

## **Cryptome**

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**National Assembly**

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**Record**

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**First meeting of Monday, 13 April 2015**

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Chairmanship of Mr. Claude Bartolone

[Mr. President](#) . The meeting was called.

*(The meeting opened at four pm.)*

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## Information

### ***Discussion, after engagement of the accelerated procedure, a bill***

[Mr. President](#) . The agenda is the debate after commitment of the accelerated procedure, the draft law on intelligence <sup>(Nos 2669, 2697, 2691)</sup>.

## Presentation

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister*. Mr. Chairman, Madam Minister of Justice, Minister of Defense, Minister of Interior, Mr. Secretary of State for Relations with Parliament, Chair of the Law Committee, Chair the Defence Committee, Mr. Rapporteur of the Defence Committee, ladies and gentlemen, three months after the terrorist attacks of January our country experienced last week, a new aggression of another order. She did not kill him, but she wanted to harm us. I speak of course of piracy and the takeover for several hours, a television channel

TV5 Monde. It is a symbol of France and Francophonie that was hit. Already a few weeks ago, a failed attempt had targeted a major newspaper.

Freedom of information, expression, opinion - so democracy - were again targeted, as they are everywhere: in Denmark, Tunisia, Kenya, Middle East. It is a global threat that we face.

If the investigation is still going on TV5 Monde, the act was claimed by a terrorist movement. It's a fact: the attackers were present in the network management system for several weeks. This aggression is emblematic of a new form of threats: cyber threats. If the digital society carries many promises, it also presents unique vulnerabilities.

It is also for this reason that your Assembly will debate the draft law on public service intelligence. From the outset it should be emphasized that public service ambition and the strict framework that accompanies it. For in a democracy, intelligence is an exclusively business focused the protection of citizens and their freedoms and protection to institutions that provide social welfare.

Unlike other countries, France has long been uncomfortable to address these issues publicly. The 1991 law on interceptions and stemmed largely from an injunction from the European Court of Human Rights. But the last ten years, a legitimizing device, supervision and control is built gradually.

A new stage was to be reached: the intelligence services must have the human, legal and technical to perform surveillance operations that are necessary and proportionate.

The law provides that they are strictly focused on the prevention of serious threats against the nation's life. Surveillance of citizens from politics, public

debate and the press is outside intelligence missions - everyone knows - and the text strictly prohibited. As previously announced, the Government has tabled an amendment providing for greater protection for professions whose practice is directly related to public debate or defense of individual freedoms: judges, lawyers and journalists.

It is exceptional that a Prime Minister has a text before the national representation. I do it to emphasize its importance. This was already the case for the 1991 law on eavesdropping, prepared and presented by Michel Rocard by Édith Cresson. Already at the time, the debate was lively, and the action of enclosed services - in the words of the Prime Minister - a "halo of mystery, suspicion and even fantasies." However, this protective legislation has achieved its goal: who knows that today in our country of 66 million inhabitants, the number of concurrent administrative plays is limited to 2700? The reality is very far from the caricatures that can be heard!

But the 1991 law was born before the mobile phone and the Internet: it is no longer adapted to the challenges of the digital society. She oversees intelligence activities only very incomplete. It is time to give France a similar regulatory framework to that existing in most Western democracies, while respecting our legal specificities and our republican values.

I said here on 13 January, the principles that would guide our action: the means and exceptional measures to meet the serious security challenges our time, but not exceptional measures. My Government has scrupulously respected the text and presents effective for our services and protector of our freedoms. We do not esquivérons debate, but critics and postures that evoke a *Patriot Act* or the French political police hints are strictly false and irresponsible, especially in the threat environment that we know. "A dangerous law": How can we say such against-truth? I recall that a number of editorials, during the presentation of the

second anti-terrorism law, already evoked dangerous devices - Bernard Cazeneuve remembers. Now everyone knows, it is not.

Ladies and gentlemen, the first debate that we will have regard to the delimitation of the missions of the intelligence services. This debate is fully legitimate. The definition of the purpose of surveillance operations should be adjusted threats and their severity. Only certain particularly serious threats justify that involves intelligence services.

The terrorist threat today is - do I need to call him? - The most formidable challenge, a challenge that we will face for a long, long time. Everyone must be aware. This is not to frighten, but to be clear and that clear to our countrymen.

Now, more than 1,550 French residents or are identified for their involvement in terrorist networks in Syria and Iraq. It is a near tripling since <sup>1</sup> January 2014. You know these numbers, we often recall with Bernard Cazeneuve. The presence of 800 of them was documented in the area; And there are currently 434 - this figure must be reminded - 96 were killed.

This phenomenon concerns all European countries and beyond. The European Commissioner for Justice, Vra Jourová, evaluates between 5000 and 6000 the number of Europeans present in Syria, as we feared that the number of foreign fighters from reaching the threshold of 10 000 individuals by the end of the year - and there is no question where the only Europeans.

But a new phenomenon has particularly our attention to its risk replica in France, and I give these elements probably for the first time: intelligence services have established that seven of these individuals - I speak of French or residents in France - have died in suicide actions in Syria or Iraq. The youngest was not twenty years. Among them, six were new converts. Is it a deliberate Daech

willingness to sacrifice a priority these profiles? Is it for candidates to suicide to demonstrate ideological zeal to prove their commitment? This illustrates in any case the formidable indoctrination Daech capabilities and threat that we face. If this project contains specific provisions for the fight against terrorism, and I will definitely be on the basis of tangible and fantasized elements of a reality that everyone knows now.

But the severity of the terrorist threat should not obscure other risks. Intelligence services must protect national sovereignty against attempts to interfere and espionage. Increasingly, espionage against us aims to predation of active scientists, industrial and economic. And when our most innovative companies, large companies such as SMEs or start-up, see their research and development looted, there are thousands of jobs lost.

Some critics consider that the project would broaden unduly the purposes and therefore the number of people supervised. This is by no means the government approach, by contrast, has ensured better delineate each of the component areas of a serious threat.

In the doctrine of the application of the 1991 Act, for example, preventive monitoring violent hooliganism was sometimes classified under "national security", now in the "prevention of organized crime." It was clearly not satisfactory, hence the definition of a more precise topic around the collective violence likely to endanger national security. But the definition, if it prevents the action of violent subversive groups, as has always been the interpretation of the 1991 Act will not infringe in any way on the constitutional freedoms of opinion, expression and event. Intelligence services are absolutely not allowed to monitor the lawful actions of advocacy.

Furthermore, officials of a country member of the UN Security Council, which is

regularly involved with his army to international collective security operations must have the foreign policy insights needed to exercise their responsibilities. The desire to promote diplomacy over military action justifies not reduce intelligence capabilities to the only military intelligence or in the international fight against the proliferation of weapons of mass destruction.

The sovereign monitoring means that services need to use to anticipate, detect and prevent threats against the security of the French, public liberties and democratic institutions will therefore be strictly limited.

I am delighted that the work done in committee amendment has allowed a convergence of views with the Government on the question of the purpose, which I hope will be shared by all members of this assembly.

I want to repeat solemnly during the parliamentary debate: if the law takes into account the most recent context it is in no way a response prepared in an emergency. It was well thought out, both within the Government that during the work of the fact-finding mission within your congregation in 2012 and 2013 under the leadership of Messrs. Jean-Jacques and Patrice Urvoas Verchère. The decision to legislate had been taken in defense council by the President of the Republic in July, 2014.

More broadly, the wish to complete control of the services business is part of a process initiated during the previous legislature with the establishment of the parliamentary delegation to the information, the definition of a community specialized intelligence services and the creation of a coordinating function and an academy.

Since 2012, the Government, which has already vote with a large majority, two anti-terrorism laws by the assembly, continued construction of the building by



creating the General Directorate of Internal Intelligence and the Central Service of Territorial intelligence. As part of the military planning law in 2013, the prerogatives of the DPR have been substantially increased and legal status was conferred on the doctrine of National Control Commission security interceptions, the CNCIS, on access Administrative the connection data. Finally, the internal hierarchical control has been strengthened by the creation in 2014 of an inspection of the intelligence services, which is conducting its first mission.

Everyone agrees on the need for a comprehensive framework for the activity of our intelligence services. The CNCIS and notes in its last progress report, the legislative change "is needed."

If we had to summarize this bill in a few words, we could do so well: now, any regal surveillance operation in any point of the national territory as part of an intelligence mission will be to an outdoor hierarchical authorization to the service, a thorough review by an independent authority and the right to effective judicial remedy may require the Government to end it. This is a major legal and democratic progress. We can even talk of revolution in the daily mode of operation of the services. Those who have not understood this have not read the text.

Moreover, services are welcome in because they were seekers of the legitimacy of the law, into the strict limits it entails. From 2012, as part of the drafting of the White Paper on defense and national security, general managers of the external and internal security and their teams participated in discussions aimed at changing the legal framework for their action. It is these same services, the same directors, who requested a legislative change.

He rules also often an ambivalent attitude to service - these are the fantasies I mentioned a moment ago. Expectations are high and harsh criticism when lack of

anticipation. But how many critics willing to go down the reasoning and to question the adequacy of resources available to the services specifically to meet these expectations?

The action of intelligence in the service of the security of the French and the rule of law will always remain discrete and, in part, a secret. It is nonetheless necessary. On behalf of the Government, I rise today to pay tribute to these agents, real fighters in the shade.

Beyond legal issues, it was essential to increase their material means. The budgets allocated to the intelligence services were revised in proportion to the challenges of modernization and diversification of recruitment. On January 21, I introduced several measures to strengthen our fight against terrorism means, including the creation of 800 additional jobs in these services by 2017.

Throughout the preparation of this Bill, the Government has ensured its efficiency and safeguards for civil liberties. This is especially relied on the informed opinion of the State Council - this is normal. He conducted an open consultation with the National Commission on Informatics and Liberties, with CNCIS, of course, but also with the Regulatory Authority for electronic communications and the Commission of the secrecy of national defense.

Even before its presentation to the Cabinet, I had the opportunity, with Jean-Yves Le Drian and Bernard Cazeneuve, to present the bill to the parliamentary delegation to intelligence, ...

[Mr. Jacques Myard](#) . Fortunately!

[Manuel Valls](#) , *Prime Minister*. ... I warmly thank all the members - some are here - and especially its president, Jean-Pierre Raffarin, for the constructive work he piloted.

To frame of operational measures of a different nature, the text defines the features and according to the degree of potential harm to the privacy of those involved.

It is normal that such a project raises questions and, I repeat, a detailed discussion is legitimate. But some shortcuts confine, once again, to caricature. This bill does not install in any way a police surveillance camera of the population, and the principle of targeting any surveillance on threatening people remain.

But it is essential to adapt to network infrastructure surveillance measures, because the digital society has fundamentally changed the organization of individuals representing a threat capabilities. Formerly, to act, they must necessarily come together, use human couriers or use a landline: precisely the circumstances that involved a passage through public space and that gave decision in physical surveillance. These movements have not disappeared, but anyone can now, from home, communicate and plan actions with other people anywhere in the world; it has a multitude of means of concealment, as well as sophisticated encryption tools.

This dramatically changes the game. When trade is hidden or are not decrypting, we need to get around the obstacle, or by the use of certain computer intrusion techniques or by the use of sound private places or by geolocation in real time people. This is not a French specificity: these techniques are used by all comparable intelligence services of democratic states.

To effectively protect the French - they ask us - public freedoms and institutions, we can not ignore these developments and freezing methods of intelligence services with those of eighty years.

The text explains that in 1991 many more procedures. It is primarily the case in the authorization: now, the principle of the prior opinion of the supervisory authority will be enshrined in law. But this also applies downstream of data collection, including operating conditions, transcription, extraction and conservation are especially reinforced.

These technical developments should not obscure the transverse principle of proportionality, as set from Article 1 of the bill. Certainly, the law must be broad enough to address all threats coming years, but this principle ensures verification for each operation, the adequacy of the use of a measure of specific surveillance, in its nature and in its modalities. Account will be taken of the seriousness of the threat, or the behavior of the targeted person.

The use of heavier techniques such as computer or home intrusion will be exceptional and may only occur if other techniques are ineffective. The Government is also planning stricter rules for their use, such as a shorter license term.

Furthermore, it is important to remember that the bill provides conditions for traceability and centralized monitoring of surveillance measures, that will allow the full play control at three levels - before, during and after the execution of the able - to verify compliance with the operating and conservation rules.

This principle, which causes dissociation between analyst specialist record and operator of surveillance is doubly expensive in human resources and sometimes risk of loss of information, but the existence of a strict control is to price: therefore this principle is preserved for interceptions and access to connection data.

However, if these elements are centralisables, it does not hold true for surveillance measures carried out directly on the ground by the operational

teams. Ask a tag or performing a geolocation on the occasion of a spinning mill can only be exercised since the Interdepartmental Group control: the Government is necessarily led to develop the principle of centralization.

Finally, the controller will have access at any time without prior notice to all data collected. However, care must be taken to very high vulnerability that would centralize all the product of intelligence collected at a single point, including vis-à-vis foreign services.

Ladies and gentlemen, the excellent climate of cooperation in the examination of the bill in both committees asked for an opinion on the merits and should be emphasized. This dialogue helped to enrich the text of the Parliament's approach on many issues. Important elements relating to control have been clarified or strengthened.

Preparatory work on the very thorough session was conducted. I want to publicly thank President Jean-Jacques Urvoas but ministers Bernard Cazeneuve, Jean-Yves Le Drian and Christiane Taubira, the sense of dialogue, listening and compromise resulted in the formulation of the relevant amendments. Thus, the Government will show opened to new amendments on several key points, such as shelf lives: he would go along with the maximum period of ninety days for data other than interceptions or data connections.

In terms of intelligence prison, the Government is aware that prison is a place where radicalization and the entrenchment of organized crime justify enhanced surveillance - we have all said, and reports attest. Innovative initiatives have been taken in recent months by the Minister of Justice. As Parliament, we are determined to go further, to advance, justifying the scalability of the prison security staff.

On the proposal of the Minister of Justice, the building plan announced in January provides a significant strengthening of human and material resources. The participation of Corrections intelligence device, starting with its presence in the Coordinating Unit of the fight against terrorism, is booked.

We will consider the proposed developments, which must nevertheless be reconciled with two imperatives: not to deprive the specialist services - ISB or the judicial police - the ability to lead from the monitoring they deem necessary, and to preserve the safety of prison officers in the performance of their daily missions.

Finally, I commend the constructive attitude of the opposition - if I did not do it, I would be remiss - who announced his support for the text when it was submitted, perhaps even slightly before. Several amendments have already been considered.

Ladies and gentlemen, the extension of independent supervision obviously follows the extension of the statutory scheme. But the government decided to go much further by creating a right to judicial remedies for all monitoring operations, including for international communications transmitted from or received in France.

First, the current CNCIS will change if you accept it, as a new independent administrative authority, the National Control Commission intelligence techniques, or CNCTR. It will have increased resources and include among its members four judges from the Council of State and the Supreme Court, under whose responsibility the individual opinions of the commission will still be issued. It will include among its personnel capable network engineers to ensure its full independence. A member of the plenary will also network specialist. Consultation with digital environments in which the Secretary of State Axelle Lemaire was heavily involved, has shown that this is an essential safeguard.

Judicial review, which will be entrusted to the State Council, is an undeniable progress: this is the first time in our legal system, the confidentiality of national defense shall not be enforceable against a judge. The latter may additionally require the Executive to cease a surveillance operation or destroy the information collected or compensate potential victims.

Insofar supervised persons are not informed of monitoring which they are subject, the CNCTR may freely enter the court during the proceeding and to produce in some way, directly represent the interests of citizens. Furthermore, this procedure can be activated by the criminal court if they wish.

I affirm here before you: this bill will give our fellow concrete guarantees that they have until now never had in the intelligence field. It provides for many safeguards. I would insist on certain provisions that nourish a particular debate, to dispel the concerns, disproportionate misunderstandings and false accusations.

First, on improving our ability to detect the activities of jihadists on digital networks. I spoke just now of the threat level. And you should know that among the 800 people detected in Syria or Iraq, only half was known before departure. And lack of tangible elements, opportunities for judicialize these files remain insufficient.

Physical surveillance can mobilize twenty agents. The need to monitor the 3,000 people involved in some way in the terrorist movement or the internet thus by far exceed the capabilities of our services.

So, we need to innovate in methods, without of course renouncing human analysis or field missions, where the additional resources that I announced a few

weeks ago. The jihadists have perfectly integrated the digital revolution. They use all resources. Intelligence services must be able to cope.

This is the purpose of experimenting with detection algorithm, when, and only when, specific numerical behavior terrorist networks are detectable. Some digital players, including entrepreneurs keen to retain the confidence of their customers, expressed their concern about this new provision. I want to reassure them. Moreover, the discussion - at least with those who are in good faith - is committed.

Committee work has already helped significantly tighten the regulation of this measure. The Government intends to ensure that monitoring will be focused strictly on threatening behavior. Third party data will not be accessible or usable by the services.

The independent supervisory authority will intervene at all stages of the implementation of this device. Unlike many private stakeholders, the Government is absolutely prohibited any possibility of content filtering. It has nothing to do with the practices revealed by Edward Snowden.

To further strengthen the guarantees, the government will table an amendment providing that this device will be temporary, for a period of three years. This will submit its extension to the express decision of the Parliament, based on a detailed assessment of the conditions for its implementation.

As - that's another debate - proximity sensors, there will be no more mass data extraction. Their use is indispensable for identifying the means of communication used by threatening individuals seeking to cover up their exchanges, but it is technically possible to ensure that only targeted data on wanted persons will be operated and maintained, all other data being overwritten . And centralization of



data retrieved must ensure systematic and comprehensive control.

Exchanges you will, during the debates, particularly with the interior minister will frame the way more precise text.

The text also sets up an operational emergency procedures that everyone can understand: the threat is often unpredictable and services must be able to react quickly in certain circumstances. These emergency procedures are of course also very framed. The Government will seek the restoration of an absolute emergency procedure, that is to say, without prior notice of the CNCTR. The use of this device will be strictly exceptional, I solemnly pledge myself. It will be used only in cases of vital urgency and in a situation where the commission could issue its prior opinion; in case of major crisis affecting the security of citizens, the state action must be immediate. Ladies and gentlemen, about the intelligence activities of the General Directorate for External Security, DGSE, I want to put in very clear point ahead of the national representation. The French intelligence services shall strictly no interception of communications exchanged on French soil, outside the targeted regime for security interceptions. Neither the DGSE or other service operators have access to the storage center. So there is - and say otherwise is a lie - no mass surveillance of the French. The DGSE may make international communications surveillance operations, as is its role. But this is done on the basis of precise instructions, according to a rigorous screening and within the limits of the purposes provided by the project. Once an international communication has its origin or destination in France, the common law applies in the exploitation and control. Furthermore, these data are not the subject of a transfer to foreign partners. The bill that is before you oversee these operations even more precise, and it refers to two decrees. Again, the project has very significant progress compared with the 1991 law. Finally, according to the announcement made in front of you in January, the Government has tabled an amendment to create a terrorist tracking file to impose the declaration of their

home and their trips abroad. If these provisions have been included in the original project, it is because we wanted to submit the project to the opinion of the CNIL and the State Council. Ladies and gentlemen, this bill you will discuss in the presence of particular ministers concerned by the text - Christiane Taubira, Jean-Yves Le Drian and of course Bernard Cazeneuve, as a leader. - will be an important progress for our intelligence services and our democracy. So that we are building a piece of legislation that regulates the intelligence services, at their request, while we did not have this kind of legal framework for our action, it is somewhat surprising that criticism, moreover late come to challenge, not the legitimacy of the text, but eventually its draconian nature. All of this is fantasy. The discussion will undermine these excessive and absurd criticism. This legislation is the result of a long consultation, conducted especially here in the Assembly. To those who want to revitalize the role of Parliament, I invite them to read the extracts of debates, discussions held for months, if not years in Parliament. The consultation was conducted by the Assembly, with the Parliamentary Delegation to intelligence, with President Jean-Jacques Urvoas and President Patricia Adam. This consultation was to meet the challenges of this text. I hope you can understand, it collects in Parliament on the broadest possible support and be adopted as soon as possible. I thank all the political groups for the constructive nature of the discussions. For on sovereignty issues, we need to come together beyond party lines: it is in the security of the nation and economic sovereignty, diplomatic and geopolitical France. And it is first, you know, the requirement of the French. *(Applause on the benches of CBC group.)*

[Mr. Christian Estrosi](#) . Very good!

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, Chairman and Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic.

[Mr. Jean-Jacques Urvoas](#) , *Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic* . Mr. Prime Minister, you have just presented with great precision this text as its philosophy that its provisions. As I share your analysis and you have kindly described the many changes made by the Law Commission, I do not think it useful to go back. I will limit myself to answer some questions. First question: can we go, our country can he do without these famous intelligence services? After all, the answer is not straightforward. Our memory is populated effect of memories where the information is often associated with the idea of betrayal, police surveillance or for sinister operations - secret police of Fouche at *Rainbow Warrior* , through the microphones of the *chained duck* . This is what explains, in essence, the fact that our country has not the intelligence culture experienced such Anglo-Saxon countries. At home, they called these activities also of *intelligence* are considered legitimate and useful. At home, outside of armed conflict, such services are called "secrets" were long perceived as engaging in treacherous activities and exercising infamous missions. This is a characteristic of our national tradition for us, in a battle, we must take risks that will enhance the victory and form a feat.

For us, that success is noble, the struggle must be epic; that the exploit is sublime, the hero must take risks. Corneille summarizes it perfectly when he wrote in *T Cid* : "To win without risk is to triumph without glory. "We are so steeped in a form of chivalry that leaves little room for the ploy and cunning. We favor the frontal combat and the use of force to indirect strategy to win at any cost using deception. There is therefore predisposes us to focus technical intelligence, much less to become goldsmiths. However, I believe that to change: faced with evolving threats, you have described, Mr. Prime Minister, citizens discover the usefulness of intelligence as population protection tool. Gradually, services are gaining legitimacy. Yesterday, the threat was external and identified; today it is - alas! - Indoor and diffuse. Yesterday, services appeared as tools only state benefit; today they become means to guarantee individual and collective freedoms. That is why it is obviously impossible to do without intelligence, essential tools of public policy. Second question: you really had a law on intelligence? Again, the question deserves to be asked. After everything if the spy of all time - we remember the ten spies that sends Moses to learn about the land of Canaan - the services, that is to say, a dedicated organization are newer, and never, before now, our country has seen fit to give them a legal framework. But if we're still question the need for this framework, all partners have responded positively for years . First, the precursors at the end of the Second World War the United States in 1947 and Germany in 1950. Then, most nations in the 1990s: the United Kingdom in 1994, Hungary in 1995, Italy in 1997, Belgium and Romania in 1998, Slovenia in 1999. It also notes an acceleration since the beginning of XXI<sup>th</sup> century Denmark and Austria in 2001, the Netherlands , Spain, Poland and Sweden in 2002, Portugal and the Czech Republic in 2004, Greece and Switzerland next. There are waiting for us! It is logical, therefore, that this fact - namely the need to provide a framework for the services business - now there is a consensus. Not once during the thirty-eight hearings I conducted, I have heard one of my interlocutors challenge this decision the President of the Republic took in July 2014 at the National

Intelligence Council . All have acknowledged the urgency to do so in the name of strengthening the rule of law, and you mentioned; in the name of protecting individual freedoms, as Patrice Verchère and myself wrote in 2013 in our report; in the name of service efficiency, as pointed out by the leaders of the DGSE, the Directorate for the Protection and Security of Defence DPSD, and the Directorate of Military Intelligence, DRM during the hearings conducted by the committee of defense. If there is a consensus on the subject - namely part - there is disagreement over the content. This is my third question: the means that the law wishes to grant to the services they are not excessive? Concerns were expressed on this aspect. I think there are two ways to answer them. The first is simply to take a quote from Marshal Foch, drawn from his book *The principles of the war* , which resumed in 1903, most conferences that he gave the War College: "In war, we do what we can with what we know, and to do much, you should know a lot. "In our world, become complex, uncertain, moving and unpredictable, which profoundly changes our strategic outlook, we need to do much to fight our opponents - and especially our enemies. Moreover, as stated in 2013 Robert Badinter, "the rule of law is not weakness." The second, less bellicose or less martial, would recall what our intelligence services, which will relativize the resources we will provide them. Our services are not "hidden" organizations whose mission would be to "monitor in complete opacity," as I read in the writings of the general secretary of a trade union of magistrates. These are government based on civil and military officials, which, in accordance with democratic principles must comply with all the forms of control required to protect the individual and collective liberties. Our services are no more "secrets" that "special "as it happens they are qualified - probably because these terms lose in precision what they gain in ability to elicit the mystery immediately. More modestly, they are uncertainty reduction tools with the authorities of our country. They are "the reality of clarification institutions," according to the definition given by a former head of Israeli intelligence. They must meet a clearly stated requirement: to comply with standards of the society they are mandated to

protect. This is why the Law Committee has adopted 172 amendments, most of which were aimed precisely at strengthening all the control architecture already contained in the government's text. We have guaranteed such access controller to the data collected, because we are convinced that the effectiveness of control depends. This is one of the many lessons we have learned from the case law of the European Court of Human Rights, particularly its Popescu decision of 26 July 2007, that "the legality is not enough if it is not accompanied by an effective control system. " Similarly we have ensured that the CNCTR is this "independent civil institution services and the executive" which the Council of Human Rights of the General Assembly UN is an indispensable element and determining an "effective system of supervision of intelligence", in the words of its Special Rapporteur, Martin Scheinin, in a resolution of 2010. I want to take this opportunity to greet the parliamentarians, through their amendments, have amply contributed to this work: MM. Philippe Nauche, draftsman of the Committee on national defense and armed forces, Pascal Popelin, the SRC Group, Christophe Cavard and Sergio Coronado, of the environmental group, Guillaume Larrivé, the UMP, and Herve Morin, the UDI group. Thus, with the recognition of an ability to control intelligence policy to the parliamentary delegation to the information, which appeared in the required military planning law by Jean-Marc Ayrault, and Inspection Intelligence created July 24, 2014 to your instigation, Mr. Prime Minister, France finally has a complete control system, which was lacking. My final question asks the obvious: she rule this law all the questions? The name of the independent administrative authority that we will create is the answer. In our 2013 report, we call our vows the birth of a "Control Commission of intelligence activities." You propose to limit it to "technical intelligence". This explains that in committee and in session, I did not file amendments do not explicitly concerned about it. I would nevertheless like to mention the role just as useful, and I think more importantly, the Academy of Intelligence ...



[Manuel Valls](#) , *Prime Minister* . Yes!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . ... And positioning, I believe improved, the National Intelligence Coordinator.

[Alain Marsaud](#) . Very good!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . That is why I will issue during the examination of the bill in session unfavorable opinion on all the amendments that are not within the scope of this text - but there remain many others who help us do useful work, so we can, together, finally adopt a legal framework for our services. (*Applause on the benches of CBC groups ecologist and RRDP.*)

[Mr. President](#) . I call Mr Philippe Nauche, draftsman of the Committee on National Defense and Armed Forces.

[Philippe Nauche](#) , *draftsman of the Committee on National Defense and Armed Forces* . Mr. President, Mr. Prime Minister, ladies and gentlemen ministers, Chair of the National Defence and Armed Forces Committee, Chair of the Law Committee, this bill puts the finishing touches on intelligence important reforms undertaken since 2008 to equip France with technical, financial and human in intelligence in line with the contemporary strategic issues. The White Paper on defense and national security in 2013 reaffirmed the continuation of the previous military program that "knowledge and anticipation" function is a fundamental part of our national security strategy and the condition of our strategic autonomy. The six services that make up the intelligence community had their enhanced coordination since 2009 around a National Intelligence Council, which now



adopts a national strategy of intelligence. This bill is not, contrary to what some argue a circumstance text dictated by the emotion aroused by the deadly attacks last January. It comes rather consolidate the developments undertaken in recent years, which have gradually come forward our public policy information. It is also the result of work undertaken for several months by the Government and the Parliament, supported by the work of the Law Commission and the parliamentary delegation on intelligence, which he covers the main proposals. The text will d Besides well beyond the mere prevention of terrorism, to be interested in all the fundamental interests of the nation. - national security, industrial and scientific heritage, fight against organized crime, or diplomatic action This project law aims to fill the gaps with sparse legislation, certain provisions were in force that is over twenty-five years, long before the explosion of telephone calls and electronic communications networks. It allows to provide technical intelligence tools adapted to these technological developments and to changes in the threat. While the military planning law for the years 2014 to 2019 has extended the access of service information to certain files and renovated the legal framework of geolocation in real time, services have no means of investigation similar to those granted to the services of the judicial police in recent years. The bill fills this delay extends to the intelligence services the opportunity to ask tags, capture images, sounds, or computer data. It also creates two new operating modes of connection data for the sole purpose of the fight against terrorism. Above all, this bill defines, for the first time, a real public intelligence policy, and provide it to a clear and stable legal framework, both more protective for agents of these services and for all citizens. The purposes of the 1991 Act were supplemented and clarified and now cover the whole scope of our services, including when they act abroad. The bill also organizes a very strict control of activities intelligence, through a binding framework, legible procedures, an independent administrative authority with greater powers and an unprecedented judicial review. As has been said during the discussion in committee, it is within the capacity of the future independent authority carry out its review lies one of the best guarantees of

protection of individual rights. If CNCIS now has easy access to data collected by the Interdepartmental Control Group - ICG - the variety of techniques provided by law will no longer allow this centralized collection around a single technical service. Mr. Prime Minister, the debate will better clarify the organizational modalities of centralization and traceability of the data collected under the law and the place that will occupy the ICG in the implementation of this centralization. In conclusion, I say that the text presented by the Government is a balanced text, both by the new rights it grants to the services by the guarantees it offers in return, citizens. The Defence Committee gave a favorable opinion on the adoption of . Bill after amendments adopted some precision One is to give content to the public intelligence policy by referring to two notions already in our legislation: national security strategy, defined by the Code defense, and the fundamental interests of the nation, defined by the penal code. Another was to provide criminal protection to our agents when they act within the framework of their missions abroad, on the protection model offered to our troops in external operations, the OPEX. It has not been adopted by the Law Commission and I hope that the new wording more precise, collect a favorable opinion on these benches. The agents of our services, you remind, Mr. Prime Minister, government officials committed that act within the law and it is natural that the nation's representatives are concerned about their protection. *(Applause on the benches of CBC groups, GDR and RRDP.)*

[Mr. President](#) . I call Mrs. President of the Committee on National Defence and armed forces.

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . Mr. President, Mr. Prime Minister, Madam Minister of Justice, Ministers, ladies and gentlemen, I join, of course, to all those who have spoken before me and consider that this text is welcome. Indeed, concerned about respecting individual freedoms and the strict implementation of administrative procedures, I could not help but be concerned about the prevalence of practices sometimes uncertain legal foundation. If the gravity of the offenses sought probably justifies special investigative means, the rule of law can only break itself if it fails to meet the obligations in terms of respect for the privacy of citizens. So I want thank the Government for agreeing to a long-standing discussion on the complex issue of the balance between the scope of investigative procedures and guarantees to

citizens. I also thank the administrations concerned. Although our relationships are made of mutual trust, the common will to arrive at useful solutions and general interest for all must be reported. I also note the special role that had national security interceptions Control Commission and its successive presidents in the awareness of the need to develop the investigation methods of control, and that of the parliamentary delegation to . Intelligence, which issued a favorable opinion on it, and all its members I have already said that the work on this text has been initiated long - others have said before me. In a way, it continues the reflection initiated by the White Paper, and then by the military program law and I am pleased that the foundations of this project were laid before the attacks of January 2015, contrary to what is may read or hear. We can thus say that, even if those events and context resulting weigh, the bill is not a one-off response to the event, but is rather the finding of a technical developments and requirements for almost twenty-five years. Basically, the project is a search for balance between the need to inform and protect citizens. The president of the national security interceptions Control Commission has not said otherwise before the Defence Committee: Bill will be quickly surpassed if he speaks only of technique, that is to say, s' it attaches priority to the issue of means of investigation. The real issue is the quality of the control that is exercised over the use of investigative tools. That is why I am delighted that the committee work have clarified the scope and terms of this control. In this regard, I found that outside our congregation as its members, confusion could exist on the nature of work of the administrative police. This policy is no less legitimate than the judicial police and I am surprised illegitimacy of the trial that is made to the State Council, which would be less able to defend freedoms and law enforcement and other authorities. This view challenges the very foundations of the state organization. I prefer to see it as a misunderstanding or a simple corporatist passion that our work, I am sure, will be exceeded. Mr. Philippe Nauche, draftsman, specify the nature of the discussions in the Committee on defense and contributions to the text. I thank him for his work. *(Applause on the benches of the SRC and GDRs groups.)*

## Motion to Refer to Committee

[Mr. President](#) . I received Mr. Christian Jacob and members of the Union for a Popular Movement Group a motion for referral to committee filed under Article 91, paragraph 6 of the regulation. I call Mr. Éric Ciotti.

[Mr. Éric Ciotti](#) . Mr. President, Mr. Prime Minister, Madam Minister of Justice, Ministers, Madam Chairman of the National Defence and Armed Forces Committee, Chair of the Law Commission, Mr. draftsman at As we begin consideration of this bill, we all know that our country faces an Islamist terrorist threat of unparalleled intensity. This threat has never been stronger. France represents a target and, unfortunately, a prime target. The attacks on 7, 8 and 9 January in Paris by the brothers and Kouachi Amedy Coulibaly, and the bombing of Nice, a few days later revealed tragically . our compatriots extent of the risks to which our democracy has to face . The terrorist attacks multiply and ignore borders Last week, TV5 Monde was the subject of a cyber attack Cyber Caliphate group; in mid-March, the bombing at the Bardo Museum in Tunis caused the death of nineteen people. Faced with this unprecedented phenomenon, it is our collective duty, as leaders of the majority and the opposition, to better protect our country. Yes, it is our duty; yes, it is our responsibility. It is in this spirit that will fit the position of the UMP. The war against terrorism requires to overcome political divisions and requires national

unity. That is why we take our responsibilities in supporting, very controlling way this bill that course, personally, I will vote even if we ask through this motion for referral to committee to rework it to enrich the proposals made by our group. On January 13, Mr. Prime Minister, you called your vows here in a gathering and unity of all the French face of terrorism. We answered that call. However, I can only regret that this spirit of January 11, expressed by millions of French in the streets of France, do not always prevailed on your side. *(Exclamations on the benches of the CBC group.)*

[Philippe Goujon](#) . This is reality!

[Mr. Éric Ciotti](#) . I do not recall here the shameful attitude of some at the Merah case. I do not mention the attitude of most candidate Holland, who had not wanted to support the text proposed by President Sarkozy, April 11, 2012, right after this terrible case. *(Exclamations on the benches of CBC group.)*

[Mr. Patrick Mennucci](#) . Do not say anything then!

[Mr. President](#) . Mr. Mennucci! Mr. Ciotti was allowed to continue!

[Mr. Éric Ciotti](#) . We, we do not have the same attitude! You're not an accountant, Mr. Prime Minister, these postures or those indignities. *(Exclamations on the benches of the CBC group.)*

[Mr. Patrick Mennucci](#) . It's not the height of the debate!

[Mr. Jean-Christophe Cambadélis](#) . Divide, divide always!

[Mr. Éric Ciotti](#) . Nevertheless, I regret that the bills introduced there two weeks by the UMP group were swept with a wave of the hand.

[Philippe Nauche](#) , *draftsman* . We, we do not in the parliamentary hysteria!

[Mr. Éric Ciotti](#) . Yet as the bill strengthening self-defense police, I had the honor of defending on behalf of my group, that of establishing a national indignity crime for terrorists, supported by Philippe Meunier, deserved to being supported by the Government and by the majority. (*Applause on the benches of the UMP.*)

**Several members of the CBC group** . Anything!

[Mr. Éric Ciotti](#) . Therefore, we would be right to ask you, Mr. Prime Minister, you have made this spirit of togetherness and unity expressed on January 11, when you push strongly all our proposals.

[Mr. Patrick Mennucci](#) . It is to you that we must ask the question!

[Mr. Éric Ciotti](#) . We also regret the method chosen by the Government: the fragmentation of texts and their spread we have lost much time, too much time at the expense of the security of the French.

[Mr. Olivier Faure](#) . It is shameful to say that!

[Mr. Éric Ciotti](#) . Today we can feed the sense of maintaining an ongoing delay on the tragic developments of Islamist terrorists. The text that you present us is the third draft law against terrorism since the beginning of the mandate of François Hollande.

[Eduardo Rihan Cypel](#) . This is a bill on intelligence: do not pretend to ignore it!

[Mr. Éric Ciotti](#) . You who we accused of having too much legislation on the subject, you are now to your third text!

[Mr. Claude Goasguen](#) . That's right!

[Mr. Éric Ciotti](#) . The last was published in the *Official Journal* on 14 November. Six months later, we are forced to come back to Parliament.

[Mr. Bernard Roman](#) . It happened things since!

[Mr. Jean-Luc Laurent](#) . You're not credible! Only the speech!

