceal a violation, of an international undertaking duly ratified or approved by France, a unilateral act of an international organization taken on the basis of such an undertaking, of European Union law, or of the law or regulations. In cases where the information was not obtained in connection with the professional activities mentioned in Paragraph I of Article 8, the whistleblower must have had personal knowledge of it.

II.- Facts, information or documents, regardless of their form or medium, whose revelation or release is prohibited by provisions relating to national defence secrets, medical confidentiality, confidential judicial deliberations, enquiries or investigations or lawyer-client privilege are excluded from the whistleblowing regime defined in this chapter.”

Steps to follow in the whistleblowing process: Article 8 of Act No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life.



TO WHOM SHOULD YOU MAKE YOUR REPORT?

THE DEFENDER OF RIGHTS:

- CAN **INFORM** AND **ADVISE** YOU ON THE PROCESS;
- CAN **GUIDE** YOU TOWARDS THE COMPETENT AUTHORITIES FOR PROCESSING YOUR REPORT.

To qualify for protection as a whistleblower, you must follow **certain procedural rules**.

1· CHOICE OF WHISTLEBLOWING

PROCEDURE: INTERNAL OR EXTERNAL

The law provides for two whistleblowing methods: either by making an internal report or an external report.

An **internal whistleblowing report** entails contacting a person within your current organisation, or the organisation to which you previously belonged or applied. An **external whistleblowing report** entails bringing the report to the attention of an institution designated with that role under the legislation.

It is **up to you to choose** the method that best suits your situation. You are entitled to make an internal report only if you have obtained the information related to the report as part of your professional duties, whether as an employee or a public official. An internal report is never compulsory.

You could choose this whistleblowing method if you believe that your report will be dealt with confidentially and impartially within the entity that employs you.

If you believe it would be useful to do so, you can also make an external report alongside an internal report.



Public disclosure (e.g. to the media) is only an option following an external report (see point 2 below).

1·1· INTERNAL WHISTLEBLOWING REPORT

For this type of report, you must follow the **internal procedure for collecting and processing reports that is used within your professional organisation**; or, if such a procedure does not exist, you must approach your direct or indirect supervisor, your employer or a representative named by your employer.

In the first instance, it is your responsibility to check whether a whistleblowing procedure has been implemented within the organisation that employs you.

The internal whistleblowing procedure is detailed on p. 14.

1·2· EXTERNAL WHISTLEBLOWING REPORT

You can choose to submit your report to an **external authority**, whether you have already made an internal report or not.

This method consists of sending your report to either:

- **one of the authorities referred to in Decree No. 2022-1284** of 3 October 2022, chosen on the basis of the area covered by the report (see list and contact details on p. 42);
- in the event of a problem identifying the competent authority, the **Defender of Rights**, who will direct you towards the authority best positioned to process your report;
- to **the judicial authority** (e.g.: the Public Prosecutor, if you believe you are reporting a crime or offence);
- to **a European Union institution, body or organisation** that is competent to collect information on breaches falling within the scope of Directive (EU) 2019/1937 of the European Parliament and of the Council, dated 23 October 2019 (e.g.: referral to the European Anti-Fraud Office on fraud concerning the Union's budget).

The external whistleblowing procedure is detailed on p. 19.

PRACTICAL ADVICE

- When sending documents, always use registered mail with acknowledgement of receipt where possible.
- Use the double-envelope system: place the information relating to your report inside a sealed envelope bearing the words "SIGNALEMENT D'UNE ALERTE/WHISTLEBLOWING REPORT" only. Put this envelope inside a second envelope, on which is written the address of the authority to which the whistleblowing report is being referred. This precaution ensures that only authorised persons will have access to the confidential information contained in your report.
- Send only copies; keep your originals.
- The Defender of Rights may be contacted:
 - By post, free of charge, without postage: Défenseur des droits - Libre réponse 71120 - 75342 Paris CEDEX 07.
 - By filling in the online form at: [defenseurdesdroits.fr / "Saisir le Défenseur des droits"](https://defenseurdesdroits.fr/) (make a referral to the Defender of Rights).
 - By telephone on +33 (0)9 69 39 00 00, from Monday to Friday between 8:30am and 7:30pm (cost of a local call).

2· UNDER WHAT CIRCUMSTANCES CAN YOU MAKE YOUR REPORT PUBLIC?

Public disclosure consists of bringing the report to the attention of the public; e.g.: by means of the media or by sharing the information on social networks. If you satisfy the criteria for consideration as a whistleblower (see p. 6), you will be eligible for protection after having made your report public **only if you find yourself in one of the situations described below.**



Great discernment must be exercised over the decision of whether or not to disclose the report to the public, as you may lose the benefit of all protection.

2·1· PUBLIC DISCLOSURE IS ONLY POSSIBLE IN FOUR CASES

1) If you have approached an external authority that failed to provide you with an appropriate response within the required timeframe.

There can be no public disclosure if you have only submitted an internal whistleblowing report. This only applies if you have submitted a report to an external authority (see p. 19).

- If you have approached one of the **authorities named** in the Decree of 3 October 2022 (see list on p. 42), you may consider making your report public if the authority in question has taken no appropriate action in response to your report **within a period of three months.**

It is important to note that the external authority is not required to

have actually processed your report within this timeframe; it is simply required to have taken appropriate action.

This could entail supplying information on the actions it plans to take, or has already taken, to assess the accuracy of your report and remedy the situation described therein; e.g. opening an enquiry or investigation, etc. If such action has been taken within three months, you are not entitled to make the report public; if you do so, you may lose the benefit of protection.

The three-month period **may be extended to six months** if the circumstances of the case justify doing so. You must be informed of any such extension.

- If you have contacted **the judicial authority, a European Union institution or the Defender of Rights for guidance**, you are entitled to make your report public if no appropriate measure has been taken within **six months.**
- 2) In the case of **serious AND imminent danger** for reports that do **not** relate to information obtained in connection with a professional situation.
 - 3) In the event of **imminent OR evident danger to the public interest**, especially where there is an urgent situation or a risk of irreversible harm, for **reports which relate to information obtained in connection with a professional situation.** This criteria is somewhat more flexible than the “serious and imminent danger” criteria .

4) If you risk possible **retaliation** as a result of approaching the external authority, or **if the authority does not effectively remedy the issue you are reporting**; e.g.: if evidence may be concealed or destroyed, or if you have good reason to believe that the authority faces a conflict of interest, in collusion with the person responsible for/involved in the actions in question.

2.2· THE SPECIAL CASE OF INFORMATION THAT MAY HARM NATIONAL DEFENCE AND SECURITY INTERESTS

In cases where it may potentially harm **national defence and security interests**, public disclosure is only possible in case 1 (lack of appropriate response from the external authority). However, you would lose your right to be protected if you publicly reveal information of this nature in the other cases (serious and imminent danger, evident danger to the public interest, risk of retaliation).

WHAT THE LAW SAYS

Whistleblowing procedures:

Article 8 of Act No. 2016-1691
of 9 December 2016 on transparency,
the fight against corruption and the
modernisation of economic life.



INTERNAL WHISTLEBLOWING REPORT: REFERRAL TO THE RELEVANT PROFESSIONAL STRUCTURE

An internal whistleblowing report entails contacting a person within your current organisation, or the organisation to which you previously belonged or applied.

The internal whistleblowing procedure can be used if you believe that the professional organisation in question will be able to effectively resolve the issue you are reporting to it, and that you are not exposing yourself to the risk of retaliation.

This reporting channel **is not compulsory**. You can also contact an external authority directly (see p. 19).

1. WHEN CAN YOU MAKE AN INTERNAL WHISTLEBLOWING REPORT?

Two cumulative conditions must be met:

- **Your report relates to professional information.**

An internal report is only possible if the information you wish to disclose:

- has been obtained in connection with your professional activities (including in cases where you are not, or are no longer, an employee of the company: unsuccessful applicant or employee of a company under contract to the organisation in question);

- relates to actions that happened, or are likely to happen, in the organisation in question.

- **You are, or have been, in a professional relationship with the organisation in question.**

The option of submitting an internal whistleblowing report is open to:

- staff members;
- individuals whose employment relationship has ended;
- individuals who applied for a job within the entity in question;
- shareholders, partners and holders of voting rights at the entity's general meeting;

- members of the administrative, management or supervisory body;
- external and occasional associates;
- contracting parties of the entity in question, their subcontractors or, in the case of legal entities, the members of the administrative, management or supervisory body of these contracting parties and subcontractors, and members of their staff.

2· WHO SHOULD YOU SUBMIT YOUR REPORT TO?

The law makes a distinction as to the procedures to be followed according to the size of the company or institution that employs the whistleblower.

For **larger organisations, as described in point 2.1**, the law dictates a **specific procedure** for collecting and processing whistleblowing reports. This procedure is detailed in Decree No. 2022-1284 of 3 October 2022.

If such a procedure has not been set up or is not accessible, you may submit an internal whistleblowing report in line with the provisions for small organisations.

For **smaller organisations**, there is no specific procedural rule. Your report can be submitted to your direct or indirect superior, your employer or a point of contact named by your employer.

2·1· YOUR REPORT RELATES TO A COMPANY OR INSTITUTION WITH MORE THAN 50 EMPLOYEES/AGENTS OR A MUNICIPALITY OF OVER 10,000 INHABITANTS

The law requires some organisations to establish and adhere to a specific procedure for collecting whistleblowing reports that concern them.

This covers:

- public legal entities employing at least fifty staff (e.g.: a public establishment such as a high school or museum);
- their associated municipalities and establishments (school funds, municipal centres for social action, hospitals, etc.) which employ at least fifty staff in cases where the municipality has over 10,000 inhabitants;
- government administrations (e.g. ministries), regardless of the size of the service or organisation, including decentralised public services (e.g. prefecture);
- private legal entities and companies operated in their own name by one or more natural persons, employing at least fifty staff (e.g.: company, sole-proprietor business);
- entities falling within the scope of the European Union provisions mentioned in paragraph B of part I and part II of the annex to the Directive (EU) 2019/1937 of the European Parliament and Council of 23 October 2019 (e.g.: financial services or the fight against money laundering). For such entities, the requirement to establish an internal procedure applies regardless of their size.

How will your request be processed?

