

Annex E

Independent administrative authorities

Main changes since 2004

The Financial Markets Authority (AMF) set up under Article 2 of Law N° 2003-706 of 1 August 2003 on financial security (L. 621-1 of the monetary-financial code) merges:

- the Stock Exchange Commission (Order N° 67-836 of 28 September 1967 as amended, which was meant to encourage savings and development of the financial market);
- the Financial Markets Board (Article 27 *et seq.* of Law N° 96-597 of 2 July 1996 on the modernisation of financial activities); and
- the Financial Management Disciplinary Board (Article 37 of Law N° 89-531 of 2 August 1989 on the security and transparency of financial markets, which was converted into the body of that name under Article 40 of Law N° 98-546 of 2 July 1998 containing various economic and financial measures).

Law N° 2005-516 of 20 May 2005 on the regulation of postal activity which changed the Telecommunications Regulation Authority (ART) into the Authority for the Regulation of Electronic Communication and Postal Services (ARCEP).

The Competition Council becomes the Competition Authority, with stronger powers and increased resources of its own, in accordance with Article 95 of Law N° 2008-776 of 4 August 2008 on modernisation of the economy (Article L.461-1 of the commercial code). The Authority has its own investigators. Its powers have been strengthened to put an end to unfair trade practices. It reviews all applications for the authorisation of mergers.

Article 46-1 of the constitutional law of 23 July 2008 has provided for the new office of a “Defender of Rights” under Article 71-1 of the constitution. According to this article, the appointee “may be petitioned, under the terms of the organic law, by any person who considers they have been wrongfully treated through the action of a public service, or of a body as specified in the first paragraph. The appointee may assume jurisdiction automatically”. As a result of work done by parliament, this new independent administrative authority is expected to take over the duties of the current Republic Ombudsman, as well as some of the tasks performed by other administrative authorities responsible for protecting basic individual freedoms. An organic law is to specify the duties of the Defender of Rights and the procedures involved, as well as the

circumstances under which the appointee may be assisted by a college in carrying out some of these tasks.

Meanwhile, a further nine independent administrative authorities have been established by law since 2004:

- The High Authority on Health (HAS) is an “independent public authority” established by law N° 2004-810 of 13 August 2004 concerning sickness insurance: Article L. 161-37 of the social security regulations.
- The High Authority for Action to combat Discrimination and for Equality (HALDE) was established by the Law N° 2004-1486 of 30 December 2004.
- The High Council of Auditorship (H3C) is classified as an independent administrative authority under Article 8 of Order N° 2005-1126 of 8 September 2005 concerning the audit office, codified in Article L. 821-1 of the commercial code.
- The French Agency to Combat the Use of Drugs (ALFD) replaces the Council for Preventing and Fighting the Use of Drugs (CPLD), and assumes the status of an independent public authority: Article 2 of Law N° 2006-405 of 5 April 2006 on combating the use of drugs and maintaining the health of sportspeople.
- The Agency for the Evaluation of Research and Higher Education (AERES) has been classified as an independent administrative authority under Article 9 of the law for a programme for research N° 2006-450 of 18 April 2006 (Article L. 114-3-1 of the research code).
- The Authority for Nuclear Safety (ASN) was established under Article 4 of Law N° 2006-686 of 13 June 2006 on transparency and security in nuclear matters.
- The Authority for the Regulation of Technical Measures (ARMT) was set up under Article 14 of Law N° 2006-961 of 1 August 2006 (Article L.331-17 of the code on intellectual property).
- The office of National Energy Ombudsman was instituted under Article 7 of Law N° 2006-1537 of 7 December 2006 concerning the energy sector.
- The role of General Compliance Officer for places in which freedom is restricted was instituted by Law N° 2007-1545 of 30 October 2007.

Table E.1. List of independent administrative authorities

The French Agency to Combat the Use of Drugs (ALFD)	Classified as an independent public authority under Article 2 of Law N° 2006-405 of 5 April 2006 on combating the use of drugs and maintaining the health of sportspeople (replaces the Council for Preventing and Fighting the Use of Drugs (CPLD).
Agency for the Evaluation of Research and Higher Education (AERES)	Classified as an independent administrative authority under Article 9 of the law for a programme for research N° 2006-450 of 18 April 2006, codified in Article L. 114-3-1 of the research code).
Airport Noise Control Authority (ACNUSA)	Classified as an independent administrative authority under the first article of Law N° 99-588 of 12 July 1999 on the establishment of the airport noise control authority, creating Article L. 227-1 of the civil aviation code
The Financial Markets Authority (AMF) (Merger of the Stock Exchange Commission [COB], the Financial Markets Board [CMF] and the Financial Management Disciplinary Board [CDGF].)	Classified as an independent public authority and granted legal entity status under Article 2 of Law N° 2003-706 of 1 August 2003 on financial security, amending Article L. 621-1 of the monetary-financial code. Are merged: - the Stock Exchange Commission (set up by order N° 67-836 of 28 September 1967 as amended, which was meant to encourage savings and development of the financial market); - the Financial Markets Board (set up by Law N° 96-597 of 2 July 1996 on modernisation of financial activities: Article 27 <i>et seq.</i>); - the Financial Management Disciplinary Board (Law N° 89-531 of 2 August 1989 on the security and transparency of financial markets, Article 37 establishing the OPCVM disciplinary board, inserted in Articles 33-1 <i>et seq.</i> of Law N° 88-1201 of 23 December 1988 regarding bodies for collective investment in transferable securities and the establishment of pools of receivables, which was converted into a financial management disciplinary board under Article 40 of Law N° 98-546 of 2 July 1998 containing various economic and financial measures).
The Competition Authority (formerly the Competition Council)	Classified as an independent administrative authority under Article 95 of loi n°2008-776 of 4 August 2008 on modernisation of the economy (Article L.461-1 of the commercial code).
Authority for the Regulation of Electronic Communication and Postal Services (ARCEP)	The Telecommunications Regulation Authority (ART), which became ARCEP under Law N° 2005-516 of 20 May 2005 on the regulation of postal activity, was classified as an independent administrative authority by decision of the <i>Constitutional Council</i> N° 96-378 DC of 23 July 1996.
Authority for the Regulation of Technical Measures (ARMT)	Classified as an independent administrative authority under Article 14 of Law N° 2006-961 of 1 August 2006, inserted as Article L.331-17 of the code on intellectual property.