[Mr. Éric Ciotti](#) . The first of this legislature, it's you, Mr. Prime Minister, who have carried: you were then interior minister. This text was promulgated on December

21, 2012. I note that we all voted the two bills in mind that I recalled just now, though, every time we highlighted their shortcomings and you have warned they contained gaps and the need there would be, therefore, to legislate again.

[Mr. Jean-Luc Laurent](#) . You are pathetic!

[Mr. Éric Ciotti](#) . The acceleration of departures to the Syrian-Iraqi area started, you know, Mr. Prime Minister, by the end of 2012. But it was not until spring 2014, precisely in April, the Government adopted an anti-jihad plan. So much time lost! Our European neighbors have not suffered the same wait.

[Mr. Jean-Christophe Cambadélis](#) . Speak to Belgians!

[Mr. Éric Ciotti](#) . Our belief is that any reform will remain imperfect as long as the fight against terrorism will not be addressed comprehensively. The war against terrorism - yes, the war, my dear colleagues, as we are at war! - Requires action on all fronts. France needs a real framework law and a real Budget Law, ...

[Mr. Claude Goasguen](#) . And judicial, too!

[Mr. Éric Ciotti](#) . ... And not just fuzzy multi-year commitments, Mr. Prime Minister! But here you go about that intelligence component.

[Mr. Jean-Yves Le Bouillonnet](#) . Eh yes!

[Eduardo Riha Cypel](#) . This is the very purpose of this bill!

[Mr. President](#) . Mr Riha Cypel, please! Let you listen to the speaker!

[Mr. Éric Ciotti](#) . This approach is certainly essential, but it remains insufficient. You omit including the judicial aspect, without which advances your text could be totally useless. Yet well before the attacks last January, members of the opposition and all terrorism issues experts alerted you, put you on hold on the inadequacy of our legal arsenal and the need to finally adopt a great law embracing all major issues related to terrorism, prevention intelligence to the judicial sanction.

[Mr. Claude Goasguen](#) . Very good!

[Mr. Éric Ciotti](#) . In September, I said from this podium, in the same context, on behalf of the UMP, the question was not whether we were going to be an attack,



but when it would take place. Unfortunately, the attacks in January have confirmed our fears. The risk is huge. You recalled the figures, Mr. Prime Minister in March 2015, our intelligence services have identified nearly 1,500 French nationals affected by the departure to the Syrian-Iraqi combat zones - 1496 to be exact, although the European Commissioner justice spoke today of the most important figures: I do not know what his sources. Today, 423 is actually found in the combat zones, including 123 women and 8 fighters minors; 267 French nationals have left the combat zones, of which 202 have returned to our country. Of these 200 individuals, at least, some have only one objective: to commit a terrorist act on our territory and attacking innocent . The services estimate the number of projects from more than 400 - and even then is it that the official figures. We know very well that this statistical reality is very far to cover the reality of the phenomenon The inquiry on monitoring channels and jihadist individuals, ...

[Mr. Patrick Mennucci](#) . Expect his report!

[Mr. President](#) . Mr. Mennucci, please! You have exhausted your stock!

[Mr. Éric Ciotti](#) . ... I have the honor to chair and whose rapporteur is Mr Mennucci, I call for calm, ...

[Ms. Sandrine Mazetier](#) . It's not up to you to do it!

[Mr. Éric Ciotti](#) . ... Conducted numerous hearings and we could see that the gaps in our law as deficiencies means are today, unfortunately, obvious. We hope, Mr. Prime Minister, the Government and the majority will hear our comments to improve the text. In the constructive spirit which I mentioned at the beginning of my remarks ...

[Mr. Jean-Christophe Cambadélis](#) . They had forgotten!

[Ms. Marie-Anne Chapdelaine](#) . We seek it!

[Mr. Éric Ciotti](#) . ... Saying very clearly that I would support this text and that I would vote (*Exclamations on the benches of the group SRC*), ...

**A member of the CBC group** . This is absurd!

[Mr. Éric Ciotti](#) . Be still, my dear colleagues! We have tabled a series of amendments to improve the bill. I hope you'll be willing to accept our proposals. This text proposes a legal framework for intelligence activities which, it must be admitted, are already existing for many of them hitherto little and framed to better detect and prevent the threat in an administrative context. To those who make unjustified criticism against this text because there is no intervention of the judicial judge, I remember that there is a fundamental distinction between what belongs to Administrative Police, which aims to detect the threat, and what is the legal action that seeks to punish.

[Philippe Goujon](#) . Obviously!

[Mr. Éric Ciotti](#) . Let me make this as a glowing tribute and solemn to all these men and women. May remember a while ago, Mr. Prime Minister, the risks they take, but also the criticism that they are subject. In the greatest discretion, they are engaged, sometimes risking their lives in this relentless fight against terrorism, the security of all our citizens. Some in this chamber would, even this afternoon, against a caricatured freedom and security.

[Mr. Olivier Faure](#) . Who?

[Mr. Éric Ciotti](#) . Personally I reject this argument because, for me, freedom and security go together. Without security, there can be no freedom Who is now the enemy of freedom? The terrorist or intelligence service? Do not be naive, because this would leave a decisive advantage to terrorists and those who

become real human bombs - may remember earlier suicide attacks committed in Syria by seven French nationals. Let us trust in the strength of our democracy! I do not believe that one can suspect me of indulgence towards the government you lead ...

[Ms. Marie-Anne Chapdelaine](#) . Sure!

[Mr. Éric Ciotti](#) . ... And yet I have confidence in the strength of republican democracy that everyone, here we express. Yes, we must have faith in this democracy, not to raise risks of fictitious, far from reality. Let's look at the real threat in front: it is not fictional It is true that the information collection techniques under the bill would be likely to undermine the private and family life, to inviolability of the home and the secrecy of correspondence of those monitored.

[Ms. Marie-Anne Chapdelaine](#) . Right!

[Lionel Tardy](#) . It's the least we can say!

[Mr. Éric Ciotti](#) . But these restrictions on fundamental freedoms would be strictly monitored. The role of the State and national representation is precisely to reconcile the fundamental rights of security and freedom. Recall that safeguarding public order is, according to the Constitutional Council, a constitutional objective, authorizing that limitations are imposed on the exercise of fundamental freedoms. It is in this context perfectly and totally inaccurate to assert that the proposed measures are not consistent with respect for fundamental freedoms. This bill appears balanced. It provides an independent administrative control, through the creation of the national intelligence oversight Technical Commission, an independent administrative authority in which sit four magistrates of the judicial order and the administrative order. Its role will be to issue an opinion prior to any approval of implementation of information technology by the Prime Minister.

**One member of the UMP** . Except in an emergency!

[Mr. Éric Ciotti](#) . The bill also provides for a judicial review entrusted to the State Council. It may be seized by an individual or by CNCTR if it considers that the action taken on its recommendations are not satisfactory. If an irregularity is detected, the State Council may cancel authorizations to carry out the technical intelligence, order the applicants be compensated and that the data collected be destroyed, you said, Mr. Prime Minister. This bill therefore provides for us in the context that I mentioned and in the framework that has been recalled, the useful tools, relevant, the intelligence services. Security interceptions, administrative access to connection data capture, transmission and recording of sound, images and computer data, real-time geolocation of people and vehicles, weak signal detection by the installation of black boxes in the operators . all of which are claimed long ago by our services Our law committee, Mr. Chairman Urvoas, improved the text. MEPs appropriately expanded the goals that will invoke the intelligence services to use these monitoring techniques. The Law Commission has also adopted an amendment allowing the Government to allow the services of the Ministry of Justice, as the prison intelligence and clearly against the advice of Madam Minister of Justice, to use the collection of technical intelligence provided by the bill. In what it contains - I repeat: in what it contains - this text therefore includes positive developments but it is also marked by large voids. We consider that other subjects that the information should be included. On prevention of the threat, first: in the camps, volunteers receive a paramilitary fighters and ideological training. This training gives them concrete ways to violent action when they return to our country. Our legislative arsenal is insufficient to deal with this threat and to those individuals who present serious risks of radicalization. So when a person returning from the jihad is clearly capable of undermining public safety, public order, safeguarding the best interests of our nation during his return to France, it seems essential to me the place in multidisciplinary detention centers so that it follows a de-radicalization program.

[Philippe Goujon](#) . Very good!

[Mr. Éric Ciotti](#) . Procedure for placement in these centers could usefully be closer to that of the forced hospitalization, that is to say of a procedure under the control of the judicial magistrate. I have tabled an amendment in this direction but it was rejected under Article 40. I solemnly ask you, Mr. Prime Minister, to take responsibility and implement these structures before new dramas occur in the country. There is also the question of the return to France of bi-national individuals who are parties to wage jihad on Iraqi or Syrian territories. What will be their attitude when they go back to France? These individuals, as we know, represent a clear risk for our country. They seriously endanger the safety of our citizens. Must we wait for a passage to the act and implementing acts of barbarity taught in Syria to neutralize? When these individuals are binational, it is legitimate they are denied access to our territory.

[Mr. Jacques Myard](#) . Very good!

[Mr. Éric Ciotti](#) . The UK has also just adopted the *Counter-Terrorism and Security Act* that prevents the return on British soil terrorists from combat zones. And we will also set in London, Mr. Menucci for realizing it, next Monday and Tuesday. Article 15 of the European Convention on Human Rights offers us this possibility: "In case of war or other public emergency threatening the life of the nation, "he says, a signatory" may take measures derogating from their obligations "under the Convention. We also want to ask about the necessary legal component of the

fight against terrorism. In this debate, since the month of January, you have been absent much, Madam Minister of Justice. (*Exclamations on the benches of the CBC group.*)

[Ms. Marie-Anne Chapdelaine](#) . Ah! We waited!

[Mr. Éric Ciotti](#) . We heard you very little, except by allusion: some voices that seem to speak for you point out that you would be opposed to this text, but we expected from you, from the Minister of Justice, the strong expression of judicial willingness to better combat terrorism, to better punish, to better prevent, including through a radically different policy from that prison you drive today.

[Mr. Claude Goasguen](#) . Very good!

[Mr. Éric Ciotti](#) . There is no such thing in this text and it is this fundamental gap we want to denounce.

[Philippe Nauche](#) , *draftsman* . It is a trial of intent!

[Mr. Éric Ciotti](#) . The fight against terrorism, colleagues, based on two pillars: intelligence but also its consideration by the judicial authority.

[Mr. Patrick Mennucci](#) . What did you do!

[Mr. Éric Ciotti](#) . Or the text you presented does nothing for justice.

[Philippe Nauche](#) , *draftsman* . Off topic! It is not the purpose of the text!

[Mr. Éric Ciotti](#) . The progress of this legislation will prove so useless if the criminal justice system does not follow. With the amendments adopted in committee, the Office of Intelligence prison will be eligible if the decree in Council of State so provides, the use of techniques provided by the text under discussion. This is an important step: in its original form, the bill provided that this possibility was open only your services, minister of the interior, minister of defense, and those . of Ministers for Economy, Budget and customs I want to emphasize that this advance was consensual, with a somewhat unprecedented alliance, we must

admit: an amendment tabled by Mr Cavard and, logically, an amendment tabled by our colleague William Larrivé, which were approved by the rapporteur, like what national unity can sometimes express themselves. The Government objected in committee; I hope he now understands the need and that it will reconsider its position in this Chamber. In parallel, we must address all our strength to radicalization in prison. In many cases, we have seen for Coulibaly and for Kouachi brothers, stay in prison has been the antechamber of acting out. Mr. Prime Minister, on 13 January, you said that the phenomena were growing radicalization in prison. Despite numerous claims of prison staff, why do you refuse ever to amend section 57 of the Prisons Act, on excavations prison? According to the Director of Prisons, heard by the inquiry commission, 27,500 phones laptops were seized in prison in 2014. I draw your attention, ladies and gentlemen, on this number: 27 500 laptops, three times more than in 2010. Ms. Gorce deplored a "scourge." You speak of "plague" but must still have the will to face them and they are not interfering you offer, Madam Minister of Justice, who will bring the answer, since you, before our committee, you indicated, of so relevant after all, ...

[Ms. Christiane Taubira](#) , *Minister of Justice, Minister of Justice* . Is it possible?

[Mr. Éric Ciotti](#) . ... Their technical weakness, since they are impossible to implement in the prison context. Yes, it is possible, Madam Keeper.

[Pascal Popelin](#) . It ends!

[Mr. Éric Ciotti](#) . In addition, and we had already called last fall when reviewing the draft law against terrorism, it is necessary to isolate radicalized detainees from other prisoners to prevent any proselytism. Finally, some detainees continue to present, at the end of their prison sentence, a clear danger. Again, we must protect our citizens and, again, I propose to extend preventive detention in investment assumptions (*"Ah!" on the benches of the group SRC*) created by the previous majority. Finally, another great absentee your bill: the question of crossing files, yet key in this fight against terrorism. I noted earlier in Law Committee, through the bad mood of our rapporteur who gave an unfavorable opinion, you had introduced at the last minute an amendment on the files. We'll look, but I want to emphasize that this issue is essential. Mr. Interior Minister, during your hearing before the commission of inquiry, you said that in the future, "we must go further computer matching material; many events have taken place since 2010 ". You indicate, I quote: "The lesson I draw lately is that we must ensure the smooth flow of information between services and cross your analyzes. We will propose an organization to achieve this goal.

"

As for you, Mr. Prime Minister, you said on January 13: "I have asked the Ministers of Interior and Justice to examine the legal requirements for setting up a new file. "Almost three months have passed. Where are we? We are waiting for answers. I note, again, that despite these assertions, your bill was silenced, before filing the amendment. The services concerned are unanimous: to carry out their missions, the interconnection of files is essential. How can intelligence services carry out their duties effectively if they are not authorized to access the



contents of some files? I refer in particular to file criminal records or databases used by the intelligence nearby. Our right is to be adapted in the matter, but stick to purely national measures would be ineffective. I will not dwell on the need to strengthen collaboration with our European partners, but the bill could have been mentioned. We have repeatedly raised the issue of *Passenger Name Record* or PNR. Finally, we must advance this file. We also need cooperation on the scale of justice or police, a reality in Europe. Many tools may indeed be used across the European Union: I think the establishment of a European prosecutor with extended powers, strengthening the control of external borders and the information system of the Schengen Area, strengthening European police cooperation, or a coordinated fight against websites. If we want to be effective, Mr Prime Minister, ladies and gentlemen ministers, ladies and gentlemen, we must act on all fronts. Mr Prime Minister, colleagues, the barbarity of the Islamic State that prevails in the Middle East has unfortunately earned our country. I repeat, we are at war. The Islamic State, like its competitors in the horror market, are more determined than ever to mark the barbaric world of their footprint. Zero risk does not exist, we must agree together lucidly, but we must also tell the French determination to clearly show a unitary reaction to the height of the risks, threats and challenges. Our determination must be even stronger than these contemporary barbarians. In a spirit of togetherness and national unity to terrorism, so we hope that our comments and that our contributions can be heard and debated, to further improve the text, because it is in national security. This is the subject, my dear colleagues, this motion for referral to committee that I had the honor of defending on behalf of the UMP. (*Applause on the benches of the UMP.*)

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister* . I wish to respond to Mr Ciotti, before the speakers are not expressed groups. After this motion, will be held a general discussion of this text, I have no doubt, will be enriched by the work of Parliament, the National Assembly and the Senate. We may find ourselves, Mr Ciotti, diagnosis, that is to say on the extent of the threat. I refer you to what I have just taken, but also that the interior minister might have said throughout these last months, especially when considering the second anti-terrorism law, or there is a little longer, in discussions we had at the end of 2012, when I was minister of the interior, on the first anti-terrorism law. We find ourselves, therefore, as I said, on diagnosis, on the magnitude of this threat and its sustainability. It must mobilize all of our services - police, gendarmerie, intelligence services - but also, more generally, the whole of our society. This is the first time we are facing this type of threat - not not the terrorist threat as such because it is not the first time that we are at war against terrorism, to borrow an expression that I had used, or jihadism, radical Islam and against those who s 'address the fundamental values of our country or other, I mentioned just now - both external and internal, including the French or persons residing in France and who go to fight in Syria or Iraq and which then - they have already done - can turn against us. Sometimes, they have also not even need to leave or spend time in prison because they convert to radical Islam an extremely fast way via Internet. We have already discussed these subjects then, on which we do not reason differently. So there is no false debate to feed us. I do not doubt for a moment, we can find ourselves as the link between security and freedom, of course. Safety is the first freedom and at the same time, we must preserve our fundamental freedoms terrorists, specifically, that we postpone the waiting involved. They want to create the conditions for a break and a confrontation in our society. We must therefore be much stronger than them and that's why, I repeat - I had the occasion to say here on January 13

- Contrary to what happened in the US after the tragedy of 11 September 2001, even if we are not here to give lessons, we will not take any measures but we exceptions answer of course an exceptional way through the measures we have specifically announced in January with the relevant ministers, Bernard Cazeneuve, Jean-Yves Le Drian and Christiane Taubira after a cabinet meeting chaired by the Head State. I am not asking you to be complacent in the place of the government but I think we can all gather around the gathering ideas and unity. Where I can not follow you, however, and I say very quietly, that's when you argue that we lost time. Either we are national unity, or we are not. The text is there, the amendments were tabled and criticism such is the role of Parliament. Once you announce your support for this text, I have trouble understanding why you wear such a charge simultaneously. When I was minister of the interior, we presented a text to the fight against terrorism which resulted obviously Parliament's work, which had begun after the events of Montauban and Toulouse. I do not even understand your reference to the position of the current President of the Republic, especially in the month of April 2012 because we relied on the work that had been undertaken at the time by François Fillon. We are indeed parties the findings and lessons, and each other, we learned of the attacks of Toulouse and Montauban, in particular as to what we could change profoundly in the vertical or horizontal organization of our services as in that of the police and gendarmerie. This led anti-terrorism law was introduced in late 2012. With the new techniques used by terrorists, it is also quite normal and logical, as we announced at the end of 2012, the law changes, evolves, adapts. This was the meaning of the text presented by Bernard Cazeneuve there few months, again, was adopted by a very large majority. The phenomenon of jihadists found by the summer of 2012, led me to pronounce extremely clear words, which I have also sometimes been alleged, on the notions of external and internal enemies. We felt, indeed, the rise of this phenomenon concomitantly with the terrible war in Syria and events we know in Iraq. Every time we have provided answers and, above all, means. It was one of the lessons of the

parliamentary report that I mentioned: we have changed the scope of the Central Directorate of Internal Intelligence transforming it into Directorate General of Internal Security. We learned flaws or problems that have been noted in the past, including in the wake of the disappearance of general information, by strengthening the capacity of the territorial intelligence. I too could do what state s' . happened before and point wasting time , we have strengthened the human, technical and financial resources of the Directorate of External Security and ISB 532 positions have been programmed and 800 more including the Central Service of Territorial Intelligence The SCRT. Mr Ciotti, I could also remind you of the number of positions that were lost between 2007 and 2012 in the police and the gendarmerie, which has hit hard the DCRI and the territorial intelligence.

[Hervé Morin](#) . Seven hundred additional jobs were created at the DGSE!

[Manuel Valls](#) , *Prime Minister* . But I do not want to argue in this way because, precisely, it weakens us. We have learned to give more technical, budgetary and human services, and not just in the area of security as they also need different specialists. So we did not waste any time. It remains true that the threat is there and it's durable. This terrorism is constantly changing and adapting. Such is his strength and, to use your word, we must indeed demonstrate greater determination by adapting ourselves each time this also related to the geopolitical reality, which is constantly evolving - I think, for example, what is

happening in Libya, if you see what I mean, and that is particularly worrisome since Daech is now implanted in this country totally disorganized. Since autumn 2012 - Bernard Cazeneuve was then, of course, continued and extended this work - we increased cooperation among European countries, which was at that time very small. It is not enough to proclaim also not to do vote PNR: we must get there! I hope that, this time, we convinced a majority of parliamentarians on all benches vote in favor of the creation of this essential monitoring tool against terrorism. That is our commitment. So do not look for false debates where there are none and where we can find ourselves, as here in the European Parliament! Honestly, when it is realized the number of countries that have been hit by terrorism or under its threat - Great Britain, you quote, Belgium, Germany, Spain, there are still a few days when a cell was dismantled in Barcelona as she was about not only continue regimentation of jihadists, but also, no doubt, to hit our Spanish friends -. , we find that all had to adapt and had to discuss current practices, including in our country Us- we are inspired by the same methods called against radicalization and mobilization of families, including those whose culture is sometimes not ours on these matters. So do not look for false debates where there are none .

[Mr. Claude Goasguen](#) . These are real debates!

[Manuel Valls](#) , *Prime Minister* . The fact is that we have to adapt constantly. Look at the country that has been hit hard in September 2001 in New York and Washington, in dramatic terms as we all know. He too had to face new terrorist episodes in Boston, here shortly. On these questions, it is very difficult to give lessons. We work in harmony with Parliament, observing what is happening elsewhere, to find the best solutions. So keep that! Again, as I have already had the opportunity to speak at length and often at a particular arrest during questions to the Government, I introduced this text as it there was no law on intelligence since 1991. In this regard, Mr. Ciotti, you made a confusion: there are two anti-terrorism laws - if necessary a third, there will be a third because " we must constantly adapt - but one we are discussing not over.

[Mr. Claude Goasguen](#) . And justice?

[Manuel Valls](#) , *Prime Minister* . The law on intelligence from afar, including the work of Jean-Jacques and his colleague Patrice Urvoas Verchère. I also told the forum: I myself had been arrested by the directors and external services Interior asking me such a law which also protects the work of our agents, we all welcomed. I might even say that it is always with the right or, in any case, a left majority that a law intelligence is passed. (*Applause on the benches of CBC group.*) If I wanted to feed a discussion I think it unnecessary, I would ask that you made, Mr. Ciotti, since 1991.

[Ms. Marie-Anne Chapdelaine](#) . One wonders, indeed!

[Manuel Valls](#) , *Prime Minister* . At the time, for cultural reasons that Jean-Jacques Urvoas very well remembered, this was not easy for the Prime Minister Michel Rocard, whom I know well, to convince François Mitterrand to legislate in this area.

[Mr. Christian Jacob](#) . Definitely, you have the words to collect!

[Manuel Valls](#) , *Prime Minister* . Regarding secret services, it specifically ruled a culture of secrecy. Remember also that word of François Mitterrand, who was the subject of a book by Michel Rocard then: "If it amuses you, make this law! "

[Mr. Christian Jacob](#) . He was a specialist plays!

[Manuel Valls](#) , *Prime Minister* . Well, the 1991 law is particularly important. Some years later, a law which, again, was not evident for cultural reasons, is at the heart of debates in Parliament and society. This law which I have just presented - it seems important that the Prime Minister commits himself - is that of the whole government. On that question, Mr. Ciotti, you do not will sink a wedge between its members. The Minister of Justice, Bernard Cazeneuve and Jean-Yves Le Drian prepared this text together, under conditions of inter parliamentary dialogue and high quality. The Minister of Justice, like his colleagues, as you know perfectly, participated in the discussions in committee. Again, I want to tell her my trust on this issue as on all others, because I'm tired of the same person to be questioned constantly, in a role play without interest. (*Applause on the benches of the SRC and GDRs groups.*) In the public debate, I find it rather although keeper, unlike some of his predecessors, is not expressed continuously on a given topic as it is guaranteeing fundamental freedoms.

[Mr. Claude Goasguen](#) . Really?

[Manuel Valls](#) , *Prime Minister* . I therefore welcome the role Keeper! (*Applause on the benches of the CBC group.*)

[Mr. Christian Jacob](#) . I'm not sure that's a compliment!



[Manuel Valls](#) , *Prime Minister* . We will discuss an issue that is not new - the balance between freedom and security - and the result of work that we present is at the heart of the debate that was conducted by the Government, which I am about me the guarantor of unity, cohesion and coherence. Do not read the newspapers: watch only the role of government and the nature of this text. This is what I think is essential and that is what interests the French! You've asked a lot of questions, Mr. Ciotti, and you have made a number of proposals that we obviously consider, by showing opening mind. I hope indeed that the determination that you have recalled is shared by a very large part of the Parliament ...

[Mr. Philippe Vitel](#) . That is why we must return to the commission!

[Manuel Valls](#) , *Prime Minister* . ... And, more broadly, by public opinion. When we listen to our fellow citizens, it seems to me they are sometimes willing to go further on a number of topics because they understood perfectly, better than some, the threat that we face. In any case no false debates! Let's move on the bottom, this is the requirement of 11 January. In this regard, and I end with that, Mr. Ciotti, yes, there has a requirement - I do not know if there is a spirit - January 11: we are, each and the other, at the height of what we ask the French. No false debates, no false polemics, no useless and sterile divisions but a rally and a unit for one thing: efficiency in the fight against terrorism! (*Applause on the benches are group s CBC and RRDP.* )

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . As much this text is singular because it is presented by the Prime Minister and four ministers are present on these benches, ...

[Lionel Tardy](#) . We are waiting for the Minister of digital!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . ... Which is not so common to consider a bill, as there are figures of speech, in this case the motion of referral to

committee. It was also, in effect, a summary of the various legislative proposals that the UMP group had the opportunity to file ...

[Mr. Jacques Myard](#) . It is better to repeat that contradict himself!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . ... And linked with this text was quite far away. I noticed that Eric Ciotti took fifteen minutes before attacking the Minister of Justice ...

[Mr. Claude Goasguen](#) . Do not worry, we'll catch up with us!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . ... Which falls almost a feat on his part. (*Ries and pplaudissements has on the benches of the CBC group.*) The exercise was therefore quite common and Mr. Ciotti did not force his talent. This however is somewhat contradicted because we reproach wasting time, even though the reference to committee does not make us win. (*Laughter.*)

He will defend the amendments on which he will not be surprised to hear unfavorable opinions - create retention areas for people returning from conflict, change the composition of the file of wanted persons, prohibit return to the territory binational, this has a very remote link with text intelligence.

[Pierre Lellouche](#) . Text to which the Government was opposed to November!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . In short, I prefer to stay in support for the text referred to by Éric Ciotti instead to concentrate on the rest of his remarks. As we will defeat this motion, it will allow him to come to the heart of the subject, thus approving the project he supported himself! (*Applause on the benches of the CBC group.*)

[Mr. President](#) . We come to the explanations of vote. I call Mr Jean-Jacques Candelier, for the group of the Democratic and Republican Left.

[Mr. Jean-Jacques Candelier](#) . Mr. Prime Minister, Madam Minister of Justice, Ministers, ladies and gentlemen, the complexity of the bill and the very nature of intelligence activities deserve a thorough debate. Rest assured, I shall not

indulge in an indictment! However, members of the Left Front deplore the use of the accelerated procedure.

[Pierre Lellouche](#) . Very good! Me too!

[Mr. Jean-Jacques Candelier](#) . Why use them on this very technical text? Only one month separates the presentation of the Bill in Council of Ministers and its review today. Such a project is worthy of respect for the people we represent, a truly peaceful and thorough review. Especially since a fundamental question arises: that of the protection of civil liberties ...

[Mr. Claude Goasguen](#) . And individual!

[Mr. Jean-Jacques Candelier](#) . ... Of our citizens. The challenge is to balance the need to provide security and the duty to preserve the rights and freedoms. In a country that calls itself the land of human rights, which boasts of granting freedom to think, to learn and to defend its citizens, can we really imagine the establishment of such an intelligence system? Can we leave be established in France fear criticism, comment, to be informed, under pain of being listened to and then stuck? "The opponent of true freedom is an excessive desire for security," said Jean de La Fontaine. Benjamin Franklin also said that: "A people willing to sacrifice a little freedom for a little security deserves neither the one nor the other, and ends up losing both."

[Pierre Lellouche](#) . Absolutely!

[Mr. Jean-Jacques Candelier](#) . A reference text in committee therefore seems useful, even if it is not for the same reasons that Mr. Ciotti, and we will vote the motion for dismissal.

[Pierre Lellouche](#) . Excellent!

[Mr. President](#) . I call Mr Pascal Popelin, for the Socialist Group, Republican and citizen.

[Pascal Popelin](#) . I also admit that I have some difficulty understanding the process that led you to file this motion for referral to committee, Mr Ciotti. In fact, you tend spoke highly of this text, which is not usual in this kind of exercise. You

have indicated that you would vote for this bill, but you do not want to do it right away . There, Mr Ciotti, a paradox as to skim TV studios repeating loop that the Government is not going fast enough and strong enough - you yourself talked about late or time lost earlier - and request the referral of the text in committee - Jean-Jacques Urvoas noted before me.

[Mr. Claude Goasguen](#) . It's a little lighter!

[Pascal Popelin](#) . You will agree that indeed granting your request for referral to committee, we do not hâterions application of provisions you consider by urgent elsewhere. (*Laughter.*) I'm afraid this motion, you have struggled to justify the tribune, that do not respond to political control of the Rue Vaugirard ...

[Mr. Christian Jacob](#) . Tell us about the rue de Solferino!

[Pascal Popelin](#) . ... Where a frontal opposition is recommended, far removed from that famous spirit of January 11, which you have called yourself just now. This motion appears to me as a new episode of continual trial as you strive to educate, no load against the action of the Government, so as permanent as any caricature ...

[Mr. Claude Goasguen](#) . C'mon!

[Pascal Popelin](#) . ... When it comes to safety. And I feel, moreover, that the presence of the Minister of Justice makes you all crazy.

[Mr. Claude Goasguen](#) . Stop doing journalism! It is right here!

[Pascal Popelin](#) . In order not to depart from the rally will that prevailed during the examination of this text in committee, we quickly forget this little interlude in the form of diversion and of course we will vote against this motion, which will allow us to give us the as soon as possible to work and consideration of the text.

*(Applause on the benches of CBC group.)*

[Ms. Marie-Anne Chapdelaine](#) . Very good!

[Pierre Lellouche](#) . What arrogance!

[Mr. President](#) . The call Mr Bruno Le Maire, to the Union for a Popular Movement group.

[Bruno Le Maire](#) . Mr. President, Mr. Prime Minister, ladies and gentlemen ministers, I will first make a brief comment on the issue of national unity, harmony and spirit of January 11. I'm not sure, Mr. Prime Minister, that the reference to François Mitterrand, as we debate a text on wiretapping or conducive to unity and national concord. (*Exclamations on the benches of the CBC group.*)

[Manuel Valls](#) , *Prime Minister* . This is precisely what I said! You did not listen to me!

[Eduardo Rihan Cypel](#) . And you, where were you, Mr. Mayor, when Tarnac?

[Bruno Le Maire](#) . This text on intelligence, then, is it necessary? Yes, Mr. Prime Minister, we need a bill on intelligence. This text is necessary and useful, because it gives a legal framework for administrative activities that, until now, lacked the necessary legal framework. It is useful because it allows to strengthen the capacity of the administrative authorities in the fight against terrorism, which, as all of you have said on the benches of this Assembly, is an absolute necessity. But it must things to be clear, Mr. Prime Minister: the subject of our debate is not whether to be for or against the strengthening of the means of struggle against terrorism. We are all fully committed to the fight against terrorism. We are all committed to provide the Republic of the most effective means of struggle against terrorism and radical Islam that threatens us today as well outside our borders than within them, on our own soil. Our debate - and this is a real debate - concerns that we accept the restrictions to civil liberties to protect ourselves against terrorism. It concerns the restrictions we accept individual freedoms in the fight against terrorism. This debate deserves that we take a little time; he deserves to be questioned two or three core issues. What is the application of the law? Are we confident in the scope, as it has been defined, all public freedoms and all individual freedoms, be preserved? Concerns have arisen even in the French civil society. They are legitimate ...

[Pierre Lellouche](#) . And respectable!

[Bruno Le Maire](#) . ... And we have to respond. Is the National Control Commission today intelligence techniques best suited? Is it now, in its composition, better able to respond to these concerns? I think that deserves debate. Moreover, can we still be completed, also as proposed Éric Ciotti in presenting his motion to refer?

I think so.

For these three reasons - the application of the law, the composition of the National Control Commission and the possibilities of complete law to guarantee public liberties and individual freedoms in our common commitment to the fight against terrorism - we vote for this motion for referral to committee. (*Applause on the benches of the UMP.*)

[Mr. President](#) . I call Mr. Alain Tourret for the radical group, republican, democrat and progressive.

[Alain Tourret](#) . Mr Ciotti, you are a man of conviction, but you are now against type, to the limit of the absurd. (*Smiles.*)

[Pascal Popelin](#) . This is not true!

[Alain Tourret](#) . You say you will vote this bill and, at the same time you refuse to initiate the review, asking its referral to committee. For such a motion, holding the posture, you divide instead of gathering and you break the unanimous momentum of January. However, the best response to our common enemy is our unanimity. But above all, by returning the adoption of this text at Easter or mid-Lent, you finally break the intelligence. (*"Oh!" on the benches of the UMP.*) Because delay the passage of the law, it amounts to remove the means that can provide intelligence. Your motion would make sense if we had pushed all your amendments, but many your amendments were adopted in committee, and you have the opportunity to order more.

[Colette Capdevielle](#) . That's right!

[Alain Turret](#) . All this is completely inconsistent with your motion to refer to committee: either we proceed to consider articles or asked a referral commission. All this, I repeat, is absolutely incomprehensible.

[Mr. Claude Goasguen](#) . This is called parliamentary procedure!

[Alain Turret](#) . What we need, what we claim, is clarity and firmness. That is why we will not vote your motion to refer to committee: it would be a too big service to those who attack us. (*Applause on the benches of RRDP and SRC groups.*)

[Philippe Goujon](#) . This is outrageous and grotesque!

[Mr. President](#) . I call Mr Sergio Coronado, to the environmental group.

[Sergio Coronado](#) . It is true, Mr Ciotti, that figure of speech by which you have requested a referral back to committee was interesting. I must say that even I was a little intrigued and I waited to see if your arguments would convince me. In the end, the ways of the procedure are impenetrable and you do not have me completely convinced. First, because you explained what you want us to debate in committee. Or your proposals, we discussed it, and we have rejected them there a few months already. For three months, you have filled us very opportunistic bills, electoral very ...

[Mr. Claude Goasguen](#) . Who were successful!

[Sergio Coronado](#) . ... Totally concentrated on terrorism, and specifically on the deprivation of nationality. Now you know my position on this, and that's why I will not vote your motion for referral to committee, although the temptation was great - I tell you frankly. The temptation was great, because I ' believes, like my colleague from the GDR group, the accelerated procedure has been chosen for the Government is a foul. As was already the case with the 1991 law, which had been filed on behalf of and by the Prime Minister. We can not want a great debate with society and with the French on the issues that concern us all and, At the same time, limit the duration of debate in Parliament and parliamentarians amputate their prerogatives. We can not want a great debate, a reasoned debate, and use words that hurt, that denigrate, who despise those who do not

share with the guidelines of this text. For all the reasons I have already mentioned I will not vote this motion for referral to committee, but I expect the debate that will allow us to clarify the provisions that are problematic and pose questions to a number of players that can not be suspected of being agitated or being driven by fantasies. They are recognized representatives of the defense of our rights and our freedoms. We have collectively the duty to answer these questions, and I do not think we have so begun to do, since the words used to platform have not always been in this debate. I regret it and I hope that, during the debate that opens the questions find adequate answers. It also will determine my vote.

[Mr. Claude Goasguen](#) and [M. Pierre Lellouche](#) . Very good!

*(Motion for reference to committee vote, was not adopted.)*

## General Discussion

[Mr. President](#) . In the general discussion, I call Mr Jean-Jacques Candelier.