These organisations are required to establish an internal procedure and make it accessible. In the first instance, it is therefore your responsibility to check whether a whistleblowing procedure has been implemented within the organisation in question. For example, you can find information on the organisation's website, or in the spaces it uses to display general information.

The applicable internal rules of procedure must comply with the requirements of Decree No. 2022-1284 of 3 October 2022. The procedure may differ from one structure to another, but it **should at least inform you:**

- to whom to submit your report within the organisation;
- the method of contacting them (postal mail, email, etc.);
- what information to send;
- what precautions to take to ensure the report remains confidential.

This procedure must include the **following guarantees:**

- there will be an option of submitting a whistleblowing report in writing and/or verbally, depending on the organisation's chosen preference;
- an acknowledgement of receipt of the report must be sent within seven days;
- a guarantee must be given as to the integrity and confidentiality of the data collected (identity of the whistleblower and of the person implicated by the report);

- the report will be processed by staff with sufficient authority and resources (e.g.: by the ethics officer, where one exists);
- no later than three months from the acknowledgement of receipt of the report, written information will be sent on the measures planned or implemented to assess the accuracy of your allegations and, where relevant, to process the report.

If the organisation has not implemented a whistleblowing procedure, refer to the rules applicable to smaller organisations described in the next point.



In most cases, the internal procedure is used to process the whistleblowing report within the company. However:

- **companies with fewer than 250 employees can share between themselves the work of receiving reports and assessing the accuracy of the reported information. If your report concerns one of these companies, it may invite you to contact another company with which it is sharing the procedure.**
- **all entities to which the obligation to set up an internal whistleblowing mechanism applies can arrange for the channel for receiving their report to be managed by a third party (e.g. a law firm). If this is the case for the company to which your report applies, it may invite you to contact this third party.**

2-2· YOUR REPORT RELATES TO A COMPANY OR INSTITUTION WITH FEWER THAN 50 EMPLOYEES OR A MUNICIPALITY OF UNDER 10,000 INHABITANTS, OR AN ORGANISATION WHICH DOES NOT HAVE AN INTERNAL PROCEDURE

If your report relates to an entity not covered in point 2.1, you can submit your report to your **direct or indirect line manager**, your **employer** or a **point of contact designated by your employer**.

The same channel must be used if you wish to make an internal report in an organisation that is required to set up an internal whistleblowing procedure, but has not done so.

3· WHAT IS THE RESPONSE TIMEFRAME?

The organisation receiving the report must **acknowledge receipt** of your request within **seven days**.

It must then provide you with an **initial response** within **three months**. The organisation is not required to have actually processed your report within this timeframe; it is simply required to have informed you as to the actions that are planned or have already been taken to assess the accuracy of your report (e.g. opening an internal enquiry) and remedied the situation described therein.

4· WHAT SHOULD YOU DO AFTER MAKING THE REPORT?

- If you are satisfied with the response you have received, the process ends for you.
 - You will then be informed of the outcome of the case (e.g.: measures agreed upon to bring an end to the reported situation).
 - Other than in exceptional circumstances (e.g. serious and imminent danger, see p. 12), you cannot make your report public.
- If the organisation in question **does not respond** to your initial request within three months, or **you are not satisfied with its response**, you can opt to **approach one of the following external authorities**:
 - one of the authorities designated by the Decree of 3 October 2022 (see procedure described on p. 19 and the list of authorities on p. 42);
 - the Defender of Rights, who will direct your application to the competent authority;
 - the judicial authority (e.g.: public prosecutor);
 - a European Union institution, body or organisation that is competent to collect information on breaches falling within the scope of Directive (EU) 2019/1937 of 23 October 2019.
- At this stage in the procedure, other than in exceptional circumstances, **you have no options for making your report public**.

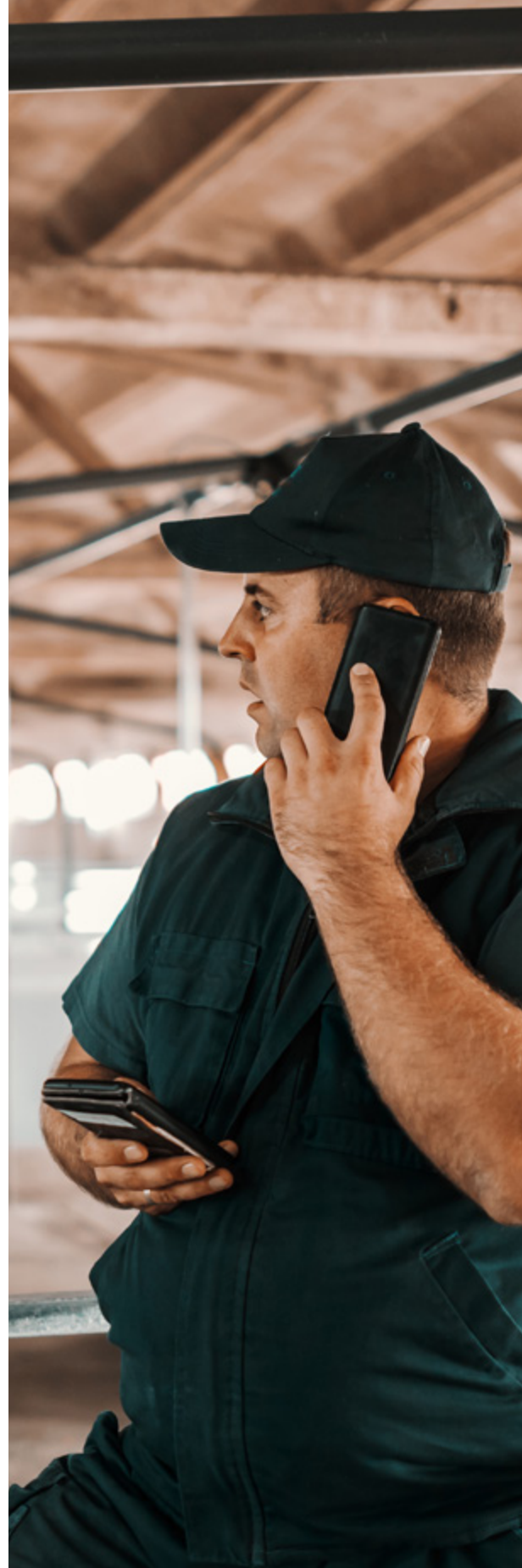
PRACTICAL ADVICE

- When sending documents via the postal services, always use registered mail with acknowledgement of receipt where possible.
- Use the double-envelope system: place the information relating to your report inside a sealed envelope bearing exclusively the words “SIGNALEMENT D’UNE ALERTE/ WHISTLEBLOWING REPORT” only. Put this envelope inside a second envelope, on which is written the address of the authority to which the whistleblowing report is being referred. This precaution ensures that only authorised persons will have access to the confidential information contained in your report.
- Send only copies; keep your originals.

WHAT THE LAW SAYS

Whistleblowing procedures:

Article 8 of Act No. 2016-1691
of 9 December 2016 on transparency,
the fight against corruption and the
modernisation of economic life.



EXTERNAL WHISTLEBLOWING REPORT: REFERRAL TO AN AUTHORITY DESIGNATED BY LAW

THE DEFENDER OF RIGHTS:

- CAN **GUIDE** YOU TOWARDS THE COMPETENT AUTHORITIES FOR PROCESSING YOUR REPORT;
- **PROCESSES YOUR REPORT WITHIN ITS OWN AREAS OF COMPETENCE: RIGHTS OF THE CHILD, DISCRIMINATION, ETHICS FOR INDIVIDUALS ENGAGED IN SECURITY ACTIVITIES AND RELATIONS WITH PUBLIC SERVICES.**

An external whistleblowing report entails bringing the report to the attention of the public authorities by contacting an institution designated with that role under legislation, known as the “external authority”.

1· WHEN CAN YOU APPROACH AN EXTERNAL AUTHORITY?

You can approach an external authority **regardless of your situation**. Even if your report relates to your own professional organisation, it is not necessary to have made an initial internal report (see p.14).



Unless otherwise stipulated (see p. 12), you are not entitled to reveal the report publicly without having initially approached an external authority.

For details of the circumstances under which the report may be disclosed after referral to an external authority, see also p. 21.

2· WHO SHOULD YOU SUBMIT YOUR REPORT TO?

The **law has stipulated a list of authorities** that can accept referrals from whistleblowers; they are designated as “external authorities”. These are:

- One of the **authorities designated** by Decree No. 2022-1284 of 3 October 2022; a list of their names and contact details appear at the end of this guide (see p. 42).

You must choose the authority whose field of competence best matches the subject of your report. For example: for a report concerning the activities of the Ministry of Defence, the *Contrôle général des armées* (“General Inspection of the Armed Forces”); for a report relating to acts of corruption, the *Agence française anticorruption* (“French Anti-Corruption Agency”).

You may refer for assistance to the legislation governing the jurisdiction of these authorities (see p. 44).

- The **Defender of Rights**

Unless it is itself competent to process your report (see p. 40), the Defender of Rights **will guide you** towards the authority(ies) best able to deal with your report. You are advised to use this route if you are uncertain about which is the competent administrative authority.



The Defender of Rights may also receive referrals from one of the authorities designated by Decree No. 2022-1284 of 3 October 2022, in cases where the authority in question does not consider itself competent to process your report.

It will then redirect your report to the authority best placed to deal with it.

- The **judicial authority** (e.g. the public prosecutor: in the event of a crime or offence).
- A **European Union institution, body or organisation** that is competent to collect information on breaches falling within the scope of Directive (EU) 2019/1937 of the European Parliament and Council of 23 October 2019.

3· HOW WILL YOUR REQUEST BE PROCESSED?

The external authorities are required, on their website, to supply you with the rules of procedure that they apply, and the methods for making a referral to them.

The procedure may differ from one authority to another, but it **should at least inform you of:**

- the jurisdiction of the authority;
- who to send your report to (postal address, telephone numbers, electronic contact);
- what information you will be required to supply;
- what precautions to take to ensure the report remains confidential;
- how your report will be processed (via the postal service, email, etc.);
- the contact details for the Defender of Rights.

