

**Member States capabilities in fighting tax crimes**

**Relevant legal definition(s) of tax-related offences**

	<b>Tax avoidance</b>	<b>Tax evasion</b>	<b>Money laundering</b>
<b>France</b>	is understood as a legal act - unless deemed illegal by the tax authorities or, ultimately, by the courts - of using tax regimes to one's own advantage to reduce one's tax burden.	is defined as an illegal act of evading taxes by concealing income, earned either legally or illegally, from detection and collection by the tax authorities.	refers to acts involving the processing of proceeds of crime to conceal their illegal origin and bring them back into the legal economy.
Legal text	N/C	<ul style="list-style-type: none"> <li>• Administrative offences: Articles 1728 and 1729 of the General Tax Code</li> <li>• Criminal offences: Article 1741 of the General Tax Code, Article 313-1 of the Penal Code</li> </ul>	Article 324-1 of the French Penal Code
Nature of the offence	N/C	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Criminal</li> </ul>	Criminal
Objective element	N/C	<ul style="list-style-type: none"> <li>• Tax evasion offense: Any person who has fraudulently evaded or attempted to evade fraudulently the establishment or payment of taxes in whole or in part, whether he has voluntarily failed to make his declaration within the prescribed time limits, He voluntarily concealed a portion of the sums subject to tax either by organizing his insolvency or by preventing others from collecting the tax or by acting in any other fraudulent manner.</li> <li>• Fraudulent obtaining: act of deceiving a natural or legal person by the use of a false name or a fictitious capacity, by the abuse of a genuine capacity, or by means of unlawful manoeuvres, thereby to lead such a person, to his prejudice or to the prejudice of a third party, to transfer funds, valuables or any property, to provide a service or to consent to an act incurring or discharging an obligation.</li> </ul>	Facilitation by any means of the false justification of the origin of the property or income of the perpetrator of a crime or of an offense which has provided the latter with a direct or indirect benefit. It also includes money laundering to assist in an investment transaction, concealment or conversion of the proceeds directly or indirectly from a crime or misdemeanour.
Mental element	N/C	<ul style="list-style-type: none"> <li>• Omission</li> <li>• Intent</li> </ul>	N/C
Sanction	N/C	<ul style="list-style-type: none"> <li>• Administrative: Additional tax charged from 10% to 80% and/or</li> <li>• Criminal: Fine up to 500 000€ Imprisonment up to 5 years</li> </ul>	<ul style="list-style-type: none"> <li>• Fine up to 375 000 € and</li> <li>• Imprisonment up to 5 years</li> </ul>
Other tax-related crimes		<ul style="list-style-type: none"> <li>• Failure or delay in the submission of a declaration or the presentation of a deed.</li> <li>• Failure to produce within the prescribed time-limits a declaration or a document containing elements to be used for the assessment of the tax</li> <li>• Deficiencies, omissions or inaccuracies noted in the tax declaration</li> <li>• Undue receipt of a tax</li> </ul>	

Aggravating / mitigating circumstances	N/C	<ul style="list-style-type: none"> <li>• Committed by organised group</li> <li>• Fictitious or artificial tax domicile abroad</li> <li>• By a person holding public authority</li> </ul>	<ul style="list-style-type: none"> <li>• Committed by organised criminal group</li> <li>• Repetition</li> </ul>
Legal persons/natural persons		Both	Both
Other information			





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France	Interventions in response to the publication of the Panama Papers
Processing and analysing the Panama Papers data	
Supervisory activities	The ACPR General Secretariat has sent a letter to all banking institutions with private banking activities as well as to the insurance bodies potentially affected by their activity to clarify their possible links with Panamanian law firms. Domiciliation of offshore structures, and, where appropriate, their trusteeship activities on behalf of third parties. A total of around 100 letters were sent in early April 2016.
Investigations initiated	The national financial prosecutor's office opened a preliminary investigation into the charge of laundering of aggravated tax evasion and moved closer to the other European Public Prosecutor's Offices and EUROJUST to mobilise international mutual assistance.
(Pre) trial proceedings initiated	
Fines and sentences	
Other information	