[Mr. Jean-Jacques Candelier](#) . Mr. President, Mr. Prime Minister, Madam Minister of Justice, Minister of Interior, Minister of Defence, Mr. Secretary of State for Relations with Parliament, Mr. Chairman and Rapporteur of the Legislation Committee, Chair of the Defence Committee, Mr. draftsman, dear colleagues, we begin consideration of a text that proposes to define a clear and unified legal framework for intelligence activities. Members of the Left Front have always said that terrorism in all its forms, wherever it occurs and whatever its leaders, should be firmly resisted. Our determination is unwavering. We share the concern of the



Government to provide a legal framework for the activities of intelligence services. We also wish to acknowledge the serious work carried out by MEPs Jean-Jacques and Patrice Urvoas Verchère, who made a report on the evaluation of the legal framework for intelligence services. The complexity of this issue and the nature of intelligence activities deserve a substantive debate, a debate up to the challenge. That is why we deplore the use of the accelerated procedure. Why use them on this very technical text? Only one month separates the presentation of the Council of Ministers bill and its consideration today. Such a project merit, respect for the people we represent, a truly peaceful and thorough review. Especially since a fundamental question arises: that of the protection of civil liberties of our citizens. The challenge is to balance the need to provide security and the duty to preserve the rights and freedoms. The Government considers that this text is balanced, because it conditions the use of surveillance measures to the authorization of the Prime Minister and the control of an independent administrative authority and the State Council. In a state of law, agrees to provide real guarantees, strong and proportionate to violations of freedoms that can lead the missions of intelligence. That said Raymond Carré de Malberg, French jurist? "The police state is one in which the administrative authority may, in a discretionary manner and with a freedom more or less complete decision, apply to citizens all measures which it considers useful to make itself the initiative, to deal with the circumstances and achieve each time the purpose it proposes: the police system is based on the idea that the end is enough to justify the means. "At the police state opposes the rule of law. Now to the details of the text. First, it increases the powers of the intelligence services by allowing them to use certain techniques which are permitted today that in a judicial context: Markup vehicle, public address private places with microphones , capture images in private places, computer data capture and access to the networks of telecom operators. These techniques can be used in areas well beyond terrorism. New causes of action and a more extensive drafting former missions lead to the expansion of the area of intervention of the intelligence

services. In this regard, let me emphasize that the changes made by the Law Commission have neither restricted nor specified their sphere of intervention. Our concerns remain: it is why we will propose amendments. Indeed, in committee, amendments were adopted to the rapporteur's initiative to allow the services to use very intrusive techniques to defend and even promote the economic interests, major scientific and industry of France, as well as major interests its foreign policy. These terms are vague and extensive: what is a "major interest"? Another dear to my heart: the bill refers to the "prevention of collective violence likely to endanger national security." By its vagueness, this motif runs the risk of use of highly intrusive techniques against political activists, associations and trade unions. Ultimately, the sphere of intervention of the intelligence services would be extensive, unjustifiably. To the risks of abuse, we can we oppose. The use numerous and intrusive monitoring techniques in expanded areas will - we are told - strictly supervised by a new independent administrative authority, the National Commission control intelligence techniques, CNCTR, and a procedure under the State Council. However, allow me to doubt that this is enough to guarantee a fair balance between the means employed by intelligence services and infringements of civil liberties. We are not the only ones to think so. Here is a list of organizations that have expressed reservations about this text: the League of Human Rights, Reporters Without Borders, Amnesty International France, the Union of the judiciary, the Union of Magistrates, the Centre for Studies on citizenship, computerization and liberties, network operators - including internet service providers -, the CNIL, the French National Consultative Commission on Human Rights, the Bar of Paris, the CGT Police, the National Council on digital, and the Commissioner for Human Rights of the Council of Europe; not counting the many concerned citizens who have challenged us all. Their opinions have, for now, not heard. There yet has much to be concerned when, across the Atlantic, the *New York Times* as "France, State of supervision". This daily also believes that the bill carries the risk of an "unduly expansive and intrusive government surveillance" of citizens. The authorization procedure for the use of intelligence

gathering techniques is not sufficiently regulated. As perfectly underlines the Union of Magistrates: "Even as he aims to bring our law into line with democratic requirements, the project keeps the Prime Minister at the heart of the intelligence system, actant State power logic the expense of submission to the rule of law. "Indeed, in the authorization procedure, decision-making power is vested in the Prime Minister ...

[Pierre Lellouche](#) . Exactly! And without counterweight!

[Mr. Jean-Jacques Candelier](#) . ... Which is under no obligation to follow the advisory opinion of the National Control Commission intelligence techniques. In addition, in an emergency, the head of intelligence service may authorize the

immediate implementation of technical intelligence gathering by informing, without delay, the Prime Minister and CNCTR. This authorization procedure is not satisfactory to ensure real and independent monitoring of the implementation of information technology. Similarly, the check carried out *retrospectively* by the CNCTR seems insufficient: no time to act n ' is specified, control is limited by the defense secrecy, and the commission has no other means of public inquiry than the annual report. The only real possibility of court proceedings will be left to the Committee of referral to the Council of State. Moreover, this referral will intervene *post* : evil will be done! The text opens the referral to the Council of State to CNCTR and any person having a direct and personal interest - which excludes the associations. We note that the existence of judicial review is a step forward, but we regret the lack of such control. First, the control of the State Council will be made, in practice, very difficult because the procedure will be under the official secrets of the regime: lack of contradictory camera. The State Council will have no discretion on the appropriateness of the classification secret defense information to be transmitted to it.

[Pierre Lellouche](#) . Exactly!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . But no!

[Mr. Jean-Jacques Candelier](#) . Moreover, it is not understandable, as highlighted USM, that the most serious attacks on individual liberty, involving both the violation of privacy and the privacy of the home, are not subject to judicial judge. Yet the principle of the jurisdiction of the ordinary courts for violations of individual freedoms is constitutionally recognized. There is, nevertheless, a positive element: the Law Committee has restricted the use of devices which intercept, in a given area, all communication by imitating the operation of a mobile phone masts; I will return to this point. This bill, however, organize a genuine mass surveillance, without adequate safeguards. How can we agree to follow the US drift?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Precisely not! Quite the contrary!

[Mr. Jean-Jacques Candelier](#) . After the revelations and the promised reform by the White House, the NSA continues its mass spying practices with impunity, to the point that most computers spying in the world! No one can deny the need to better protect our country; but to do that, rather than increasing against the potentially-productive laws, we must give our judicial system as a whole human and material resources. In short, we are firmly opposed to mass surveillance of any form. That is why we want to restrict the scope of intervention of the intelligence services and the number of government services that can make use of information technology. We must reflect on intelligence techniques that must be made legal, and those which must be ordered for use. It should also introduce effective control *a priori* and *a posteriori* to effectively guarantee respect for individual freedoms. Mass surveillance conducted by the US supervisory agencies has led to any concrete results; Yet we should reproduce! In summary, we are firmly opposed to the introduction of mass surveillance of any form. That is why we want to restrict the scope of intervention of the intelligence services, restricting state services that can make use of information technology. We must reflect on intelligence techniques that must be made legal, and those which must be ordered for use. It should also introduce effective control, *a priori* and *a posteriori* , the proposed devices to effectively guarantee to all citizens the respect of individual liberties. We will be very attentive to the evolution of this text, and will consider in our final assessment; we will propose safeguards.

*(Ms. Sandrine Mazetier replaces Mr. Claude Bartolone to the presidency chair.)*

**Chairmanship of Mrs Sandrine Mazetier Vice President**

[Mr. President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . Madam Chair, Madam Minister of Justice, Ministers, Madam President of the Defence Committee, the rapporteurs gentlemen, dear colleagues, this draft intelligence law will be one of the most texts spilled from ink, having raised the most concern - that this concern is sincere and principled. It has been shown to me - as with all of you - this concern; I particularly was the recipient of a number of *tweets* asking me whether I was for or against mass surveillance. It seems to me that such a question deserves more than 140 characters in response; so I will put to good use the five minutes I have to dig this interesting question.

[Lionel Tardy](#) . Submit an article on your *blog*, it will be easier!

[Pascal Popelin](#) . A country like France should he be endowed with intelligence? As our rapporteur, I say clearly: yes, because it is a sovereignty tool. The existence of such services, the objectives assigned to them and the resources they are given, they should be enshrined in law? My answer is still yes. This requirement applies to any modern democracy; Gold France is lagging behind true that view; it is our responsibility to fill the, both for ourselves and vis-à-vis the international and European law. Our intelligence services should they be able to act on all the technical and technological means used by those who have to draft attempt on the safety or interests of France and the French? Again, I say yes without hesitation. These tools they pose a risk to privacy? By nature, undoubtedly; so their use must be framed by rules and strictly controlled. Who should take up this control? With regard to administrative police actions implemented to prevent crimes before they are committed, the formula of a control of an independent administrative authority and a judgment by the highest administrative court our country, namely the Council of State, seems to me entirely appropriate from the standpoint of the principles of our law. The experience of the National Control Commission security interceptions, the CNCIS, created by the Act of 10 July 1991 demonstrates its effectiveness in civil liberties. The procedure governing security interceptions in an administrative capacity does not seem framed or less controlled than that which sets the

conditions for realization of plays commissioned by the judicial authority. All Paul Bismuth of the world, their advocates and judges with whom they trade or not, we have offered an interesting look at the question! It is by drawing on the principles underlying action that were CNCIS designed extended prerogatives, not diminished, the future CNCTR, the Law Commission has further increased the powers and investigative possibilities. Probes and algorithms, which some refer to as the disturbing term of "black box", also provoked a stir. These practices are currently used in a massive way by private entities to sell, for example, detergent, or any other possible and imaginable product. They are allowed in this framework, and public power, it should go without trying to flush out criminals?

Is this reasonable?

Especially - need I elaborate? - That the investigations that the bill proposes to allow not allow to monitor content - unless the services have a valid reason to do so, and have specific permissions - only the connection data, the Unlike commercial practices that I have just mentioned. I have followed closely the development of this text. My belief is that it combines a fair and balanced way two imperatives: on the one hand, our duty to give the State the means to protect us face the multifaceted threats to which there is no need to insist, as we all know them -; secondly, the urgent need to ensure the protection of civil liberties. To find this difficult balance, the best way is to legislate. I thank the President of the Republic, who wanted that text; the Government, which has had the courage to wear it; our rapporteur, Jean-Jacques Urvoas, that inspired, and has

significantly changed; our colleagues of all groups who have worked to improve substantially in committee. It is our responsibility to continue this work together in public. . Within this framework, I will carry on behalf of the Socialist Group, Republican and citizen, some kind of amendments to further strengthen the independence of the CNCTR and specify retention periods of the collected data remains a question: what use government animated by authoritarian desires could he do such a law, despite all the safeguards we have matched? It seems to me that this is a false issue: if for the greatest misfortune of France and the French, such a government comes to power, it does embarrass any legal constraint; the National Revolution of 1940 brought us a cruel example. Those they called terrorists, the Republic honored them as resistant.

[Mr. Jacques Myard](#) . Eh yes!

[Pascal Popelin](#) . The only way to address this risk therefore lies not in legislation but in the fight without weakness that must unite all defenders of democracy and freedom. (*Applause on the benches of the CBC group.*)

[Mr. President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . Madam Chair, minister of justice, minister of the interior, minister of defense, colleagues, there are moments in the life of a parliamentarian, where you have to know not only ride at the podium, but to rise above the controversy of Café du Commerce. The text we are considering has not appeared once; it comes from multiple reflections, conducted under various governments. I remind you that it was President Sarkozy who created the parliamentary delegation to intelligence, which I have the honor to belong, and which has been strengthened during this legislature. It is clear that this text answers several needs. We must give our services a legal framework: it is an absolute necessity that the Rapporteur, Jean-Jacques Urvoas has underlined earlier. You know that the ECHR has issued decisions on this subject, particularly on the basis of Article 8 of the European Convention on Human



Rights and Fundamental Freedoms. Thus Romania was condemned because its legislation was not precise enough and not enough proportionate. In short, it is clear that we need to regulate the action of our intelligence services, not hide behind our finger on the grounds of secrecy. Above all, we must not consider that the activities of intelligence services is the barbouzerie! We can never say it enough: the information is a public service acting under a public policy necessary to all democracies, to address multiple threats they face, and to which I shall return later. Second, it is clear that this text takes into account the evolution of technology. We know that the 1991 law, which was very well written, has long helped to address threats and has evolved to reflect changes in technology. In passing, I note with some stunning criticize certain technological facilities data services, while these same facilities exist in the private domain and may be used by pharmacies without any control and at the expense of our freedoms. I think it is entirely legitimate to give services the opportunity to use a number of modern technologies, as it is called, in a anglicism forced the *international mobile subscriber identity* - IMSI - *catcher* , who allow "catch" the numbers of all SIM cards of the surroundings, since these technologies can be used by private pharmacies. In addition, I stress, this text is a step forward for the litigant - I say what I think - for the control by the CNCTR will be strengthened. It will then enter the specialized training of the State Council. This raises of course the question of the presence or absence of members in the CNCTR. Personally, I think it will work full-time. Some of my colleagues in the UMP group think that the presence of deputies is required. The question remains open and we will be debating. What is certain is that for the first time, individual petitions before the Council of State or preliminary rulings are possible, which obviously strengthens civil liberties. Mr. the interior minister and the minister of defense are aware, the threat takes many forms, such as cyber attacks or terrorism - on this last point, the text provides to give powers to the well supervised and CNCTR services. The bill reserves specific treatment for terrorism but there has also organized crime or against espionage. It would be wrong to believe that other states, including our

European partners and allies, never make any espionage operations in the country. Our services are recognized by the text as a public service. The heads of these services, we had the opportunity to meet, we have also always said that they were conducting a public service mission. I remind those who criticize the text that the first public release of the French, it is not to be shredded by a bomb planted in the corner. And that is priceless.

[Alain Marsaud](#) . Very good!

[Madam President](#) . The call Mr Hervé Morin.

[Hervé Morin](#) . Madam Chair, Madam Minister, Ministers, Mr. Chairman and Rapporteur of the Law Committee, Chair of the National Defence and Armed Forces Committee, Mr. draftsman, colleagues, intelligence is an act of sovereignty par excellence. It is therefore within the law. But since the 1991 law Rocard, France has made only evolve margin its legislation on interceptions as if the techniques and technologies were moved at the margin. The digital, internet , telephones, laptop computers, social networks, all this will not or hardly existed in 1990. And yet, in our texts and in our speech, we still often talk about listening as if nothing had changed, while new technologies allow, it is obvious, to put in place particularly intrusive devices in them and carrying potentially profound violations of privacy and individual liberties. Criminals and terrorists, foreign intelligence services, private agencies possibly sponsored by large groups, have

means of communication technologies - I almost said working means - which are not commensurate with what the legislation provided to counteract them. Of course, our services have adapted. Programming the laws have increased considerably the means of intelligence - 700 positions at the DGSE when I was minister of defense - and, at the same time, the National Control Commission has developed its case law for s' adapt to that. But clearly, it was necessary to have a legislative and regulatory framework for new legally sit methods and practices already in place. Yes, it was a text, but I add it not because these practices and techniques exist that should not be a strict supervision and very protective of our fundamental freedoms. Rather, it is because we know that they exist it is necessary. First, let us say, given the scale of devices and intervention fields provided, this text s' apparent become a *Patriot Act* in French, whatever the Government claims to the contrary, even if we do not go as far as the Americans.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . But no! This is staggering!

[Hervé Morin](#) . We must keep in mind the consequences of the *Patriot Act* US, which led to the arrest without good reason 70 000 people, and because there was not the necessary checks on the intelligence services.

[Pascal Cherki](#) . That's right!

[Hervé Morin](#) . This bill gives effect to new ways to fight against terrorism but it goes well beyond Mr. Ciotti, the only field of the fight against terrorism. This is not a bill on terrorism but on intelligence.

[Pascal Cherki](#) . That's right!

[Hervé Morin](#) . My first criticism is that, I said in committee, the scope of interceptions. With the amendments adopted, interceptions or less cover the whole field of national life. To take a few examples, the protection of European commitments of France, the defense of economic interests "essential" rather than "major", fight against organized crimes, without a floor trouble, the risks associated with collective violence, are all fields for serious injury to our liberties if the means used are in the hands of bad people.

[Pascal Cherki](#) . That's right!

[Hervé Morin](#) . I hear the argument that interception fields were already open by tapping law. I understand that we should protect ourselves from the economic intelligence but I also understand that with such a spectrum, one can easily legitimize interceptions intrusion into private life is now much more violent than the only way of wiretapping. When the techniques can penetrate your personal computer, monitor your keyboard even when the computer is not plugged back in your box *mail address* , when you can develop devices that capture all connections in a space given, it is far from the only plug to wiretap an individual suspected.

[Mr. Jean-Jacques Candelier](#) . Right!

[Hervé Morin](#) . I take one example, since we are in the National Assembly: if one of us, Member of the Defence Committee, meeting Israeli industrialists, American or Russian, can we legitimately consider that it could prejudice its essential economic interests of the nation and as such be tapped in the broadest sense? What I say for a member may also be valid for journalists, economic actors or for any citizen. It will be objected that there is the opinion of the National Commission. Yes, but can in some cases be exempted in; this is where the problem lies and that is the purpose of my second criticism. Regarding interceptions emergency, I understand that between the text of the Government, that of the Commission and the new amendment of the commission, the device has evolved. But I insist on the question of urgency because it seems absolutely essential. It explains how as it takes just give service to operate efficiently, which

requires a very limited number of cases to provide the emergency. Except we forget to say that this emergency procedure, which removes the prior opinion of the Commission, let alone led to Prime Minister considers placing on interception.

[Mr. Jean-Jacques Candelier](#) . Right!

[Hervé Morin](#) . I understand that there will be two types of emergencies: the absolute urgency and operational emergency, with different interception resources that can be implemented. I want to take the time to understand all this, but I say again that I do not see how the Prime Minister's decision, which necessarily will occur after an administrative process, would prevent the National Commission in parallel is entered. Just put in place is an on-call system within the Commission or an implicit acceptance authorization scheme if no answer or, better yet, to provide a system of prior authorization from targets determined in advance as to be subject to rapid technical response. In any case, ladies and gentlemen ministers, I do not want the law favors the organization of the emergency to rule the notice of the Commission. I have no doubt that you and the members of government or head of state will have no intention to circumvent the law, but we legislate for long time for the powers that will succeed and a period of political instability.

[Mr. Jean-Jacques Candelier](#) . Very just!

[Hervé Morin](#) . I do not want the law, falling into the wrong hands, or an instrument that undermines our fundamental freedoms. For I say calmly but resolutely, this text is not an innocuous text: it is putting exceptional procedures in the field of common law.

[Mr. Jean-Jacques Candelier](#) . It may be dangerous!

[Hervé Morin](#) . May I remind you that a former Head of State, who had yet written *The Standing coup* , had not hesitated to wiretap lawyers, journalists and actors for well external to the interests of the State and security of the French? Sorry to say even if it shall strike in a few, I'll always have a doubt about the ability of a

central administration director to resist the call of a President of the Republic or the Prime Minister on behalf of the emergency, request an interception whose foundation is nevertheless particularly doubtful.

[Eduardo Rihan Cypel](#) . This is why the text provides for the intervention of CNCTR and the Council of State!

[Hervé Morin](#) . I have other grievances that I will have the opportunity to discuss during the hearing, including the protection of personal data, which is absent from the text. But I would like to address a third point, which is perhaps even more important. There upstream interception with the authorization of the Commission, but it also has the endorsement of the interception: conservation data and file constitution. The first absolutely essential safeguard is that all intercepted elements can be controlled easily and at any time by the National Commission. There must be total traceability and the possibility of permanent control by the latter. Clearly, interceptions must be concentrated in one place and accessible at any time to verify that the data collected are properly in accordance with the authorization granted by the Prime Minister. The second safeguard imperative, Minister of Inside is made control of files and data recorded with it. I objected when I was in government, EDVIGE file: it was considered that, for security reasons, could enroll in the heritage file, the car or sexual orientation of a given socio-responsible professional. The technological processes for trawling information, open the right by law to wiretap people unwittingly and indirectly associated with criminal risks and the possible establishment of algorithms that called a strange expression "capture weak signals", it is absolutely essential that the CNIL or any other independent body to have access to all police files, files CRISTINA *and Co* and others. Madam Minister, honorable ministers, France and the French need to be protected, but they also need to see their democracy protected over the long term: in 2015 and in the years and decades to come. Democracy is not the weakness of the power or impotence of the organization, but it is the introduction to new powers legitimately attributed to the executive, against powers as strong as new supervisory powers. With the possible hyper-

monitoring must match the development of hyper-control means of monitoring, only bulwark against arbitrariness. So I just ask you to approach carefully the three topics that I have mentioned. For my part, I will not vote this bill that if at the end of the examination of the text, new guarantees are made to protect our freedoms. Indeed, France and the French must be protected but they are not meant to live in the coming decades in a surveillance society. (*Applause on the benches of IDU group and several benches of the UMP.*)

[Sergio Coronado](#) and [M. Pascal Cherki](#) . Very good!

[Madam President](#) . I call Mr. Alain Tourret.

[Alain Tourret](#) . Madam Chair, ladies and gentlemen Ministers, Mr. Chairman of the Law Committee, Mr. Reporter, this law is not an ordinary statute.

[Lionel Tardy](#) . Oh, that!

[Alain Tourret](#) . This law is not a law of expediency. Intelligence is indeed intrinsically involved in the police: the more a state is, the more a state is centralized, and more power is based on intelligence. And it is true that individual protection - the *human rights* - . are particularly reinforced in Anglo-Saxon countries, unlike a country like France France is a democracy yet that relies on a diet and a centralized Jacobin Republic. That is why the information is, therefore, intrinsically involved in the police and the state, a situation that is only strengthened with the election of the President of the Republic by universal suffrage. Admittedly, the tradition goes way back: Louis XIV and his lieutenant general of police, La Regnie, but especially Fouche, which we recalled the

memory. Just to be convinced to read Stefan Zweig, Jean Tulard, or Emmanuel Waresquiel. Fouche was able to organize the police headquarters and the Ministry of Police. His spies, often former Jacobins who served him as the Terror, were everywhere with their plays and proved extremely effective. Just remember the effectiveness of their actions during the attack in the Rue Saint-Nicaise. And it's not for nothing that speaks of Fouche Waresquiel saying "the octopus". Intelligence, so the octopus. The intelligence symbol is, then, an eye: that says it all. Especially when accompanied by the motto recalled by Tulard: it is never wrong here when one calls into freedom. The information will, of course, over time, build on the plays. The supports are innumerable, nonexistent controls: State reason is omnipotent. Everyone has in mind the diverting of state services, obeying the order of a former President of the Republic for personal or private purposes. Hundreds of people were then heard, and all the emotions that they belonged more especially, some of the film world, or at all Paris. France then decided to regulate its intelligence services, in particular after the attacks of 11 September 2001. But as our President opportunely recalled Urvoas, the genesis of this text is earlier than 2001, as, moreover, to the attacks of March 2015. As to the Merah case, she put in evidence that the information had been faulty and that members of the intelligence services did not have, probably, a sufficiently large legal framework to do their share. Our text goes well beyond concerns of terrorism and, in particular, while the economic sector, as it is true that our companies are plundered by predators that are often allies. I remember about that a former prefect of Normandy, now prefect of the North, in Lille, who drew our attention very often this economic plunder. Let's face it: the scope of the bill is extremely wide with seven goals therein. His definitions are very broad. Or violations of freedoms and limitations must be assessed *strictly speaking*, it admits also the rapporteur. We can only follow the Defender of Rights when he stresses that the law must be of sufficient clarity and precision to provide individuals with adequate protection against the risk of abuse of the executive in the use of technical intelligence. The nature of the measures that could be



implemented within the framework of project information relating to law implies strong requirements predictability of the law. It is indeed true that the intrusion in the right to respect for privacy are inherently serious injury. They must therefore be based on provisions to be even more clear as the technology perfect. The Court of Justice of the European Union has ruled to that effect in a very interesting judgment of 8 April 2014, *Digital rights and Ireland Seitlinger* censoring Directive 2006/24 / EC of 15 March 2006 on the retention of data generated or processed in connection with the provision of electronic communications services available to the public or of public communications networks. The interpretation, we are told, must be even stricter than the law does not sufficiently specify the categories of persons likely to be affected by the activities of intelligence, which is contrary to European case law. But affirm it: this law is not dangerous. It is not because it meets itself in most arguments, emphasizing excellent control will be organized by the National Control Commission technical intelligence, the CNCTR, thanks to a specialized court in the Council of State. This will be the administrative court, which, in this area, will be the natural judge of freedoms. Ironically, someone remarked that he would rather be judged by Mr. Sauv e than Ms. Joly. But, maybe our friend Mr. Coronado is of a different opinion ... So we have to respect the principles defined by Article 2 of the Declaration of Human and Civic Rights, which guarantees the confidentiality of correspondence and inviolability of the home, but recognizes also the validity of exceptions to these principles in cases of public interest, within limits set by law and respect the principle of proportionality, which is not emphasized . insufficient The CNCTR is the cornerstone of the law: it will be composed of judges, experts and elected officials, especially former elected officials, as their task will be involved. President Urvoas First Instance noted that it was a full-time job that would be asked, and I do not see how a member can, by definition, work full time for this committee. With a text enriched by numerous amendments, the scope will be tightened, with the determination of persons covered by a specific treatment, whether lawyers, judges, journalists, and, of

course, Parliament. This law has nothing to do with any *Patriot Act* American.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Very good!

[Alain Tourret](#) . However beware intelligence because intelligence is the CIA. The intelligence, the KGB. The information is also Putin. And these are not the resorts for Bears.

[Mr. Jacques Myard](#) . That's obvious.

[Alain Tourret](#) . The information shall not constitute an autonomous force. It should blend in the Republic to better defend it. Some additional observations: with regard to the shelf life of documents or files, the longer will be, the less the proportionality principle will be respected. The risks of use for their questionable purposes will be great. Second observation on the conservation of terrorist file: it is quite useful to have such a file. But, Madam seals custody, duration of forty years seems to me incomprehensible. It has no reference in our code or our customs. It appears much too long, and, in my opinion, it will be sanctioned with European case law. Should, moreover, to the prison administration an intelligence vector control? This is a question. We know that prison is a school for crime. But I think it would not correspond to the vocation of the prison administration to behave as intelligence officer.

[Pascal Cherki](#) . Very much so!

[Alain Tourret](#) . So yes, this law is useful and balanced: the benefits far outweigh the disadvantages and restrictions of liberties. This text will, I hope, voted by the majority and the opposition. More consensus will be, the better the response will be included Republicans against those who attack the Republic, then, against all terrorists. That is why the radicals, the son of Clemenceau who are convinced that there is no freedom without security, it will vote happily amended text as it strengthens the rule of law and reassures citizens.

*(Laurence Dumont replaces Mrs. Sandrine Mazetier to the presidency chair.)*

**Chairmanship of Mrs. Laurence Dumont Vice President**

[Madam President](#) . I call Mr Sergio Coronado.

[Sergio Coronado](#) . Madam Chair, Madam Minister of Justice, Ministers, distinguished rapporteurs, my colleagues, the draft law on the information that is subject to the scrutiny of Parliament is not a text of circumstance. The need for supervision of the activities of the intelligence community is an emergency and,

moreover, an urgent need. It is indeed true that our country lags behind the other Western democracies. The report presented by the rapporteur highlights it and rightly points out, the intelligence services now have fragmented legal means, from a slow sedimentation laws, without a framework. There is the Law of 10 July 1991, which provides a legal framework to security interceptions, that of 23 January 2006 on access to connection data for the prevention of terrorism, and that of 18 December 2013 that unifies access to connection data systems and geolocation in real time, and finally, the laws of 2012 and by December 2014 for the fight against terrorism, not to mention Article 20 of the law on military programming and a unified system of administrative collection of connection data. The Emergency legislation is therefore a reality. Subtract a number of practices to be unlawful and gray areas, as they say, is a necessity. Legalize all practices, is, for all that, a good decision? Are we sure that the framework proposed today tomorrow prohibit drift? Are we sure that all practices and all monitoring devices that will exist tomorrow framed by the text that we are discussing? Legalize practices courses they make it more effective? The she puts an end to technical malfunctions services that have played an extremely important role in the failure to capture those and those who committed the attacks of January? Reading a daily evening led me to doubt seriously.

[Mr. Jacques Myard](#) . We must not read it!

[Sergio Coronado](#) . A framework law would even have been necessary, but that choice was not done. It is therefore a text that does not limit itself to the fight against terrorism, but which aims larger fields - economic, political, diplomatic. - Social organization and our institutions must be noted that bad habits create a

tradition, and it is regrettable. The 1991 text on security interceptions, already submitted by and on behalf of the Prime Minister, had also been examined in an expedited procedure. And since you have much quoted, Mr. Rapporteur, allow me to quote myself. I remember, Mr. Chairman of the Law Committee, in a letter to President Bartolone, you regret, rightly, that with the accelerated procedure the French are deprived of the conditions for a genuine public debate and a serene parliamentary debate. "Ultimately, it is the Parliament as a whole that suffers, because such examination conditions do not allow parliamentarians to work satisfactorily," you write. And in a note on the agony of the Parliament you souligniez about the same mechanism that it "is so often applied since the beginning of the XIII<sup>th</sup> legislature that would almost consider it as an ordinary tool. " You add: "Because she flange Parliament's ability to hold within it the shuttle, such a power, in the spirit of the settlor should only be exceptional." You regret, finally, that "this procedure has become a commodity whose government abuse." You dénonciez under the previous majority, and you'll see the shadow of a president who did not like the Parliament. It is sad that the majority of today denounced when it was in opposition yesterday has become common practice. On a text of such importance, consideration to the charge organized by the expedited procedure a mistake, I said, almost a fault.

[Mr. Jacques Myard](#) . You do not say that for the wedding for everyone!

[Sergio Coronado](#) . Colleagues, strengthen and supervise the intelligence services need to reconcile the effectiveness of safety and requirements of democratic legitimacy. And it is true that the equation is not simple and that the border monitoring and control is sometimes tenuous. Judges, lawyers and

associations, but also some actors of the digital economy, legitimately concerned about the consequences of the text. Nils Muižnieks, the Commissioner of Human Rights of the Council of Europe, denounced "a dangerous social climate in which everyone can be considered a potential suspect." The CNIL is concerned about the "much more broad and intrusive surveillance measures" and questions the control of these files. The text being debated and this debate must be the part of the Government and the rapporteur of consideration and precise answers. The qualifiers are not that denigrate a good invitation to a calm debate. The reading of this bill shows that it actually contains two major components, which is sometimes a tendency to confuse. The first organizes the administrative framework and Legal which must now regulate the activities of state services. This component could in itself justify a law. It has yet to be clarified. The goals need further clarification. This is the meaning of a number of amendments tabled by the environmental group both on the perimeter of the objectives assigned to intelligence services and the composition of the future CNCTR. The second part describes some special techniques and organizes their implementation and control. The provisions concerning the new possibilities of technical intelligence gathering are clearly cyclical responses to events and the terrorist threat, and opportunity as their effectiveness should be discussed. If adopted, they would also certainly revised texts later, as it is true that the techniques and their use in these areas are evolving frameworks, as also pointed out the example of the collection of metadata, including the legislative scheme has several times changed since the 2006 law against terrorism up 'to this bill, through the military program law passed last year. This is probably the meaning of the assessment announced by the Prime Minister earlier in the tribune. Conversely, the provisions of article 1<sup>st</sup> of the bill, which establishes a general framework Intelligence State are structuring rules, designed and debated in recent years, not very large committee but particularly in the rapporteur's leadership, rules that are intended to a degree of continuity. On the new possibilities of technical intelligence gathering, the debate is lively and it is justified. The Government

does not want to organize a mass surveillance, we are told.

Either. The fact remains that the technical tools that are included in this text represent opportunities for technical data collection, metadata very large, if not mass. From this point of view, the opinion made by the joint committee on digital freedoms, to which I belong and which has been established by the President of the National Assembly, is enlightening. In its recommendation on the bill, the commission of reflection and proposals warned against the risk of going step by step, targeted surveillance to widespread surveillance. Recall that the legalization of previously little framed surveillance practices should not be an opportunity to extend to excess the scope of the surveillance, unless jeopardize the balance between the fundamental freedoms to be protected. The fundamental nature of the right to protection of personal data and the necessary subsidiarity of all surveillance, which requires limiting the violations of individual freedoms in cases where the aim can not be achieved by other means less intrusive, have been particularly highlighted by the Commission as it is important that intelligence

activities are proportionate to a limited and precisely defined purposes.

Colleagues, this text significantly expands the current field of security and administrative metadata collection interceptions. For security interceptions, the text extends well beyond these interceptions either, as now, the only people who have a personal and direct connection to an alleged violation, but to all persons belonging to the person referred entourage when they are likely to play an intermediary role, voluntary or not, on behalf of it or provide information on one of the purposes of the interception. This bill amends the technical conditions of use of current and allows to use new features previously reserved for judicial police. For all purposes of intelligence activities, the text allows the administrative geolocation in real time of a person, a vehicle or of an object, and use during the operation of mobile devices direct uptake proximity of some of the metadata with said device *IMSI catcher* . It allows also, using the probes, for the sole purpose of the prevention of terrorism, the real-time collection, on the networks of electronic communications operators, people connection data previously identified as posing a threat. There ' is not expected that these administrative arrangements are accompanied by guarantees equivalent to those provided for professions protected by the code of criminal procedure when they are implemented in a judicial context. This is also a point that needs to be clarified during the debate. In addition, for purposes of preventing terrorism, the text allows the operation by electronic communications operators and service providers, information and documents processed by their networks, with the detection of weak signals by installing black boxes in the operators in order to reveal a terrorist threat on the sole basis of automated processing of anonymous elements. But the preventive use of probes and algorithms configured to collect and largely automated anonymous data to detect a terrorist threat causes justified and legitimate concerns. The argument that this surveillance focuses initially on anonymous data processed automatically and algorithmically, does not offer sufficient guarantees. Recall also that the data sometimes deliver more information than the contents themselves. The text also includes ten days to a month shelf life



interceptions, an increase which was however rejected during the debate on the law strengthening provisions relating to the fight against terrorism. The shelf life of technical connection data collected by intelligence services is also increased from three to five years. The use of these new technologies is thus creating reasoned opposition, not fantasy. Other provisions can not remain in the state, the establishment of criminal immunity for officials acting abroad, weakening of control guarantees since the monitoring of flows with regard abroad, or the absence of guarantees for protected professions, the shelf life and the establishment of files. Similarly, we do not consider that the possibility of appeal, as claim and then before a special bench of the State Council, are actually effective. Finally, assimilate the prison administration to an intelligence service is a perilous path. We have a few days to improve the text, ensuring a fair balance between security and safeguarding liberties. Our vote will depend on Parliament's ability to change the text.

[Madam President](#) . I call Mr. Eduardo Rihan Cypel.

[Eduardo Rihan Cypel](#) . Madam Chair, Madam, Ministers, dear colleagues, we look from today a very important law for the institutions of the French Republic. This is a law on intelligence, it is not a new law on terrorism. The fight against terrorism naturally concerns the work of the intelligence services. It also represents, if I understood the minister of the interior, nearly 50% of the activity of internal security. Intelligence is a great activity that involved the sovereignty of our country. This is a public policy, a state policy. The information must help the political authority to decide on all issues that affect national sovereignty. It especially helps to ensure strategic independence of our country, along with other operational means, other means to ensure the independence and strategic autonomy of France. The law on intelligence is a great law because it finally gives a legal framework for intelligence activities. The 1991 law was important but it does not of course take into account technological developments and the reality of today's world. With this law on intelligence, we take into account the strategic context, technological developments and the legal reality, which was not the case until now. To protect our national sovereignty, we must face the realities of world today. The risks and threats have indeed evolved, due to the

geostrategic context of new threats, including international terrorism and cyber-terrorism, and technological, which allows to wear very high level of attacks against critical infrastructure. The attack against the public channel TV5 Monde is only an illustration of what can be today's cyber-war. Since the White Paper on Defence and National Security of 2008, we placed the information, this function "knowledge and anticipation", in the heart of the interests of the nation. A great democratic nation must have the capacity to make decisions in full knowledge of the face of a reality that concern. We are facing threats, terrorist threats well course, but also espionage or threats in terms of economic intelligence. There is an economic war, in fact, and we need to protect important economic interests of the nation as its industrial interests, his scientific interests and all of which allows our country to be at the forefront of some number of areas. Moreover, we feel that some of our critics may also want to prevent us from protecting these major economic interests, our scientific interests. We must not be naive face the strategies of interference, influence, and we should not be trapped by those who would prevent France to protect its economic interests, industry and scientists involved in the country's competitiveness and we can create many jobs. Intelligence is a noble activity, and we must give this dimension to intelligence services in all their diversity, internal intelligence, external intelligence, intelligence who with Tracfin, to protect the interests Economic and fight against organized crime. Today, threats to France are those facing all democracies, and this battle, we have to be first in line to be able to win. I note in passing that also thanks to our intelligence that President Chirac, in his time, was able to autonomously and independently the decision not to involve France in Iraq despite the big lie made the whole nation. It is through the leadership of military intelligence, DRM, which as I pay tribute to all the intelligence in the service of the Republic, our country has not engaged in a war that n had no basis. Today, I listen like everyone all the criticisms and observations made to the text. They are legitimate, but they are unfounded. Ladies and gentlemen ministers, you propose in this text a legal framework for intelligence services. It is a democratic

breakthrough. I am born in a country that, at the time, was under the authoritarian rule of a military dictatorship, I fully appreciate what it means to mass surveillance or political intelligence. With this text we endiguons any possibility of political manipulation of intelligence. It's a great step forward for our Republic.  
*(Applause on the benches of the CBC group.)*

[Pierre Lellouche](#) . God hear you!

[Madam President](#) . I call Mr Christian Estrosi.