The specified procedure used by the authority should in particular include the **following guarantees:**

- an option of submitting a whistleblowing report in writing and/or verbally;
- an acknowledgement of receipt of the report to be sent within seven days;
- a guarantee as to the integrity and confidentiality of the data collected (identity of the whistleblower and of the person implicated by the report);
- processing of the report by staff with sufficient authority and resources;

- sharing of written information on the measures planned or taken to assess the accuracy of your allegations and, if necessary, to remedy the subject of the report;
- response times (see details below).

4· WHAT IS THE RESPONSE TIMEFRAME?

Response times vary depending on the authority in question and the nature of the case file.

4·1· EXTERNAL AUTHORITIES NAMED BY THE DECREE OF 3 OCTOBER 2022

If the authority you have contacted is one of those mentioned in the Decree of 3 October 2022 (see p. 42), it is required to provide you with an initial response within a **three-month period**. The organisation is not required to have actually processed your report within this timeframe; it is simply required to have informed you as to the actions that are planned or have already been taken to assess the accuracy of your report and remedied the situation described therein.

The response time may be extended to **six months** if the particular circumstances of the case (nature, complexity), require further investigation. Before the end of the three-month period, the authority must notify you of any such extension, with supporting evidence.

4·2· OTHER EXTERNAL AUTHORITIES

For the other three named categories of external authorities (judicial authority, Defender of Rights in receipt of a request for guidance, European Union institution), **no specific response time** is required by legislation.

However, in application of the Act of 9 December 2016, it is possible to **publicly disclose** your report, without losing the protection to which you are entitled as a whistleblower, if no appropriate action has been taken by one of these authorities within a period of **six months** (see p. 12).

5· WHAT SHOULD YOU DO AFTER MAKING THE REPORT?

5·1· IF YOU ARE SATISFIED WITH THE RESPONSE YOU HAVE RECEIVED

If you are satisfied with the response you have received within the timescales given in point 4, **the reporting process is at an end for you**.

You will then be informed of the outcome of the case (e.g.: measures agreed upon to bring an end to the reported situation).

Other than in exceptional circumstances (e.g. serious and imminent danger, see p. 12), you cannot make your report public.

5·2· IF YOU HAVE RECEIVED NO RESPONSE, OR ARE NOT SATISFIED WITH THE RESPONSE YOU HAVE RECEIVED

If you have received no response within the timescales mentioned in point 4, or you are not satisfied with the response you have received, you may consider publicly disclosing your report.

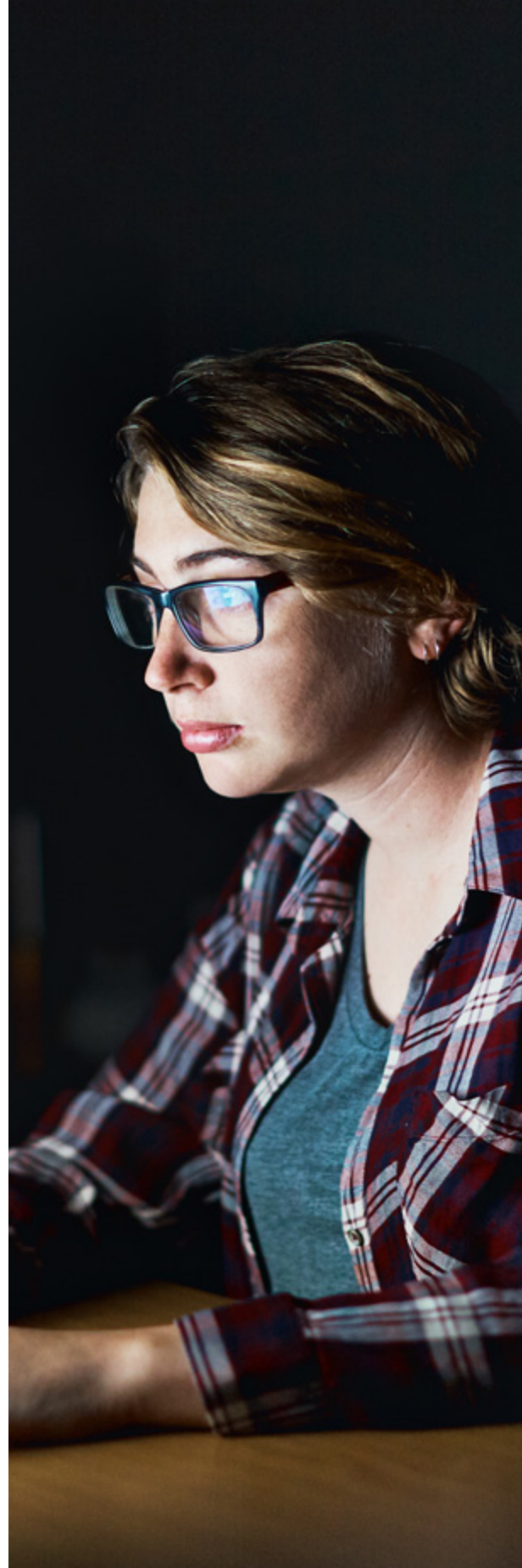
PRACTICAL ADVICE

- When sending documents via the postal services, always use registered mail with acknowledgement of receipt where possible.
- Use the double-envelope system: place the information relating to your report inside a sealed envelope bearing the words “SIGNALEMENT D’UNE ALERTE/WHISTLEBLOWING REPORT” only. Put this envelope inside a second envelope, on which is written the address of the authority to which the whistleblowing report is being referred. This precaution ensures that only authorised persons will have access to the confidential information contained in your report.
- Send only copies; keep your originals.

WHAT THE LAW SAYS

Whistleblowing procedures:

Article 8 of Act No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life.



WHAT PROTECTION WILL YOU RECEIVE?

THE DEFENDER OF RIGHTS:

- **CERTIFIES** YOUR WHISTLEBLOWER STATUS TO ENSURE YOU ARE PROTECTED AGAINST ANY NEW OR CONTINUING RETALIATION;
- **PROTECTS YOU** AGAINST ANY RETALIATION AGAINST YOU IN RELATION TO YOUR REPORT.

If you satisfy the **definition of a whistleblower** (see p. 6) and you have **complied with the reporting rules** stipulated in the legislation (see p. 10), you may avail yourself of the **protective measures** provided for by law.

1- YOU CANNOT BE FORCED OR INDUCED TO WAIVE YOUR STATUS AS A WHISTLEBLOWER

The protection granted to the whistleblower cannot be limited (e.g.: in the terms of an employment contract). There is also a prohibition on waiving the benefit of protected status in advance.

Any action taken in disregard of these rules will be deemed null and void. It cannot therefore be used against you.

2- YOU MUST NOT SUFFER RETALIATION IN CONNECTION WITH YOUR REPORT

The law prohibits anyone from taking negative decisions against you in connection with your report.

This means that **if you think you have been a victim of such measures**:

- you can request the cancellation of these measures before the competent judge (regarding, for example, retaliation by an employer: the administrative court if you are a public servant, or the *conseil des prud'hommes* ("industrial tribunal") if you are a private-sector employee);
- you can be compensated for damages resulting from such retaliation (e.g.: loss of remuneration from a job in the event of dismissal);
- you can also avail yourself of your status as a whistleblower to defend yourself against actions taken against you if you believe that you are the victim of a "gagging clause".

A “gagging clause” is a legal action (e.g.: legal case for defamation or reputational damage) which is in reality intended to intimidate the whistleblower.

2·1· WHAT IS AN ACT OF RETALIATION?

In the **course of your professional duties**, whether you are an employee or a public servant, your employer must not take any adverse action against you following your report. For example: you must not be dismissed, suspended or laid off, have your pay reduced, or face disciplinary action as a result of your report.

You must also suffer no negative consequences as a result of your report in **non-professional areas of your life**. For example, your entitlement to a right (registration in a crèche, a summer camp, etc.) must not be withheld or rescinded, and neither may any licence or permit you hold be rescinded as a result of your report.

You must not suffer **any harassment, or any intimidatory action**.

Threats or attempts to use such measures are also prohibited.

2·2· HOW TO ESTABLISH FACTS RELATING TO RETALIATION BEFORE THE JUDGE

You are entitled to a change in the burden of proof to help you demonstrate that you have been a victim of retaliation. If you approach the judge to request the cancellation of an act of retaliation, you will simply be required to provide information that supports the presumption that you have submitted your report in compliance with the rules specified by the legislation. If this is the case, it is then the responsibility of the party who has taken the adverse decisions against you (e.g.: your employer) to prove that those decisions were justified by factors other than your report (e.g.: that your dismissal could be justified for an economic reason or a fault unrelated to the report).

3· YOU ARE PROTECTED AGAINST CERTAIN ACTIONS THAT MAY BE TAKEN AGAINST YOU

3·1· YOU ARE ENTITLED TO EXEMPTIONS FROM CIVIL AND CRIMINAL LIABILITY

The law states that, in certain cases, you cannot bear civil or criminal liability for actions related to your report. Whistleblower status provides you with a defence.

- **Your civil liability is limited**

Regardless of whether you have made your report within or outside of the context of your professional activity, you cannot bear civil liability for harm caused to the person implicated by your report.

If the person implicated by your report (e.g.: your employer) suffers harm as a result of your report (e.g.: a drop in turnover, a loss of capital), you cannot be ordered to provide compensation for such losses.

To benefit from this exemption from civil liability, you must have satisfied **two conditions**:

- your report must have been made in compliance with the rules specified by the legislation;
- you must have reasonable grounds to believe that it was necessary to report or disclose the full information to safeguard the interests in question.

• Your criminal liability is limited

You cannot be held criminally liable if, while making your report or in order to be able to make it:

- you have divulged a secret protected by law (e.g.: professional secrecy, secrecy of correspondence);



Immunity from criminal proceedings does not apply to protected secrets excluded from the whistleblowing regime (national defence secrets, medical confidentiality, confidential judicial deliberations, judicial enquiries or investigations, lawyer-client privilege).

- you have taken away, misappropriated or concealed documents or any other medium containing information to which you had lawful access (and not, for example, as a result of an unlawful entry into a place or a theft).

To be entitled to protection from criminal prosecution, you must have satisfied **two conditions**:

- your report must have been made in compliance with the rules specified by the legislation;
- the disclosure of the information must be necessary and proportionate to safeguard the interests in question.