Authority for Nuclear Safety (ASN)	Classified as an independent administrative authority under Article 4 of Law N° 2006-686 of 13 June 2006 on transparency and security in nuclear matters
Central Rating Bureau (BCT)	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established by Law N° 78-12 of 4 January 1978 concerning responsibility and insurance for building work (Article 12, codified in official insurance regulations: Articles L. 243-4 to L. 243-6).
Credit Institutions and Investment Companies Board (CECEI)	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Articles 15, 29, 31, 31-1 and 32 of Law N° 84-46 of 24 January 1984 concerning the activity and control of credit institutions, codified in Articles L. 612-1 <i>et seq.</i> of the monetary-financial code
National Ethics Advisory Committee for Life Sciences and Health (CCNE)	Classified as an independent authority (Article L. 1412-2 of the public health code as drafted under the first Article of Law N° 2004-800 of 6 August 2004 on bioethics)
Commission for Access to Administrative Documents (CADA)	Classified as an independent administrative authority under Article 10 of order N° 2005-650 of 6 June 2005 concerning free access to administrative documents and the reuse of public information. Established under Articles 5 <i>et seq.</i> of Law N° 78-753 of 17 July 1978 concerning various measures to improve relations between administrative authorities and the public, and various provisions of an administrative, social and fiscal nature
Banking Commission	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Articles 37 <i>et seq.</i> of Law N° 84-46 of 24 January 1984 concerning the activity and oversight of credit institutions, codified in Articles L. 613-1 <i>et seq.</i> of the monetary-financial code
Permanent Central Commission for Matters relating to Agricultural Profits	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established by the law of 13 January 1941 on the simplification, co-ordination and strengthening of the measures in the code on direct taxation, annex I, book III, creating Article 352a, which has become Article 1652 of the general tax code.
Consultative Commission on National Defence Secrecy (CCSDN)	Classified as an independent administrative authority by the first Article of Law N° 98-567 of 8 July 1998 setting up a consultative commission on national defence secrecy, codified in Article L. 2312-1 of the defence code
The Insurance and Mutual Insurance Companies Supervisory Authority (ACAM) (merger of the insurance supervisory board and the mutual insurance companies and provident societies supervisory board.)	Classified as an independent public authority under Article 30 of Law N° 2003-706 of 1 August 2003 on financial security, codified at Article L. 310-12 of the official insurance regulations Are merged: - the insurance supervisory board (deriving from Law N° 89-1014 of 31 December 1989 on adapting official insurance regulations to opening of the European market,

	<p>Article 31 creating Articles L. 310-12 <i>et seq.</i> of the official insurance regulations) and;</p> <p>- the mutual insurance companies and provident societies supervisory board (deriving from Law N° 89-1009 of 31 December 1989 strengthening the guarantees offered to those insured against certain risks, Article 17 creating Articles L. 310-12 <i>et seq.</i> of the social security regulations, which have become Articles L. 951-1 <i>et seq.</i>).</p>
Commission for Tax Offences	<p>Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i>.</p> <p>Established under the first Article of Law N° 77-1453 of 29 December 1977 as amended, granting procedural guarantees to taxpayers in the area of taxation and customs, codified in Article L. 228 of the tax procedures register</p>
National Supervisory Board on Campaign Accounting and Political Funding (CCFP)	<p>Classified as an independent administrative authority under Article 7 of order N° 2003-1165 of 8 December 2003 for administrative simplification in electoral matters, amending Article L. 52-14 of the electoral regulations</p> <p>This modification was already the result of a decision of the <i>Constitutional Council</i> N° 91-1141 of 31 July 1991, “AN Paris (13e circ.)”.</p>
National Supervisory Board for Electoral Campaigns relating to the election of the President of the Republic	<p>Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i>.</p> <p>Article 13 of decree N° 2001-213 of 8 March 2001 for application of Law N° 62-1292 of 6 November 1962 concerning the election of the President of the Republic by universal suffrage</p>
National Committee for Security Interception Control (CNCIS)	<p>Classified as an independent administrative authority under Article 13 of Law N° 91-646 of 10 July 1991 concerning the secrecy of correspondence by telecommunications</p>
National Advisory Committee on Human Rights (CNCDH)	<p>The National Advisory Committee on Human Rights performs advisory duties and makes proposals for the government in the field of human rights, international humanitarian law and humanitarian aid. The Committee is entirely independent in carrying out its duties. (Article 1 of Law N° 2007-292 of 5 March 2007 concerning the national advisory committee on human rights)</p> <p>It is a national human rights institution as defined by resolution 48/134 of the United Nations General Assembly of 20 December 1993.</p>
National Committee on Public Debate (CNDP)	<p>Classified as an independent administrative authority under Article 134 of Law N° 2002-276 of 27 February 2002 on local democracy, codified in Article L. 121-1 of the environment code</p> <p>Established under Article 2 of Law N° 95-101 of 2 February 1995 on the strengthening of environmental protection</p>
National Commission for Security Ethics (CNDS)	<p>Classified as an independent administrative authority by the first Article of Law N° 2000-494 of 6 June 2000 on the establishment of a National Commission for Security</p>