[Mr. Christian Estrosi](#) . Madam Chair, Madam, Ministers, ladies and gentlemen, it took there seventeen deaths and attacks of 7 and 9 January and that a military target is taken to Nice for 3 February for all political groups finally become aware

of the need to strengthen the means of action of our intelligence services. Yes, admittedly, this project presents steps in the right direction, and that things are clear I will vote without reservations, but let's be honest. It was not until more than four months for the Government to present a text which simply make legal procedures that were already used in practice by the intelligence services Yes, j considers that this text does not go far enough. I say this with gravity, there is an urgent need to give up some freedoms to safeguard freedom. Those who today claim that nothing should be done, those who are either timid or hesitant play with the inalienable right of every French to live individually and collectively safe. We must finish with half measures, postures, the slogans and the effects of communication and courageously take drastic measures. We are at war against enemies who have sworn to destroy us, enemies who kidnap, rape and kill. This is a death struggle, a struggle for the survival of each of our fellow citizens, our nation, our great democracies. It's just a struggle to preserve our civilization. I repeat here before you, without hesitation, the famous formula of 1789 revolutionaries "No freedom for the enemies of freedom! "No freedom for the jihadists apprentices! No freedom for fanatics! No freedom for Islamo-fascists! That is why I regret that your bill is only interested only information. It is the set of political security and the criminal justice system must be reformed to better protect against this new war. Preventing terrorist risk also involves the fight against everyday crime. The Government wishes to raise his voice against terrorism, but the daily crime explodes in our territory by developing areas of lawlessness. But these are the main breeding ground of terrorism, including recruitment proliferates in a general climate of delinquency. Your criminal policy, which does not meet the needs of the security forces are exhausted, encourages delinquency. It does not prevent the development of drug networks and money supply from multiple sources. Terrorism is just finance with this crime! It is striking as you hit the delinquency terrorism and its development in our territory. This project does not reinforce the judicial authority. The fight against terrorism also involves the building. Now, after having weakened your legal arsenal,

removing minimum sentences against repeat offenders or introducing held in sentencing and probation instead of prison sentences, your project has no measure on justice, nor any security measure or retention. Once again, you refuse to adapt to the realities of the criminal justice system. This refusal could result in the futility of the measures you presented today. In an amendment, I propose to develop a single file containing the identity of individuals prosecuted for terrorism or potentially related to a terrorist enterprise. We must create an offense of participation in a terrorist enterprise, when a body of consistent evidence can let fear a risk of acting out. If our intelligence services are very effective - I wish to pay tribute here - we see that they lack the legal tools. We had also discussed together, minister of the interior, minister of national defense, when Republican momentum you had brought in Nice, when he had to act against a Moussa Coulibaly, monitored, was about to take action, but which had not yet committed any physical act. The judiciary must have the opportunity to issue a preventive detention for perpetrators of acts of terrorism. We must put in place specific neighborhoods in prisons for terrorists beyond words, we must also significantly strengthen human and material resources of our domestic intelligence services. But on this point, your bill does not give itself the means of ambition that you post. Faced with the threat of terrorism, the Republic must be strong. It should not bend and it must have the means to fight this new war on our territory as well as internationally. In this connection, I sometimes wonder about the diplomatic policy of our country. We refuse to deliver two Mistral to Russia, ...

[Mr. Jacques Myard](#) . Very much so!

[Alain Marsaud](#) . Very good!

[Mr. Christian Estrosi](#) . ... Which is an ally in the fight against terrorism, but we want to sell the Rafale to Egypt, while the strength of its diet is not guaranteed. Tomorrow, after a new turn of events, the Muslim Brotherhood could use against us weapons sold. I really do not understand the diplomatic policy of our country! Another example: in July 2014, demonstrations were allowed allegedly for Palestine, while these events allow us to identify a number of jihadists who participated.

[Pascal Popelin](#) . The demonstrations are not subject to authorization in France!

[Mr. Christian Estrosi](#) . Strengthening the state's authority must go even further. This is the essential condition to ensure maximum safety of French men and women, protection of our values and defend our democracy. This is what the French expect from your government. (*Applause on the benches of the UMP.*)

[Madam President](#) . I call Mrs. Marion Maréchal-Le Pen.

[Ms. Marion Maréchal-Le Pen](#) . Madam Chair, Madam Minister, Ministers, dear colleagues, "this bill is dangerous to our liberties and our democracy." This is not me saying it, it is the anti-terrorist judge Marc Trevidic. Presented as the response to the attacks in January, as if to sweeten the pill, this project actually deals only partially with the terrorist issue. The recent report of our colleagues Senators yet alert on the worsening of the Islamist peril: 1432 French jihadists were reported last month. European leader of the Islamic State, our country recorded a doubling of our citizens in the Syrian and Iraqi branches over the last

year and an increase of 84% of French present on the combat zones. Salafist mosques, terrorist breeding ground, have doubled in five years in our territory. You plan in this text seven goals to extend intelligence techniques including prevention of "outrages against the republican form of institutions" and "collective violence likely to cause serious harm to the public peace ". This particularly vague formulation greatly increases the information monitoring scope, far beyond the terrorist threat, which then becomes a pretext for political surveillance. Just to be convinced to listen to the interior minister in committee evoking identity movement as a potential target of this arbitrary surveillance, thereby forgetting that all violence and degradation in recent years are the result of small groups extreme left. Understand my concern when I see the vehemence of what the Prime Minister held abroad and in France with regard to the National Front, while the bill makes this same Prime Minister the final decision maker This under surveillance that escapes the judge's decision. Obviously, the Government will explain that there is no question but everything is planned in this text to switch political criminal intelligence information. It is intolerable in a state of law, to allow such attacks to privacy of citizens. Other goals are no exception to this blur and become an openness to any abuse. It would have taken *a minimum* to retain the concept of "vital interest" in committee replaced by "major interest" to justify such state power which, put into the wrong hands, raised fears of a State " *Big brother* ". Login data collection techniques are significantly expanded. Services will benefit from real-time access to the networks of telecom operators ...

[Pascal Popelin](#) . Technology advances!

[Ms. Marion Maréchal-Le Pen](#) . ... And Webhost density to retrieve information, such as phone numbers, address, location or detailed correspondences. You go even further than the military planning law, creating a self-service information



which will enable the direct and massive aspiration of data. The algorithm and near the technical devices pave the widespread surveillance of communications networks: consultation, interceptions, diversion of correspondence and geolocation equipment. As stated by the CNIL, anonymity as you go is a lie. As for the plays provided in the security intercepts, they can be extended to persons likely to play an intermediary role, voluntary or not, for the nobody listened. It is therefore the social, digital sound and an individual who will be drawn, which will be a widespread espionage lever. The creation of national security interceptions Control Board is an administrative lure that has the sole purpose of appeasing the legitimate concerns of the French. Its opinions are not binding: whatever the decision, it is the prime minister that return all powers. The CNCTR must investigate and not contemplate. However, it is clear the weakness of its composition: a single technician and no former member of the intelligence. The four parliamentarians may not exercise the vested continuous and permanent control on commission. The pessimism of the former president of the CNCIS on the technical competence of the new CNCTR must lead us to evolve it into a college of qualified personalities to defend the rights of citizens. The executive takes up the entire intelligence apparatus, bypassing the judicial control by the judge to give the administration the decision-making power. But justice is the guarantor of individual freedoms and ensures that the balance is respected between attacks on freedom and national interest.

[Philippe Nauche](#) , *draftsman* . And the Council of State does not exist for you?  
[Ms. Marion Maréchal-Le Pen](#) . Remove the necessary guarantee that symbolizes the judicial review amounts to granting a blank check to political power and its abuses draconian and intrusive. Citizens covered by the information may not therefore enter the administrative judge, through the Council of State, that *post* and after filtering the commission. If found illegal, the Council of State is not even forced to cancel the authorization of the collection and destruction of information

collected irregularly. Unsurprisingly, however, the government is timid in the field of prison supervision. Only one possibility is left to the Government to integrate intelligence prison by decree in the intelligence community, whereas it should have been enshrined in this text.

There is urgency! The prison world has become one of the main centers of radical Islam. Merah Nemouche and became radicalized in prison. Faced with a phenomenon more and more massive and hidden, it is essential to strengthen the staff of the prison intelligence and professionalize its training and methods, integrating fully in the intelligence community. Today we spotted so many jihadists that one does not have enough police officers to arrest them. To really defend our country, so stop limit staffing and budgets of our armed forces, our police and gendarmerie forces, forced to ration ammunition, and our prison services. Failure to take real action downstream on the financing of Islamist sectors, migration flows, the decline of secularism and penal policy, your bill is a partial response and dangerous to the terrorist threat. Despite the needed reinforcement that I support, I can not vote in the state, because I can not explain to the French that their security will be at the price of their freedom.

[Mr. Jean-Yves Le Bouillonec](#) . She gives lessons of freedom! It's the world upside down!

[Mr. Sébastien Pietrasanta](#) . This is nonsense!

[Madam President](#) . I call Mr. Sébastien Pietrasanta.

[Mr. Sébastien Pietrasanta](#) . Madam Chair, Madam Minister, Ministers, ladies and gentlemen, there are nearly six months, we adopt the latest law on terrorism a necessary and useful law, which sparked the same controversy, the same criticisms and the same intention of the trial that the bill before us today. We were accused of wanting, through the creation of individual terrorist enterprise, put hundreds of French custody. Six months later, justice has not implemented this new sentence. We were accused of wanting to paralyze through internet blocking sites. Six months later, websites advocating terrorism have been stranded

without any technical difficulty. We already accused us of setting up a *Patriot Act* in French. Six months later, the freedoms of our fellow citizens are they trimmed? Why try to scare systematically and worry our citizens? The Act on Intelligence is a necessary and awaited law. Protect our national sovereignty and our citizens is an urgent need to face multifaceted threats. It was time that our democracy gives its intelligence services the means to work in a modernized and effective legal framework. This is what provides the text before us today, which is a major step forward for the rule of law. It is the result of careful consideration of our president of the Law Committee, Mr. Urvoas, I want to salute. This is because this bill is not an emotion text or reaction that is balanced. It provides a new legal framework, combining security and respect for civil liberties and privacy. He ends the gray areas. I believe that this text is protective of liberties. Given the concerns heard from both sides, concerning the infringement of individual liberties, I recall that we are never in a conflict between national security imperative and respect for the rule of law and individual freedoms. The powers of the new national intelligence oversight Technical Commission, successor to the current CNCIS will be extended. She will hold the necessary prerogatives; it will issue an opinion to the Prime Minister; She will meet the Prime Minister advice available, the presidents of assemblies and the parliamentary delegation on intelligence. It will have the capacity to challenge a notice issued by the President and enter the State Council. Our citizens will be able, too, to the Council of State, which is a major advance that allows especially to ensure respect for the freedoms of all. Parliamentary control will also be strengthened with the parliamentary delegation on intelligence. At these controls adds the requirement of proportionality and subsidiarity: the more intrusive techniques are, the more control will be great; and the most intrusive techniques will only be possible if other techniques have not yielded the expected results. These elements demonstrate the commitment of the Government and its majority to strengthen individual freedoms. Another common concern is the widespread surveillance of citizens and collecting information. The law affirms the principle of limited monitoring to a few individuals

who pose a real threat. The implementation of a technique will be limited monitoring to a few individuals, and shall give the person concerned, the aims and the expected duration. As for the use of *IMSI catchers*, which raise many fantasies I delighted that the Government has chosen this device I proposed with Jean-Jacques Urvoas at the last law on terrorism. It will be supervised and authorized for terrorism, espionage and organized crime or serious violence affecting public safety. There will be no mass surveillance. Moreover, the law provides to ensure the destruction of non-relevant data within thirty days. The law prohibits the NSA by widespread surveillance techniques. All requests will be written and motivated by the Ministers of guardianship services concerned. In addition, crops will be centralized and subject to absolute control. We must repeat tirelessly perhaps: the intelligence law is by no means a *Patriot Act* in French. The reasons for monitoring are accurate and enrolled in a legal framework; Surveillance is targeted, limited in time, towards an individual constitutes a proven threat. Albert Camus said: "If man fails to reconcile justice and freedom, then it fails all." Madam Chair, Madam Minister, Ministers, ladies and gentlemen, with this legislation, we will have more security while guaranteeing our individual freedoms. (*Applause on the benches of the CBC group.*)

[Madam President](#) . I call Mr. Alain Marsaud.

[Alain Marsaud](#) . Madam Chair, Madam Minister, Ministers, Madam Chairman of the National Defence and Armed Forces Committee, Mr. Rapporteur, Mr. draftsman, colleagues, this bill was presented to the public opinion as the mother of all battles against terrorism when in fact it is concerned that the margin in this text, which deals with many other areas, including damage to the public order, economic and social.

[Lionel Tardy](#) . Eh yes!

[Alain Marsaud](#) . We must have the courage to say: no government will have been as intrusive means in the lives of citizens and citizens.

[Pierre Lellouche](#) . Very true, sir Marsaud!

[Alain Marsaud](#) . This bill is also the mother of all fantasies ... But forget them because he deserves neither some of the compliments nor the excesses of others. Madam Minister, Ministers, colleagues feel that you are not going far enough, ...

[Philippe Goujon](#) . Yes!

[Alain Marsaud](#) . ... Others you go overboard.

[Lionel Tardy](#) . Indeed!

[Alain Marsaud](#) . I belong more to the category of those who refuse to fall into the naive face a text that can be dangerous if misused - which I absolutely do not suspect you. And then there are those who know that the practices you offer us a framework already, I would say, "on the market". So we have a choice between the blindfold, the blindfold of ignorance of bad manners, and handcuffs of the intrusion into our personal lives. If we can agree on the desirability has to control criminal activities, especially in a troubled period where no one knows where one goes in political violence, and control the risks of abuse that can commit a state law called for the suppression of these activities, your text can probably be subject to a significant improvement, particularly with regard to the said control. I

doubt indeed effective functioning of the National Commission for Monitoring of Intelligence techniques, composed of some parliamentarians who have many other things to do in the performance of their mission and in their political life, few judges more or less retired which one can at least hope they will lads and clairvoyants. It seems to me well thin to control the activity of five or six services in search of ever more intrusive in the lives of average citizens. Whether that control is *a priori* or *a posteriori* , including before the State Council, this is totally inadequate to face realities and tendencies of the search for ever more information from some services sometimes misguided - we I have already seen in the recent period.

[Pierre Lellouche](#) . Very much so!

[Lionel Tardy](#) . Of course!

[Alain Marsaud](#) . You know that this text would not have to stop and Kouachi Amedy Coulibaly brothers before their crimes, simply because they had "disappeared screens" in the words of Mr. Squarcini. I have imagined a more litigious system with permanent judges, as is done in terrorism prosecutor I had the honor to lead. But I realize the unreality of my proposal since we are in administrative and preventive framework in which the judge is constitutionally driven from this area to the benefit of the administration and political power, under the law of 1790. Hence point of judge and judicial point of warranty. It remains for me to imagine another, and I turn to you, Mr. Rapporteur and Chairman of the Law Committee because I know you, attached to parliamentary scrutiny of the intelligence services, real control, I might add, not the wave delegation created by the Act of 9 October 2007, ...

[Pierre Lellouche](#) . Who has no power!

[Alain Marsaud](#) . ... Under which intelligence services may well tell all they want to parliamentary dazzled by the attendance of secret agents! This is not such a control that I think that we imagined in 2006 and 2007, at the initiative of the

previous majority - which concluded, much to some relief by the institution this alibi delegation and without any material means ...

[Lionel Tardy](#) and [M. Pierre Lellouche](#) . Very much so!

[Alain Marsaud](#) . ... But to parliamentary control like the one I had the opportunity to see work in the US, where thirty seasoned officials often former intelligence officers about a senator or representative, have control over room and on site, and hearing of all the intelligence agencies, which will think twice before lying or make withholding information or illegal intrusion. This is the real site, Mr. President Law Committee, minister of the interior, minister of defense, you should start. This would be an important reform society, and if your good will proved, I will vote no doubt, though reluctant, a text you have improved in the interest of protecting our citizens, that is, say our security but also our freedom. *(Applause on the benches of the UMP.)*

[Madam President](#) . The call Mrs Marie-Françoise Bechtel.

[Ms. Marie-Françoise Bechtel](#) . Madam Chair, Madam Minister, Ministers, Chair of the Committee, Mr. Rapporteur, Mr. draftsman, dear colleagues, we are in a double-scope debate. Indeed, this bill primarily the result of a long-term work on the functioning of the intelligence services, work that must congratulate President Urvoas, rapporteur of this text, and our colleague Patrice Verchère. I hope they have not discovered Chauvet cave where bison and fantastic creatures to escape, but this was brought to light very deeply useful in terms of democratic transparency. For to preserve, a democracy can not say everything, reveal everything, should provide the mechanisms by which it intends to control the very people who, in the shadows, the burden of preserving it. It is a paradox that we must take. But the text is also pursuing another goal: a republican efficiency target. These complement the two laws on terrorism that have developed ways of administrative police and criminal enforcement by filling them with new resources given to intelligence services, means suitable for the rule of law but also the main challenge that arises today to us, that, of course, terrorism. It was therefore necessary to examine the definition of control of intelligence services. Their

excavation through legalizing their action shows the new technical sophistication, their extension and the importance of relevant data, including metadata. All this can of course raise questions. But it is the legislature's duty to define the balance it intends to see put in place with regard to the supervision of these activities. It is not just the balance between security and freedom, even if it is a correct summary, but a virtuous triangle that we must establish: the first peak corresponds to the missions, the second technical . The third, controls Regarding missions, I underline what should be a clear principle in any state of law: to me, the more mission is broad, that is to say the diverse objectives - terrorism , national security, economic espionage - the more the scope of the investigation should be limited and specific, even before control. Conversely, more precise mission is - I think of the fight against terrorism - the more the technique can grow. That is why the algorithm placed operators will be justified especially since the mission will be accurate, relatively limited and in any case controlled. There remains the third point of the triangle: control. The mechanisms will be crucial in this respect. But the legislator obviously statue on their part. The National Control Commission technical intelligence is obviously welcome and I think that appeal to specialized training of the State Council is an inventive and very welcome solution for the supreme administrative court plunges long in the security realities and public safety. He has art and how to weigh things because it is in the heart of the State while being at the right distance from the State apparatus itself. This is the essential point. But there is one point on which I call my wishes an evolution of the text adopted by our committee: the Council of State should not be deprived of its normal operation; Training must designate within it can be controlled by the higher education that are the section or the litigation assembly, composed of a small number of judges, which would facilitate empowerment. Indeed, the guarantee offered by the Council of State does result from its operation as it has emerged in history. I also two questions, which I will elaborate during the discussion articles : one concerns the inclusion of the prison intelligence services within the scope of, and I think the Minister of Justice is quite right to remind that



we should not be mistaken perimeter; the other is the possibility for department heads to decide for themselves in an emergency, before referral to the National Commission, to implement certain techniques, because I would much prefer that this responsibility belongs to the political responsible, namely the Minister. This consensus text should, after some useful changes to be adopted. I conclude by emphasizing that it will need to be evaluated in its effects because it is very new and as internal contradictions may arise. It is the prerogative of Parliament to consider not only the future supervisory framework for services through this text, but also how it could evolve from how it will be received and understood in society.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* and [Mr Philippe Nauche](#) , *draftsman* . Very good!

[Madam President](#) . I call Mr Philippe Goujon.

[Philippe Goujon](#) . Madam Chair, Madam Minister, Ministers, Mr. Rapporteur, Mr. draftsman, colleagues, this bill effectively respond, in my opinion, the business needs of our special services such as the need to legally protect their Action while providing the necessary guarantees for the protection of freedoms. The improvement in the Committee, the definition of the purposes of the intelligence services concerning major interests of France and the addition of the notion of

prevention of foreign interference fit better to reality, as the contribution of the anonymous algorithm to detect suspicious trading online.

[Pierre Lellouche](#) . It is monstrous!

[Philippe Goujon](#) . As for the prevention of collective violence, at a time when our country is faced with new tactics of ultra-violent action of small groups using the vector demonstrations to challenge or even destabilize the republican order, it seems to me essential to especially as the interior minister has assured us that it could be used against peaceful movements, such Manif for all or other of this style.

[Hervé Morin](#) . A minister, it goes!

[Philippe Goujon](#) . I noticed, as secretary of the commission of inquiry on the maintenance of the republican order - its rapporteur Pascal Popelin, will not contradict me - the value of intelligence in this very specific area in order precisely to prevent extreme violence. But the bill should go further to improve the functioning of the intelligence community and to provide a solid legal basis for the use of necessary technical, I think, for example monitoring of detainees and radicalized means of communication they secretly introduce in prison. In addition, the second circle of the intelligence community, private legislative base today benefit from integrating other specialized services such as the General Directorate of the Gendarmerie, the General Directorate of the National Police and the intelligence of Paris police headquarters. It is quite incomprehensible that TRACFIN and the national leadership of Customs Intelligence and Investigation belong there, and that the gendarmerie is excluded!

[Mr. Claude Goasguen](#) . Of course!

[Philippe Goujon](#) . One of my amendments will propose to remedy this inconsistency. But reforming the intelligence community is not enough if it does not put an end to the rivalries between the services, reported by police unions and the Senate report Jean Pierre Sueur dedicated to jihadist networks. While services denounce their precarious working conditions, the question of resources

arises, whether in terms of training, budget or even the level of interceptions and of non-fongibilité security interceptions quotas between the police and the gendarmerie. Monitoring of radicalized prisoners is also essential. Also can we be satisfied with the outcome of the Law Commission. The deletion of Article 12 deprives legal basis in the prison illegally capture data exchanged using cell phones and computers while under settled case-law, it is for the legislature to define this framework. This is a missed opportunity to give force of law to the prohibition on prisoners in force in most European countries, owning a mobile phone and connect independently and uncontrolled internet, which is nevertheless As we know, the first Islamist radicalization vector. I therefore propose an amendment actant the ban, thus clarifying the position of the government, particularly against the attempt of the Comptroller of the places of deprivation of liberty to allow them, in the complacent silence of the Minister of Justice - who unfortunately come from us exit.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I already miss you? (*Laughter.*)

[Philippe Goujon](#) . The proselytes elements should also be subject to enhanced surveillance, searches and parlor ban if necessary, as proposed strong precisely the rapporteur of the previous anti-terrorism law, and preventive detention, that custody Seals wants to repeal, should instead be extended to terrorists.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I should have known that they could not do without me two sentences ...

[Philippe Goujon](#) . It is infinitely damaging, as highlighted Ciotti our colleague, the majority has not used this legislative vehicle to punish more severely and even symbolically those who attack the very foundation of our democracy. Please do we have not left, Madam Keeper!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . You're welcome.

[Philippe Goujon](#) . Failing the adoption of our proposed law on the loss of nationality, the criminalization of consultation jihadist websites and systematic deprivation of civil and social rights for jihadists, we urge you to adopt at least worth incompressible life imprisonment for terrorist acts including crimes of violence, as called the rapporteur himself. The danger threatening us and the war in which we are now embarked demands that we take all necessary measures, as the Republic must be military ...

[Mr. Jacques Myard](#) . Congratulations!

[Philippe Goujon](#) . ... Against terrorists that threaten any weaknesses to hit to the heart. - Starting with general criminal disarmament introduced by the Taubira law Let us at least the lesson of a past that made us pay blood money and oppression our unpreparedness against the enemies of the Republic! (*applause from several benches of the UMP.*)

*(Ms. Sandrine Mazetier replaces Laurence Dumont at the Chair in.)*

**Chairmanship of Mrs Sandrine Mazetier Vice President**

[Madam President](#) . I call Mrs Laurence Dumont.

[Laurence Dumont](#) . Madam Chair, Madam Minister, Ministers, Mr. Rapporteur, dear colleagues, the bill introduced today is essential and founder in that it provides a legal framework for intelligence services, he defines and it organizes the control of their activities. It is essential to prevent real threats to our country and our citizens, but also to ensure respect for the privacy of these and a limitation to what is necessary to access and use of their personal data. The CNIL, Commission reflection and proposals on the right and freedoms in the digital age, and other institutions heard at hearings recalled that the right to protection of personal data is a fundamental right. As such, it should be expressly provided in the list established in Article 1<sup>st</sup> of the bill, along with the secrecy of correspondence and inviolability of the home. We oppose to me that the

protection of personal data, it, has no constitutional value. However, the Constitutional Council recalled that the collection of personal data was subject to the right to respect for privacy, the disregard of which "undermines individual freedom, which is one of constitutionally guaranteed civil liberties." So it enshrines the right to protection of personal data as part of the constitutionally guaranteed right to privacy. So why not go further? There is need, I think, to enshrine the protection of personal data autonomously and specifically, so as to extend the protection of privacy in the digital age, which continues to grow and evolve with each technical day. Of course, it is not with this text than we do, but the object of the latter can only lead us to wonder about such a necessity. That is why I would like to ask again, on the occasion of the review of this bill, a revision of the Constitution is engaged.

[Mr. Pouria Amirshahi](#) . Very good!

[Laurence Dumont](#) . I go back to the text before us today, and about which I salute the rapporteur's work. Legalize intelligence practices is fundamental; proportioning and limit the monitoring is equally important. I think it would be possible to go further in this balance. I will give some examples. First, the only prevention of terrorism does not cover all the information requirements necessary to protect our interests. Also the establishment of a list of goals, qualifying the implementation of information technology, it is not debatable. However, these techniques must remain proportionate and limited. I wish to convey about the fears of many institutions and individuals, which we receive an increasing number of letters as we progress in the examination of the text. I believe that the enlargement of the purposes specified in Article 1<sup>st</sup> deserves to be restricted or clarified, in particular the fifth goal, on the prevention of attacks on the republican form of institutions and collective violence likely to prejudice national security.

[Alain Marsaud](#) . This is a real subject of debate!

[Laurence Dumont](#) . Then, I regret that the National Control Commission intelligence techniques - CNCTR - emits only opinions, and it does not play, like the national security interceptions Control Board - CNCIS - centralizing role of all applications, files and transcripts of records.

[Mr. Pouria Amirshahi](#) . Very just!

[Lionel Tardy](#) . Good question!

[Laurence Dumont](#) . The text provides that the CNCTR "has" a right to access, but it will not automatically recipient of these data, which are necessary to accomplish its mission. Given the lead times of the transactions, the lack of automaticity may harm, I fear, the effectiveness of control.

[Lionel Tardy](#) . She's right!

[Mr. Claude Goasguen](#) . Of course!

[Laurence Dumont](#) . Secondly, I would like to mention the possibility of massive collection and processing of general personal data provided for in Article L. 851-4. This provision introduces a massive surveillance using technical devices and algorithms on which transparency seems impossible. It clashes with the Data Protection Act, and the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights - even if the Prime Minister made clear in his opening remarks that, first, we would conduct a simple experiment, for a period of three years. Finally, from my point of view, other aspects of the bill deserve to be further improved - I think especially to provisions relating to the shelf life data and file control. These aspects will be discussed during the debate, which should lead to the adoption of an adequate text, useful, ensuring the adaptation of our practices with rapid technological change faced by services, without ever ceasing, of course to respect our individual freedoms.

*(Applause several benches of the CBC group.)*

[Madam President](#) . The debate is closed. I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . I would, as a courtesy to Parliament and a debate of clarity, bring some answers to the legitimate questions which have been raised by the speakers. The answer to the general discussion will also be a way to usefully inform the discussion of each article. First, I want to emphasize my turn on the new framework within which this text was developed. Technology has indeed changed considerably. Act 1991 - last text we have - given the possibility of having access to some data connection and perform security interceptions in a society where the scan did not exist, where the technologies were not the same and the risks we faced were of a very different nature from those prevailing today. In addition, we are in a democracy where the control and supervision of intelligence activities are largely insufficient. It is also necessary, because much democracy is a democracy that manages to look at these issues with hindsight and maturity, considering the intelligence services not as entirely separate to arouse our suspicion permanently, but as public services full, subject to operating rules and controls *retrospectively* by the Parliament and the authorities to control. This is because we want to take into account this new context that we are proposing this bill. The latter, however, raises a number of questions, and I must tell you, ladies and gentlemen, since this text is on the job, I am extremely surprised that the gap may exist between the comments I hear and what the bill actually contains. I think the situation is serious enough - I will say just now a word on the nature of the threat we face - for us to go of course to the debate of the bottom, but starting from what the text contains really, not according to what one would find or fears that we would experience. I would therefore like to make extremely precise answers to certain questions that have been made. First point: the goals. The text defines seven, while in the 1991 Act, there was only one, national security, under which one could carry out checks, far more broadly than that proposed in this text. We do not want to see this process become widespread, and that's why we decided to narrow things down and clarify a number of purposes. Contrary to what I heard, or read in the press this text because it mentions the purposes that justify the

mobilization of information technologies is much more protective of civil liberties than was the 1991 law.

[Mr. Claude Goasguen](#) . Everything depends on the control!

[Mr. Bernard Cazeneuve](#) , *Minister* . Indeed, if the government wanted to include these objectives in the law, it is precisely because he wished that one can not use intelligence techniques at any pretext, on any subject. And if we wanted that Parliament can amend the text, including with regard to defining the goals - for example, I accepted in committee, on behalf of the Government, the amendments on the issue of social movements that has Ms. Dumont lift - it is precisely because we want that there is no ambiguity about the objectives of this law. I want to take the opportunity to provide precise answers to all those who, like Ms Le Pen, have expressed fear that the political groups control device can be introduced through this text. What to do when you are interior minister or any other state official and that as we learn violent groups are likely to make in the coming hours, acts that could seriously harm the physical integrity of people? You seem to consider, Ms. Le Pen, that some extreme right-wing identity movements do not pose a problem. But when sends me reports that these groups are preparing, at the exit of synagogues or mosques, to engage in extremely serious violence, should I do nothing ...



[Mr. Claude Goasguen](#) . It must inform the prosecutor!

[Mr. Jean-Yves Le Drian](#) , *minister of defense* . We have no time!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... And expect that the acts were committed, with the consequences we know to leave it to the judicial court to judicialize the situation of their authors?

[Mr. Claude Goasguen](#) . It is the prosecutor who directs the judicial police!

[Mr. Bernard Cazeneuve](#) , *Minister* . Ms. Le Pen, where sports events are at risk of extreme violence from radical groups of *hooligans* in the world as you can imagine, the interior minister does nothing?

[Mr. Claude Goasguen](#) . Ah! We saw at the Trocadero!

[Mr. Bernard Cazeneuve](#) , *Minister* . He calmly waits for the violence occurs, so as to be sure that the criminal judge can intervene and the situation troublemakers will litigious?

[Mr. Claude Goasguen](#) . It is the prosecutor to act!

[Mr. Bernard Cazeneuve](#) , *Minister* . This is not my idea of protecting French! In the presence of groups known they may commit extreme violence, the State's responsibility is to protect the French against this risk. If he does not, he almost seriously its mission!

[Mr. Claude Goasguen](#) . But it is the mission of the prosecutor! Remove the floor, in this case!

[Mr. Bernard Cazeneuve](#) , *Minister* . I, Madame Le Pen, I do not confuse the groups likely to be the cause of such extreme violence - groups that are perfectly identified - with trade union and political organizations who exercise their ability to claim in respect of the rules of Republic and democracy. I find that there is in this form of amalgam, firstly a way to sweeten the actual risks, on the other hand a desire to instill fear by raising issues that do not exist. It is instead to allow the State to organize so that it can face the real challenge that it faces, that is to say the prevention of extreme violence in a society where there is a form of violent radicalism.

[Mr. Claude Goasguen](#) . By removing the floor?

[Mr. Bernard Cazeneuve](#) , *Minister* . That's exactly what we want to do by administrative police measures. I also want to clarify that if we take this type of action to prevent that from occurring extremely serious acts which might infringe the republican pact, the values of Republic, the public order, there will of course, contrary to what I heard, a judge who will perform administrative control of police actions implemented by the state. It is the administrative judge, whose role is precisely to ensure the lawfulness of decisions taken by the State as part of its administrative powers of police. Some tend to consider that if the judicial court n is not involved, there is no judge.

[Hervé Morin](#) . This is what the Constitution says!

[Mr. Claude Goasguen](#) . Article 66!

[Mr. Bernard Cazeneuve](#) , *Minister* . But the administrative judge is a judge! And when he comes, he does it with the rigorous commitment to protecting civil liberties; This is what clearly shown off Canal, stopping Benjamin and Gisti stop, as regards the protection of foreign law.

[Mr. Claude Goasguen](#) . This has nothing to do!

[Mr. Bernard Cazeneuve](#) , *Minister* . If this has quite see, sir Goasguen since stopping Canal was made by the administrative court in 1962 in a context where the State intended to challenge, through administrative measures, a number of freedoms to which the administrative courts, including the State Council, is particularly keen.

[Mr. Claude Goasguen](#) . And Article 66 of the Constitution, you know?

[Mr. Bernard Cazeneuve](#) , *Minister* . It is indeed the role of the administrative judge to ensure the protection of civil liberties when the state uses its powers of administrative police.

[Mr. Claude Goasguen](#) . But not the protection of individual liberty!

[Mr. Bernard Cazeneuve](#) , *Minister* . And it is indeed, sir Goasguen, a constitutional principle: it is a principle of separation of powers enshrined in the

general principles of our law and our constitutional principles, which the legislature must comply when developing the law!

[Pierre Lellouche](#) . Of course not!

[Mr. Claude Goasguen](#) . Section 66 says otherwise! Re-read the Constitution!

[Mr. Bernard Cazeneuve](#) , *Minister* . I wanted to bring these very specific answers to say that everything I hear on the absence of the judge is wrong, including, moreover, it is the criminal judge, for in the legislation that we propose the judicial review to be exercised allow the administrative judge, as, indeed, the CNCTR, seize the judicial court when it determines a criminal offense, so that public action can be switched on Based on this finding. So there is a considerable gap between what the text says and reading that one makes ...

[Mr. Claude Goasguen](#) . But no!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... And I wanted to point it to the National Assembly, because I think that, on matters as serious as those we are discussing, it is good for the greatest intellectual rigor ...

[Mr. Claude Goasguen](#) . Knowledge of the law is better!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... And the most firmly established legal principles of our law are called, rather than approximations, amalgams and shortcuts. The third point I would emphasize is mass surveillance. There are none in this text. I would also like to mention the three techniques that are mobilized by the services that were the subject of questions, to make extremely precise answers. Ms. Dumont mentioned the subject, other speakers did. Detection of anonymous data regarding those people are convinced that they can be engaged in terrorist operations, since the detection of anonymous data, what you call mass surveillance, is reserved solely terrorism. Therefore, it is not "mass" because, to my knowledge, there is no sixty-five million French people who are involved in terrorist activities. And, if we set up this device then it is precisely to ensure that it is targeted. It is not, absolutely not, for the Government and for the State to conduct mass surveillance of all French by the mobilization of this technique, it is instead to target the use of this technique on those we are

convinced that they can be engaged in terrorist activities. I will take very concrete examples, to show what it is. When we know, because our intelligence services are an estimable work, which deserves to be valued before the national representation, that terrorist groups proceed to download a number of videos, then viralise sites, they check the question downloads they use a number of clearly identified techniques, we know what their behavior and we know therefore that by the targeted mobilization techniques, it is possible to prevent their actions by looking on the internet how they behave. That's what it's all about. The mobilization of these techniques on the internet can target those who are likely to commit these acts ...

[Mr. Claude Goasguen](#) . That's great, that!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... Within the framework of administrative police measures which are intended to prevent the commission of serious terrorist acts, in a context where terrorists use the darknet, cryptology, and they must be followed by our service efficient and targeted way. As for the continuous monitoring of terrorists, it only applies to those we know, because our intelligence services have done some of the work, they are likely to commit acts.

[Mr. Patrick Hetzel](#) and [Mr. Pierre Lellouche](#) . This is not what the text says!

[Mr. Bernard Cazeneuve](#) , *Minister* . Similarly, regarding the proximity device *IMSI c Atcher* , you spoke, if it is possible to use this technique, we keep only the connection data of those on which we have an inquiry about the activities they can possibly commit, ...

[Pierre Lellouche](#) . Potentially, everyone is covered!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... And the content of the conversations is only available after a new notice of CNCTR. So there is a considerable gap between the comments that are made about the law and its provisions.

[Mr. Claude Goasguen](#) . We'll talk!

[Mr. Bernard Cazeneuve](#) , *Minister* . Me, what I wish, simply because I see the risk in the face, is that we do not end, while the risk is as serious as we are subjected to such a terrorist threat by those suspect that we want to protect into question our civil liberties, whereas it is precisely, as we have seen, again with the cyberattack against TV5, terrorists are likely to undermine public freedoms!

[Pierre Lellouche](#) . We are not talking about terrorism!

[Mr. Bernard Cazeneuve](#) , *Minister* . These techniques, Mr. Lellouche, only concern the fight against terrorism, whether detection of anonymous data or monitoring continuously. So I'm sorry, I wish, when we face such a serious and serious threat, so that there are services that are mobilizing in an extremely professional whose role deserves to be valued at this assembly ...

[Mr. Claude Goasguen](#) . That's right!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... That gives them the means to work, and we do it through this law, and we are working to improve this legislation not based on fantasies but that was based of its provisions.

[Mr. Claude Goasguen](#) . But, that's enough!

[Mr. Bernard Cazeneuve](#) , *Minister* . And I absolutely agree with what the Prime Minister said just now, because it absolutely is the truth. This law is not a law of general surveillance, this is a Service Control Act by devices which, until now, did not apply to them: control of an independent administrative commission, judicial review, parliamentary control. This law is a law ...

[Mr. Claude Goasguen](#) . There is no judicial review!

[Mr. Bernard Cazeneuve](#) , *Minister* . If judicial review because the Council of State is a court, sir Goasguen, and that when the State Council exercises control ...