3·2· PARTIES ENGAGING IN RETALIATION AND “GAGGING CLAUSES” AGAINST YOU WILL INCUR CIVIL AND CRIMINAL PENALTIES

Anyone found guilty of using retaliation or “gagging clauses” against you may be sanctioned.

- Anyone attempting to **prevent you from making a report** may be **criminally sanctioned**. They will face a one-year prison sentence and a fine of 15,000 euros.
- Anyone who has engaged in **vexatious action** against you (e.g.: suing you for defamation) may face a **civil fine** of up to 60,000 euros.
- Any **judgements** convicting individuals found guilty of obstructing your report or engaging in acts of retaliation or vexatious or delaying procedures against you may be **published**.

- Individuals **responsible for discrimination against you** (refusal to hire, refusal to supply a good or service) as a result of your report may face a **criminal sanction** of up to three years' imprisonment and a fine of 45,000 euros.

4· YOU MAY BE ENTITLED TO FINANCIAL SUPPORT

4·1· YOU CAN ASK THE JUDGE FOR FINANCIAL SUPPORT DURING A PROCEDURE

- **Provision for litigation costs or subsidies**

You can ask the judge to grant you a sum of money to cover the various costs related to the trial (lawyer's fees, expert opinions, etc.).

If your financial situation has been significantly worsened following your report, you may also ask the judge for the payment of a sum to cover your needs.

- **Relevant procedures**

These sums may be requested when you initiate proceedings against the acts of retaliation you have suffered, or when a person brings a civil or criminal action against you, if you provide information supporting the presumption that such acts are intended to hinder your report ("gagging clause").

- **Procedure**

To benefit from this provision, you will be required to provide information that supports the presumption that you have submitted your report in compliance with the rules specified by the legislation.

The judge will give a **quick** decision on such financial requests.

He/she may decide to grant the provision to you on a permanent basis, regardless of the outcome of the trial (even if you lose).

The sum to be allocated to you will take account of your own financial situation and that of the other party, and also the likely cost of the procedure. It will be payable by your opponent.

4·2· OTHER PSYCHOLOGICAL AND FINANCIAL SUPPORT MEASURES MAY BE PUT IN PLACE

If, as a result of your report, your economic situation has been significantly worsened, the law provides that the external authorities named in the Decree of 3 October 2022 (see list on p. 42) have the option of providing you with temporary psychological and financial support.

This is simply a possibility for these authorities, and not an obligation.

The law leaves the decision up to each competent authority whether to grant such support, and if so, on what basis.

5· YOU MAY BE ENTITLED TO ASSISTANCE WITH YOUR PROFESSIONAL REINSTATEMENT

If you made your report within the context of your **professional activities**, you may be entitled to assistance with your professional reinstatement. This reintegration may take the form of a rapid return to your organisation, or professional retraining if a return is no longer possible.

5·1· IF YOU ARE AN EMPLOYEE

- You can request a quick ruling from the *conseil des prud'hommes* (employment tribunal) on your dismissal.

If you are an **employee** and your employer has terminated your employment contract following your report, you can bring an **injunction** before the *conseil des prud'hommes* ("industrial tribunal"). Such a procedure requires the *conseil des prud'hommes* to rule quickly on the legality of the decision.

- You can ask the judge to order your personal training account to be funded.

If you are an **employee**, the *conseil des prud'hommes* can require your employer to **fund your personal training account**.

This measure may be ordered in addition to another sanction.

5·2· IF YOU ARE A PUBLIC SERVANT

If you are a **public servant** and you have been dismissed, or your contract has not been renewed or revoked as the result of a whistleblowing report, you may ask the administrative judge, during a dispute, to **order your employer to reinstate you in your role**.

WHAT THE LAW SAYS

List (not exhaustive) of prohibited acts of retaliation: Article 10-1 of Act No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life:

- 1 Suspension, layoff, dismissal or equivalent measures;
- 2 Demotion or denial of promotion;
- 3 Transfer of functions, change of place of work, reduction of salary, change in working hours;
- 4 Suspension of training;
- 5 Negative performance appraisal or work report;
- 6 Imposition or administration of disciplinary measures, reprimand or other sanction, including a financial sanction;
- 7 Coercion, intimidation, harassment or ostracism;
- 8 Discrimination, inferior or unfair treatment;

- 9 Non-conversion of a fixed-term employment contract or temporary contract into a permanent contract in a situation in which the worker could legitimately have expected to be offered a permanent position;
- 10 Non-renewal or early termination of a fixed-term employment contract or temporary contract;
- 11 Harm, including damage to personal reputation, including on an online communication service, or financial losses, including loss of business and loss of income;
- 12 Blacklisting on the basis of a formal or informal agreement at sector or industry level, which may imply that the person will not be able to find future work in the sector or industry;
- 13 Early termination or cancellation of a contract for goods or services;
- 14 Cancellation of a licence or permit;
- 15 Vexatious referral to psychiatric or medical treatment.

Limitation of the criminal liability of whistleblowers: Article 122-9 of the Criminal Code.

Limitation of the civil liability of whistleblowers: Article 10-1 of Act No. 2016-1691 of 9 December 2016.

Option of asking the administrative judge for reinstatement in employment: Article L.911-1-1 of the Code of Administrative Justice.

Conseil des prud'hommes injunction, funding of personal training account: Article 12 of Act No. 2016-1691 of 9 December 2016.

Prohibition on limiting the rights of the whistleblower: Article 12-1 of Act No. 2016-1691 of 9 December 2016.

Obstacle to reporting, “gagging clause”: Article 13 of Act No. 2016-1691 of 9 December 2016.

Additional penalty of displaying a notice: Article 13-1 of Act No. 2016-1691 of 9 December 2016.

Financial assistance before the judge: Article 10-1 of Act No. 2016-1691 of 9 December 2016.

Psychological and financial support by external authorities: Article 14-1 of Act No. 2016-1691 of 9 December 2016.

Criminal liability of perpetrators of discrimination against whistleblowers: Article 225-1 of the Criminal Code.



CONFIDENTIALITY RULES: YOUR RIGHTS AND OBLIGATIONS

1· PROTECTION OF YOUR IDENTITY

1·1· PRINCIPLE

The law requires the person who collects and processes your report to guarantee that your report process remains confidential.

It is forbidden for anyone to disclose information that reveals your identity without your permission. Failure to comply with this obligation is punishable by two years imprisonment and a fine of 30,000 euros.

1·2· EXCEPTION

Information that enables you to be identified may be shared **with the judicial authority** in the event that the persons responsible for processing your report are required to report the facts to them (e.g.: in application of Article 40 of the French Criminal Procedure Code, which requires public servants to bring their case before the public prosecutor if they know about a crime or offence).

You must be informed when such information is shared, unless doing so would potentially compromise the legal process.

2· PROTECTION OF THE IDENTITY OF THE PERSON IMPLICATED BY THE REPORT

Parties named in the report also have the right to confidentiality regarding their identity.

This means that you must not disclose information that would enable them to be identified outside of the reporting procedure.

Failure to comply with this obligation is punishable by two years' imprisonment and a fine of 30,000 euros.

WHAT THE LAW SAYS

Confidentiality obligations: Article 9 of Act No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life.

PROTECTION OF INDIVIDUALS WHO ARE HELPING YOU OR ARE RELATED TO YOU

THE DEFENDER OF RIGHTS DEFENDS THE RIGHTS AND FREEDOMS OF INDIVIDUALS WHO ARE PROTECTED AS PART OF A WHISTLEBLOWING PROCEDURE.

If you are a whistleblower, other people may be helping you. It is also possible that your report will have repercussions on third parties in your circle of contacts or who are related to you. These individuals are entitled to receive **exactly the same protective measures you receive as a whistleblower.**

1- PEOPLE WHO HELP YOU: FACILITATORS

A facilitator is a person other than the whistleblower who enjoys protection because of the assistance they have provided to the whistleblower. A facilitator may be:

- either a **natural person** (e.g.: a relative or a colleague);
- or a **non-profit private legal entity** (e.g. a *loi de 1901* (“voluntary”) association, a trade union or a non-governmental organisation).

The facilitator must be able to demonstrate that he/she/it **has helped you** to make your report in compliance with the reporting rules specified in the legislation.

2- PROTECTION OF PERSONS WHO ARE RELATED TO YOU

The protection you enjoy as a whistleblower also applies to:

- **natural persons who are related to you** (e.g. a colleague) who may be subjected to acts of retaliation within the context of their professional activities (from employers, customers, suppliers);
- **legal entities** (e.g.: a limited-liability company, a public limited company):
 - controlled by you;
 - for which you work;
 - with whom you are connected in a professional capacity.

WHAT THE LAW SAYS

Protection of whistleblowing third parties: Article 6-1 of Act No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life.

ARE YOU SUBJECT TO SPECIFIC RULES?

THE DEFENDER OF RIGHTS CAN **INFORM AND ADVISE** YOU THROUGH THE PROCESS.

If you are a whistleblower, it is possible that – depending on the specific area covered by your report – you may be covered by a **specific whistleblowing regime**, in which case the procedure you must follow is different from the procedure for the general mechanism described in this guide.

This part shows you the main pieces of special legislation which specify rules that provide exemptions from Act No. 2016-1691 of 9 December 2016.

Such legislation relates either to certain types of reports (e.g.: in the environmental domain) or certain categories of whistleblowers (e.g.: the military).

The exemptions they include may relate to the definition of the report and the procedures to be followed. Once the conditions for their application have been met, the general whistleblowing regime provided for in Chapter II of Act No. 2016-1691 of 9 December 2016 shall not apply. These – with some exceptions – are the specific procedures to be followed.



You will, however, be entitled to equivalent protections regardless of the applicable legislation (Act of 9 December 2016 or specific regime).

1· THE MAIN SPECIFIC REGIMES

1·1· YOUR REPORT RELATES TO MISTREATMENT IN A SOCIAL / MEDICAL AND SOCIAL CARE INSTITUTION OR SERVICE THAT EMPLOYS YOU

You are:

- **A public servant or employee** in a **social / medical and social care institution or service** under the meaning of Article L. 312-1 of the Social Action and Family Code;
- **Accueillant familial** (“**state-approved caregiver**”) (Article L. 441-1 of the Social Action and Family Code).

