Diagram of the process leading up to the submission of a case to the Sanctions Committee and to the subsequent verdict

1. Supervision by the ACPR

- The ACPR General Secretary organises an inspection to verify that staff at the reporting entity comply with regulations (L. 612-1 and L. 612-23).

- The onsite inspection report, and any comments by the reporting entity, are compiled into a final report setting out any alleged breaches (L. 612-27).

- If required, the ACPR Chairman presents an assessment of the reporting entity to a session of the Supervisory College (L. 612-12, II).
2. Launch of disciplinary proceedings

The competent session of the Supervisory College examines the conclusions of the ACPR inspection and ACPR teams, or the report drafted pursuant to article L. 612-27. If any regulatory breaches are identified in the report, the session can decide to initiate disciplinary proceedings. It may also decide to start proceedings if the reporting entity has failed to comply with a measure imposed by the College, has failed to provide the ACPR with a requested recovery plan, has ignored a warning or a cease-and-desist order, or has failed to comply with specific conditions or commitments made when it applied for a licence, authorisation or special dispensation provided for under the relevant legislation or regulations.

When the competent session of the Supervisory College decides to initiate sanctions proceedings, the Chairman notifies the entity under investigation of the complaints made against it and, at the same time, refers the case to the Sanctions Committee by sending it details of the notified complaints (L. 612-38).
3. Sanctions Committee disciplinary proceedings (for cases referred pursuant to the French Banking and Financial Regulation Act)

The Chairman of the Sanctions Committee appoints one of the Committee members or their alternates as rapporteur for the case (R. 612-38). The person under investigation (respondent) is entitled to challenge the appointment (R. 612-41).

The rapporteur conducts a full investigation into the case(1). If the rapporteur sees fit, he/she may use the services of one or more members of the Committee’s secretariat staff, who shall take part in the investigation under the authority of the rapporteur (Article 2 of the Internal Regulations).

The rapporteur submits his/her report to the respondent and to the Supervisory College representative, who may both submit their own observations/comments (R. 612-38, II.).

The respondent and the Supervisory College representative are summoned to appear before the Sanctions Committee (2), along with the Head of the Treasury and, where appropriate, the Social Security Director, or representatives thereof. The respondent is entitled to request that the hearing be held in camera (3).

At the hearing, the rapporteur presents his/her findings. The Supervisory College representative may also present his/her own observations and propose a sanction. The respondent presents his/her case last (4).

The Sanctions Committee deliberates in private, without the presence of the rapporteur (5).

The parties are notified of the Sanction Committee’s decision. The decision is also published in the ACPR’s Official Journal (6). All parties may appeal the decision before the Council of State (L. 612-16).

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(1) The rapporteur may interview any person he/she considers useful to the investigation, including the person under investigation. He/she provides all parties with the documents relating to the case, and notifies the College if further information is required on the allegations or if other persons need to be informed. The Sanctions Committee secretariat assists the rapporteur with the case investigation. The rapporteur’s report indicates the nature of the contravention and the appropriate level of sanctions.

(2) Article R. 612-39; Articles 8 and 9 of the Committee’s Internal Regulations; R. 612-41 to R. 612-45: Right to challenge the appointment of a rapporteur or of a deliberating member of the Sanctions Committee.

(3) Article R. 612-47: The Chairman of the Sanctions Committee may deny the public access to all or part of the hearing. He/she shall then be responsible for the administration of the hearing and may call any person of his/her choosing to give evidence.


(5) Article R. 612-38 Where a member of the Sanctions Committee has been appointed as rapporteur, his/her alternate may not take part in deliberations over the case. If an alternate has been appointed as rapporteur, then the Committee member he/she usually replaces may not take part in deliberations.

(6) The Sanctions Committee may, in exceptional cases, decide to render its decision anonymously to avoid causing serious disruption to the financial markets or disproportionate prejudice to the parties involved.