[Mr. Claude Goasguen](#) . It is not competent to individual liberties! Read the article 66 of the Constitution!

[Mr. Bernard Cazeneuve](#) , *Minister* . If it is competent in matters of public freedoms, Mr. Goasguen, I'm sorry to tell you. Off Canal, Benjamin stop, stop GISTI, these are decisions, the administrative judge showed they were destined to defend the civil liberties ...

[Mr. Claude Goasguen](#) . What is doing here, stopping Canal! It has nothing to do!

[Mr. Bernard Cazeneuve](#) , *Minister* . This is a decision which states ...

[Mr. Claude Goasguen](#) . It concerns Article 16, stopping Canal, not Article 66!

[Mr. Bernard Cazeneuve](#) , *Minister* . But precisely! Exactly, sir Goasguen! You bring water to my mill. Article 16 was an article ...

[Pierre Lellouche](#) . It is your law that Article 16 is a true!

[Mr. Bernard Cazeneuve](#) , *Minister* . Mr. Goasguen, stopping Canal is a stop which allowed the State Council to protect public freedoms, as Benjamin stop. I refer you to their content, and you will have the proof that what I say is the exact reality. As for Article 66 of the Constitution, it applies only to custodial measures, ie ie detention ...

[Mr. Claude Goasguen](#) . And liberties!

[Mr. Bernard Cazeneuve](#) , *Minister* . Not at all. It concerns the detention and retention, and, as you know, Mr. Goasguen, it is absolutely no question in the various provisions of the text, dealing with subjects you are talking about at the moment. I just want, on these issues, it is extraordinarily rigorous and precise.

[Mr. Claude Goasguen](#) . So be it!

[Mr. Bernard Cazeneuve](#) , *Minister* . I am well, and this is also the reason why, in my case, I'm not upset.

[Mr. Claude Goasguen](#) . I'm not angry, I have the voice that carries, it's not my fault!

[Mr. Bernard Cazeneuve](#) , *Minister* . The precision and rigor do not call, generally, nervousness, and I wish that during this debate, we can with the greatest rigor and greater accuracy of this deal that it contains, not fantasies we in the head.  
*(Applause several benches CRS group.)*

[Madam President](#) . I call the Minister of Defence.

[Mr. Jean-Yves Le Drian](#) , *minister of defense* . Madam Chair, ladies and gentlemen, speaking of shift and precision, I would like, in addition to what was said by the Minister of the Interior and also, just now, the Prime Minister, although clarification regarding international communications surveillance measures.

[Lionel Tardy](#) . Yes, it matters!

[Mr. Jean-Yves Le Drian](#) , *Minister* . Since it is said a lot, I want to be very clear, first, that there is not, contrary to what some commentators - I did not hear in the debate, but I however accurate - of mass capture of French communications. It is a pure invention. Certainly, the DGSE has interception capabilities, but they relate in any way the electronic communications exchanged on the national territory. We must say things clearly.

[Lionel Tardy](#) . But they can not sort it!

[Mr. Jean-Yves Le Drian](#) , *Minister* . Only international communications are concerned, those traded abroad or between France and abroad. I add that this type of surveillance, we need, if exercised far no legal framework, since the 1991 Act had removed his device.

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . Eh yes!

[Mr. Jean-Yves Le Drian](#) , *Minister* . We will put the law in this type of interceptions outside. That means, in respect interceptions abroad, the Prime Minister speak on two occasions, at least, for each operation: to allow collection, at first; to allow operation in a second time. It also means that the CNCTR will be responsible for ensuring compliance with the way the services of these wear out surveillance measures with legal rules, whether the statutory scheme or decrees, and ensure that the instructions of the Prime Minister and authorizations are met. The law on intelligence, now being debated, will return in two decrees: A decree in Council of State, classical, on the conditions and the applicable procedures and another on rules for collecting the necessary data, the same n 'is not public,

not to reveal our own abilities to our opponents - which would be a profound mistake. But these two decrees, which do not exist today, since we are not under the 1991 Act will be subject to the prior opinion of the CNCTR and the State Council, and communicated to the delegation Parliamentary Intelligence. We put the right where none existed.

[Mr. Jean-Yves Le Bouillonec](#) . Very just!

[Mr. Jean-Yves Le Drian](#) , *Minister* . I would like to address one final point, which is not high and the link between communications abroad and our country. When international communication involves identifying a traceable to the national territory, in clear, if the foreign target of surveillance will be in contact with a person living in France, while the French common law, the law in force in the country will apply. The procedures shall be those provided for security intercepts, that is to say, made by the ICG under the control of the Prime Minister and CNCTR. So this is an advanced law, including in this area .

[Mr. Claude Goasguen](#) . Right! That is why we have not made critical on that!

[Mr. Jean-Yves Le Drian](#) , *Minister* . I thought he had to clarify things regarding international communications and the special role of the DGSE. And, as the Prime Minister indicated, the CNCTR may enter the State Council for irregularities on this point. This will be the subject of an amendment tabled to the public session, that the Government will amend sub-in the sense that I have just mentioned.

## ***Point of Order***

[Madam President](#) . I call Mr. Pierre Lellouche, for a point of order.

[Pierre Lellouche](#) . I attended all the discussions since the beginning of the afternoon. I would say, with great respect and esteem for Ms. Keeper and MM. the ministers of interior and defense, because I'm sure we all try together to serve the interests of the Republic and its security, it becomes difficult to hear certain things, whenever we issue a notice otherwise - and our group, you saw, is



divided: there are those who support the text thoroughly and found that it goes far enough and others who have legitimate concerns for civil liberties. That they see themselves bludgeoned permanently or they have not read the text, *dixit* the Prime Minister, or they swim in the fantasy - the fantasy and word was again taken over by the Minister of the Interior - or they might be suspected of being complacent about terrorists, frankly, is unacceptable, the terminals are exceeded.

[Madam President](#) . Mr. Lellouche, this has little to do with a point of order.

[Pierre Lellouche](#) . It is a point of order ...

[Madam President](#) . This has little to do with a point of order.

[Pierre Lellouche](#) . ... Because there was a personal matter. And you do not respect the opposition, ...

[Madam President](#) . I ask you to conclude.

[Pierre Lellouche](#) . ... You prevent to answer your arguments. This is unacceptable in such a serious text. I'm sorry, Madam Chair, there is here a number of lawyers, we can not share the opinion of the minister of the interior, ...

[Madam President](#) . Yes, and the debate will be conducted in accordance with our rules, Mr. Lellouche.

[Pierre Lellouche](#) . ... But we can not process and ...

[Madam President](#) . You do not have the floor.

## **General discussion (*continued*)**

[Madam President](#) . The call Mrs custody of the Seals, Minister of Justice.

[Ms. Christiane Taubira](#) , *Minister of Justice, Minister of Justice* . Madam Chairman, Mr. Chairman of the Law Committee, Chair of the Defence Committee, Mr. Rapporteur, without wishing to unduly prolong the debates, I believe it is essential to take stock of the spirit this legislation, and perhaps evoke some answers to questions that were asked, knowing that the articles and the amendments will provide us the opportunity to explore issues of concern to the Members who have spoken in the podium during this general debate. In the spirit of this text, it is clear that the intelligence gathering techniques may affect the

privacy rights of individuals to privacy and family life , undermine the sanctity of the home, as well as the confidentiality of correspondence. These are rights that are guaranteed by our Constitution, of course, enshrined in our civil code, mainly in Articles 9 and 10, are also rights that France has committed in its contractual relations, to respect, since ' they are contained in Article 8 of the European Convention on Human Rights. And the Government was anxious, constantly, in the writing of this text, to meet its own obligations, its obligations under the civil code, its treaty obligations, its constitutional obligations. And that is why we have been anxious, constantly in writing this text, to ensure finding the right measure between operational needs and the protection of rights and freedoms. I recall that in this text in the title I<sup>st</sup> ., the purposes of intelligence gathering are set, laws and commissions and defense are not private will propose details in this statement also two principles are precisely and explicitly affirmed: that of necessity and that of proportionality. Our whole concern was to ensure that the resources given to intelligence services allow them to protect the French against the dangers that threaten them, whether related to terrorism or organized crime, which are often related . Modern vectors are used very sophisticated way to hit the French, the law gives the intelligence services the means to ensure their protection. But we obviously kept the concern to protect us from the risk of inadvertent intrusion into private and family life of French. It is with this concern we drafted this bill, and it is in this spirit that the composition and functions of the National Control Commission intelligence techniques have been designed. The Council of State, which showed that for a century was quite protective of freedoms, be competent as it is to challenge the decisions taken by the Prime Minister and acts of administrative services. It may be seized by the commission and by the citizens. I would also remind you that Parliament will also exercise control, first by the annual report that will give him the National Commission, but also because the parliamentary delegation may at any time enter any subject and hear the Commission.

[Alain Marsaud](#) . They tremble!

[Pierre Lellouche](#) . Madam, we have no power!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . We'll come back to some specific points that you mentioned, relating to the work we do in the judiciary and the prison service and the nature of the tasks to be assumed. We return to this administrative review, judicial and parliamentary, and the concern that had the government of the first to the last word of this bill - that commissions have also enriched - to find the right balance between the need for intelligence services to be effective and the preservation of the rights guaranteed by the Constitution, by the code, and by the Convention. *(Applause on the benches of the CBC group.)*

[Madam President](#) . The following discussion is referred to the next meeting.

2

## Agenda of the next sitting

[Madam President](#) . Next meeting tonight at twenty-thirty: Further discussion of the draft law relating to information.

The meeting is adjourned.

*(The House adjourned at 8:05 p.m.).*

*The Director of the service account report of the sitting*

*of the National Assembly*

*Catherine Joly*

## **Cryptome**

6 May 2015

Part 2 of 7. National Assembly debate of France Spy Bill approved 5 May 2015

<http://cryptome.org/2015/05/fr-spy-bill-text-en.pdf>

Original French source:

<http://www.assemblee-nationale.fr/14/cri/2014-2015/20150213.asp>

Google translation.

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## **National Assembly**

**XIV<sup>th</sup> legislature**

**Ordinary Session 2014-2015**

**Record**

**integral**

**Second meeting of Monday, 13 April**

**2015**

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Mr. Bernard Cazeneuve, Minister of the Interior

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## [2. Agenda of the next sitting](#)

Laurence Dumont Presidency

Vice President

[Madam President](#) . The meeting was called.

*(The meeting opened at nine-thirty.)*

1

## Information

### *Further discussion of a bill*

[Madam President](#) . The agenda is the continuation of the discussion, after engagement of the accelerated procedure, the draft law on intelligence<sup>(Nos 2669, 2697, 2691)</sup>.

## Discussion articles

[Madam President](#) . My name is now in the text of the Commission, the articles of the bill.

## Article <sup>1</sup>

[Madam President](#) . Many speakers on Article 1.

I call Mr Lionel Tardy.

[Lionel Tardy](#) . Madam Chair, Madam Minister of Justice, Minister of Defense, Minister of Interior, Mr. Chairman and Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic, Mr. draftsman of the Committee on Defense and Armed Forces, colleagues, with this text, I feel revived debates about the military planning law, there is a year and a half, but this time I feel a little less alone. The National Digital Council, the Defender of Rights, the National Data Processing and Liberties Commission - CNIL - the chairman of the National Security interceptions Control Board - CNCIS - the Union of Magistrates: many those who have made their views on the bill - an often severe opinion.

So where are we, dear colleagues? As it stands, the guarantees concerning data protection and respect for privacy are insufficient. With my excellent colleague Patrick Hetzel, so I filed amendments forty, twenty-five of which in Article 1<sup>1</sup> inspired by different opinions I have mentioned. We are therefore in no way in the hard-rejection, but in the proposal and construction. I hope you will have noticed.

During the debate, Mr. Interior Minister, the positions of each other will overcome political divides. Everyone will have their opinion, each propose where to place the cursor.

Already, I think the internet is not the cause or the source of all evils. Instead, we should study the phenomenon of radicalization in prison, very seriously. We will debate when we discuss the amendments of our Ciotti Goujon and colleagues.

In all cases, please, avoid the cartoons! For my part, I recognize that significant progress has been made in the Committee on this text, which must be a legal



framework for the information and that it is not easy to find the right balance. On your side, I would like, if possible, not to hear arguments like "We can not say that we were not advised you in case of an attack," or other similar facilities.

Since the Prime Minister is at the heart of the system, the overall risk is that the provisions of this text fall into the hands of unscrupulous policies: the worst would then become possible. We must therefore guard against these risks, making the National Commission for Monitoring of Intelligence techniques, CNCTR a genuine power-cons, away from the monitoring those who have no reason to be monitored, and lift the vagueness certain techniques that this text intends to authorize.

Like many, I am deeply convinced that the abandonment of liberties is always an easy answer, relatively economical and political risk. There is no attack? It is through the intelligence system we have in place, continue, vote for us! There was an attack? This is because the information does not go far enough and that we must strengthen it, vote for us! How long can we go on, ignoring that, while we gradually abandoned, law after law, our freedoms by offering the terrorists and those who claim to fight, we do nothing, or not much, to address the sources of terrorism.

[Madam President](#) . I call Mrs. Marion Maréchal-Le Pen.

[Ms. Marion Maréchal-Le Pen](#) . I take my statement on Article <sup>1</sup> to meet the minister of the interior, which brought us just now a number of oral warranties assuring us that this text does not allow for monitoring political opponents. I take note and I wish I could trust you, Mr. Minister, but I would prefer legislative guarantees. But in the current state of writing the text, one can fear a number of abuses. I think of the scope of information, which will expand to "the prevention of violations of the republican form of institutions." Forgive my concern but when the full - almost - of the political class and the Government explain that the Front National is not a Republican party, understand that this extremely broad wording

could arouse in me some form of anxiety.

One of the main problems of this text is the National Commission for Monitoring of Intelligence techniques, meant to be a safeguard against the omnipotence of the state is actually a puppet commission, ...

[Lionel Tardy](#) . Consultative!

[Ms. Marion Maréchal-Le Pen](#) . ... Which provides risk control varnish abuse and excesses, but whose composition is quite questionable. One wonders if the presence of parliamentarians will not be a problem since, because of their mandate, they will not necessarily be continuously available and will not necessarily respond to emergency referrals. Above all, this commission has no enforcement powers; the Prime Minister is not even obliged to communicate all or part of the inspection reports.

Not only the French, improperly monitored, will only protection for precarious control by the commission, but in case of ultimate recourse to the State Council, no compensation will be paid to them and they will have no assurance that the Information collected will be disposed irregularly.

These are some points that appear extremely serious to me and make me reject this article.

[Madam President](#) . I call Mr. Patrick Hetzel.

[Mr. Patrick Hetzel](#) . In my turn, I want to highlight a number of problems that remain. Besides the commitment of the accelerated procedure, which obviously distorts the essence of parliamentary debate and the Socialist Party itself denounced with such virulence when it was in opposition, this text takes advantage of a increased and widespread surveillance of our citizens. He scratches in passing a number of principles that we thought they were now in intangible our Republic. It legalizes even illegal practices yesterday - but you implicitly recognized earlier, minister of defense, a number of them were already

in use. He still concentrated in the hands of Prime Minister unpublished powers without real safeguard against-or power. It is to act disturbingly, a little schizophrenic, as well nibble democracy and freedom on the grounds of defending them.

[Pierre Lellouche](#) . Very good!

[Mr. Patrick Hetzel](#) . Obviously, the Government protested his good faith. One can readily trust him, but the fact remains that, even if our freedoms are not directly threatened, we are getting closer, text after text, a *patriot act* to the French. The Government says it is not so, but in reality, public freedoms are gradually eroded.

This bill comes back to take a mortgage in the future. Minister of the Interior, you ask us to trust you, but we would rather discuss a specific text. We are legislating for the long term. Now, we have a number of concerns with regard to human rights violations. There are no power-cons, no guarantees. Earlier, Hervé Morin wondered what would happen if the provisions of this text fell one day into the hands of bad people? We have a lot of questions but, alas, precipitation schedule does not allow us today to calmly consider this draconian law. (*Applause from many benches of the UMP.*)

[Isabelle Attard](#) . Very good!

[Madam President](#) . The call Mrs Françoise Descamps-Crosnier.

[Ms. Françoise Descamps-Crosnier](#) . We must welcome this legislation, in particular Article <sup>1</sup>, which aims - and I stress this - to the activity of our intelligence services a stable and clear legal framework, where there is today ' hui, in the Republic, that unspoken and legislative point of view, unwritten. The only being able to approach the subject as thoroughly the intelligence is already in itself a step forward for our rule of law.

However, this article calls our vigilance on civil liberties. In committee, the rapporteur Jean-Jacques Urvoas colleague recalled that "under Article 34 of the Constitution, only the law may establish rules on fundamental guarantees

granted to citizens for the exercise of civil liberties." From this standpoint, our responsibility is therefore key.

That is why at the initiative of the SRC Group, an amendment that I cosigned has modified in committee one of the public interest for which the collection of information may be permitted. "Prevention of collective violence likely to cause serious harm to the public peace", under the initial text could indeed be interpreted too broadly. Since this is to prevent dangerous actions groups wishing to harm national security, we have preferred to complete the paragraph explicitly targeting adding the prevention of "outrages against the republican form of institutions" and " collective violence likely to endanger national security. " In taking this much more restrictive wording to which the Minister of the Interior has just reaffirmed its support, we target the most dangerous groups to prevent a passage to the act jeopardizing the safety of our citizens.

The majority wants to harmoniously combine the efficiency of the intelligence policy and respect for our fundamental freedoms. Madam keeper, you said it was necessary to find the right measure, with a concern for proportionality. It is obviously necessary to ensure effective protection of French against the dangers that threaten them, but we must at the same time protect the rights and freedoms. We are of course to listen to the concerns that are expressed on these important topics. Such is the state of mind in which we will participate in the work of our Assembly in the coming days.

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I think you will agree with me, Minister of Interior: nothing beats nor replace human intelligence. The Merah business Kouachi Coulibaly and are there to show: the people in question were known to the police. The first question we must ask ourselves - we do not debate in this assembly, but that will come - so about how we must learn from what happened and improve the efficiency of

our service information. I think of the Directorate General of Internal Security, ISB, for it must be said, there were two flaws in the system.

[Hervé Morin](#) . Among others!

[Pascal Cherki](#) . These two faults, is what we see. But I want immediately to qualify my point: we do not see, on the other side, all the successes of the ISB, whose work has helped to thwart numerous and very bloody attacks.

The main question is about the efficiency of the work of our services and the relationship between them. This question is important, and I know that the Minister of the Interior devotes all his energy to it. I am not an expert in these matters but in my humble opinion, this is where lies the key to success in intelligence. Moreover, "the hyper-technologization" failed to prevent attacks of 11 September 2001: with a simple cutter, a few people who have taken flying lessons have precipitated two Boeing two airliners on the towers. So do not place undue reliance on miracles that could make the technology.

[Ms. Clotilde Valter](#) . Here, we do not believe in miracles!

[Pascal Cherki](#) . The latter can never replace human intelligence.

However, we are faced with new technological means used so warped by persons or malicious groups may facilitate the commission of terrorist attacks or helping organized crime. It is therefore clear that government must ask the question of the use of these means in order to prevent or fight against certain criminal acts. If there are wiretaps, it is because we invented the telephone - before we eavesdropping!

I repeat: it is normal to wonder about the positioning of the police and security services over the internet. Must still find a balance between security and freedom, but we made good progress on this issue. In Article <sup>1</sup>, a number of amendments need to enable progress, to go even further in committee to raise concerns.

If the bill can still be greatly improved, it has a virtue: to codify practices that already existed. Yes, my friends, they already existed, but in gray areas, which is why they provoked scandals when they were revealed. Now they have a legal basis, which should be firm enough to prevent what might appear as a scandal before becoming today a legally accepted behavior.

[Mr. Claude Goasguen](#) . Very good!

[Madam President](#) . I call Mr. Jean-Yves Le Déaut.

[Mr. Jean-Yves Le Déaut](#) . As Bernard Cazeneuve said earlier, the 1991 law on security interceptions has become obsolete because of the development of electromagnetic intelligence. We can now monitor all communications, and Internet exchanges: it is a major revolution in the measure where you can store large amounts of information and, from the metadata, extract from conversations keywords or numbers. It must be, for that matter. In that sense, I share the opinion of the Minister if the metadata is not stored temporarily, we can not extract the data needed for the fight against terrorism. This metadata is in itself Anonymous: indeed, so there collecting data other than those that allow, using algorithms - a word that this bill has brought in the lexicon of the Assembly National - the search for useful data. This is very important.

A new balance requires both to modify the legislative framework and to control the use that the executive makes of this information. The parliamentary delegation intelligence has a role to play in this regard.

The bill must specify - and this is what he does - the means by which individual freedom can be protected, regardless of the state of technical devices. For correspondence interception methods evolve electronically, some colleagues have said. Today techniques allow to capture conversations remotely, to divert, to make plays without being required the cooperation of the telephone network.

We must - and this is a point I am making as President of the Parliamentary Office for Evaluation of Scientific and Technological Choices - as legislation is constantly adapted to advances in science and technology as the information of human, my dear colleague Cherki, are no longer the only information on which we can rely. We may deplore it or not.

[Mr. Claude Goasguen](#) . They are always helpful.

[Mr. Jean-Yves Le Déaut](#) . And if the law should protect the citizen, which we all think it should not be a barrier to seeking new solutions in the fight against espionage and terrorism. We must go further in the offensive research and allow specialists under conditions defined by law, to unleash operating systems, unlock, disassemble the software, check the computer and stream to retro - Engineering to better understand the nature of the threats. And all this under the control of Parliament. *(Applause several benches of the CBC group.)*

[Mr. Philippe Vitel](#) [Claude Goasguen](#) *Mr. Philippe Nauche* and [Rapporteur of the Committee on National Defence and armed forces](#) . Very good.

[Madam President](#) . The call Mr Joaquim Pueyo.

[Joaquim Pueyo](#) . We can not deny the reality of the threat. It is therefore the duty of the Government to protect French, but also to ensure respect for the values of our identity.

As has been said many times, this bill aims to adapt and technical measures which will have our intelligence services. Against opponents using the tools of our interconnected world, women and men must be able to collect intelligence information where they are, which requires special instruments.

Intelligence Officers must be able to show responsiveness during surveillance operations, but their decisions must also meet a defined administrative framework, especially precise and tightly controlled that the measures which they can now use will prove intrusive . This is why the creation of the CNCTR is crucial: it will ensure compliance by the services of the legislative and regulatory

framework in which their action takes place.

Compliance with procedures may be checked when renewing the authorization to use certain techniques, but also through the application to the National Commission of the State Council or by any person with a direct and personal interest. In this regard, the setting of precise deadlines for the conservation of the collected data is essential: "Remember to forget," said Nietzsche.

The CNCTR fits into the logic of power-cons essential to any democracy. If it is necessary to evolve our intelligence techniques, the creation of an independent body that could control its use is required just as much to me. Freedom of expression, freedom to come and go, preserving privacy, tolerance can bring out the best in everyone. We can admit that our compatriots are targeted because they enjoy these fundamental rights.

We can not stress enough the important role of education in the fight against radical excesses: reading, discover the cultural treasures of past civilizations, absorb it to think oneself through will always be more difficult to swallow unflinchingly about a millenarian preacher.

[Pierre Lellouche](#) . Very good.

[Joaquim Pueyo](#) . In the first century BC, Horace said, "Who lives in fear will never be free. "It is therefore our duty to maintain the complex balance between the guarantee of freedoms and security of all. Now it is that to which it tends text, even if it is properly implemented means that are given to CNCTR sufficient means to act.

[Mr. Patrick Hetzel](#) and [Mr. Pierre Lellouche](#) . Very good.

[Madam President](#) . I call Mrs Marietta Karamanli.

[Ms Marietta Karamanli](#) . Article <sup>1</sup> covers a wide range. It is about recognizing the importance of intelligence, which must be strictly supervised and controlled in its implementation, any breach the principle of proportionality or the rules relating to



the period of validity of licenses to be criminally sanctioned.

Our reporter colleague, throughout our discussions emphasized the need for the Assembly to fully exercise its responsibilities for evaluating the implementation of the law. I can not but agree.

I want to focus my remarks on the issue of exploitation of PNR - *passenger name record* or passenger reservation file - collected by airlines when booking commercial flights. They are certainly not subject to legislative provisions in the bill, but were raised in our discussions in committee and taken for reference when determining a shelf life performance data.

In October 2014, the European Affairs Committee adopted a draft resolution on the use of PNR data. As rapporteur, I had then emphasized the need for the EU to develop effective tools in the fight against terrorism. Several countries are already using PNR data: the United States, Australia, Canada and the UK have truly operational systems, while other countries, such as Mexico, Brazil and Russia, are still test phase.

In France, anti-terrorism legislation and the law on military programming have provided a framework for an experiment at the National Operations such data plan. Nevertheless, the lack of a stable European legal framework is a real problem. Indeed, the system efficiency through sharing of information, the juxtaposition of national PNR can not suffice alone.

The adoption of a European rule in this respect is also a necessity if we are to oversee the collection and retention of personal data, protect data, prevent them from being transferred to third parties - including in other states - and therefore guarantee the balance between respect for individual rights and security.

It is therefore essential that representatives and European states to reach a compromise in order to provide Europe with a single legislation.

[Madam President](#) . I call Mr Philippe Goujon.

[Philippe Goujon](#) . In its paragraph 13, Article <sup>1</sup> authorizes the use of information technology to prevent collective violence likely to endanger national security or the republican form of institutions.

The inquiry commission on policing and public freedoms, to which I belong, noted the adoption by protestors and militarized factions like zadistes, new tactics or forms of action ultra- violent. These roving thugs groups performing in Europe of the challenge rounds. They use social networks to spread their ideas but especially to transmit combat methods and trivialize aggressive practices such as throwing projectiles and acid against security forces.

The interior minister assured that this article obviously does not apply to peaceful gatherings, like "The demo for all", but would, for example to prevent identity movements to provoke attacks on places of exit worship or engage in acts of hooliganism.

The committee has refined the text to exclusively target the prevention of dangerous groups acting against national security. Additional guarantees are provided by the control CNCTR - heiress of national security interceptions Control Commission, whose doctrine has conditioned the use of these techniques to the existence of a particularly serious threat - and a dual administrative and judicial control since if the CNCTR been a criminal offense, the criminal judge will obviously seized. Finally, the European Convention on Human Rights also requires that restrictions on freedom of expression are prescribed by law and proportionate.

But if I know that in saying this I am - which is rare - in contradiction to an

amendment tabled by my group, it may appear dangerous to me to deprive the State of the possibility of monitoring those who seek to undermine the republican form of institutions or national security.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . Minister of the interior, minister of defense, we know well. You know how I am working on national security, defense, anti-Jihad fight in the Sahel, the Middle East. I do not among those that can be considered "soft knee" - pardon the term - on these issues in the fight against terrorism. Similarly, I can not be suspected of being complacent about these subjects.

However, I would tell you that nothing is more dangerous in a democracy that circumstance laws - especially when it comes to emergency laws - taken under the influence of emotion. Only three months after the severe trauma suffered by our country, and while our soldiers still patrol the streets of big cities, here we are discussing a major text which has an impact, like it or not, on public freedoms.

[Mr. Claude Goasguen](#) . Yes.

[Pierre Lellouche](#) . I regret all the more, madame, Ministers, choosing the Government to impose the accelerated procedure for the examination of this text. For Total, the UMP could provide that twenty minutes - four speakers may speak for five minutes each. - In the general discussion (*"Yes" on the benches of the UMP group!*.) Similarly, I have only two minutes to talk about Article 1 (*Same movements*), which is a complicated text, composed of several chapters and the complex architecture. I do not have time to say what I wanted to say, this is extremely frustrating. Put yourself in the place of the opposition: it is not a correct way of working.

This law, you have focused on information gathering. I respect this choice, it is needed. But you know and I know, Ministers: what counts in terms of intelligence, it is not only the collection but exploitation.

On 11 September 2001, the US service knew the identity of the Saudi pilot, it was learned later. Similarly, Merah was stuck by the police. He was interrogated by us: after the shooting of Montauban, they not only knew, but knew it was likely the culprit. As for Kouachi and Coulibaly, they were ...

[Madam President](#) . Please enter.

[Pierre Lellouche](#) . You demonstrate what I was trying to say, Madam Chair.

Kouachi and Coulibaly were also stuck, and were questioned. That did not stop the attacks. The task that falls to us priority is to improve the coordination of services, you well know.

[Mr. Claude Goasguen](#) . Of course!

[Pierre Lellouche](#) . You make the wheel bigger by collecting the maximum amount of information, but the problem to find the needle will remain the same. Or if I am not at all sure that your strategy is effective, which I am certain is that it has draconian effects.

[Madam President](#) . Thank you, Mr. Lellouche.

[Pierre Lellouche](#) . A final word, Madam Chair.

[Madam President](#) . Mr. Lellouche, I'm confused, but the rule is the same for all. The inscription on the article is right, but for the intervention of two minutes.

[Pierre Lellouche](#) . The Government has no right to do that to the opposition, including on such matters! I had things to say!

[Madam President](#) . Furthermore, the fact that the UMP has disposed of twenty minutes in the general debate has nothing to do with the accelerated procedure, but the result of a decision of the Conference of Presidents, competent to organize our debates.

[Hervé Morin](#) . Bravo, the Conference of Presidents!

[Pierre Lellouche](#) . How do I work? This is not normal!

[Madam President](#) . The call Mr Jean-Jacques Candelier.

[Mr. Jean-Jacques Candelier](#) . Article 1<sup>st</sup> is a major section of the bill. *A priori* , we can only share the legitimate concern to create a general legal framework for the

activities of intelligence services. However, the need to give the intelligence services means necessary for the preservation of state interests should not overshadow his duty to protect the rights and freedoms. First, Article 1<sup>st</sup> arouses our concern because it extends the scope of intervention of service information. As stressed by the Union of Magistrates, in view of the magnitude of the tools available to specialized agents the areas of intervention should be more precisely defined and effective control should be put in place to avoid potentially serious infringements of individual liberties. This is why we have tabled amendments designed to strictly limit the area of intervention of the intelligence services, in accordance with the purposes covered by the law of 10 July 1991 concerning the secrecy of correspondence transmitted by way of electronic communications. Then, the authorization procedure envisaged to use the collection of technical intelligence provided by law does not seem sufficiently regulated. Indeed, in the authorization procedure under the bill, decision-making power is vested in the Prime Minister, who is under no obligation to follow the opinion, purely advisory, entrusted to the National Control Commission technical intelligence. But this framework is not sufficient to ensure a proper balance between the means implemented by the intelligence services and infringements of civil liberties. Similarly, the inspection carried out *a posteriori* by the Commission does not appear sufficient: no time to act is not specified and no public inquiry means apart its annual report. The only real action by the Commission will be referral to the Council of State.

[Pascal Popelin](#) . This is not all the same thing!

[Mr. Jean-Jacques Candelier](#) . For all of these reasons, we will vote against the article.

[Madam President](#) . Call Isabelle Attard.

[Isabelle Attard](#) . Madam Minister, Ministers, your bill goes back 121 years ago. (*Exclamations from various quarters.*) The enemy within was not then the jihadists, but the anarchists. No one imagined the arrival of the Internet as new public space, but the development of many mass media already worried. In July 1894 one of our illustrious predecessors did here a speech opposing the "wicked laws" aimed to prohibit any communication to anarchist ideas. Here are some selected excerpts; you replace the word "anarchist" by "terrorist." "If you examine the measures already voted by you, the profound intention of your law is an attempt by Parliament to approach the most hidden origins and more root of the anarchist act, to get almost anarchy into the secrets of human consciousness. It is in this sense that you market, in the sense that develops the whole legislative movement against anarchy in recent years.

"

"You first were hitting the same acts, or complicity, or the actual preparation of such acts [...]. Then, in the law of December, you have done more and you wanted to reach the indeterminate for an unspecified attack agreement, that is to

say that you wanted to hit, catch a bad thoughts community. But that was not enough for you yet. And you come to us, you tell us: The anarchist thought, it can slip into the simple way, it can be whispered from heart to heart, from ear to ear; it can be exhaled in a simple cry of rage and pain, and since there is an anarchist risk in these statements, in these confidences in those letters exchanged in those suffering murmurs or anger, we will try to surprise hit all for all that; we will listen to the door of every conscience, and so will stop the spread of deadly even thought we be able to neutralize the imperceptible germ of anarchy that may exist in consciousness before they could hatch and manifest. That's good thinking your law. "

The author of these words, ladies and gentlemen ministers, was the deputy Jean Jaurès. If he were here today, he would not have changed a line in the speech he made here 121 years to oppose a law that pretended to fight against the attacks failed and will fail as yours.

[Pierre Lellouche](#) . Very beautiful quote!

[Philippe Nauche](#) , *draftsman* . Do not speak in the name of Jean Jaurès, ma'am!

[Pascal Popelin](#) . Never make the dead speak!

[Madam President](#) . I call Mr. Frédéric Lefebvre.

[Frédéric Lefebvre](#) . Ladies and gentlemen ministers, I will not accuse this text to be draconian, as some have done, but we must ask ourselves, however, very simply, us, some questions. We heard criticizing a " *Patriot Act* to French ". For me, the *Patriot Act* itself, that is to say the decision by the United States in a time of struggle against terrorism, mobilize all the rules in favor of this struggle does not shock me . The important words are: "French". I certainly do not throw your stone, because what is certainly the most difficult in such a text, is to find the right balance between the necessary strengthening of safety and preservation freedoms. Nevertheless, I will defend the amendments, because there are issues on which we need to find the right balance. Just now, the Prime Minister made it very clear that the objective was the fight against terrorism and that the

procedures would be engaged not boils over onto other types of cases. It is necessary - I say to Ms. Keeper - together we defined family how such a text can coordinate with Article 40 of the Code of Criminal Procedure. It is indeed a real issue of protection of freedoms and exercise ... Is it me you do sign, Madam Chair?

[Madam President](#) . Sir, you have exceeded your speaking time.

[Frédéric Lefebvre](#) . I will conclude very quickly. If I stand just now some amendments, it is because I want us all définitions the balance points that allow us to have, certainly, a *Patriot Act* , but rather "French" that is to say guaranteeing freedoms and the protection of personal data of our compatriots.

[Madam President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . This text is not the text of Mr. Valls nor Mr Cazeneuve, nor Mrs Taubira - that is to say that the statements of good feelings are not important. In reality, it largely exceed the personality of Ministers. Everyone knows, indeed, that ministers come and go but the law remains. It is therefore an important law, which will manage a large part of our system of liberties in the coming years. As for progress in intelligence, I am totally supportive. Indeed, I am not an intelligence specialist, why would I not trust the technicians? But the real question is not: When organizing a progress of intelligence, we also organize a lot more control scrupulous: who exercised this control and what penalties in case of failure of control? However, from this point of view, your text does not satisfy me completely - first, because I do not like independent administrative institutions. In this area, an independent administrative institution controlled by the State Council seems totally incorrect. I repeat: there is an article in the



Constitution 66. I know that there has referred the freedom and I know the jurisprudence of the Constitutional Council in 1980. However, it is not a question of civil rights, but an attack on individual freedom. But to my knowledge, the protector of individual freedom defined by the Constitution, the judiciary.

[Hervé Morin](#) . Article 66!

[Mr. Claude Goasguen](#) . You were wrong to make that law without correlation with the court - you made the same mistake as the Americans. Indeed, *Patriot Act* , which everybody talks about, is not applied in the US since it was passed at the federal level, while the courts are administered by the states and most US states the not apply. Because we did not consult the courts, the NSA and the CIA are obliged by a law that was explicit in this field, going beyond personal protection. So if you do not improve the control system, I assure you, I am very supportive of this legislation, many members of the UMP group will avoid the vote.

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . Ladies and gentlemen ministers, the first thing I will speak about this article 1<sup>st</sup> is that no doubt the good faith and good intentions of the Government, you have repeated. It should do you and I agree, legalize illegal practices and to comply with the law which, until then, eluded him. But we must not sweep the good faith of those who sincerely , may have to express doubts, questions and fears about the consequences of this text on civil liberties. This deserves a debate that can not simply be swept aside on the sole pretext of irresponsibility and ignorance even of those who make this criticism, or their ignorance of the law and its provisions. This deserves So we discussed - first, as a Republican, for the Republic, it is not just the order. It is also the freedom and the right, and it is also what unites us all for two centuries: the refusal of all the

abuse of power. The services, which are also an outstanding job in their hands, *let alone* in the new provisions reinforced by law, very important powers and it is therefore appropriate that we discuss these issues. Minister of Defence, I come from, you know, a district where security issues are not negligible. I am very committed to these issues and I certainly do not take them lightly or casually. Mr. Pierre Lellouche, in the Standing Working Group on the fight against terrorism, we discuss and exchange our views, our information and our information. It is therefore not at all by ease or content myself with an ode to freedom that I make some questions that do not concern the rest of the general architecture of the law, but some of its provisions, which we . back In this article 1<sup>st</sup> , which covers several aspects, we must first see the extension - that you present just now, Minister of Interior, as a guarantee - the scope of the exceptions to compliance privacy, that is to say the seven cases justifying the grant of additional resources to services. However, the extension of this field can give rise to many interpretations by the services themselves. The expanded scope of data collection may also cause difficulties. Finally, the joint is not sufficient between the administrative judge and the judicial judge, for reasons that were mentioned earlier. I therefore request that debate, we will reflect and we can find the necessary compromise.