You are entitled to protection if you have testified in **good faith to mistreatment** or deprivations inflicted upon a person receiving such care (e.g.: from your line manager, an administrative authority or a judicial authority).

See Article L. 313-24 of the Social Action and Families Code.

1.2· YOUR REPORT RELATES TO THE FINANCIAL SECTOR

a) Your report relates to a breach or violation of Community or national prudential regulations

You are a **member of staff** of a credit institution, a finance company, a financial holding company, a mixed financial holding company or a parent company of a finance company.

You are entitled to protection if you **have approached the *Autorité de contrôle prudentiel et de résolution*** (ACPR, “prudential supervisory and resolution authority”) to report a breach or violation of Community or national prudential regulations. Your employer should in principle have a procedure in place that enables you to make such a report.

See Article L. 511-41 of the Monetary and Financial Code.

b) Your report relates to breaches of the obligations defined by European regulations and by the Monetary and Financial Code, the Insurance Code, the Mutual Code, the Social Security Code or the general regulations of the financial markets authority, which is supervised by the *Autorité des marchés financiers* (AMF, “financial markets authority”) or the *Autorité de contrôle prudentiel et de résolution* (ACPR, “prudential supervisory and resolution authority”)

Anyone can make a report in one of these areas, including by **anonymous** means.

See Articles L. 634-1 and L. 634-3 of the Monetary and Financial Code.

• If your report relates to failings that fall within the jurisdiction of the AMF

The whistleblowing procedure to use is detailed on the AMF website under the “*Lanceur d’alerte : notification de potentielles infractions à la réglementation*” (“Whistleblower: notification of potential regulatory breaches”) section, which can be found on the AMF site at the following address: www.amf-france.org/fr/formulaires-et-declarations/lanceur-dalerte-0.

• If your report relates to a breach within the jurisdiction of the ACPR

The whistleblowing procedure to use is detailed on the ACPR website under the “*Signaler à l’ACPR un manquement ou une infraction*” (“Report a breach or violation to the ACPR”) section, the address of which is: acpr.banque-france.fr/controler/signaler-lacpr-un-manquement-ou-une-infraction.

1.3· YOUR REPORT RELATES TO PRODUCTS OR MANUFACTURING PROCESSES FROM YOUR EMPLOYER THAT POSE RISKS TO HEALTH AND THE ENVIRONMENT



In the two following cases, provided that the relevant conditions are met, the application of the specific regime does not prevent whistleblowers from relying on the general provisions of the Act of 9 December 2016.

a) You are a worker

You believe **in good faith** that the products or procedures used or implemented within the establishment pose a **serious risk to public health or the environment**.

You must immediately notify your employer of this concern, specifying:

- 1 the products or manufacturing processes used or implemented by the establishment that you believe to pose a serious risk to public health or the environment;
- 2 where applicable, the potential consequences for public health or the environment;
- 3 any other information that may be useful in assessing the submitted report.

Your report must be recorded in writing in a special register. You must be kept informed of the resulting follow-up measures.

See Article L. 4133-1 et seq. of the Labour Code.

b) You are a staff representative on the social and economic committee

You are a **staff representative on the social and economic committee**.

You have observed, most likely via information from a worker, that products or manufacturing procedures used or implemented in the establishment pose a **serious risk to public health or the environment**.

You must **immediately alert the employer of this fact**, using the same procedure as specified above for the worker's report.

See Article L. 4133-2 et seq. of the Labour Code.

1.4· YOUR REPORT RELATES TO THE INTELLIGENCE SECTOR

Given the high degree of confidentiality that accompanies actions in the field of intelligence, the legislator operates a specific reporting regime as specified in Article L. 861-3 of the Internal Security Code.

• **If you work in:**

• **one of the specialist intelligence services:**

- the *Direction générale de la sécurité extérieure* (DGSE, “General Directorate for External Security”);
- the *Direction du renseignement et de la sécurité de la défense* (DRSD, “Defence Intelligence and Security Directorate”);
- the *Direction du renseignement militaire* (DRM, “Directorate of Military Intelligence”);
- the *Direction générale de la sécurité intérieure* (DGSI, “General Directorate for Internal Security”);
- the specialist national service known as the *Direction nationale du renseignement et des enquêtes douanières* (DNRED, “national directorate of intelligence and customs investigations”);
- the specialist national service known as the *Traitement du renseignement et d'action contre les circuits financiers clandestins* (TRACFIN, “intelligence processing and action against clandestine financial systems”);

- **OR** in **some services, listed** in Article R. 811-2 of the Internal Security Code, some or all of whose work entails an intelligence-gathering role, such as the central territorial intelligence service, the intelligence department of the police headquarters or the national prison intelligence service;
- **AND** you have become aware, **in the course of your duties**, of actions that may constitute a **manifest breach** of Book VIII of the Internal Security Code relating to intelligence;
- You may approach the *Commission nationale de contrôle des techniques de renseignement* (CNCTR, “national commission for the control of intelligence techniques”), which will be solely responsible for handling your report.

In its efforts to put an end to illegal actions, the commission may in turn make a referral to the Conseil d’État, which includes a judicial unit specialising in the domain of intelligence that can deal with classified data.

In cases where it deems that the illegal actions you have reported could potentially constitute an offence, the CNCTR will make a referral to the public prosecutor. At the same time, a referral is made to the *Commission du secret de la défense nationale* (“national defence secrets commission”) so that an opinion can be provided to the Prime Minister on the option of declassifying all or part of the information to forward it to the public prosecutor.

Your protection will be limited solely to the protection specified in paragraph II of Article L. 861-3 of the Internal Security Code.

1-5- YOUR REPORT RELATES TO THE REPORTING OF A CRIME OR MISDEMEANOUR

a) You are a public servant

You are a civil servant or a contracted agent.

You have **reported a crime** or a **misdemeanour**, which you learned of **in the course of your duties**, to the public prosecutor or the administrative authorities (Article L. 135-1 of the General Civil Service Code).

You will be entitled to the protection specified in Article L. 135-4 of the General Civil Service Code.

b) You are an employee

In **the course of your duties**, you have become aware of actions that constitute **a misdemeanour** or **a crime**.

You have reported or passed on these actions in **good faith**; e.g.: to your line manager or a judicial authority.

In this case, you will be entitled to the protection set out in Article 1132-3-3 of the Labour Code.

1-6- YOUR REPORT RELATES TO A CONFLICT OF INTEREST IN THE PUBLIC SECTOR

Your report potentially relates to a conflict of interest in a situation in which you observe interference between a public interest and public or private interests that may influence, or appear to influence, the independent, impartial and objective exercise of a function (Article L. 121-5 of the General Civil Service Code).

You are **a civil servant or a contracted agent**.

You have reported such actions **in good faith** to one of the authorities whose jurisdiction you fall under (e.g.: your line manager) or the ethics officer.

You will be entitled to the protection specified in Article L. 135-4 of the General Civil Service Code.

1-7· YOU ARE A MEMBER OF A MILITARY ORGANISATION

The protective mechanisms that are specifically applicable to you are set out in the **Defence Code** (see Article L. 4122-4 of the Defence Code).

They are based on the general regime of the Act of 9 December 2016 or on specific regulations applicable to public servants.

2· PROTECTION AGAINST RETALIATION IN SPECIFIC REGIMES

Generally speaking, the specific applicable rules set out the protection afforded to whistleblowers. You must refer to these rules. Furthermore, with the exception of matters pertaining to the intelligence sector (1.4), in cases where one or more of the following protective measures provided for by the Act of 9 December 2016 are **more favourable** than those provided for under a specific mechanism, these measures will apply:

- prohibition on retaliation;
- immunity from civil proceedings;
- immunity from criminal proceedings;
- provision for litigation costs or subsidies;
- adjustment of the burden of proof;

- *Conseil des prud'hommes* ("tribunal") injunction;
- funding of a personal training account ordered by the *Conseil des prud'hommes*;
- prohibition on waiving protection;
- sanctions against those who engage in retaliation and "gagging clauses".



**For all of these rules, see p. 23:
What protection will I receive?**

WHAT THE LAW SAYS

Article L. 313-24 of the Social Action and Families Code (report of mistreatment in the medical and social care sector).

Articles L. 511-41, L. 634-1, L. 634-2 and L. 634-3 of the Monetary and Financial Code (report in the financial sector).

Article L. 151-8 of the Code of Commerce (report relating to business secrecy).

Articles L. 4133-1, L. 4133-2 and L. 4133-3 of the Labour Code (reporting of products or manufacturing processes from your employer that pose risks to health and the environment).

Article L. 861-3 of the Internal Security Code (report in the intelligence sector).

Articles L. 135-1, L. 135-3 and L. 135-4 of the General Civil Service Code (reporting of a crime or misdemeanour, or a conflict of interest in the civil service).

Article 1132-3-3 of the Labour Code (reporting a crime or misdemeanour in the private sector).



HOW CAN THE DEFENDER OF RIGHTS HELP YOU?

THE DEFENDER OF RIGHTS **SUPPORTS** YOU IN YOUR PROCESS AND **UPHOLDS** YOUR RIGHTS AND FREEDOMS, REGARDLESS OF THE APPLICABLE WHISTLEBLOWER REGIME.

1· INFORM YOU OF YOUR RIGHTS AND OBLIGATIONS

The Defender of Rights responds to your **requests for information** on the terms governing the implementation of rules specific to whistleblowers.

For example, you can ask whether you are in a situation that permits you to make your report public.

2· GUIDE YOU THROUGH THE REPORTING PROCESS

The Defender of Rights can **guide you in choosing the appropriate organisation** or authority to approach to put an end to the actions that prompted you to make the whistleblowing report. You are advised to approach the Defender of Rights if you are uncertain which is the competent authority.

The Defender of Rights can also **receive referrals from an external authority** which does not consider itself to have jurisdiction to handle the report it has received, and has therefore referred it on.

3· CERTIFY YOU AS A WHISTLEBLOWER

You can ask the Defender of Rights to **issue an opinion** as to whether you fulfil the conditions provided for by law to benefit from protection as a whistleblower. The opinion of the Defender of Rights is also referred to as **certification**.

Certification from the Defender of Rights may relate to the application of the general regime for whistleblowers provided for by Articles 6 to 15 of Act No. 2016-1691 of 9 December 2016 or any other specific mechanism provided for by law or regulations to protect whistleblowers (see p. 32).