	Ethics
National Commission for Trade Adjustments (CNAC)	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Articles 32 and 33 of Law N° 73-1193 of 27 December 1973 on a strategy for trade and the crafts sector, codified in Articles L. 720-10 and L. 720-11 of the commercial code, amended under Article 102 XXVIII of Law N° 2008-776 of 4 August 2008 (which came into force on the publication date of decree N° 2008-1212 of 24 November 2008, Articles 7 and 8)
National Commission on Information Technology and Civil Liberties (CNIL)	Classified as an independent administrative authority under Article 11 of Law N° 78-17 of 6 January 1978 on computer science, files and liberties.
Publication and Press Agencies Joint Commission	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Article 8a of order N° 45-2646 of 2 November 1945 on provisional regulation of press agencies
Shares and Transfers Commission	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . The Privatisations Commission was established under Articles 3 and 3-1 of Law N° 86-912 of 6 August 1986 concerning privatisation procedures, and became the shares and transfers commission by virtue of decree N° 98-315 of 27 April 1998
Energy Regulatory Board (CRE) (formerly the electricity regulatory board)	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Articles 28 <i>et seq.</i> of Law N° 2000-108 of 10 February 2000 concerning the modernisation and development of the public electricity service. The electricity regulatory board became the energy regulatory board under Law N° 2003-8 of 3 January 2003, which broadened its powers to include the production and distribution of natural gas.
Committee on Consumer Safety (CSC)	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Articles 13 <i>et seq.</i> of Law N° 83-66 of 21 July 1983 on consumer safety, codified in Articles L. 224-1 <i>et seq.</i> of the consumer code
Opinion Poll Commission	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Articles 5 <i>et seq.</i> of Law N° 77-808 of 19 July 1977 on the publication and publicising of certain opinion polls and amended by Law N° 2002-214 of 19 February 2002
Committee for Financial Transparency of Political Life	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Article 3 of Law N° 88-227 of 11 March 1988 concerning the committee for financial transparency of political life.

High Council of Agence France Presse	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Established under Article 3 of Law N° 57-32 of 10 January 1957 as amended, on the status of Agence France Presse
Broadcasting Control Authority (CSA)	Classified as an independent authority under Article 3-1 of Law N° 86-1067 of 30 September 1986 as amended, on the freedom of communication
The General Compliance Officer for places in which freedom is restricted	Classified as an independent authority under Article 1 of Law N° 2007-1545 of 30 October 2007 instituting a General Compliance Officer for places in which freedom is restricted
Children's Advocate	Classified as an independent authority under the first Article of Law N° 2000-196 of 6 March 2000 instituting a children's advocate
High Authority for Action to combat Discrimination and for Equality (HALDE)	Classified as an independent administrative authority under the first Article of Law N° 2004-1486 of 30 December 2004 on the establishment of the high authority for action to combat discrimination and for equality
The High Authority on Health (HAS)	Classified as an independent public authority of a scientific nature and granted legal entity status by Law N° 2004-810 of 13 August 2004 concerning sickness insurance, codified in Article L. 161-37 of the social security regulations
The High Council of Auditorship (H3C)	Classified as an independent administrative authority under Article 8 of order N° 2005-1126 of 8 September 2005 concerning the audit office, codified in Article L. 821-1 of the commercial code.
National Energy Ombudsman	Authority established under Article 7 of Law N° 2006-1537 of 7 December 2006 concerning the energy sector
Republic Ombudsman	Classified as an independent authority under the first Article of Law N° 73-6 of 3 January 1973 instituting an ombudsman See also: judgement of the <i>Council of State</i> , Assembly, 10 July 1981, Retail (published in the Lebon compendium, p. 303).
Film Industry Ombudsman	Considered to be an independent administrative authority in the 2001 study by the <i>Council of State</i> . Instituted under Article 92 of Law N° 82-652 of 29 July 1982 on audio-visual communication

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