[Madam President](#) . The call Mrs Sandrine Mazetier.

[Ms. Sandrine Mazetier](#) . With this text, and particularly with article 1<sup>st</sup> , we are the heart of what Mireille Delmas-Marty treated in a book entitled *Freedom and*

*security in a dangerous world* . Here we come to the nobility of the exercise of parliamentary, which has to balance the two plates of the scale and check that certain rights are guaranteed. Article 1<sup>st</sup> reaffirms certain principles, especially the fundamental principles of respect for privacy , the inviolability of the home and the secrecy of correspondence, and enumerates cases of public necessity justifying exceptions to the absolute respect of these principles. Above all, it reaffirms the principle of proportionality of the means used. Once these principles are reaffirmed since we all agree on the need to give adequate means to all intelligence services, and not just to those who struggle against terrorism, we must set limits to the logic of anticipation and for controls. In this regard, I share - up to this point, but not beyond -. The views expressed by Mr Claude Goasguen (*several benches of the UMP "Ah."*) Once is not custom ! Some signals are more or less good, some others downright bad. We must set limits, guarantee rights and also, as Mr. Joaquim Pueyo, the right to oblivion. A late amendment emanating from the executive and that the Committee could not discuss creates a file whose data will be kept for forty years: it's not a very good signal to open our debates. But it is precisely on our discussions that I intend to ensure this. I will quote to conclude the last lines of the book by Mireille Delmas-Marty, as a tribute to the Minister of Justice: "With the alliance Bin Laden - Big Brother, the best answer is perhaps in this massive uprising of the imagination that the poet Edouard Glissant calls the "mind of the earthquake," a thought which is neither fear nor weakness, but the assurance that is possible to approach the chaos, to endure and grow in unpredictable ".

[Madam President](#) . The call Mr Hervé Morin.

[Hervé Morin](#) . I will not repeat my opening remarks, and we will discuss later the question of power and against powers. I will mention, About This Article 1<sup>st</sup> , two subjects. The first is the scope of intervention of interceptions, that is to say the definition of all the aims covered by Article 1<sup>st</sup> . I still say that the field is too broad - it covers *roughly* all the community life spectrum. So now it is no longer only the essential economic and industrial interests of France but by a rapporteur's amendment, of its "important interests" which is a much broader sense. Similarly, interceptions are now possible for the Prevention of crime and organized crime without at any time be fixed a minimum threshold of penalty. Basically, we can decide to carry out interceptions on drug little traffic where it is organized. Overall, we can cover it with field goals throughout the life of the national community is m explained that this was already the case under the 1991 Act, however, that Act applied to telephone cards, as he now is technological possibilities sometimes akin to trawling . For now, the nets are very broad, but I remember that, according to a mathematical law that has never been denied, Moore's Law, the double mathematical power every 18 months: once you have implemented algorithms including ...

[Madam President](#) . Sir, your time is two minutes, as all speakers.

[Hervé Morin](#) . Two minutes, while we are talking about fundamental freedoms and individual liberties. It's beginning to do well!

[Pascal Popelin](#) . You should not talk to say nothing in the general discussion!

[Madam President](#) . Mr. Morin, I will not beat me every time for every member understands: the regulation provides a talk time of two minutes each to each article and on each amendment. I can not help. You are more than twenty-five speakers on this story: if I let one or two minutes each, you see what difficulties we have!

[Lionel Tardy](#) . A former defense minister!

[Madam President](#) . The regulations apply to you as to all members, Mr. Morin. I thank you in advance concluded.

[Hervé Morin](#) . I therefore conclude. With these new means of intervention, the company control of the spectrum can be much wider. Moreover, and I will conclude here, section 1<sup>st</sup> indicates that a decree of the State Council may grant other services that intelligence services use the same techniques. I want to know exactly what the content of any order made by the Government about these other services that may occur with these means.

[Madam President](#) . I call Mr. Patrick Devedjian.

[Mr. Patrick Devedjian](#) . According to the Prime Minister, the Government intends to ensure that monitoring will be focused strictly on threatening behavior. This guarantee could be sufficient if I found her in the act; Unfortunately, this is not the case! Article 1<sup>st</sup> of which we speak now, in fact lists seven areas where supervision will be exercised. Given the communication that was made on this bill, the opinion believes it is only intended to fight against terrorism ...

[Hervé Morin](#) . But this is wrong!

[Mr. Patrick Devedjian](#) . ... Gold, seven items listed in Article 1<sup>st</sup> , the fight against terrorism is only the fourth.

[Philippe Nauche](#) , *draftsman* . You finally realized it was a law on intelligence! Congratulations!

[Mr. Patrick Devedjian](#) . There are six more, I list: national security; the essential interests of foreign policy and the enforcement of European and international commitments of France; economic interests and basic scientists from France; preventing the recovery or maintenance of the group disbanded in application of Article L. 212-1 - the bill is written so well that we did not even tell what code they referred! Trust the State Council to reread the texts! -; ...

[Mr. Jean-Yves Le Bouillonec](#) . Just read that of the commission!

[Mr. Patrick Devedjian](#) . I speak of the bill presented by the Government, Mr. Le Bouillonec: it was not reread before its release!

[Mr. Jean-Yves Le Bouillonec](#) . See the text of the commission!

[Pascal Popelin](#) . Since 2008, it is on this text we work in the Chamber!

[Pierre Lellouche](#) . The text of the commission do not say!

[Madam President](#) . Please, dear colleagues!

[Mr. Patrick Devedjian](#) . I continue the list: the prevention of crime and organized crime, and prevention of collective violence likely to seriously undermine the public peace. It is seen as the field is huge! Huge! Apply the law to strictly threatening behavior is not reassuring, and it is even less so when spreads the judicial court, in contradiction with Article 66 of the Constitution and Article 136 of the Code of Criminal Procedure . The latter, I remind you, states that in cases of infringement of individual liberty, the ordinary courts exclusive jurisdiction - exclusively!

[Lionel Tardy](#) . Eh yes! The ordinary courts, not the administrative judge!

[Mr. Patrick Devedjian](#) . You do not finished with this text! The Government is certainly in good faith, but hell is paved with good intentions!

[Mr. Claude Goasguen](#) . Very good!

[Madam President](#) . The call Mrs Cécile Untermaier.

[Cécile Untermaier](#) . Legal uncertainty as the necessary reorganization of the intelligence services under the global challenge confronting us require the adoption of a modern legal framework, like that offered by other democracies. Hail a law of clarification and modernization. Announced in July 2014, this bill has a special resonance in the post-tragedy of 11 January 2015. The system proposed intrusive and powerful intelligence services by Article 1<sup>st</sup> , fear of a proven mass surveillance by our citizens require that sufficient guarantees be given: we will have already worked in the Committee of laws by the adoption of many amendments proposed by the president rapporteur in particular, but we must continue our work. I make three comments: first is that the new commission should have an indisputable control over the actions of the intelligence services and as well as means adapted to control necessary. It must be able to verify the eventual destruction of the data. Second point: the citizen must be able,

according to a defined administrative procedure, to assert their rights and guarantee fundamental freedoms. As long as the administrative procedure is not defined, it is not usable and freedoms are paying the price. Third point: because of the powers of specialized intelligence services, it is also important to give officers who are at the heart system, the ability to report any abuse that might be committed by those services. This is a historic regime whistleblower who will make an amendment proposed by our rapporteur president, in order to strengthen the protection that our citizens rightly expect. We must in any event a serious and readable legal arsenal of control, and I will defend the amendments in this direction.

[Madam President](#) . The call Mr Patrice Verchère.

[Patrice Verchère](#) . Secret activity by nature and necessity, the information was part of a paralegal or extralegal fuzzy environment. Indeed, services that are dedicated to him work in favor of the Republic, but often in the limbo of law and democratic requirements. However as the years passed, the more the delay by France in this area seemed indefensible. Our country was also the last democratic countries not to have established a normative framework adapted. The 2008 White Paper on defense and national security also indicates that intelligence activities do not currently have a clear and sufficient legal framework. This gap must be filled Thus was created a finding mission on the legal framework for intelligence services, which I had the honor of being the co-rapporteur Jean-Jacques Urvoas. We wanted to carry out an inventory of our

services which resulted, in May 2013, to the formulation of recommendations to improve the work of our intelligence apparatus in a more appropriate framework to standards of democracy. Three powerful ideas particularly stood out in the report: allocate more resources to French intelligence services - be it budget, staffing or new techniques that can be used -; to intelligently control by Parliament intelligence activities; continue, even if correct, reorganizations launched since the early 1990s I recall that this report was unanimously adopted by members of the Judiciary Committee. If I am satisfied that this text comes up for discussion, I am well aware that sparks debate. I heard the questions, expectations and fears, which are quite normal. Colleagues, ladies and gentlemen Ministers, it is our responsibility to address the concerns of our citizens, and I hope that the many parliamentary amendments including from the UMP, will complement the protection of citizens and their freedoms. There remain questions indeed. It is therefore essential that this text evolves As we indicated with Jean-Jacques Urvoas in our report, consideration for the grant of new information technologies to our services must be the acceptance by them of a particularly enhanced control of their business and very severe penalties for drift. Therefore, the role of CNCTR is essential so that it ensures that the resources committed are proportionate to the threat that our services are supposed to fight. It is also important to clarify, as of this week, what human, technical and financial will be made available to the National Commission to exercise effective control. I would add, even if it is outside this draft law, it must also strengthen the capacity of the parliamentary delegation on intelligence assigning to it a director or two, permanently. Thank you kindly forward this request to the President of the National Assembly, Madam Chair.



[Madam President](#) . This will be done, sir. I call Mr Pascal Popelin.

[Pascal Popelin](#) . In a word, I would remind our colleague Patrick Devedjian - but I do not doubt he knows - that since the constitutional revision of 2008 and the modification of procedure of the Assembly ensuing examines in the hemicycle text that was voted on in committee.

[Mr. Claude Goasguen](#) . So do not waste time!

[Pascal Popelin](#) . I say this for two reasons: firstly, because you regretted the little time you have to express yourself - so much interest in the current state of our work!

[Mr. Patrick Devedjian](#) . I said that I was speaking the text of the Government!

[Pascal Popelin](#) . On the other hand, as I know that many citizens are watching, so do not mislead them by not taking into account the progress already achieved through the work in committee, which is entirely consistent with our role Parliamentarians.

**Several members of the CBC group** . Very good!

**Hervé Morin and Mr. Claude Goasguen** . You lost two minutes!

[Madam President](#) . We are done with the speakers on the article. I received two identical amendments, n<sup>os</sup> 206 and 305. The call Mr Pascal Cherki, to support Amendment n<sup>o</sup> 206.

[Pascal Cherki](#) . I would first like to begin by congratulating the members of the committee for the changes they have made to this article, and I intend to extend my amendment. In the original version, in fact, it was said that the draft Law also applied to the implementation of European and international commitments of France. I could see myself giving my phone number to specialized service of the Interior Ministry because I campaigned for the "no" to the constitutional treaty and because I was opposed to the treaty on stability, coordination and governance, said TSCG! *(on some on the benches of the SRC group "O".)* The interior minister would also have given as much his: at the time, we were together for the campaign " no. " I turn to the subject of my amendment, which simply aims to make a terminological precision to put the text into line with what exists in our criminal code. It proposes to insert in paragraph 1, after the word "information", the words "on terrorism and the protection of fundamental interests of the nation," which is the subject of this bill. Indeed, Article 410-1 of the Criminal Code already defines what terrorism and violations of fundamental interests of the nation. Adoption of the amendment would better put this bill in the genealogy and in the chain of existing penal laws, which have not to date - at least as regards the 410-1 and following of the Criminal Code - the subject of criticism.

[Madam President](#) . I call Ms Aurélie Filippetti, to support the amendment ° 305.

[Ms. Aurélie Filippetti](#) . This is the same amendment to clarify the title of Title of Book VIII of the Code of internal security, and therefore subject to this law. We know that in a democracy, it is the procedure that is a last resort the best

guarantor of human rights. Our goal should not be to protect, promote or develop intelligence for intelligence: it must be to coach, strictly limit the procedures provided services to perform intelligence activities and assign them specific goals.

[Lionel Tardy](#) . Very good!

[Ms. Aurélie Filippetti](#) . These objectives must be enshrined in law in the strictest way possible. That is why we offer, from the first section to clarify that this is intelligence in the fight against terrorism and the protection of fundamental interests of the nation. The purpose of the bill is, in effect, to protect the nation and not to protect the intelligence services. The information exist and are obviously necessary to ensure the safety of our citizens, but they are not a goal in itself. The objective is democracy; therefore, in any way, do sacrificing fundamental freedoms in this text in favor of a too broad concept of security. The jurisprudence of the European Court of Human Rights, cited by the mission Information Urvoas deputies and Verchère in 2013 precisely states that violations of the privacy and fundamental freedoms must be strictly controlled, limited, both in time and in the definition of persons to which they may apply or that may use it.

[Madam President](#) . I call Mr. Jean-Jacques Urvoas, President of the Committee on Constitutional laws, legislation and general administration of the Republic, Rapporteur, to give the opinion of the Committee on these two amendments.

[Mr. Jean-Jacques Urvoas](#) , *Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic* . The opinion of the committee is against, in both form and substance. On the form, I understand that the intent of our colleagues was to restrict the intelligence field. If they wish, what one is perfectly conceivable, not in paragraph 1 that should make changes, but in paragraphs 9 to 16. I know this is your intention but me to justify why the opinion is unfavorable: if you change the title and not paragraphs, it came to nothing. So

you could say that these amendments are inappropriate. Basically, I do not think that by doing in the title of the book VIII the concept of the fundamental interests of the nation, we restrict anything, because this concept is contained in the penal code since 1992, except my mistake - I speak under the control of the Minister of Defence. Its definition is very complete or exhaustive, as it will protect the confidentiality of national defense to the territorial integrity, the republican form of government, espionage, treason - you name and best. Thus, in the interest of those who signed these amendments, I advise them back.

[Madam President](#) . I call the Minister of Interior to give the opinion of the Government.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . Agrees.

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I do not want unnecessary controversy with our excellent colleague Urvoas, chairman of the Law Committee. It is true that the summary of the amendment refers to "restrict the intelligence field", but in my mind, it is rather clear. As I said in my introductory remarks, I wish we we put in the law; or Article 410-1 of the Criminal Code, which is not the subject of dispute, defines what the protection of fundamental interests of the nation.

[Mr. Claude Goasguen](#) . Absolutely! As a whole it is even enshrined in Book IV of the Penal Code!

[Pascal Cherki](#) . Therefore we do not delimits the scope of the law to the only fight against terrorism, we must relate well to existing texts of our positive law not to give the feeling of legislating *from scratch* , to make a law exceptional.

[Mr. Claude Goasguen](#) . Of course!

[Pascal Cherki](#) . That's just what our goal. Certainly, it is the former criminal lawyer who speaks rather than parliamentary, but when it was legal practitioner, sometimes you remember once elected.

[Mr. Claude Goasguen](#) . Very good!

*(Amendments identical n<sup>os</sup> 206 and 305 are not adopted.)*

[Madam President](#) . I received five identical amendments, n<sup>os</sup> 1, 34, 124, 244 and 294. I call Mr. Lionel Tardy, to support Amendment n<sup>o</sup> 1.

[Lionel Tardy](#) . I'm generally not in favor of gossip, but obviously sometimes deserves to be remembered, such as the intelligence services operate within the law. Still happy! In paragraph 4, you indicate that respect for private life, in all its components, including the privacy of correspondence and inviolability of the home is guaranteed by law. I propose that the protection of personal data is recorded for these components. This reminder is necessary because the bill raises serious concerns regarding the protection of personal data. It is the National Data Processing and Liberties Commission recommends that this insertion. Frankly, it costs nothing and adopt the amendment would start our discussions.

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment n<sup>o</sup> 34.

[Sergio Coronado](#) . I am pleased that this amendment has made small, since I note that several of my colleagues have filed identical amendments with the aim of integrating the personal data protection of privacy. This gives reason to those who were not very favorable for referral back to committee because in committee, the amendments of the UMP group aimed to harden over the text to guarantee fundamental freedoms, as they seem to do now in session. So I do not regret my vote.

[Mr. Claude Goasguen](#) . There are liberals, the UMP!

[Sergio Coronado](#) . Mr. Tardy said very simply: this amendment aims to enter in the Personal Data Protection Act, which are integral to privacy, as well as the secrecy of correspondence and inviolability of the home. The data Personal cover a significant amount of more or less personal information, such as name, surname, age, sex, place of residence, favorite hobbies, nicknames, customer numbers, etc. These very important data allow to draw sociological and

behavioral profiles of individuals extremely accurate. Since we are committed to the protection of privacy, we can not sweep out of hand - as was done in committee - the requirements related to the protection of personal data, recommendations or neglect made in this area by the CNIL, or the work of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament.

[Madam President](#) . I call Mr Philippe Vigier, to support the amendment ° 124.

[Philippe Vigier](#) . In line with what just said Lionel Tardy and Coronado our colleague, he is to add the protection of personal data to the elements with which compliance is guaranteed by law. I would add that it is a constitutional requirement since 1999, the Constitutional Council considered that the right to respect for private life within the scope of personal freedom proclaimed in Article 2 of the Declaration of Human Rights and the citizen. And Sergio Coronado has to refer to it at the moment, recall very recently, that of October 2013, when the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament adopted very widely elsewhere, the rules of the European Union on the protection of personal data. That is why we hope that the latter can be inserted into the text.

[Madam President](#) . Call Elisabeth Pochon, to support the amendment ° 244.

[Elisabeth Pochon](#) . It seems that we all agree to judge important insertion into the text of the protection of personal data, allowing them physical and electronic identification. Their protection should be included in the law as well as the secrecy of correspondence and inviolability of the home.

[Madam President](#) . I call Mr Pascal Cherki, to support Amendment n ° 294.

[Pascal Cherki](#) . We address with this bill codifying intelligence techniques, including in the field of computer and internet. This paper raises questions and many concerns have been expressed outside this Chamber. Some will be relayed here, others will be appeased, I know. But if there is one instance, an independent administrative authority, which has experience and has advised

governments and parliamentarians to improve legislation while protecting fundamental freedoms since the advent of computers and files, it is the CNIL. I think it would be common utility that this amendment be taken up and adopted by the National Assembly, with the favorable opinion of the Government, as it merely reproduces an opinion of the CNIL dated March 5th. We could address a sign of appeasement to those who look with fear this bill and tell them that, starting from a good base in committee, we are moving towards the right balance between freedom and security. This is really the heart confident that I expect the favorable opinion of the Government.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I welcome that many of these amendments come from a recommendation of the CNIL. It is a form of homage to the independent administrative authority, in its proposal capability in the event of his liberty and independence. (*Laughter.*)

This applies to all independent administrative authorities that we will discuss. Moreover, having consulted the debates of 1978, I know that this year, when Parliament created the CNIL, there were almost as many prejudices as against the CNCTR. This leaves us therefore hope that tomorrow everyone agrees that this is a good model. Basically, I hope not to have given the feeling sweep of hand, as stated by Sergio Coronado, the amendments. I believe the contrary have tried to explain why I gave an unfavorable opinion. And I do not make my own the jurisprudence invoked by Lionel Tardy: "If it is not expensive, if you can please ..." I do not make the law to please nor depending on what it costs.

[Lionel Tardy](#) . I hope so!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I am the law by trying to construct a road, always complicated, between the accuracy of the law that is essential to the preservation of freedom and talkative law.

[Mr. Patrick Devedjian](#) . Or fuzzy law!

[Lionel Tardy](#) . When it is unclear, there is a wolf!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This requires use of the concepts to equal treatment. When I look at the proposal that is before us, looking if it has a constitutional basis. Because the confidentiality of correspondence, which appears in the paragraph has a constitutional definition as inviolability of the home. I believe we must make equal treatment concepts that have the same legal value. It is a simple matter of consistency. That's why I had given an unfavorable opinion in committee. Now, domestic law is not the only one: we are partly governed by European law and the European Court of Human Rights, in two decisions which Amann against Switzerland, have integrated this concept that you propose to insert in the law the protection of personal data. I therefore give a favorable opinion of the Committee.

[Lionel Tardy](#) . Very good!

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . He was first in this text, I repeat following the debate on Article 1<sup>st</sup> , article L. 811-1 is very clear on the respect for private life and correspondence. He said: "Respect of privacy in all its components, including the privacy of correspondence and inviolability of the home is guaranteed by law. "

These are constitutional principles, as just pointed out the rapporteur, who are supported by the legislation. The public authority can not harm it that only in cases of public interest specified by law. The protection of personal data is one of the elements of respect for privacy. Therefore, we could consider, if we only had the right without worrying about sending signals that the amendment is already



met by this article. But I understand that this is reinsurance amendments and that is why the Government gives them a favorable opinion.

[Madam President](#) . I call Mr. Patrick Hetzel.

[Mr. Patrick Hetzel](#) . I note that we did well to defend those amendments and I would like to remind our colleague Coronado Tardy with my colleague, we tabled the amendment ° 1. We were for some time convinced of the need to move in this sense. We get there and better! Your rapporteur, your reasoning is to say, by parallel forms, we must insert that concepts constitutional. Nevertheless, it is clear that personal data and protection are closely linked to the evolution in progress: this is probably because the digital has become very prégnant in our society that we are led to more explicitly address this issue. That is why we are delighted to register this favorable opinion.

[Lionel Tardy](#) . Very good!

*(Identical amendments n<sup>os</sup> 1, 34, 124, 244, 294 are adopted.)*

[Madam President](#) . I call Mr Pascal Cherki, to support Amendment n ° 301.

[Pascal Cherki](#) . To continue this excellent collaboration between the Assembly, the Rapporteur and the Government, I still offers reinsurance amendment, which also has a solid legal basis: it is inserted in the first sentence of paragraph 4, after the word "home", the words "right to information". Everyone will understand why. This amendment is very clear and, again, it is the heart confident that I expect a favorable opinion of the rapporteur and the Government.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I have a negative opinion: I can not always have a favorable opinion! The "right to information", in fact, is not a defined object.

[Mr. Claude Goasguen](#) . Right.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Moreover, the right to information is already protected. Add it here would not obey the sake of clarity in the law. It would be a bit redundant. Also, if I take literally your explanatory memorandum, "this amendment is to ensure civil liberties of citizens." You will agree with me, my dear colleague: it is exactly the purpose of the entire bill.

*(Amendment n ° 301, pushed by the Government is not adopted.)*

[Madam President](#) . I call Mr Pascal Cherki, to support Amendment n ° 303.

[Pascal Cherki](#) . I hope he will experience a better fortune. The rapporteur has studied very carefully, and the Minister, and covers a well-established legal principle. After the second occurrence of the word "respect" in paragraph 4, I propose to add "the principles of proportionality and subsidiarity ". You will agree, Mr. Reporter, they are very well defined legal concepts.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Against.

[Pascal Cherki](#) . No!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . If for substantive reasons. Both the principle of proportionality is not the subject of debate, as contained in article 1<sup>st</sup> of the text that we are examining, as I am against the concept of subsidiarity. With your amendment, c ' is the administrative authority that would judge of proportionality and also of subsidiarity. But this is not the vocation of the administrative authority that we create to be the judge of subsidiarity means that will be used by the services, because a review of subsidiarity implies an opinion on whether . However, the administrative authority is only there to check whether the law is respected or not. Subsidiarity is not in control; proportionality, it is the heart of the control.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . I did not intend to intervene but I jumped, Mr. Rapporteur, when I hear you say that the judgment on whether it is not the responsibility of the commission. Are you talking about whether the means or opportunity itself? I would, minister of the interior, like you to enlighten us on this point. For my part, I understood that the political authority, namely the Prime Minister, had before it a request by the intelligence services to investigate this or that and that the authorization was given after consulting the commission, which decides on the opportunity and the means. If you tell us, Mr. Rapporteur, it has no jurisdiction on whether you then open an even wider field of possible excesses power. I already had reservations about the competence of the commission, but I think your answer is very surprising because it contradicts everything you said about its importance. I would be grateful to one and the other, Mr. Rapporteur, Mr. Minister, kindly explain what you have in mind as to the opinion of the Committee on the request to the Government.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The intervention of Pierre Lellouche is interesting as it clarifies the function of the independent administrative authority and respond in advance to amendments that may seem interesting then again we will be unfavorable to their adoption. This is the concept the assent of the commission that is in question. A number of our colleagues believe that the essence of independence is to confer decision-making power and therefore require that it makes its assent instead of notice Advisory. If we oppose it, it's for the same reasons that I'm adverse to the adoption of this amendment.

Why?

It is political power to take responsibility of the intelligence services, which are neither more nor less than the administrations. In case of malfunctions or offsets, that is the political authority to assume the responsibilities. Discard an administrative authority would be to disempower power.

[Mr. Patrick Devedjian](#) . The authority therefore is not independent!

[Pierre Lellouche](#) . So what is it for?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . In case of problems, everyone would seek the administrative authority by shirking, "It is not me, Minister, that's not us, services that have sinned, it is the administrative authority which n ' has not worked well. " This is because the administrative authority is independent that its opinion is intended to clarify the government's work. It gives a favorable or unfavorable opinion, the Government will follow or not, and you have seen in the text, must justify the reason for the "override" to explain why he does not follow his advice. Future litigation and will state the basis on which the Government has spoken. The administrative authority is there to ensure compliance with the law. For example, a service request to use a technique. It shall carry out administrative path in which it must give reasons for its request for the tasks conferred upon it by law.

[Pierre Lellouche](#) . This is proportionality.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Indeed, under the supposed threat to be combated.

[Pierre Lellouche](#) . Absolutely.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Grant the Commission the subsidiarity principle, this would be it substitutes for example markup - not considered relevant. - An image capture I do not believe that such is the vocation of the administrative authority and I am opposed to the principle of subsidiarity.

[Mr. Jean-Yves Le Drian](#) , *minister of defense* . Very good!

[Madam President](#) . I call Mr. Pierre Lellouche, quickly.

[Pierre Lellouche](#) . I have even less desire to quibble that France needs a law on intelligence. This is not what is at issue. The issue is one of control. I looked at what is the British model, which is much clearer and much simpler - including politically - than the one you offer. The intelligence service turns to the political authority, in this case, a responsible minister - one of you, madam, gentlemen. He asked to investigate such. The Minister gives an authorization, *warrant* . There is no advisory opinion, authorization is controlled then. Finally, a political authority composed of deputies operates a control *ex post* . Your text, meanwhile, removes the court judges and MPs ...

[Mr. Claude Goasguen](#) . Of course! This is the problem!

[Pierre Lellouche](#) . ... In favor of a commission *ad hoc* , which we see *in the end* it does not control much because or its opinion is binding on the Government - which can be considered to have given permission to after that it was formulated - or it is useless.

[Mr. Claude Goasguen](#) . Obviously!

[Pierre Lellouche](#) . Mr. Urvoas, I completely agree that the political authority takes all its responsibilities on condition that there is a control both administrative, political and judicial - you have chosen the State Council, in your case, this may be justified but it can be discussed; as for us we think that Article 66 of the Constitution is necessary, but we are not there yet. In this case, and it is one of the problems I have the architecture of your text, I am struck that political power takes refuge behind a commission formula assent which you say today that it is no longer as it deems proportionality and not the means. Therefore, what control -it? If it controls nothing, a problem arises! We are already immersed in the issue of civil liberties, Mr. Rapporteur, ladies and gentlemen ministers!

[Mr. Claude Goasguen](#) . Right!

[Pierre Lellouche](#) . That is why we have a problem - let us be clear, not the purpose of the law: we all want to fight the terrorists ...

[Madam President](#) . Thank you ...

[Pierre Lellouche](#) . ... But we want to do so in conditions that respect the fundamental principles of our law.

[Mr. Claude Goasguen](#) . Of course!

[Madam President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . I thank Mr. Lellouche and Mr. Cherki raise this fundamental debate that calls for extremely accurate answers. First, the law defines the conditions under which intelligence agencies provide to the political authority mobilization for specific purposes - we discuss Article 1<sup>st</sup> - a number of techniques. The commission checks for its compliance of their mobilization to the right provided by law and in particular control of the proportionality. The opinion of the Committee is inconsistent since, the rapporteur said earlier, the government can take responsibility or not following his advice. This is part of the government's responsibility to do so, the independence of the commission being

in any way altered the fact that it does not render assent - I absolutely agree with what the rapporteur has just said at the moment . I do not rebuke his demonstration but I take this speaking to bring two or three details on topics that were discussed earlier in our debate during the general discussion and interventions concerning Article 1<sup>st</sup> . You saying that the judicial court is evacuated. I do not insist on this point, which is fundamental and must be treated carefully. We take administrative police measures ...

[Mr. Claude Goasguen](#) . But, not for freedom!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... And not detrimental to civil liberties.

[Mr. Claude Goasguen](#) . You've said!

[Mr. Bernard Cazeneuve](#) , *Minister* . Do you authorize me to go down the reasoning? We do not take measures infringing civil liberties, we do not take measures within the framework of the Legalization of the situation of individuals after the commission of an act that is called, we are taking administrative police measures to prevent the commission of an act. So they necessarily fall under the judicial control of the administrative court. You dispute on the basis of an argument that I take into account in my reasoning is Article 66 of the Constitution, inviting the judicial court to intervene in administrative police measures.

[Mr. Claude Goasguen](#) . Concerning individual freedoms.

[Mr. Bernard Cazeneuve](#) , *Minister* . It is true that the decisions of the Constitutional Council provide that the ordinary courts may intervene when administrative police measures are intrusive freedoms ...

[Mr. Patrick Devedjian](#) . He must!

[Mr. Bernard Cazeneuve](#) , *Minister* . Of course!

The jurisprudence of the Constitutional Council, including the most recent - in 2013, the decision *Wesgate* - witness: the constitutional court, which is very clear about this, does not consider that violations of privacy within individual freedom. These topics are extremely precise. If we take measurements of administrative detention or deprivation of liberty, the intervention of the judicial judge would indeed legitimate - that is why it comes at the end of administrative police measures concerning for eg the right of foreigners when they are in detention.

[Mr. Claude Goasguen](#) . This is a disaster!

[Mr. Bernard Cazeneuve](#) , *Minister* . In this case, it is not at all affect the individual freedom or civil liberties but possibly of violations of privacy, since they fall under administrative police measures ...

[Mr. Claude Goasguen](#) . It's amazing to hear that! Even Bonaparte did not say!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... Return to the jurisdiction of administrative courts. This is precisely the state of the law as defined by the jurisprudence of the Constitutional Council who performed continuously and precisely how Article 66 of the Constitution.

[Mr. Claude Goasguen](#) . Only once!

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . The quality of debate is very important and very interesting.

Maybe I misunderstood, but there is something that escapes me in the rapporteur's reasoning. He said roughly, the administrative authority is independent and is not the opportunity to control measures, which is politicized.



[Mr. Patrick Devedjian](#) . It is not independent!

[Pascal Cherki](#) . I would agree with you, Mr. Rapporteur, if the administrative authority could decide after having taken note of the decision of political power - who decided whether to the extent to what he believes is right - she could see that it is not appropriate and that it is not appropriate to retain, failing to ask that another be chosen. However, the administrative authority can not do it because in case of disagreement After deliberation, it may bring the administrative court, which will decide in specialized training. This is not really an independent administrative authority, Mr. Rapporteur, but a collaborative part ...

[Mr. Claude Goasguen](#) . Obviously!

[Pascal Cherki](#) . ... The decision because "filter" access to the State Council and eventually decide on the regularity of the procedure provided by law and therefore, proportionality. This poses a problem for me.

[Mr. Claude Goasguen](#) . Of course!

[Pascal Cherki](#) . Either the Commission can give its assent and acts as the first instance of the State Council - it is therefore normal that decides neither measures nor their opportunity - either to adjudicate on the proportionality ...

[Mr. Patrick Devedjian](#) . She has to!

[Pascal Cherki](#) . ... And as she gives an opinion that the state does not comply, also decides on Subsidiarity to inform in case of disagreement the final decision will be up to the State Council. It seems fundamental to me otherwise, what are you doing this administrative authority? What would you ask in public law? You know, Mr. rapporteur to make minimal control. Is that what you propose to do from an administrative control. There is a real issue here, which is not subject to the principle of opposition between us but the positioning that you grant this

independent administrative authority in respect of a process that may lead to a litigation phase before the specialized training of the State Council.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . As we camp the subject, we need to make a number of checks. Mr Lellouche, I do not entirely share your reading of the British system. First, because the *Commissionner* is a small independent administrative authority. When we met last year with the parliamentary delegation to intelligence, it is rather complained of a lack of resources as its capacity for action.

[Pierre Lellouche](#) . Your commission will not be more richly endowed!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Accept the omen that the mistakes of others make us progress! We can learn from the experiences of others: this is the only advantage that we have starting last.

[Mr. Claude Goasguen](#) . This is not an argument.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . In the same way, we met at the House of Commons representatives of the Intelligence Security Committee - that is to say the parliamentarians, who are so independent that they are chosen by the Prime Minister! I imagine if we proposed it to be so with us you would not have been totally agree! For once, the Intelligence Security Committee have absolutely no concern of the techniques used by the services. S ' As to the administrative authority, Mr. Cherki, we start from the 1991 law, which fed many reflections. But this year, the State Council, requested by the Government - Article 20 of the law - indicated that, in this case, the transfer of power of decision to an independent administrative authority would be unconstitutional. Remained the only advisory powers. That is why in 1991 - but this is still the case today - Edith Cresson had

hoped that national security interceptions Control Commission, the CNCIS, advises *a priori* even the text provides that it must give its opinion *post*, which is understandable since the interest is obviously much lower in the latter case. I wish to reassure you that the CNCTR give notice *a priori* but will retain the power to control *post* also, first, because it will have access to the collection of information received and, then, in case of renewal of the art, it will decide on the basic production information to justify the continuation or not of it. This is why the administrative authority may have the power to decide on the means used by services.

[Patricia Adam](#), *chairperson of the committee of national defense and the armed forces*. Of course.

[Mr. Jean-Jacques Urvoas](#), *rapporteur*. Therefore the subsidiarity principle does not seem acceptable.

[Madam President](#). I call Mr Pascal Cherki.

[Pascal Cherki](#). If I understood the words of the rapporteur, I am prepared to withdraw the amendment. The independent administrative authority becomes *de facto* judge of whether in the case of renewal of an extension.

[Mr. Jean-Jacques Urvoas](#), *rapporteur*. Of course.

[Pascal Cherki](#) . I withdraw my amendment since its role as judge of the opportunity is recognized. The only difference is that it is upon renewal, not the beginning. I hope the discussions will move forward by the second reading ...

**Several deputies of the UMP** . There will not, with the accelerated procedure!

[Pascal Cherki](#) . ... Or at least in the Senate.

*(Amendment n ° 303 is removed.)*

[Madam President](#) . I am seized by Jean-Jacques Urvoas, rapporteur, a drafting amendment, n ° 317.

*(Amendment n ° 317, accepted by the Government and passed.)*

[Madam President](#) . I call Mr Pascal Cherki, to support Amendment n ° 309.

[Pascal Cherki](#) . This amendment proposes that, in the second sentence of paragraph 6, the words "and obstruction" be deleted. The intelligence activity should indeed be limited to the collection of information and analysis, ...

[Ms. Sandrine Mazetier](#) . But no!

[Pascal Cherki](#) . ... Excluding operational acts of obstruction that fall, I think, of the judicial police in case of criminal offenses.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This amendment seeks to remove the role of the DGSE.

[Mr. Jean-Yves Le Drian](#) , *Minister* . Of course!

[Pascal Cherki](#) . No! I would not have dared to do that!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Let me read Article 2 of the decree of 2 April 1982 creating and establishing the powers of the General Directorate for External Security, which we must give thanks to François Mitterrand to have it made public, since This is the first decree published in *the Official Journal* concerning the intelligence services - before François Mitterrand, the decrees were not published, "The Directorate-General for External Security's mission in favor of the Government and in close collaboration with other relevant bodies, to find and exploit the information relevant to the security of France, and to detect and impede outside the national territory, the espionage activities against French

interests in order to prevent the consequences . "

The DGSE has the mission to "obstruct" the espionage activities against French interests. You will therefore understand that I issue a negative opinion on your amendment. I wish indeed that the DGSE continues to have an offensive role.

[Xavier Bertrand](#) . Very much so!

[Madam President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Agrees.

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I would hate to go down in history as the one who prevented the service DGSE to act! (*Laughter.*) I am prepared to withdraw my amendment, but I hope that we can move forward on this issue by examining the text in the Senate. It would be good that a similar amendment proposes to delete the words "and obstruction," while specifying that this excludes the missions of the DGSE, which would satisfy the rapporteur rightly. This will enable us to agree quite easily. But for now, to avoid false controversy, I withdraw my amendment.