The certification request may **only** be made to the Defender of Rights **after the report has been made**. However, it is not necessary to have suffered retaliation before you can request certification.

Your request is considered with regard to the nature of the report, which must be based on objective information, match the types of reports referred to in the legislation, and have been drawn up in compliance with reporting procedures.

Opinions are issued within a **period of six months** from receipt of your request.

Certification is a measure intended to protect the whistleblower from any new or ongoing acts of retaliation. In the event of a dispute brought before the judge, however, it will be the judge's responsibility to rule upon your status as a whistleblower.

4· PROTECT YOU AGAINST RETALIATION

If, following your report, you believe that you have been the victim of retaliation in connection with your report, you can make a request for **protection** to the Defender of Rights.

4·1· CONSIDERATION OF YOUR REQUEST

Your situation will be examined by the institution's lawyers, who collect all the information they require for a detailed understanding of the case.

It is your responsibility to supply them with all the necessary information to provide insight into your concern, the steps you are taking and the acts of retaliation you have suffered.

The Defender of Rights may not only **request explanations**, but also **summon** implicated parties to a hearing.

They must respond to requests from the Defender of Rights. In particular, implicated parties are not entitled to refuse to supply information to the Defender of Rights. If they refuse to do so, the Defender of Rights

can send formal notices, then refer the matter to a *juge des référés* ("injunctions judge"), or invoke the offence of obstruction provided for by law.

The institution's investigators are subject to **strict professional secrecy**.

If, upon completion of the investigation, it transpires that you qualify as a whistleblower and you have suffered retaliation in connection with this report, protective measures may be considered.

4·2· PROTECTIVE MEASURES

The protection granted by the Defender of Rights takes two main forms:

- The Defender of Rights may **recommend to the retaliating party** that, within its specified time limit, it should take measures restoring your rights to you (e.g.: reinstating you, granting you financial compensation).

Although it does not have a direct power of sanction, the Defender of Rights has an effective "right of follow-up" regarding the recommendations it makes: the implicated party is required to report back to it on the follow-up measures it has implemented following the recommendations. In the absence of a response, or in the event of an insufficient response, the Defender of Rights may exercise a power of injunction; in other words, require the application of the content of the recommendation within a new timescale that it sets.

If no action is taken following the injunction, the Defender of Rights may decide to publish a special report, revealing the name of the party in question.

- The Defender of Rights may present **observations before the court** you have brought your case before to contest acts of retaliation (industrial tribunal judge ruling on a dismissal, administrative tribunal ruling on a disciplinary measure, etc.). In such situations, the Defender of Rights appears before the judge to present its analysis of the case.

5· PROCESS REPORTS WITHIN ITS OWN AREA OF COMPETENCE

The Defender of Rights is the **external authority** responsible for directly handling whistleblowing reports in certain specific areas (see Decree No. 2022-1284 of 3 October 2022).

5·1· AREAS IN WHICH THE DEFENDER OF RIGHTS IS COMPETENT TO RECEIVE REPORTS

The Defender of Rights is responsible for handling reports **in the four following areas**:

- Rights and freedoms in the context of relations with state administrations, local authorities, public institutions, and bodies with a public service mission;
- Best interests and rights of the child;

- Discrimination;
- Ethics of persons carrying out security activities.

5·2· METHODS OF SUBMITTING A REPORT TO THE DEFENDER OF RIGHTS

When you contact the Defender of Rights, you must be as specific as possible so that your request can be answered as soon as possible.

Remember to send a copy of all the documents in your possession that provide an understanding of your situation: exchanges with the relevant organisations and authorities, actions taken against you that could constitute retaliatory measures, etc.

Provide contact details at which you can be reached.

- **Referral by postal mail** - free post without postage fees: Défenseur des droits - Libre réponse 71120 - 75342 Paris Cedex 07, France.

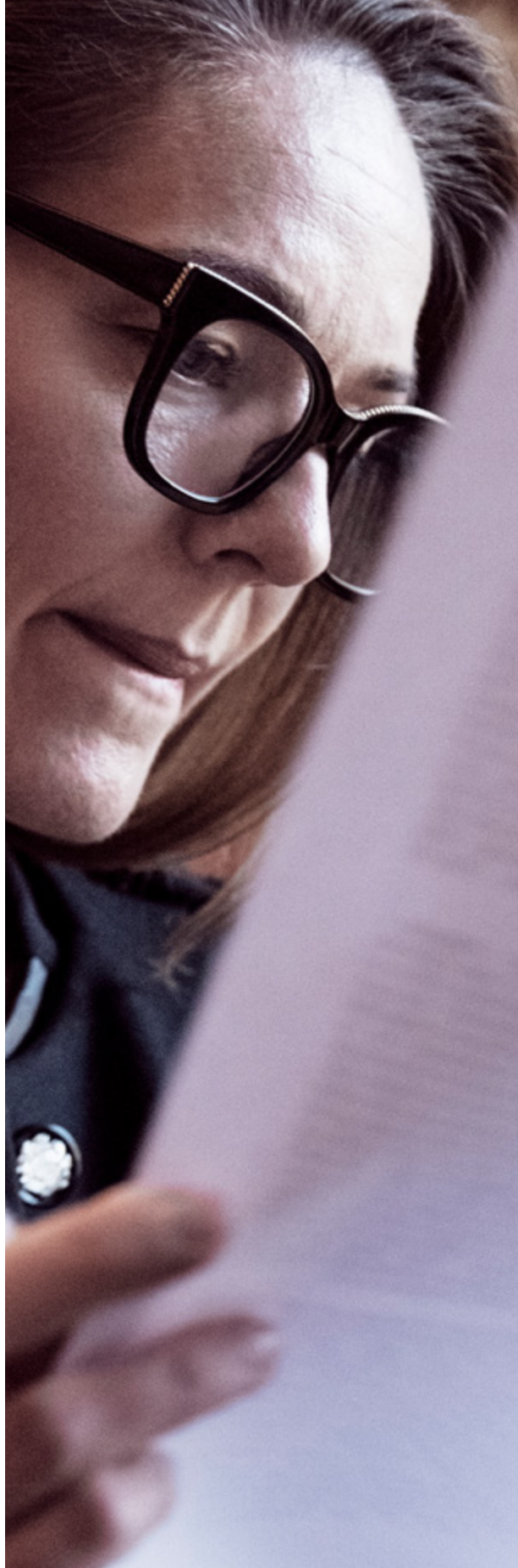
When making a report to the Defender of Rights, use the double-envelope system: place the information relating to your report inside a sealed envelope bearing the words “SIGNALEMENT D'UNE ALERTE/WHISTLEBLOWING REPORT” only. Put this envelope inside a second envelope, on which is written the address of the authority to which the whistleblowing report is being referred. This precaution ensures that only authorised persons will have access to the confidential information contained in your report.

- **Referral via electronic form** on the Defender of Rights website: www.defenseurdesdroits.fr / “Saisir le Défenseur des droits” (make a referral to the Defender of Rights).
- **Referral by telephone on +33 (0)9 69 39 00 00**, from Monday to Friday, 8:30am to 7:30pm (local call rate).

WHAT THE LAW SAYS

Defender of Rights mission to support whistleblowers: Article 4 of Framework Act No. 2011-333 of 29 March 2011 regarding the Defender of Rights.

Certification: Article 35-1 of Framework Act No. 2011-333 of 29 March 2011 regarding the Defender of Rights.



LIST OF EXTERNAL AUTHORITIES

PROVIDED FOR IN DECREE NO. 2022-1284 OF 3 OCTOBER 2022

BY AREAS OF JURISDICTION

(PROVISIONAL RANKING)

PUBLIC PROCUREMENT AND PUBLIC FINANCE

- *Agence française anticorruption* (AFA, “French anti-corruption agency”)
- *Autorité de la concurrence* (“competition authority”)
- *Direction générale de la concurrence, de la consommation et de la répression des fraudes* (DGCCRF, “general directorate for competition, consumer affairs and fraud prevention”)
- *Direction générale des douanes et droits indirects* (DGDDI, “general directorate of customs and indirect taxes”)
- *Direction générale des finances publiques* (DGFiP, “general directorate of public finance”)

FINANCIAL MARKETS, COMPETITION AND CONSUMPTION

- *Autorité de la concurrence* (“competition authority”)
- *Autorité de contrôle prudentiel et de résolution* (ACPR, “prudential supervisory and resolution authority”)
- *Autorité des marchés financiers* (AMF, “financial markets authority”)
- *Direction générale de la concurrence, de la consommation et de la répression des fraudes* (DGCCRF, “general directorate for competition, consumer affairs and fraud prevention”)

EUROPEAN FINANCIAL INTERESTS

- *Agence française anticorruption* (AFA, “French anti-corruption agency”)
- *Direction générale des douanes et droits indirects* (DGDDI, “general directorate of customs and indirect taxes”)
- *Direction générale des finances publiques* (DGFiP, “general directorate of public finance”)

DEFENCE AND ARMAMENTS

- *Contrôle général des armées* (CGA, “general inspectorate of the armed forces”)
- *Collège des inspecteurs généraux des armées* (“panel of general inspectors of the armed forces”)
- *Service central des armes et explosifs* (SCAE, “central service of arms and explosives”)

TRANSPORT

- *Bureau d'enquête sur les accidents de transport terrestre* (BEA-TT, “office of inquiry into road transport accidents”)
- *Direction générale de l'aviation civile* (DGAC, “general directorate of civil aviation”)
- *Direction générale des affaires maritimes, de la pêche et de l'aquaculture* (DGAMPA, “general directorate of maritime affairs, fisheries and aquaculture”)

ENVIRONMENT

- *Agence nationale de sécurité sanitaire, de l'alimentation, de l'environnement et du travail* (ANSES, “national agency for food, environmental and occupational health safety”)
- *Inspection générale de l'environnement et du développement durable* (IGEDD, “general inspectorate for the environment and sustainable development”)
- *Direction générale des affaires maritimes, de la pêche et de l'aquaculture* (DGAMPA, “general directorate of maritime affairs, fisheries and aquaculture”)

NUCLEAR

- *Autorité de sûreté nucléaire* (ASN, “nuclear safety authority”)
- *Comité d'indemnisation des victimes des essais nucléaires* (CIVEN, “committee for the compensation of victims of nuclear tests”)