*(Amendment n ° 309 is removed.)*

[Madam President](#) . I received two identical amendments, n<sup>os</sup> 212 and 307. The call Mr Pascal Cherki, to support Amendment n ° 212.

[Pascal Cherki](#) . I hope I will not call in question the national defense nor the means of deterrence, nor the Foreign Ministry (*laughter*) this amendment whose objective is much more modest. It simply seeks to delete paragraphs 10 and 11 of Article 1<sup>st</sup> , to bring out the intelligence field "the major interests of foreign policy and the prevention of all forms of foreign interference" - a little wide object deserves to be clarified. - and especially the "economic interests, major industrial and scientific of France" As written, these clauses are a problem. I'm not naive and I understand very well that the intelligence services are working to protect our large international companies or our SMEs from the action of foreign intelligence services or our competitors. However, it should not be that they serve as a screen and allow some of our multinationals have, as could be the case in

the past, behaviors that morality and law disapprove. By removing paragraphs 10 and 11 at this stage of examination of the text, we would invite senators to propose a text that would achieve the same objectives, but in a wording that is narrower legally, so as to remove any ambiguity.

[Madam President](#) . I call Ms Aurélie Filippetti, to support the amendment ° 307.

[Ms. Aurélie Filippetti](#) . Madam Chair, this amendment is to further specify the grounds of public interest which can justify the implementation of further intelligence techniques as those that currently exist. In his view, the rights defender himself asked that the scope of this new system is further refined, it is more clear, more precise and predictable. This amendment is in line with greater accuracy.

[Madam President](#) . I call the Rapporteur for opinion of the Committee for National Defence and the armed forces, to give the opinion of the Committee on these two identical amendments.

[Philippe Nauche](#) , *draftsman of the Committee on National Defense and Armed Forces* . To be clear, this text is not only about preventing terrorism. It tends to give a legal framework for intelligence activities not only to the prevention of terrorism. It would be bad policy to remove these two paragraphs, because it is the protection of the "best interests of the foreign policy" and " the prevention of all forms of foreign interference "that enable the Government, through the action of its services, to have autonomy of decision in foreign policy and commitment. So that's part of the fundamental interests of the nation. Moreover, if we exclude the framework of the law "economic interests, major industrial and scientists from France," it means to be left systematically plunder the economic heritage, industry and science in our country, and that prohibits any intelligence action allowing the Government to act in the best in terms of economic development, industry and science for the benefit of our country. On behalf of the Defence Committee, which examined this text and had validated all the public interest

grounds justifying the intervention of the intelligence services, I am very unfavorable to the adoption of this amendment.

[Madam President](#) . I call the Minister of Defence to give the Government's view on these amendments.

[Mr. Jean-Yves Le Drian](#) , *minister of defense* . Agrees.

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . I go back to an argument I have already explained just now, and to which my colleague Philippe Nauche did not respond. Extending the scope of authorizations justifying deprivation, or at least restriction of freedoms, guarantees, depending on your interpretation, to comply with the right practices. But it also has the disadvantage is that it extends the scope of these restrictions. The rapporteur often alludes to the spirit of the laws and you said, to be clear, that this law not only covers terrorism. I hear you, but it's not exactly what we heard just now, and the Prime Minister himself, especially emphasized the fight against terrorism. But if we want our actions define a clear, limpid, lucid and comprehensible to everyone, so be clear on the objectives and do not extend much - I will not say to infinity, because I'm not in bad faith - . the law enforcement field and authorizations made to the information also restricting the field to which reports directly to national security or terrorism will raise another problem, that of terms Action of our services themselves. Indeed, if there is something that we will have reparlions, it is the efficiency and effectiveness of our services. They do a remarkable job, as I said, but we saw at the time of the Merah case and the case Kouachi they had, for lack of means, suspend monitoring of individuals who were yet in their radar, a few weeks of their acting out. We can solve these problems, regardless of the law, giving our services additional resources. I also believe that the advance of decrees have been issued to this effect, which can respond to

emergencies. It may not be necessary to go through the extension of the scope of the law, which raises legitimate concerns and based on the protection of freedoms.

[Madam President](#) . The call Mrs Sandrine Mazetier.

[Ms. Sandrine Mazetier](#) . I confess my profound incomprehension at these two amendments, which aim to avoid the sophisticated intelligence technical defense "major interests of foreign policy and the prevention of all forms of foreign interference" and "economic, industrial and Major scientists from France. " To have spent hours in this Chamber with some of my colleagues have signed these amendments, particularly when considering the bill on the fight against tax evasion and the large economic and financial crime; to have worked, especially with my colleague Pascal Cherki, on how to avoid some tax avoidance schemes that use all kinds of circuits with a high opacity and pass through abroad; to be sure that customs need to use a number of techniques to avoid, and even prevent this crime which undermines the integrity of the nation, I am amazed that these two amendments, of course, we will not vote.

[Mr. Jean-Yves Le Bouillonec](#) . We agree!

[Elisabeth Pochon](#) . Congratulations!

[Madam President](#) . I call Ms Aurélie Filippetti.

[Ms. Aurélie Filippetti](#) . I will try to answer, at least partly, to Sandrine Mazetier, concerning in particular paragraph 11, relating to "economic interests, major industrial and scientific of France." I recall that the bill poses a number of problems as regards the so-called closed professions - judges, journalists, lawyers, not to quote them. Journalists who would investigate a large French company and possible problems or scandals that company ...

[Pascal Cherki](#) . At random!



[Ms. Aurélie Filippetti](#) . ... Would not be protected and could fall within the scope of intelligence surveillance techniques.

[Philippe Nauche](#) , *draftsman* . No!

[Mr. Claude Goasguen](#) . Ah, the fadettes!

[Ms. Aurélie Filippetti](#) . We have seen recently in various cases involving major French companies: journalists who investigate these companies are routinely accused of harming the economic interests of the nation. This is unacceptable, especially as this law is not counterbalanced by law we all expect, for nearly three years, on the protection of journalists' sources, which I know works the Chancellery.

[Mr. Jean-Yves Le Bouillonnet](#) . That's right!

[Isabelle Attard](#) . Very good!

[Ms. Aurélie Filippetti](#) . If only we had really a law protecting journalists' sources, we could reassure us and tell us that they can continue doing their work. But with devices like this, we can unfortunately only worry, hence our amendment to delete these paragraphs.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Madam, I invite you to read the preceding paragraphs of paragraph 10, which concern the vocation of service. You will see that there is question of the defense and promotion. What you will undermine - and Pascal Cherki will be co-responsible - it is not only the DGSE but DPSD and DRM, that is ie the Directorate for the Protection and Security of Defense and the Directorate of Military Intelligence.

[Pascal Cherki](#) . I did this myself?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We are not starting from nothing, because all these organizations were created by order DPSD 20 November 1981 and 16 June 1992. DRM were given assignments to these services: they aim to defend and promote the . major and essential interests in matters of foreign policy and the fight against economic interference Paragraph 11, meanwhile, is to ensure that our services are fighting not against journalists that make the

investigation - will give the CNCTR never authorization in this case, it goes without saying - but against looting, against predators.

[Mr. Jean-Yves Le Bouillonec](#) . Of course!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . In its 2014 report, the Parliamentary Delegation intelligence devoted thirty pages about it, because in terms of national sovereignty, which is today a great threat is the plundering of our companies. They looted by powers which are not necessarily regarded as our opponents, and not as far from us that we instinctively want to believe. To address these threats, to plunder, we need our services provide both defend our interests and promote our businesses, so that they can win business. Dear colleagues, I am convinced, and many of us share, that is not the war in white gloves and with a bouquet of violets. When other deployed means that are those of the State, we must stop thinking that the cordiality and courtesy that make the charm of our country enough to face them. We have ways to go on the offensive: why we do without?

**Philippe Nauche** , *draftsman* and **and** , *Mr. Pascal Popelin* . Very good!

*(Amendments identical n<sup>os</sup> 212 and 307 are not adopted.)*

[Madam President](#) . I received two identical amendments, n<sup>os</sup> 106 and 164. I call Mr. Philippe Vigier, to support Amendment n<sup>o</sup> 106.

[Philippe Vigier](#) . This amendment is much narrower than the previous ones: it is rather an amendment consistency. It has not escaped our excellent rapporteur he touches to the list of public-interest grounds justifying the collection of information. Paragraph 10 of this article mentions "the major interests of foreign policy and the prevention of all forms of foreign interference." I will not dwell on the debate that took place in committee, about the difference between the concepts of "major interests" and "essential interests", the State Council recommending instead the phrase "essential interests". I suggest, Mr. Reporter, move that ground in Article 3, which deals with, you know, internal security, and regulates international monitoring modes. That seems to me more consistent.

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment ° 164.

[Sergio Coronado](#) . We arrive at the definition of the purposes of the intelligence services, the first major part of the bill is to define concretely. This part will be permanent, unlike the use of certain technological tools that will undoubtedly be evaluated in a few years. These provisions are heavy with meaning. I note also that the work in committee passed the text of a rather defensive approach to a more offensive sense, expanding the information to other areas. Paragraph 10 of this article focuses on "the major interests foreign policy and the prevention of all forms of foreign interference. " This motif appears to me broad and vague in terms of the importance of these interests. Paragraph 16 provides, *in contrast*, an example of a specific pattern, concrete, targeted: the 'prevention of proliferation of weapons of mass destruction.

"

I wonder, because I can see what is the point of including such a pattern among the objectives assigned to the intelligence community. But, to take two examples not so old, what were the "best interests of the foreign policy" of France at a time when Bashar al-Assad was the guest of honor at the parade of 14 July, and where Colonel Gaddafi were received under the golds of the Republic? These major interests they do not require, for example, to monitor opponents of these regimes? Do they not justify, ultimately, a form of complicity with authoritarian regimes? So I really wonder about the relevance of that paragraph.

[Madam President](#) . What is the opinion of the Committee on these two identical amendments?

[Philippe Nauche](#) , *draftsman* . I am opposed to these amendments deleting paragraph 10, which refers to "the major interests of foreign policy and the prevention of all forms of foreign interference." This is about the fundamental missions of our intelligence services, and these missions, as mentioned by President Jean-Jacques Urvoas, do not date from the bill These are in the

founding decrees of these services. They allow the government, the executive, to assess independently the current international order; they also help to focus on subjects become to appreciate the evolution of the situation. To have a good level of information enabling the executive to make choices, open source is not enough.

[Mr. Claude Goasguen](#) . Of course!

[Philippe Nauche](#) , *draftsman* . The choice of establishing diplomatic relations with this or that politician, including a plan of which democracy does not seem to be the main feature is the responsibility of the executive. These are not services that decide it: their role is to advise the executive, which uses this information to make its decision independently.

[Madam President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Both amendments were defended with a different tone. On the merits, the will to remove the foreign policy goal of skills DGSE seems unacceptable. The role of the DGSE, is precisely to act in all areas that affect our national independence, including issues related to the economy and diplomacy.

[Mr. Claude Goasguen](#) . Obviously!

[Mr. Jean-Yves Le Drian](#) , *Minister* . I am against the amendment of Mr. Coronado. Mr. Vigier, meanwhile, presented things in a different way: by offering to postpone in Article 3 of this project marked the major interests of foreign policy, he suggests that the reason for protection of important interests of the foreign policy can justify the international communications surveillance measures, and any other technical information. The Government wishes to the contrary, that the various intelligence techniques have common goals; those purposes relate both to the national territory as abroad. As I recall the custom, since there is continuity between internal and external threats, it is necessary that the same technical means are used against these threats. The Government is therefore unfavorable to these two amendments.

*(Amendments identical n<sup>os</sup> 106 and 164 are not adopted.)*

**Madam President** . Call Isabelle Attard, to support the amendment ° 165.

**Isabelle Attard** . If I may, Madam Chair, I also defend the amendment ° 166 which aims to make the same amendment to paragraph 11. Both tend to revert to the original wording of the bill, which evoked the "interests essential "and not the" major interests "of foreign policy. Our colleague Philippe Vigier recalled that debate; As for you, Mr. Reporter, you have committed a curious lapse at the moment! For us, the concept of "major interest" is too broad. Furthermore, Article L. 410-1 of the Criminal Code, which defines the fundamental interests of the nation speaks well of essential interests and not of major interest, as the code of the defense and the security code interior.

**Madam President** . What is the opinion of the Committee?

**Mr. Jean-Jacques Urvoas** , *rapporteur* . We have already discussed this issue at length in committee; I will spare all the hemicycle semantic arguments about the adjectives "essential" and "major". We examined what the MI6 in Britain and the CNI in Spain. It goes without saying that our diplomacy feeds off the work of intelligence services -. This is why, incidentally, it was obviously not delete that reference What do our services is not always essential, but is still very useful, even major. To take an example, have information on institutional change, or the composition of government of a country with which we are discussing, is not of primary interest; Yet this is of major interest to conduct diplomatic negotiations. If you have leisure, I invite you to read the transcript of the hearing by the Defence Committee of the General Gomar, director of military intelligence: he explains, with great finesse, the difference between the concepts of major interest and essential interest, using the example of the work done by his department about Russia and Ukraine. You will understand why we have to mention the major interests, not the essential interests.

[Madam President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . The Government follows the opinion of the Rapporteur.

*(Amendment n ° 165 is not passed.)*

[Madam President](#) . I call Mr. Michel Pouzol, to support the amendment ° 297.

[Michel Pouzol](#) . This is, by this amendment, deleting paragraph 11, which extends the data collection units to "economic interests, major industrial and scientific of France." This list seems too broad, too vague; it could lead to misinterpretations. One might think, for example, that nuclear is a major economic benefit to the nation; in this case, following the logic of the text, any protest against nuclear power could be monitored with the means provided by this bill. This provision seems too vague: we are asking the deletion of paragraph 11, especially more than in the fight against industrial espionage, surveillance may well intervene as part of a criminal investigation, which is relatively common.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . No, sir Pouzol, this can not be done as part of a criminal investigation! As the Minister has rightly recalled earlier, the fundamental difference between the judicial police and the administrative police is that the judicial police have targeted an offense, while the administrative police is to prevent the offenses are committed. This is administrative police, as we seek to detect threats, anticipate offenses. By definition, the judiciary can not intervene in this area, as it is detected. The purpose of intelligence is to accumulate elements then judicialize the record, once the facts are proven. I mentioned earlier the 1991 law in which this item figure. I think you make a confusion: our ambition is to combat the economic predation and to allow our services to defend 'economic interests, major industrial and scientific of France. "

[Madam President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . For the Government, this goal is essential and should not be deleted. All our competitors put their intelligence capabilities to

serve the economic interests of their country, even more so when these interests are major. I informed Mr Pouzol the British - we spoke earlier in this debate - has set itself the objective to action their intelligence their "economic well-being. "You see that we are very far from the British on the matter, when we consider the defense of the major interests of our country must be part of the missions of our intelligence services.

[Madam President](#) . I call Mr Sergio Coronado.

[Sergio Coronado](#) . Members of the environmental group did not file the amendment on paragraph 11. I questioned earlier both the Rapporteur and MM. ministers, but I have not answered my question: what were the major interests of France, both in diplomatic and commercial matters at a time - not so long ago - where we received and Colonel Gaddafi and Bashar al-Assad? I wish we explained to me! At that time, a French company Amesys, sold mass surveillance tools to Libya. Was that part of the economic interests to promote the French Government? I want to get specific answers to these specific questions. The goals that we assign to intelligence services by this bill will: they will be sustainable and will not be changed every three or four years. It is therefore necessary that it be accurate enough to not be dependent on the vagaries of foreign policy and economic interests. You will agree, Ministers, Minister, Mr. Rapporteur, that these interests can be very volatile.

[Madam President](#) . I call Ms Aurélie Filippetti.

[Ms. Aurélie Filippetti](#) . I too would like to repeat a question. Take the case of a journalist who comes in contact with sources within a large company, to write an article, to make a story, in short, to do his work as a journalist, investigating of malfunctions. Since this great company is French, it will be considered under the economic interests of France. From there, what would prevent the intelligence services to listen to a journalist?

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . I emphasize these precision applications. I found Mr. Urvoas convincing while ago, when he spoke of the need to protect our technical know-how, scientific, industrial. I understand very well that we must not fall into the naivety, because some of our allies - the Americans, not to name them - are not shy, they, to plunder us. So we interest ourselves against all raiders from outside. Once established the principle of protection of the major interests of the nation - we can even agree on this - there are two concrete issues. First, Sergio Coronado has been mentioned, in the event invitation in France, under the higher interests of the foreign policy of undesirable personalities as dictators or bloodthirsty tyrants - it happened in the past - ...

[Pascal Cherki](#) . Leaders of Saudi Arabia!

[Mr. Pouria Amirshahi](#) . ... How to ensure that such groups of citizens, democratic organizations, parties, trade unions, associations, opposing that, are not placed under surveillance and threatened in their responsibility as citizens, democratic lookout? Second question very concrete, Ms Filippetti asked this question at the moment - I understand that it is not easy to answer - and to do those - whistleblowers, journalists and sometimes lawyers - who are custodians of some of information and deserving of protection *in principle* of our democratic and republican institutions? I understand the difficulty, both philosophical and technical, of the approach: for reasons of efficiency, you throw very wide net. We will return when considering the provisions on generalized tags, so called *IMSI catcher* - excuse my pronunciation, I am a lover of the Francophonie and anglicisms disturb me. Think then sort. It will ask questions of resources and efficiency, but also in principle: when the net is wide, there is a risk of worry about groups or individuals who have nothing but good faith in defending their beliefs and which therefore deserve to be protected by the Republic.

[Madam President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur.



[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Many questions are raised but, in reality, we are already living such situations because our only reference is the 1991 Law on security interceptions, that is to say on the tracks - each will have been understood. It turns out that I represent the National Assembly within the CNCIS since the beginning of the legislature, as before me Daniel Vaillant and other parliamentarians - we are assured these missions during a parliamentary term, without possibility of renewal. We are regularly confronted this question: today, if a service wants to ask a security interception on a person, the work of the CNCIS is to check if it complies with the law. If this is the case, the authorization will be given; otherwise, the opinion of the Commission will be unfavorable. These notices are followed or not by the Government but in 98% or 99% of cases, they are - re-read the twenty-one reports CNCIS. Tomorrow it will happen the same thing. Our services are not above ground administrations: they are controlled and directed, it assumes responsibility. They do not take initiatives on their own. I imagine that the head of the DGSE in talking to the Minister of Defence and that of ISB deals with topics with the minister of the interior. It will happen tomorrow with the other techniques the same thing today with security interceptions.

[Madam President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . It seems important to keep in mind that the law that we are currently developing will, if enacted, coexist with the beautiful law of freedom of 2010 concerning the confidentiality of journalists' sources. This law, passed in the last Parliament, is part of positive law and poses extremely strong principles. Under the terms of this law, "it can not be deprived directly or indirectly to the confidentiality of sources that if an overriding public interest justifies it and whether the envisaged measures are strictly necessary and proportionate to the legitimate aim pursued. This infringement can not in any case consist of an obligation on the journalist to reveal his sources. " We even said that is "viewed as an indirect violation of the confidentiality of sources [...] the fact of trying to discover the sources of a journalist by investigations of any person who, due to their usual relationship a journalist, may hold information identifying the sources.

"

This law exists and must be articulated with the new means available to intelligence services, under the control of the CNCTR and the State Council. But it is essential to keep in mind that we do not repeal the law on the confidentiality of journalists' sources.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . With regard to industrial espionage, I fully agree with what Mr Urvoas. As much care must be taken with the implementing rules, so it should be no mistake about the objectives: Many countries, including friends, do not hesitate to use all means of intelligence for economic purposes. I could cite a number of examples, but I would not be cruel tonight. It happens that when I was studying in the United States, one of my classmates went on to become head of the CIA. One day, he used the English phrase "*leveling the playing field*" to mean that the Americans would make the game with the French is equal. They consistently used the intelligence services for everything related to the field of such commissions. We saw a whole series of actions, organized by the CIA, which later resulted in lawsuits: arrests of French executives in the United States - I do not know if you see what I am referring - and redemption of French companies by US boxes, all complicity with the CIA. Thus, in this economic competition, naivety is the worst attitude. Paragraph 11 is absolutely essential to strengthen the economic intelligence that our country needs. As for journalists' sources, about which I am very sensitive to have had my press card in a previous life, they are completely protected. On this point, the jurisprudence of the European Court of Human Rights is clear and is directly applicable in French law, which is a major achievement.

*(Amendment n ° 297 is not passed.)*

[Madam President](#) . I received four amendments, n<sup>os</sup> 269, 311, 142 and 2, may be subject to a joint discussion. I call Mr. Denys Robiliard, to support Amendment n ° 269.

[Mr. Denys Robiliard](#) . This is not exactly a fallback amendment but a question on the provisions of the new Article L. 811-3 of the Code of Homeland Security concerning the economic, industrial and scientific majors of France. The use by the specialized services rather intrusive intelligence warranted not only by the defense but also the promotion of these interests. I totally understand that such means are used to protect our economic and industrial activity against potential threats. But I understand more difficult - I'm not sure this is the meaning of the article - that is suggesting that it is possible to use them against other economic interests, which would hurt French interests.

[Mr. Claude Goasguen](#) . Incredible!

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . Fortunately, we do!

[Mr. Denys Robiliard](#) . In other words, I understand that we have the tools to do against espionage but I do not understand that they are used to make industrial espionage on the grounds that it objectively serve our economic, industrial and scientific. The article mentions the promotion and defense of these: I do not know what the limits of the law. But in this area, we must be precise. This is why I have proposed a new wording of paragraph 11, to limit the use of these means to the only goal of theft prevention trade secrets, industrial, scientific or economic espionage in France or French companies or institutions. Thus, the wording of the law would not let fear an offensive use of these means, both in France and outside: if it could be we criticized, rightly, to ourselves espionage .

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . This is called deterrence!

[Madam President](#) . I call Mr Pascal Cherki, to support Amendment n ° 311.

[Pascal Cherki](#) . Earlier, the Rapporteur me more or less directly accused of wanting to remove the DGSE and the DRM. I do not know which agency I will attack me with this amendment, perhaps Medef ... However, if you go out Medef your toolbox, Mr. Reporter, rather it would make me even more offensive .

*(Laughter.)*

You just said rightly that time was not the war in white gloves. You're absolutely right, but when we go to war, we avoid collateral victims, especially when they are innocent. To stay in this warlike terminology, I recall that wars are made in accordance with international conventions. The purpose of this amendment is to avoid collateral damage by changing the wording of paragraph 11 to limit the objective the prevention of industrial espionage. We must protect our businesses without naivety and without taking in white gloves that you qualify rightly global economic war. We must use the means of intelligence to protect against a possible industrial espionage of our competitors - states or foreign companies. By limiting the grounds for use of services means we can reach the goal that you are pursuing, and which we agree: to conduct this war without naiveté while avoiding collateral damage - I think the rapporteur and ministers share this logic.

[Madam President](#) . The call Mr Jean-Jacques Candelier, to support the amendment ° 142.

[Mr. Jean-Jacques Candelier](#) . Currently, the scope of intervention of the intelligence services is defined by the law of 10 July 1991 on the secrecy of correspondence transmitted through electronic communications. This law specifies the various cases in which can be implemented security interceptions: this is the subject of Article L. 241-2 of the internal security code. These patterns are already numerous: they cover national security, safeguard the essential elements of the scientific and economic potential of France, the prevention of terrorism, crime and organized crime and the recovery or maintenance of dissolved groups pursuant to Article L. 212-1. The bill submitted to our discussion today aims to further expand the remit of the intelligence services. The 3 of Article L. 811-3 therefore provides that specialized intelligence services may use the techniques mentioned in Title V for collecting information relating to the defense and promotion of the economic, industrial and scientific majors of France. This wording is too broad; we believe it brings no light on the scope of intervention of the intelligence services. The report states otherwise perfectly the

objective of this change in terminology: these interests are "major and not essential, that concept seemed too restrictive ". Anxious to prevent any risk of abuse, we want to limit the scope of intervention of the intelligence services to the areas covered by the Act of 10 July 1991.

[Madam President](#) . I call Mr Lionel Tardy, to support the amendment ° 2.

[Lionel Tardy](#) . The list of reasons justifying close monitoring problem. Currently, the list is stabilized. In discussing the military planning law, I had yet found quite broad: national security, safeguard the essential elements of the scientific and economic potential of France, the prevention of terrorism, crime and organized crime and the reconstruction or maintenance of dissolved groups. Yet today, I settle for because you still want to expand. Over the goals are broad and vague, the more people can be monitored important. But enough is enough! The purposes set out in this Article are too broad, especially the major economic, industrial and scientific interests of the nation - I spend on the important word. We must return to the current wording of Article L. 241-2 of the Code of domestic security, that is to say safeguard the essential elements of the scientific and economic potential of France. We can even add the industrial potential. To those watching, probably we give the impression of playing with words but the concept of backup is more restrictive and more targeted. So you have to keep it.

[Madam President](#) . What is the opinion of the Committee on these four amendments in a joint debate?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Formally First, none of these amendments "turns" as they say in parliamentary jargon. The beginning of the paragraph reads: "The specialized intelligence services may, in the exercise of their duties, use techniques mentioned in Title V of this book to the collection of information concerning the defense and promotion of following public interests: [...]. " Editorially, it is not possible to complete the sentence with different

amendments. "Preventing trade secrets theft" or "prevention of industrial espionage" Basically, we have deliberately chosen to be very precise, as was already the text of the Government, which was slightly amended by the Commission. Beyond English example that city just now Jean-Yves Le Drian, we could have just - and we would have had a treaty basis for it - to resume the second paragraph of Article 8 the European Convention on Human Rights, which provide as a reason for the restriction of fundamental freedoms preserving the well-being of the country and even the defense of morality ... These concepts were a tad vague: so we preferred to resume which underpins our positive law. I am so unfavorable to these amendments, which do not "look" and not unduly restricting the action of our intelligence services.

[Madam President](#) . What is the Government's view on these four amendments?

[Mr. Jean-Yves Le Drian](#) , *Minister* . The Government is in complete agreement with the rapporteur's position. Writing as the fundamental underlying these amendments are extremely defensive. Since 1991, the situation has changed and we are no longer only in the against-espionage, but in the promotion of competitiveness, with competitors who do us any gift of any kind. The Government is therefore unfavorable to the four amendments that fall within the same design: they are far too restrictive in relation to the situation we encounter every day in international competition.

[Madam President](#) . I call Ms Aurélie Filippetti.

[Ms. Aurélie Filippetti](#) . Mr Rapporteur, Amendment ° 269 "turns" at least as much as the present draft as paragraph 13 begins precisely with the words. "Preventing harm to the republican form of institutions" Now we offer a new wording of paragraph 11: "3. Prevention flights from trade secrets, industrial, scientific or economic espionage in France or French companies or institutions;

".Our amendment is drafted in exactly the same way as in paragraph 13: he

"turns" ... On the substance, I remember, again, we have known recent examples. During a recent presidential campaign, I also remembered, not always talk journalists, an officer of Greenpeace was monitored precisely because of attacks supposed interests of a large French industrial company. We can also talk about the famous debate recently raised around the business secrecy, during the consideration of the bill for growth, activity and equal economic opportunity. The Defender, always he, since I refer to the opinion it issued, says it is necessary to specify, as required by European case law, the categories of persons who may be subject to intelligence activities.

[Mr. Claude Goasguen](#) . Voilà!

[Ms. Aurélie Filippetti](#) . He believes that "by remaining silent on the situation of these professions so-called risk - parliamentarians, lawyers and journalists -, the bill appears to contravene the protection guaranteed to them both by domestic law and European law. "

Our amendments obviously not designed to prevent advocacy of French companies nor their vis-à-vis protection of industrial espionage, but simply to allow journalists, associations, and citizens to continue to do their work and exercise, as freely as possible in a democratic society, their activities.

*(Amendments n<sup>os</sup> 269, 311, 142, and 2 successively put to the vote, are not adopted.)*

[Madam President](#) . I received two identical amendments, n<sup>os</sup> 107 and 166. I call Mr. Philippe Vigier, to support Amendment n<sup>o</sup> 107.

[Philippe Vigier](#) . To continue on those elements relating to the public interest for the use of information technology, I turn back to Jean-Jacques Urvoas, which earlier we explained the essential semantic differences between "major" and "essential" . I wish he says again his thought, for if he insists to include the key

word in paragraph 11, it is that shortcomings were pointed. The previous wording of the law was de 1991 particular reference to safeguarding the essential elements of the scientific and economic potential of France: what are the events that have occurred over the past twenty years - since I understand we met our backup research problems, our heritage Economic and our innovations - and who have you held to include that particular word? How to make the perfect watershed between the one and the other? What elements truly fall under the essential and major interests? It would be good if we could have, again, details to enable us to perceive, which is not currently the case, a difference that escapes us. I understand that the rapporteur had said earlier, that our British and Spanish friends were using even stronger words. Perhaps is it, then, the fundamental word that should be used? It seems interesting to watch this accurately. To clarify the question I asked earlier, what are the elements that since 1991 have shown a particular failure and motivated your desire today to use the word "major"?

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment ° 166, which has been defended by Ms Attard.

[Sergio Coronado](#) . In line with previous votes, I harbor few illusions about what will happen to our amendments. One note: a change occurred in the work of the commission. Through the work of our rapporteur, we are indeed moved from the defensive to the promotion of our interests: this amendment has also been passed without much discussion. Both would protect the industrial potential problem for me, and c It is precisely for this reason that we have not tabled amendments deleting about this, so I wonder about what it means to promote and, basically, on this idea, underlying in the text, to public power in the service of large private groups. This question is implicit in the purpose assigned to intelligence services. In the explanations that we were given, confusion is made between public and private interests. I know that in the time of economic diplomacy the fate of large groups coincides with that of France, but in my case, I



do not confuse private interests with the higher interests of the country. A distinction is made between the two, although sometimes it is possible to do the sum, but that does not happen by itself. This confusion seems a bit slippery and I do not like to resume my account. Besides, I think, through this, we dedicate the assignment to the political power of a new mission, to become the VRP large groups. This is already partly the case but spend it in the law seems a bit racy.

[Madam President](#) . What is the opinion of the Committee on these two identical amendments to delete, n<sup>os</sup> 107 and 166?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The Law Commission was initially the concern of parallelism, as regards the words "essential" and "major". The transition from first to second was suggested by the Committee on national defense and armed forces, which adopted an amendment to it. For the reasons I mentioned earlier, when the Directorate of Military Intelligence informs us about the lack of field hospitals, for example, it is not of vital information but it is for major anticipate what the geostrategic players in a part of Europe. It would have seemed a bit incongruous to include the vital interests with regard to foreign policy and the major interests in respect of the industrial potential, economic and scientific. So we smoothed the two. But I do not experience difficulty explain again the difference between "essential" and "major", which is a bit like that which exists between hearing and listening verbs: often can be heard, but it is more difficult to listen. One can also listen, saying that we are not heard ...

[Mr. Claude Goasguen](#) . It's very hard to Diptera ... (*Smiles.*)

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This discussion has certainly important. I consider, essentially, that it is important that we can defend the economic potential, industry and science in our country. The rapporteur is therefore unfavorable to these two amendments.

[Madam President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Agrees.

*(Amendments identical n<sup>os</sup> 107 and 166 are not adopted.)*

[Madam President](#) . I call Mr Pascal Cherki, to support Amendment n<sup>o</sup> 312.

[Pascal Cherki](#) . I hope to be listened to and heard by the rapporteur ...

[Philippe Nauche](#) , *draftsman* . This is not won ...

[Pascal Cherki](#) . ... With respect to this amendment which does not concern a key question nor a major point but a useful clarification. I hope to speak Urvoas order not to be accused of jeopardizing indescribable service. *(Smiles.)*

I just wish that after the word "prevention", paragraph 12 is as follows: "the acts of terrorism affecting the physical integrity of persons or to human life; "

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I issue a negative opinion, not for the pleasure of annoying Pascal Cherki, but because this amendment would mean that services could not prevent terrorism if they have the certainty that it will undermine the physical integrity or human life.

[Pascal Cherki](#) . No.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . If that's what I read. I fear that this wording has the effect of limiting their ability to anticipate.

[Mr. Claude Goasguen](#) . That's clear.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . I am against the amendment for the same reasons as the rapporteur but also because many terrorist acts that can pose serious risks do not affect the physical integrity.

[Pierre Lellouche](#) . TV5 Monde, for example.

[Mr. Claude Goasguen](#) . Or drones flying over nuclear power plants.

[Mr. Bernard Cazeneuve](#) , *Minister* . I think of the complete paralysis of the information systems of a number of strategic administrations: one can not consider it a terrorist nature of activities.

[Mr. Claude Goasguen](#) . Very good.

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . Mr. Minister, if you refer in particular to the attack against TV5 Monde or other, to the benefit of this information, I agree to withdraw my amendment.

*(Amendment n ° 312 is removed.)*

[Madam President](#) . I received two identical amendments, n<sup>os</sup> 369 and 371. The call Mrs Aurélie Filippetti, to support Amendment n ° 369.

[Ms. Aurélie Filippetti](#) . This is paragraph 13, which has been much ink and sparked concern, with regard to the prevention of collective violence. Admittedly, the Commission amended, in a much more satisfactory way, writing this paragraph. Evoke now "collective violence likely to endanger national security" is an improvement However, the field still seems too broad to against the violations of individual freedoms and privacy that are carried by these intelligence techniques. That is why we demand the deletion of this paragraph; it does not seem essential today to confer with actions and procedures that already exist to further equality. Certainly, we must prevent political movements which would tend to undermine the republican form of institutions ...

[Mr. Claude Goasguen](#) . You aim the monarchists or rather Mélenchon?

*(Laughter.)*

[Ms. Aurélie Filippetti](#) . ... Including the coup, as some say. Nevertheless, the term "collective violence likely to endanger national security" seems far too broad and imprecise. Frankly, I find it hard to understand the meaning and wish an explanation of what that could possibly cover or covers.

[Madam President](#) . I call Mr Pascal Cherki, to support the amendment identical, n° 371.

[Pascal Cherki](#) . Same motivation: I have nothing to add to the excellent presentation of my colleague Aurelie Filippetti.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I struggle to understand the basis of these amendments. In any case, the Law Committee felt it was normal that the services prevent attacks on the republican form of institutions, reconstruction or maintenance of dissolved groups, collective violence when they are likely to affect the national security. This provision seems clear enough: I think it is the very purpose of our services to avoid such events. Remove hutch absolutely unreasonable.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . I agree absolutely with the rapporteur on this point. Some forms of violent radicalism undermine the foundations of the Republic and its values: in front of them, we must take preventive measures. I ask Ms. Filippetti about whether what we could do with this legislation is appropriate or not. When we know that groups are likely to get to the exit of places of worship to engage in xenophobic violence, racism, or anti-Semitic, should prevent or allow, in order to then judicialize the process and involve the judicial court? When extremely serious violence may occur during demonstrations in sporty ...

[Mr. Claude Goasguen](#) . Trocadero, for example, which was a success.

[Mr. Bernard Cazeneuve](#) , *Minister* . ... I think of groups of *hooligans* extremely violent, should we mobilize police administrative means to prevent the commission of violent acts or allow to be sure that after the ordinary courts intervene? For my part, I judge desirable protect the French extreme acts of violence may be committed by groups known for their propensity to commit them, rather than letting them happen then entrusting law enforcement and the judicial judge to do pass the law. If we now consider, in the Republic, any action taken by

the services in order to prevent the commission of very serious violent acts is a questioning of public freedoms, it is all the risk prevention device of administrative police need to review. If this is the approach that inspires this amendment, it must be said. I repeat, trade unions and social movements that claim and show are of course not affected by this provision. I also accepted an amendment specifying things in law committee so that there is not the slightest ambiguity on this point. Moreover, if we were as such, with this motivation, conduct prevention or supervision of representatives of social movements, the National Commission would be quite justified in not giving a positive opinion, and would even founded to seize the judicial review for non-compliance of decisions taken by the administration to the spirit and letter of the law. I understand that confidence never excluded a small suspicion, but a little good faith can help to get everyone to agree.

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . The Socialist Group can not be in favor of these amendments because they tend to delete paragraph 13, the fruit of collective work of those who participated in the Socialist Group in the reflection on this issue. If we proposed to delete the notion of threats against public peace and substitute attacks on the republican form of institutions and threats to national security, it is precisely not to change the intention of the Government on this issue but to avoid misinterpretation , including barriers to social movement or political activities. The interior minister has specified the cases in which there would be affecting the republican form of institutions or injurious to national security, which are specific legal concepts. I think this issue of drafting work of the Law Commission on the

proposal of the Socialist Group, removed the concerns he could legitimately be, even if the intention of those who drafted the text was not involved .