FOOD AND AGRICULTURE

- *Agence nationale de sécurité sanitaire, de l'alimentation, de l'environnement et du travail (ANSES*, “national agency for food, environmental and occupational health safety”)
- *Conseil général de l'alimentation, de l'agriculture et des espaces ruraux (CGAAER*, “general council for food, agriculture and rural areas”)
- *Direction générale des affaires maritimes, de la pêche et de l'aquaculture (DGAMPA*, “general directorate of maritime affairs, fisheries and aquaculture”)

HEALTH

- *Agence de la biomédecine (ABM*, “biomedicine agency”)
- *Santé publique France (SPF*, “national public health agency”)
- *Agence nationale de sécurité sanitaire, de l'alimentation, de l'environnement et du travail (ANSES*, “national agency for food, environmental and occupational health safety”)
- *Comité d'indemnisation des victimes des essais nucléaires (CIVEN*, “committee for the compensation of victims of nuclear tests”)
- *Conseil national de l'ordre des chirurgiens-dentistes* (“national council of the order of dental surgeons”)
- *Conseil national de l'ordre des infirmiers* (“national council of the order of nurses”)
- *Conseil national de l'ordre des masseurs-kinésithérapeutes* (“national council of the order of masseurs and physiotherapists”)
- *Conseil national de l'ordre des médecins* (“national council of the order of physicians”)
- *Conseil national de l'ordre des pédicures-podologues* (“national council of the order of podiatrists”)
- *Conseil national de l'ordre des pharmaciens* (“national council of the order of pharmacists”)
- *Conseil national de l'ordre des sages-femmes* (“national council of the order of midwives”)
- *Conseil national de l'ordre des vétérinaires* (“national council of the order of veterinary surgeons”)

- *Établissement français du sang (EFS*, “French blood establishment”)
- *Haute autorité de santé (HAS*, “national authority for health”)
- *Inspection générale des affaires sociales (IGAS*, “general inspectorate of social affairs”)
- *Institut national de la santé et de la recherche médicale (INSERM*, “national institute of health and medical research”)

PROFESSIONAL OVERSIGHT AND REGULATION

- *Conseil national de l'ordre des architectes* (“national council of the order of architects”)
- *Conseil national de l'ordre des chirurgiens-dentistes* (“national council of the order of dental surgeons”)
- *Conseil national de l'ordre des infirmiers* (“national council of the order of nurses”)
- *Conseil national de l'ordre des masseurs-kinésithérapeutes* (“national council of the order of masseurs and physiotherapists”)
- *Conseil national de l'ordre des médecins* (“national council of the order of physicians”)
- *Conseil national de l'ordre des pédicures-podologues* (“national council of the order of podiatrists”)
- *Conseil national de l'ordre des pharmaciens* (“national council of the order of pharmacists”)
- *Conseil national de l'ordre des sages-femmes* (“national council of the order of midwives”)
- *Conseil national de l'ordre des vétérinaires* (“national council of the order of veterinary surgeons”)

INFORMATION AND DIGITAL TECHNOLOGY

- *Agence nationale de la sécurité des systèmes d'information (ANSSI*, “national cybersecurity agency”)
- *Commission nationale de l'informatique et des libertés (CNIL*, “national data protection authority”)

RIGHTS AND FREEDOMS - DISCRIMINATION

- Defender of Rights

WORK, EMPLOYMENT, TRAINING

- *Agence nationale de sécurité sanitaire, de l'alimentation, de l'environnement et du travail* (**ANSES**, "national agency for food, environmental and occupational health safety")
- *Délégation générale à l'emploi et à la formation professionnelle* (**DGEFP**, "general delegation for employment and vocational training")
- *Direction générale du travail* (**DGT**, "general directorate of labour")

EDUCATION - CHILDREN

- *Médiateur de l'éducation nationale et de l'enseignement supérieur* ("national education and higher education ombudsman")
- Defender of Rights

CULTURE

- *Conseil national de l'ordre des architectes* ("national council of the order of architects")
- *Conseil des maisons de ventes* ("council of auction houses")

RELATIONS WITH PUBLIC SERVICES

- Defender of Rights

PUBLIC STATISTICS

- *Autorité de la statistique publique* (**ASP**, "public statistics authority")

IN ALPHABETICAL ORDER

(WEBSITES AND REFERENCE LEGISLATION)

AGENCE DE LA BIOMÉDECINE (ABM, "BIOMEDICINE AGENCY")

agence-biomedecine.fr

- **Public health** (donations, organ and bone marrow transplants, human reproduction, embryology and genetics)

Article L. 1418-1 of the Public Health Code

Article R. 1418-1 of the Public Health Code

AGENCE FRANÇAISE ANTICORRUPTION (AFA, "FRENCH ANTI-CORRUPTION AGENCY")

[agence-francaise-anticorruption.gouv.fr /](https://agence-francaise-anticorruption.gouv.fr/)
Contact us – Make a report

- **Public procurement: breaches of probity** (corruption, embezzlement, influence peddling, nepotism, misappropriation of public funds, conflict of interest)
- **Damage to the financial interests of the European Union** (corruption, embezzlement, influence peddling, nepotism, misappropriation of public funds, conflict of interest)

Article 1 of Act No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life

AGENCE NATIONALE DE LA SÉCURITÉ DES SYSTÈMES D'INFORMATION (ANSSI, "NATIONAL CYBERSECURITY AGENCY")

ssi.gouv.fr

- **Security and defence of the information systems of public authorities and operators of vital importance**

Decree No. 2009-834 of 07 July 2009 to create a service with national competence called the *Agence Nationale de la Sécurité des Systèmes d'Information* (National Cybersecurity Agency)

AGENCE NATIONALE DE SANTÉ PUBLIQUE (SPF, "NATIONAL PUBLIC HEALTH AGENCY")

santepubliquefrance.fr

- **Public health** (epidemiology, state of health of population groups, health risks and crises)

Article L. 1413-1 of the Public Health Code

AGENCE NATIONALE DE SÉCURITÉ SANITAIRE, DE L'ALIMENTATION, DE L'ENVIRONNEMENT ET DU TRAVAIL (ANSES, "NATIONAL AGENCY FOR FOOD, ENVIRONMENTAL AND OCCUPATIONAL HEALTH SAFETY")

anses.fr

- **Food safety: human food** (food contamination, dietary imbalance, etc.) **and animal feed**
- **Public health: human health safety in areas of the environment** (pollution, chemical substances, electromagnetic waves, etc.), **work** (occupational risks, etc.) **and food**

Article L. 1313-1 of the Public Health Code

AUTORITÉ DE CONTRÔLE PRUDENTIEL ET DE RÉOLUTION (ACPR, "PRUDENTIAL SUPERVISORY AND RESOLUTION AUTHORITY")

acpr.banque-france.fr / Control - Notify the ACPR of a breach or violation

- **Financial services, products and markets and prevention of money laundering and terrorist financing**

The ACPR can only receive reports relating to **credit institutions and insurance organisations**.

Article L. 612-1 of the Monetary and Financial Code

AUTORITÉ DE LA CONCURRENCE ("COMPETITION AUTHORITY")

autoritedelaconcurrence.fr / Report an anti-competitive practice

- **Public contracts: anti-competitive practices** (collusion, abuse of dominant position)
- **Internal market violations: anti-competitive practices** (collusion, abuse of dominant position) **and State aid**

Article L. 461-1 I of the Commercial Code

AUTORITÉ DE LA STATISTIQUE PUBLIQUE (ASP, "PUBLIC STATISTICS AUTHORITY")

autorite-statistique-publique.fr

- **Public statistics**

Article 144 of Act No. 2008-776 of 4 August 2008 on the modernisation of the economy

**AUTORITÉ DE SÛRETÉ NUCLÉAIRE
(ASN, “NUCLEAR SAFETY AUTHORITY”)**

asn.fr / Professional area - Reporting

- **Radiation protection and nuclear safety**

Article L. 592-1 of the Environmental Code

**AUTORITÉ DES MARCHÉS FINANCIERS
(AMF, “FINANCIAL MARKETS AUTHORITY”)**

amf-france.org / Whistleblower

- **Financial services, products and markets and prevention of money laundering and terrorist financing**

The AMF can only receive reports relating to **providers of investment services and market infrastructures**.

Article L. 621-1 of the Monetary and Financial Code

**BUREAU D'ENQUÊTE SUR LES ACCIDENTS DE
TRANSPORT TERRESTRE (BEA-TT, “OFFICE OF
INQUIRY INTO ROAD TRANSPORT ACCIDENTS”)**

bea-tt.developpement-durable.gouv.fr

- **Land transport safety** (road and rail)

Article R. 1621-1 of the Transport Code

**COLLÈGE DES INSPECTEURS GÉNÉRAUX DES
ARMÉES (“PANEL OF GENERAL INSPECTORS
OF THE ARMED FORCES”)**

defense.gouv.fr/linspection-generale-armees

- **Activities conducted by the Ministry of Defence** (analysis, information and inspection with the headquarters of the *Délégation générale de l'armement* (“General Delegation for Armament”) and the *Direction générale de la gendarmerie nationale* (“General Directorate of the National Gendarmerie”) on general doctrines of deployment and organisation of the armed forces)

Article D. 3124-1 et seq. of the Defence Code

**COMITÉ D'INDEMNISATION DES VICTIMES DES
ESSAIS NUCLÉAIRES (CIVEN, “COMMITTEE FOR THE
COMPENSATION OF VICTIMS OF NUCLEAR TESTS”)**

gouvernement.fr/comite-d-indemnisation-des-victimes-des-essais-nucleaires-civen

- **Public health** (compensation for victims of nuclear tests)

Act No. 2010-2 of 5 January 2010 on recognition and compensation for victims of nuclear tests

**COMMISSION NATIONALE DE L'INFORMATIQUE
ET DES LIBERTÉS (CNIL - FRENCH DATA
PROTECTION AUTHORITY)**

cnil.fr

- **Protection of privacy and personal data, security of networks and information systems**

Article 8 Act No. 78-17 of 6 January 1978 on computing, data storage and freedom of information (French Data Protection Act)

CONSEIL DES MAISONS DE VENTES ("COUNCIL OF AUCTION HOUSES")

conseildesventes.fr

• Public auctions

Article L. 321-18 of the Commercial Code

CONSEIL GÉNÉRAL DE L'ALIMENTATION, DE L'AGRICULTURE ET DES ESPACES RURAUX (CGAAER, "GENERAL COUNCIL FOR FOOD, AGRICULTURE AND RURAL AREAS")

agriculture.gouv.fr/le-cgaaer-presentation-role-et-missions

- **Food safety** (safety for health, nutritional quality of food, health and well-being of animals, etc.)
- **Agriculture** (common agricultural policy, agricultural exploitation, overseas agriculture, forests and woods, etc.)

Decree No. 2010-141 of 10 February 2010 relating to the *Conseil général de l'alimentation, de l'agriculture et des espaces ruraux* ("general council for food, agriculture and rural areas")

CONSEIL NATIONAL DE L'ORDRE DES ARCHITECTES ("NATIONAL COUNCIL OF THE ORDER OF ARCHITECTS")

architectes.org

• Practice of the profession of architect

Article 21 et seq. of Act No. 77-2 of 3 January 1977 on architecture

CONSEIL NATIONAL DE L'ORDRE DES CHIRURGIENS-DENTISTES ("NATIONAL COUNCIL OF THE ORDER OF DENTAL SURGEONS")

ordre-chirurgiens-dentistes.fr

• Practice of the profession of dental surgeon

Article L. 4122-1 et seq. of the Public Health Code

CONSEIL NATIONAL DE L'ORDRE DES INFIRMIERS ("NATIONAL COUNCIL OF THE ORDER OF NURSES")

ordre-infirmiers.fr

• Practice of the profession of nurse

Article L. 4312-7 of the Public Health Code

CONSEIL NATIONAL DE L'ORDRE DES MASSEURS- KINÉSITHÉRAPEUTES ("NATIONAL COUNCIL OF THE ORDER OF MASSEURS AND PHYSIOTHERAPISTS")

ordremk.fr

• Practice of the profession of masseur/ physiotherapist

Article L. 4321-14 et seq. of the Public Health Code

CONSEIL NATIONAL DE L'ORDRE DES MÉDECINS ("NATIONAL COUNCIL OF THE ORDER OF PHYSICIANS")

conseil-national.medecin.fr

• Practice of the profession of physician

Article L. 4122-1 et seq. of the Public Health Code

CONSEIL NATIONAL DE L'ORDRE DES PÉDICURES-PODOLOGUES ("NATIONAL COUNCIL OF THE ORDER OF PODIATRISTS")

onpp.fr

• Practice of the profession of podiatrist

Article L. 4322-7 et seq. of the Public Health Code

**CONSEIL NATIONAL DE L'ORDRE DES PHARMACIENS
("NATIONAL COUNCIL OF THE ORDER
OF PHARMACISTS")**

ordre.pharmacien.fr

- Practice of the profession of pharmacist

Article L. 4231-1 et seq. of the Public Health
Code

**CONSEIL NATIONAL DE L'ORDRE DES
SAGES-FEMMES ("NATIONAL COUNCIL
OF THE ORDER OF MIDWIVES")**

ordre-sages-femmes.fr

- Practice of the profession of midwife

Article L. 4122-1 et seq. of the Public Health
Code

**CONSEIL NATIONAL DE L'ORDRE DES VÉTÉRINAIRES
("NATIONAL COUNCIL OF THE ORDER
OF VETERINARY SURGEONS")**

veterinaire.fr

- Practice of the profession of veterinary
surgeon

Article L. 242-1 et seq. of the Rural and
Maritime Fisheries Code

**CONTRÔLE GÉNÉRAL DES ARMÉES (CGA, "GENERAL
INSPECTORATE OF THE ARMED FORCES")**

defense.gouv.fr/cga

- Activities conducted by the Ministry of
Defence (compliance with laws, regulations
and ministerial instructions, timely
decisions and effective results)

Article D. 3123-1 et seq. of the Defence Code

DEFENDER OF RIGHTS

defenseurdesdroits.fr/fr/lanceurs-dalerte

- Rights and freedoms in the context of
relations with state administrations,
local authorities, public institutions,
and bodies with a public service mission
- Best interests and rights of the child
- Discrimination
- Ethics of persons carrying out security
activities

Article 4 of Framework Act No. 2011-333 of
29 March 2011 on the Defender of Rights

**DÉLÉGATION GÉNÉRALE À L'EMPLOI
ET À LA FORMATION PROFESSIONNELLE
(DGEFP, "GENERAL DELEGATION FOR
EMPLOYMENT AND VOCATIONAL TRAINING")**

travail-emploi.gouv.fr

- Employment and vocational training

Decree No. 97-244 of 18 March 1997
creating a general delegation for
employment and vocational training

**DIRECTION GÉNÉRALE DE L'AVIATION CIVILE
(DGAC, "GENERAL DIRECTORATE OF CIVIL
AVIATION")**

[ecologie.gouv.fr/direction-generale-
laviation-civile-dgac](http://ecologie.gouv.fr/direction-generale-laviation-civile-dgac)

- Air transport safety

Article 6 of Decree No. 2008-680
of 9 July 2008

DIRECTION GÉNÉRALE DE LA CONCURRENCE, DE LA CONSOMMATION ET DE LA RÉPRESSION DES FRAUDES (DGCCRF, “GENERAL DIRECTORATE FOR COMPETITION, CONSUMER AFFAIRS AND FRAUD PREVENTION”)

economie.gouv.fr/dgccrf

- **Public contracts: anti-competitive practices** (collusion, abuse of dominant position)
- **Product safety and compliance**
- **Consumer protection**
- **Internal market breaches: anti-competitive practices** (collusion, abuse of dominant position)

Decree No. 2001-1178 of 12 February 2001 relating to the *Direction générale de la concurrence, de la consommation et de la répression des fraudes* (“general directorate for competition, consumer affairs and fraud prevention”)

DIRECTION GÉNÉRALE DES AFFAIRES MARITIMES, DE LA PÊCHE ET DE L'AQUACULTURE (DGAMPA, “GENERAL DIRECTORATE OF MARITIME AFFAIRS, FISHERIES AND AQUACULTURE”)

mer.gouv.fr

- **Maritime transport safety**

Article 9 of Decree No. 2022-273 of 28 February 2022

DIRECTION GÉNÉRALE DES DOUANES ET DROITS INDIRECTS (DGDDI, “GENERAL DIRECTORATE OF CUSTOMS AND INDIRECT TAXES”)

douane.gouv.fr

- Breaches affecting the financial interests of the European Union: **customs duties fraud, anti-dumping duties and similar**

Decree No. 2007-1664 of 26 February 2007 relating to the *Direction générale des douanes et des droits indirects* (“general directorate of customs and indirect taxes”)

DIRECTION GÉNÉRALE DES FINANCES PUBLIQUES (DGFiP, “GENERAL DIRECTORATE OF PUBLIC FINANCE”)

economie.gouv.fr/dgfiip

- Breaches affecting the financial interests of the European Union: **value-added tax fraud**
- Internal market breaches: **corporation tax fraud**

Decree No. 2008-310 of 3 April 2008 relating to the *Direction générale des finances publiques* (“general directorate of public finance”)

DIRECTION GÉNÉRALE DU TRAVAIL (DGT, “GENERAL DIRECTORATE OF LABOUR”)

travail-emploi.gouv.fr

- **Individual and collective labour relations, working conditions**

Article R. 8121-14 of the Labour Code

ÉTABLISSEMENT FRANÇAIS DU SANG (EFS, “FRENCH BLOOD ESTABLISHMENT”)

dondesang.efs.sante.fr

- **Public health** (blood products, blood donations, blood transfusions)

Article L. 1222-1 of the Public Health Code

Article R. 1222-1 of the Public Health Code

HAUTE AUTORITÉ DE SANTÉ ("NATIONAL AUTHORITY FOR HEALTH")

has-sante.fr

- **Public health** (drugs, medical devices and professional services with a view to their reimbursement, etc.)

Article L. 161-37 of the Social Security Code

INSPECTION GÉNÉRALE DE L'ENVIRONNEMENT ET DU DÉVELOPPEMENT DURABLE (IGEDD, "GENERAL INSPECTORATE FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT")

ecologie.gouv.fr/inspection-generale-lenvironnement-et-du-developpement-durable-igedd

- **Protection of the environment** (environment, energy, climate)

Article 2 of Decree No. 2022-1165 of 20 August 2022 creating and structuring the *Inspection générale de l'environnement et du développement durable* ("general inspectorate for the environment and sustainable development")

INSPECTION GÉNÉRALE DES AFFAIRES SOCIALES ("GENERAL INSPECTORATE OF SOCIAL AFFAIRS")

igas.gouv.fr

- **Public health** (social security, social welfare, health and social protection, work, employment and vocational training)

Article 42 of Act No. 96-452 of 28 May 1996 on various measures relating to health, social affairs, and status

INSTITUT NATIONAL DE LA SANTÉ ET DE LA RECHERCHE MÉDICALE (INSERM, "NATIONAL INSTITUTE OF HEALTH AND MEDICAL RESEARCH")

inserm.fr

- **Public health** (medical research)

Decree No. 83-975 of 10 November 1983 relating to the structure and operation of the national health and medical research institution

MÉDIATEUR DE L'ÉDUCATION NATIONALE ET DE L'ENSEIGNEMENT SUPÉRIEUR ("NATIONAL EDUCATION AND HIGHER EDUCATION OMBUDSMAN")

education.gouv.fr/le-mediateur-de-l-education-nationale-et-de-l-enseignement-superieur-41528

- **National education and higher education**

Article L. 23-10-1 of the Education Code

SERVICE CENTRAL DES ARMES ET EXPLOSIFS (SCAE, "CENTRAL SERVICE OF ARMS AND EXPLOSIVES")

interieur.gouv.fr/Le-ministere/Secretariat-general/Service-central-des-armes-et-explosifs-SCAE

- **Product safety and compliance** (weapons, explosives for civil use, pyrotechnic items and explosive precursor chemicals)

Decree No. 2021-536 of 30 April 2021 to create a service with national competence called the *Service central des armes et explosifs* (central service of arms and explosives)

Defender of Rights

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defenseurdesdroits.fr