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . Mr. Cherki wanted to break the DGSE. I may look like a leftist awful but this formulation even ask me all of a problem. The collective violence likely to endanger national security, Honourable Ministers, we got right in our recent history. May 1968, they were collective violence likely to endanger national security. The great strikes of 1995 that I experienced, were likely to undermine national security after some time. Seriously, I do not doubt at all question the political and intellectual honesty of the current government, but what will happen if it falls on a text into the wrong hands? An event that degenerates, a large demonstration movement which lasts several days, several weeks, undermine national security. The zadistes as your dear friends of Notre-Dame-des-Landes, professional agitators, completely block programs, and this sometimes ends with a death, alas. What are we doing? We should have put an end to the movement, you did not, but Will is whether the right to spy on them? We still key to the exercise of freedom of expression. A demonstration can always degenerate, can last several days or weeks, and sometimes create insurgency situations, but we are in the realm of politics. There are one or two years, remember, the Prime Minister spoke of 6 February 1934 regarding a major event. We also had a pretty manly exchange when I told him that we were not 6 February 1934. With its interpretation and this text, one could spy on those organizing the event. Without wishing to appear, again for a dreadful leftist, this writing is still a bit problematic for the Republican I am.

[Madam President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . I do not understand what you mean when you talk about the prevention of violations of the republican form of institutions. You mentioned Semitism for example, which is very legitimate, but with such terminology, we can go very far. Manifest for all she was affecting the republican form of institutions? It's a real problem.

[Pascal Popelin](#) . The right to demonstrate is guaranteed by the Constitution!

[Mr. Claude Goasguen](#) . Some have said in this very Chamber, including also the Government at the time, and that justified what you know. The rest as collective violence likely to endanger national security, the limit I understand better, but the republican form of institutions ... I suppose all the same that you did not put that little piece of sentence only because he was a monarchist danger in France. If you wanted to tell me what you mean by republican form of institutions, it would help me understand because, so far, I do not understand.

[Madam President](#) . I call Ms Aurélie Filippetti.

[Ms. Aurélie Filippetti](#) . Thank First Lellouche for having given us a glimpse of the other side of the House, for the use which might be made of this provision if it fell into other hands. One can actually think about the great strikes of 1995, but closer to home, on the border with Italy, there is the mobilization against the line of the Lyon-Turin, ...

[Pascal Popelin](#) . How does he threaten the republican form of institutions?

[Ms. Aurélie Filippetti](#) . ... Which in the Italian Val Susa, arouses a broad mobilization of all citizens of this small valley, which are neither leftists nor awful awful monarchists. A writer, Erri de Luca, who became their spokesman, is pursued by the Italian courts and punishable by five years in prison for inciting

sabotage and acts of violence against the site and companies working on this site. It is therefore clear that the definition of collective violence likely to endanger national security, not so far from us, neither in time nor geographically prone to extreme peril interpretations. Blur, its too broad therefore leave no worry.

[Pascal Cherki](#) . Very good!

*(Amendments identical n<sup>os</sup> 369 and 371 are not adopted.)*

[Madam President](#) . I received two identical amendments, n<sup>os</sup> 110 and 143. I call Mr. Philippe Vigier, to support Amendment n<sup>o</sup> 110.

[Philippe Vigier](#) . It is forbidden.

[Madam President](#) . The call Mr Jean-Jacques Candelier, to support the amendment n<sup>o</sup> 143.

[Mr. Jean-Jacques Candelier](#) . In the same line as our previous amendment, we want to remove, among the tasks performed by the intelligence services, prevention of damage to the republican form of institutions and collective violence likely to endanger national security. This wording adopted by the Law Committee replaces the original project that talked about the prevention of collective violence likely to cause serious harm to the public peace, even broader formulation. However, this new formulation is not likely to dispel our fears with regard to the extension of the implementation of intelligence gathering techniques. As stated by some of my colleagues, it remains vague and broad and therefore carries the seeds of potential for abuse. To avoid a wider use of intelligence resources, which could result in abuses, we propose to define more strictly the areas of intervention of the intelligence services by limiting only to areas covered by the law of July 1991. This is why we want the 5<sup>o</sup> of Article L. 811-3 solely to the prevention or recovery actions for the maintenance of movements dissolved pursuant to Article L. 212-1, in accordance with the law of 10 July 1991.



*(Amendments identical n<sup>os</sup> 110 and 143, repelled by the Committee and the Government, are adopted.)*

**Madam President** . I received two identical amendments, n<sup>os</sup> 3 and 168. The call Mr Lionel Tardy, to support Amendment n<sup>o</sup> 3.

**Lionel Tardy** . In the list, which poses the most problems many of us emphasize, is the prevention of violations of the republican form of institutions, collective violence likely to endanger national security or the reconstruction or shares on the maintenance of dissolved groups. At the UMP, we have a concern with collective violence, because one could be interested in participating in a demonstration likely to be violent at the margin, it was said. What I have a problem with me, these are attacks on the republican form of institutions. With such purpose, we could listen to revolutionaries and prevent the French Revolution, Mr. Minister. Seriously, it is very vague. If the goal is to target coups, this expression is inappropriate. I specify that she was not in the original text.

**Madam President** . I call Mr Sergio Coronado, to support the amendment n<sup>o</sup> 168.

**Sergio Coronado** . Mr. Tardy quite right, it is a contribution of the Law Committee under the leadership of Mr. Popelin. I wondered if listening to the interventions, Spain, the intelligence services could act to prevent damage to the monarchical form of institutions. Seriously, I think we can, non-violent, peaceful, and n' is no coincidence that Mr Molac is the first signatory of this amendment, challenge the republican forms of the organization of our country. That seems to be the case of some anarchist movements, certain monarchists movements elsewhere, which do not in violation of the law. That seems to be the case sometimes some regionalist movements that challenge the republican form and its supreme achievement is the Jacobin Republic we know. They do not in violation of the law. The drafting of the Law Committee suggests that we could monitor non-violent political movements, exceeding the monitoring of movements dissolved,

to which reference is made in the text. I do not wish this writing, proposed in committee by Mr Popelin is maintained in the Chamber.

[Madam President](#) . What is the opinion of the Committee on these amendments?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable.

[Mr. Claude Goasguen](#) . Why?

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Unfavorable, and I would try to reassure you and to witness to the good faith of the Government. First, I fully understand your wish, expressed on all benches, to ensure that it is not excessive or derogatory device relative to those which have been implemented so far. This concern, which we share completely. That said, we are not starting from nothing. Article 410-1 of the Criminal Code already defines violations of the fundamental interests of the nation and there it is not just about preventing, it sometimes comes to punish, and harshly: "The fundamental interests of the nation the meanings of this Part of its independence, territorial integrity, its security, the republican form of its institutions. " We can consider that this wording is not satisfactory but it exists already. This wording has inspired the CNCIS in the interpretation it made of this notion in the device 1991. In one of her reports, she wrote: "Upon entry into force of the new penal code in 1994, CNCIS considered that the notion of national security should be defined by reference to these penal provisions (Article 410-1 of the Code criminal) relating to the fundamental interests of the nation by integrating the notions of territorial integrity, republican form of institutions or means of defense.

"

I say to parliamentarians who ask a legitimate question: we are not starting from nothing. There in the texts in force, particularly in the penal code, a definition of the concept on which the CNCIS relied to determine its own position. Since this law is in effect for twenty years, I propose that we continue to build on this definition, to give guarantees to all citizens and, at first, the Parliament, on good faith presiding over our approach. It is not a question of changing a perimeter, or implement more stringent or less willing to protect public freedoms, but to stick to what already exists and works.

[Madam President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . It seems to me that the Republic does not have to apologize for monitor and control those who want to harm it. It is a truism, but I see nothing shocking in the statement of this purpose which is to say that the police of the Republic and the specialized intelligence services of a republican government are perfectly entitled to question the sometimes subversive activities and referred to individuals who wish to undermine the republican form of our institutions.

[Sergio Coronado](#) . It's not the same thing!

[Guillaume Larrivé](#) . That seems respectable and normal. What will be important, it will be less the statement of these general aims that the way we go to the following articles and paragraphs define concrete and individual methods of control of services on individual decisions intelligence gathering to serve these purposes. In other words, the debate on the writing, we had at length in committee and that we continue tonight, is obviously very important and very respectable; but even more than the definition of these goals is the definition of control of their application that will be important in the balance of the text.

[Sergio Coronado](#) . Both are important!

[Madam President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . If the argument presented by Mr. Larrivé is right, I am totally against. What the minister said very interested, since it refers to the Book

IV of the Criminal Code, which had been forgotten and I recalled the other day in the National Assembly. Mrs Taubira, do apply Book IV of the Criminal Code and all the problems posed by terrorism will be solved judicially! I wish that we maintain this reference to the Criminal Code, which proves that, occasionally, the judiciary has some interest in the field of intelligence.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . It is regulated!

[Mr. Claude Goasguen](#) . You've never applied! For now, prosecutors have never used these fifty pages of Book IV of the general interests of the nation or the republican form.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . The judges are not powerless to punish terrorist acts!

[Mr. Claude Goasguen](#) . Terrorist acts are punishable by five to eight years imprisonment, while in Book IV of the Criminal Code, the penalty is twenty-five years' imprisonment. This is not quite the same!

[Madam President](#) . The call Mrs Marie-Françoise Bechtel.

[Ms. Marie-Françoise Bechtel](#) . I certainly do not want to interrupt this dialogue primer (*Smiles*) , but I would return to the debate, because I am amazed that anyone is surprised that the republican form of institutions may be included in one of the items. Need I remind you that an article of the Constitution, not least, prohibits a constitutional amendment that would undermine the republican form of institutions? It is perfectly normal to take this formula. If component 1958 has provided is on his mind other than the reconstitution of the monarchy.

[Mr. Claude Goasguen](#) . What?

[Ms. Marie-Françoise Bechtel](#) . I will answer you, Mr. Goasguen: 1958, eighteen years after 1940. Achieving the republican form of institutions is also called, in our country, the Pétain tradition.

[Mr. Claude Goasguen](#) . This has nothing to do! You laugh!

[Ms. Marie-Françoise Bechtel](#) . In our country, a number of groups or associations are keen to see him back this type of plan. Therefore, it is perfectly legitimate and founded verify that we can know precisely what it is, when there is a risk that the

republican form of the institutions - you never know what can happen in the future - can be questioned. I do not want there to be confusion around this concept. This is not the Republic against the monarchy; it is the Republic against those who defend the principles that would undermine its very identity.

[Mr. Claude Goasguen](#) . This is nonsense!

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . It is a beautiful and good discussion than has been launched by our colleague and Larrivé with you, Ms. Bechtel, the right of the Republic to defend itself and thus to spy on its opponents. This brings us to a period that has not been easy during the Revolution, that of public salvation committees and Fouché in Lyon. If we push away the right to defend itself - and God knows they had pushed away at that time! - There is no freedom for the enemies of freedom. We have already mentioned that word this afternoon. But be careful! Obviously, the Republic has the right to defend itself, but because we are Republicans, we also want to apply the law and avoid doing anything with the powers of the Republic. Since you like to quote the Constitution, Ms. Bechtel, another article, Article 16 provides that where the Republic is threatened, the President may obtain exceptional powers. But it is, once again, under the control of Parliament and the Constitutional Council, these powers are limited in time. However, the extensive nature of the definition in Article 1<sup>st</sup> of this bill tends to say that, in terms of intelligence, Article 16 of the Constitution is all the time, since it may be a risk to the Republic. I am a Republican and attached to republican forms, but I think you push the envelope a little further. If one day this text fell into the wrong hands, you could become a victim yourself. It seems that this is not the best wording proposed here, even if I take this objective.

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . I am surprised that such amendment could be tabled in 2015. There is agreement on the idea of "collective violence" and "national security" but not on "affecting the republican form of institutions "that come out of nowhere!

[Mr. Claude Goasguen](#) . That does not mean anything!

[Pascal Popelin](#) . That does not mean anything anymore?

[Mr. Claude Goasguen](#) . These are the Corsicans, the Bretons, the Alsatians, Guyanese, Martinicans!

[Madam President](#) . Mr. Goasguen, let Mr. Popelin speak, please!

[Mr. Claude Goasguen](#) . This is not Marshal Petain!

[Pascal Popelin](#) . This is not Marshal Petain! The last paragraph of Article 89 of the Constitution which provides that the republican form of government shall not be subject to revision is not born of the V<sup>th</sup> Republic. It appears in the constitution of the IV<sup>th</sup> Republic in that of the III<sup>e</sup> Republic and in our founding documents since 1884. Before resorting, as we just be suggested in Article 16 of the Constitution it is possible to use information technologies that we prémuniraient against the fact that the republican form of government is threatened in our country. It would be a simple application of the principles in our Constitution.

*(Amendments identical n<sup>os</sup> 3 and 168 are adopted.)*

[Madam President](#) . I received two identical amendments, n<sup>os</sup> 109 and 264. I call Mr. Philippe Vigier, to support Amendment n<sup>o</sup> 109.

[Philippe Vigier](#) . This amendment seeks to return to the initial state of the text. In committee, the words "prevention of collective violence likely to cause serious harm to the public peace" were transformed into "prevention of collective violence likely to endanger national security." I heard what was said by the Minister of Interior earlier to reassure parliamentarians who questioned the nature of the events concerned. This caused a stir among potential event organizers. They could indeed be asked whether or not they entered into such a field and the expression was not likely to impose its restrictive nature within social conflicts. It would be good that the interior minister reassures again parliamentarians about the interpretation that could be made of this article. Although the commission has significantly changed its drafting, it appears in that state as a brake on events that would take place without violence - as we must wish it on every bench.

[Madam President](#) . I call Mr. Gerald Darmanin, to support Amendment n ° 264.

[Gérald Darmanin](#) . In the words of my colleague Vigier, I would also hear details of the mouth of the Minister. In the summary of the reasons of an identical amendment, Mr. Cherki asked what collective violence and noted that this formula is not very well definable. It would be an opportunity to define, Minister, that the Government intends thereby to clarify its action.

[Mr. Claude Goasguen](#) . These are the items RG!

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable. The current wording is the result of a long work in committee, where we had exactly the same exchanges, but the kind of rule is that we resume the same way ... Originally, it is the expression "public peace" which had been retained. Everyone agreed on the concept of "collective violence". The idea of "public peace", as stated by Claude Goasguen, is found in Book IV of the Criminal Code, but its definition was probably too wide. On a proposal of the Socialist Group, the notion of "national security" was her favorite. This notion is very marked, since the subject of Article L. 1111-1 of the Defence Code, which pulls itself originated in the White Paper on National Defence, which had at the time accepted this concept, which had subsequently struggled to integrate our vocabulary. He has since acclimatised and clarified, so that we can reuse the valuable. As for collective violence, it is the violence organized, premeditated, which have ability to reproduce. This definition should allow services to accumulate material items related to shocks or clashes organized with the aim of creating trouble. If the legal definition is difficult, physically it is very easy to see. As we see in its various reports, since its creation in 1991, the CNCIS was repeatedly confronted with this definition. The scope it gave no longer suffers discussion. The case arose when security interception members were in the country on the occasion of European events, where many armed belligerents sought, in an organized way, the confrontation with representatives of the forces of order.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . To complement what has just told the rapporteur and answer the question of Mr Darmanin, it must be that we have in mind that we are not starting from nothing. This topic does not happen through this law. It is treated for many years by the administration, through administrative police measures, controlled by the CNCIS giving an opinion on the interception measures we propose dealing with these groups that Jean-Jacques has set Urvoas characteristics. The media coverage of the debate and the fact that it happens in Parliament suggests that a new provision is introduced in the text, a provision which, because it is new, represent for public liberty dangers that far n did not exist. Now it is not a new provision. In reality, if we are discussing this subject is that it existed in the provisions of the 1991 law a generic provision that the Government wished to restrict clarify and define the conditions under which interception techniques can be referred . The article of the Criminal Code that I mentioned earlier is the foundation upon which we define what are these groups and the risks attached to them. I would add that the CNCIS in its many reports, contributed to reinforce this notion, tracing the perimeter of service intervention conditions and qualify the groups in question.

*(Amendments identical n<sup>os</sup> 109 and 264 are not adopted.)*

[Madam President](#) . I received two amendments, n<sup>os</sup> 111 and 85 may be subject to a joint discussion. I call Mr Philippe Vigier, to support Amendment n<sup>o</sup> 111.

[Philippe Vigier](#) . I think the president Urvoas going to be satisfied. I listened: he spoke of violence organized and premeditated. Our amendment precisely proposes to substitute the word "collective", the words "organized and premeditated". As we went from the peace to national security, some of us feel that the field is still too wide and thus specifying the things we really happen to target events including well known to that will have been organized to generate violence likely to cause destabilization of national security.



[Madam President](#) . The call Mr Patrice Verchère to support the amendment ° 85.

[Patrice Verchère](#) . This is almost the same amendment. It aims to clarify that only are concerned collective premeditated violence, as also well noted Jean-Jacques Urvoas, excluding spontaneous collective violence. Indeed, any event, even duly authorized, may degenerate due to special circumstances and without having been previously prepared. This precision avoids a misuse of information technologies to all the events that are likely to cause any violence. We know that there is always a risk that the situation escalates at the end of a demonstration - one can think of student demonstrations, farmers, red caps, but without premeditation of this violence.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I could be as favorable personnel both amendments as they corroborate what I think and that stated in jurisprudence. But, I repeat, I do not believe in the need for such a clarification: it is already at the heart of the definition proposed by the commission. In addition, it may prevent the development of the concept of collective violence likely to endanger national security. The 6 May 1934 was a collective violence, but it was premeditated event? The fact is that it was designed by rebels. Against.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Against.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . I deeply regret the position of the rapporteur and the Government because that bringing clarification would really cleaned up the debate on collective violence. The rapporteur rightly said himself what it was. There is a big difference between the demonstrations that degenerated in our recent history, under all governments elsewhere, and a premeditated action that threatens the institutions. I do not see how, Mr. Rapporteur, Mr. Minister, insert the word "premeditated" would limit anything in the range of skills of our intelligence services. Instead, they would be well channeled to the defense of the institutions and not at the mercy of people who are in power, to the general

espionage, whether trade unions, movements or political parties that we do not like.

[Mr. Claude Goasguen](#) . Yet this is what is going to happen!

[Pierre Lellouche](#) . I find the use of the word "premeditated" extremely reassuring given our debate tonight and that aroused your project in public opinion. This is advice to both friendly and very policy that I give you, asking you to please clarify what you mean by violence which may have consequences on the institutions. This violence must be premeditated and they have a political character. This is the difference between your paragraph and what we propose.

*(Amendments n<sup>os</sup> 111 and 85, successively put to the vote, are not adopted.)*

[Madam President](#) . Call Isabelle Attard, to support the amendment ° 167.

[Isabelle Attard](#) . The amendment proposes to revert to the original wording recovering the word "seriously" as contained in paragraph 7 of Article 1<sup>st</sup> , in the sentence: "The prevention of collective violence likely to cause serious harm to the public peace . "By its vagueness, this motif was certainly running the risk of use of highly intrusive techniques against political activists, association or union, but if the new text has limited the purpose of the provision, from the peace to national security, it no longer evokes the seriousness of the infringement. In consideration of this text, our group will often address the issue of definitions, that precise and detailed wishes because he has a lot of it blur, and bring more precision requires to carry out parliamentary work, including in session. While these issues have already been studied in committee, you mentioned many times, Mr. Urvoas we will keep working on it in the Chamber still. In his last activity report, the CNCIS recommended to maintain the concept of gravity and choose specific and restrictive definitions.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable opinion because either collective violence affect national security, or they do not concern it, but does not moderate injurious to national security.

[Mr. Claude Goasguen](#) . Certainly.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The use of the adverb "seriously" was justified by previous writing which covered "public peace", a concept which includes degrees, unlike that of "national security".

[Madam President](#) . The call Mrs custody of the Seals, Minister of Justice, to give the opinion of the Government.

[Ms. Christiane Taubira](#) , *Minister of Justice, Minister of Justice* . Agrees.

[Madam President](#) . Ms Attard, do you maintain your amendment?

[Isabelle Attard](#) . No, I withdraw it, Madam Chair.

*(Amendment n ° 167 is removed.)*

[Madam President](#) . Call Jeanine Dubié to support the amendment ° 162.

[Jeanine Dubié](#) . This amendment proposes in paragraph 14, after the word "crime" to add the words "cybercrime". Indeed, as illustrated by the recent case of the unprecedented cyber attack suffered by the French channel TV5 Monde, in which jihadists have prevented the antenna issue for a few hours and took control of websites, Cybercrime is a scourge that only the most sophisticated techniques, which this bill provides a legal framework, can fight. The amendment is to clarify in the law that among the objectives invoked by the services responsible for the request for information collection by special techniques, there is the prevention of cybercrime.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable opinion since Cybercrime is a form of crime.

[Mr. Claude Goasguen](#) . Obviously!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The state here would create the risk of multiplying the reasoning *conversely* since, each time only crime would be cited, cybercrime would be exempt. This precision affadirait the very notion of crime.

[Madam President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Agrees, for the same reasons.

*(Amendment n ° 162 is not passed.)*

[Madam President](#) . I call Mr Philippe Vigier, to support the amendment ° 108.

[Philippe Vigier](#) . The amendment aims to better define paragraph 14 the notion of prevention of crime and organized crime. It first of all specifies the scope of the public interest which may be authorized for intelligence gathering by special techniques, thereby referring to the articles of the Criminal Procedure Code, which lists the relevant crimes, secondly it limits the scope to offenses punishable by at least five years' imprisonment. This would exclude from the device acquisition, sale or possession of one or more weapons first or fourth category, haggling offense or the act of conducting an illegal lending transaction of labor work.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The opinion is unfavorable because the amendment proposes a reductive writing this paragraph. Several reports, whatever the committee from which they emanate, have shown that it is cross-border crime that is referred. Restricting the scope of the device would deprive the intelligence services with a capacity of action the judicial police then needs to combat crimes.

[Madam President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Agrees, for the same reasons. I specify that the CNCIS based his opinion by referring to Article 706-73 of the Criminal Procedure Code. I understand the concern of the authors of the amendment concerning offenses punishable by less than five years imprisonment, but these do not fall under the scope of this provision, the practice of CNCIS has shown. Your concern therefore has no reason to be, sir.

[Madam President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . I still find this article quite surprising because it is generally at an incredible spot. Paragraph 14, citing "the prevention of crime and organized crime" covers all preceding paragraphs as what is outside of crime or organized crime? Is it not the case of violations of national independence, the major interests of foreign policy, the major economic interests or terrorism? Second note: we are in the area of judicial police. I also note that one of the

amendments that follows makes reference. Does this mean that the judicial police will not do the prevention of organized crime and delinquency? I take an example: the informers, a classic police work, not under repression but prevention of crime and organized crime. They may continue to be used as part of the judicial police? I think also poses tags, an important act of the judicial police: they are currently under judicial review - that the police often disputed. Do you, Madam Minister of Justice, the judiciary has no interest for them to do prevention? Exclude you really any idea of prevention in the activities of the PJ? But you know that's impossible! We can not fight against crime and organized crime without having prevention instruments within the PJ! You can not place this activity under the administrative authority or limit the intelligence services. I ask you, Minister, Mr. Reporter: what do you snitches?

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I understand the disorder that causes the writing of this paragraph and the interventions of our colleagues Philippe Vigier and Claude Goasguen. I note that the Government has said that the object of this law is not to change existing practice, that is to say not to use the device for offenses punishable by less than five years. We were told earlier that he had a specific list of public interest justifying the application of the device, but paragraph sweeps much broader with the formula: "the prevention of crime". Organized crime is already a swaging notion, while crime opens a wide field. I think that this paragraph poses a drafting problem: if we consider that intelligence methods mentioned in the bill - methods, let us be clear, that fall under the administrative police - must be used in a very specific and limited purpose including the fight against terrorism, the mention of the prevention of crime by relief vehicle function problem. There contradicts the objectives of the previously defined law.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Again, the wording is the same as in the 1991 legislation.

[Mr. Claude Goasguen](#) . That is not an argument!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . First, I call your attention to the fact that this crime and organized crime, with an "s". Both are concerned Then what in the field concerned, may not meet the previous items? Well, for example, counterfeiting for medicines.

[Mr. Claude Goasguen](#) . Why?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Because there have been cases where the intelligence services were brought to work on such issues.

[Mr. Claude Goasguen](#) . This is normal!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . And it is logical that we incluions in the category of organized crime: it is neither territorial integrity nor nuclear proliferation.

[Mr. Claude Goasguen](#) . And the judicial police?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Obviously, there are tools used by the judicial police who are also the administrative police, like it happens that the judicial police use services under the administrative police.

[Mr. Claude Goasguen](#) . Of course!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Thus, 52% of administrative plays are performed by the central management of the judicial police: this does not mean the latter an intelligence service!

[Mr. Claude Goasguen](#) . You will improve the relationship between the services, you!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . That is why we must not restrict this item. There is a law of the CNCIS that allows us to adapt it according offenses we are trying to prevent.

[Mr. Claude Goasguen](#) . And snitches?

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I want to respond to the comments of Mr. Goasguen. These are administrative procedures because this is prevention. The Interior Minister pointed out just now. We try to make the identification, detection in the judiciary, procedures are governed by the Code of

Criminal Procedure. We secured by the Law on geolocation. But these techniques relate to criminal investigations: they are implemented to clarify on pending cases.

[Mr. Claude Goasguen](#) . No: for prevention too!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . But even in the context of prevention, there is a judicial procedure, Mr. Goasguen, well you know! If we made this law, it is precisely because of two judgments of the Court of Cassation and because we had been alerted by a decision of the European Court of Human Rights: even if this concerned, not France, but Germany, the reasons could watch us. That's why we prepared the text on geolocation. I mean, sir Goasguen, your concern about the judiciary.

[Mr. Claude Goasguen](#) . No: the judicial police.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This is under the authority of the prosecutor.

[Mr. Claude Goasguen](#) . Ah! It's good to say!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . It is in the code of criminal procedure: the judicial police do not work alone; it is placed under the authority, direction and responsibility of the prosecutor. These are two very different settings.

[Madam President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . I do not want to prolong the debate, but you know that judicial police, when "grabs" an element, it is not necessarily sure that there is something behind. It is a matter of flair! Same with RG: it "sniffs" both in administrative court. From the beginning, I tell you: you have not worked enough in connection with the judiciary in preparing this draft law.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . We will have occasion to return to this subject.

[Mr. Claude Goasguen](#) . Anyway, you'll see the difference between the method of RG / PJ and that of RG / administrative services! You will understand what a conflict between two policies. It already exists, but you are going to amplify it, you'll see!

*(Amendment n ° 108 is not passed.)*

[Madam President](#) . I call Mr. Denys Robiliard to support the amendment ° 270.

[Mr. Denys Robiliard](#) . The rapporteur has just explained that paragraph 14 concerned especially cross-border crime and delinquency prevention and organized crime, plural. Therefore, what is intended is the mafia or organizations of this type, and in no way organized gangs, criminal law concept which covers a quite different reality. Therefore, I believe, to use your expression , Mr. Rapporteur, my amendment "is no longer running." It is difficult to pass the administrative police to the police; I would have rather had to think in terms of police and gendarmerie. Subject to confirmation that I made a good reading of the text, I will withdraw the amendment.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I confirm your reading, Mr. Robiliard: package a font to another 'not running'. It would be logical that the amendment be withdrawn.

*(Amendment n ° 270 is removed.)*

[Madam President](#) . Since this "not running", the following discussion is referred to the next meeting. *(Smiles.)*

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## **Agenda of the next sitting**



[Madam President](#) . Next meeting, this afternoon, at three pm: Questions to the Government; Explanation of vote by public ballot and vote on the bill on the modernization of the health system; Following the bill on intelligence.

The meeting is adjourned.

*(The meeting closed, Tuesday, April 14, 2015, at zero hour and fifty.)*

*The Director of the service account report of the sitting*

*of the National Assembly*

*Catherine Joly*

## **Cryptome**

6 May 2015

Part 3 of 7. National Assembly debate of France Spy Bill approved 5 May 2015

<http://cryptome.org/2015/05/fr-spy-bill-text-en.pdf>

Original French source:

<http://www.assemblee-nationale.fr/14/cri/2014-2015/20150214.asp>

Google translation.

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## **National Assembly**

**XIV<sup>th</sup> legislature**

**Ordinary Session 2014-2015**

**Record**

**integral**

## **First meeting of Tuesday, 14 April 2015**

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**Chairmanship of Mr. Claude Bartolone**

[Mr. President](#) . The meeting was called.

*(The meeting was called to fifteen hours.)*

## Of welcome to a foreign delegation

[Mr. President](#) . Dear colleagues, I am pleased to welcome on your behalf a delegation from Armenia-France Friendship Group of the National Assembly of the Republic of Armenia, led by its President, Mr Ara Babloyan. *(Ms and Messrs. Deputies and members of t ernance rose and applauded.)*

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## Questions to the Government

[Mr. President](#) . The next item is questions to the Government.

## Asylum

[Mr. President](#) . The call Mr Guy Geoffroy, for the Union for a Popular Movement group.

[Guy Geoffroy](#) . Mr. Prime Minister, why you persist you refuse to take into account our opinion, possibly our advice, possibly of our proposals, even and especially when it comes to texts that call our attention and a wish national consensus that we have you ever really declined lately?

Thus, the text on asylum, your government, your minister have contrived to deny everything that we proposed and deny what has become obvious, namely the link between, on the one hand, the right asylum, its use, its practice and, secondly, illegal immigration.

Well, you were wrong, Mr. Prime Minister, because the Court of Auditors has said very loudly that we had tried to make you understand: "The asylum policy has become the main source of arrival illegal immigrants in France, she is no longer tenable in the short term, it is on the verge of embolism. "

The Court indicates that the majority of those rejected will be regularized after five years from the circular outlet 28 November 2012 by the Minister of the Interior that you were at that time, Mr. Prime Minister. It specifies - terrible figure, cruel - only 1% of rejected asylum are sent back to their country. The Court concludes with ten recommendations, the seventh is to be executed by the negative cases their obligation to leave French territory.

As part of the parliamentary shuttle, the draft law on asylum is being examined by the Senate. You can catch your mistake, you have the opportunity, finally, to confess before the French that the abuse of asylum and illegal immigration are one and must be treated together. Mr. Prime Minister, do it! (*Applause on the benches of the UMP group u.*)

[Mr. President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior*. Sir, I do not understand why - or rather I understand it too well. - On all topics that should call a consensus, precision, rigor, you summon with a lot of adulterated arguments unnecessary polemics (*E xclamations on the benches of the UMP and IDU groups.*) I will respond very accurately.

First, you propose that we listen to the advice you give us, but, generally, in politics, to give advice, you must have done well, and I'll remind you what is the result of your policy of asylum. Spaces home of asylum seekers centers - CADA - were systematically planed by budgetary measures that do not reflect reality. (*Exclamations on the benches of the UMP.*)

[Guy Geoffroy](#) . It is not the question!

[Mr. Bernard Cazeneuve](#) , *Minister*. That's my answer!

[Mr. Sylvain Berrios](#) and [Mr. Alain Marty](#) . What contempt for the Court of Auditors!

[Mr. Bernard Cazeneuve](#) , *Minister*. We have created over the past months, 5,000 additional places in CADA, plus 5,000 additional childcare places created in the budget 2014. It is the first point.

Secondly, since you speak of failed asylum, I must remind you, because that is the statistical reality and it is also in the report of the Court of Auditors, between 2007 and 2013 the number of applicants Asylum doubled and you have been totally unable to return those failed asylum.

We are taking steps to address this situation. First, so that the processing time of asylum seekers records shorten and pass twenty-four to nine months, we create positions within the French Office for the Protection of Refugees and Stateless - OFPRA - and the National Court of Asylum. Fifty positions created in the 2014 budget have made it possible to increase by 12% the number of asylum seekers processed files. Moreover, we make a law on immigration which establishes the conditions in which we can proceed to the removal of failed asylum. I must remind you that in 2014 the number of removals to the border failed asylum was significantly higher than ...

[Mr. President](#) . Thank you, Mr. Minister!

[Guy Geoffroy](#) . This is an adulterated answer!

## Grand Paris

[Mr. President](#) . I call Mr Bruno Le Roux, for the Socialist Group, Republican and citizen.

[Bruno Le Roux](#) . Mr. Prime Minister, you met again this morning an interdepartmental committee devoted to the Grand Paris. The measures announced, very practical, meet the needs of French. (*"Hello! Hello!" On the benches of the UMP.*)

Massive investments in transport, with exemplary projects in environmental



matters, mobilizing action for housing and planning, with assistance to builders and elected government intervention adapted to the different priority sites, cultural and academic radiation with the Condorcet campus or project Paris-Saclay, with considerable resources, mobilizing international investments and dynamic driving force, by entering the Grand Paris in the Seine Valley, which connects the capital to the rest of the world ...

The digital, ecology, investment simplification: these levers are all red son of our action. They will make the Grand Paris a model of sustainable metropolis and connected, to which the eyes are. But that interministerial committee also defends a great ambition for our country, that of giving it to heart and at the time of the great events of the world.

The President of the Republic and wish your government indeed, and I think that ambition is shared on all the benches of this Assembly, to organize the Olympic Games and 2024 World Expo 2025. For this latter application, you named a recognized personality Pascal Lamy. President Bartolone had also told the Assembly a mission of information on this issue, chaired by Jean-Christophe Fromantin and which I was rapporteur.

This dual candidacy, one hundred and fifteen years after we welcomed all these events, is indicative of our newfound confidence. *(Laughter and exclamations on the benches of the UMP.)*

[Mr. Marc Francina](#) . Oh!

[Bruno Le Roux](#) . They can be formidable accelerators. Economic levers of course, they are an opportunity to mass gatherings. *(Exclamations persistent on the benches of the UMP.)*

[Mr. President](#) . Colleagues, listen to the speaker!

[Bruno Le Roux](#) . Mr. Prime Minister, we actively support. Tell us the main steps of this revival of Greater Paris. *(Applause few benches CRS group.)*

[Mr. Sylvain Berrios](#) . Goodbye! Goodbye!

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister*. Mr. Chairman Le Roux, you summarized it very well (*Laughter and exclamations on the benches of the UMP*) ...

**One member of the UMP**. What spontaneity!

[Manuel Valls](#) , *Prime Minister*. ... Axes and proposals of the interdepartmental committee that I chaired in the presence of several members of the Government. I had previously met with the architects and planners who think long your great ideas to the Grand Paris. I spoke to the mayors of Île-de-France, ...

[Mr. Sylvain Berrios](#) . Did they welcomed?

[Manuel Valls](#) , *Prime Minister*. ... Floral park, to detail all these proposals.

You have well said, rightly, that the goal is to make Greater Paris an engine for sustainable development, to include in our policies for employment and training, to put it at the service of Research and higher education and also at the service of students, including by addressing the issue of housing thereof. It is also to hand the neighborhoods in the heart of Greater Paris. These are the main areas that we presented this morning. I will have the opportunity to meet again the ministers in September to clarify the territories where government intervention could be stronger and more precise, *via* operations of national interest.

You are right: the Grand Paris must not only occur in transport, in housing, in employment, in higher education and research, in the popular neighborhoods - for this reason I remind the mobilization of the Agency National Urban Renewal - but it must also embody. The Olympics and the World Expo, you have defended your colleague Jean-Christophe Fromantin and Senator Luc Carvounas, represent two events, two opportunities to mobilize a very high quality.

The state, in its place will be alongside local authorities, with the city of Paris, which has ruled very clearly yesterday, with the Ile-de-France, which supports

the Paris bid for the Olympics. This time, beyond this Chamber, and behind the sports movement, we all want to succeed in this application. This is important for Paris, it is important for France.

[Mr. Marc Francina](#) . Paris is not France!

[Manuel Valls](#) , *Prime Minister*. Similarly, for the World Expo is for the State to take responsibility, starting from the work already done by Parliament, with the exemplary and enthusiastic mobilization of economic actors. Prepare this appointment will be very important work of Pascal Lamy.

With the Olympics and the World Expo, we have the opportunity to embody the Grand Paris, overcome selfishness, to ensure that all local authorities, economic and social actors, but also and first citizens engage. You can count on the commitment of the Government, as it knows it can count on yours. *(Applause several benches of the CBC group.)*

## **Bill on Intelligence**

[Mr. President](#) . I call Mr Sergio Coronado, to the environmental group.

[Sergio Coronado](#) . Mr. Prime Minister, the Assembly began yesterday reviewing the draft law on information you have presented. The accelerated procedure you chose reduces the time for debate in Parliament this text nevertheless of great importance, since it affects the delicate balance between security and fundamental freedoms. As written rightly president of the Law Committee, "the review requirements of the accelerated procedure does not allow parliamentarians to work satisfactorily. "

Mr. Prime Minister, this text, which can not be reduced to the fight against terrorism, raising concerns and legitimate criticism in society. The president of the national security interceptions Control Board, Jean-Marie Delarue, has estimated that drifts affecting the individual freedoms. The Commissioner for Human Rights of the Council of Europe denounced meanwhile a dangerous

social climate in which everyone can be considered a potential suspect.

Critics also aim widening purposes now assigned to intelligence services, ranging from the fight against terrorism to the "prevention of violations of the republican form of institutions", through the protection of the "best interests of the political foreign of France. " The bill also authorizes the use of the tools of technical data collection of very large, if not mass - including mobile tools near direct data capture, and sensors and algorithms operating on electronic flows - without offering any guarantees of protection for our freedoms. I regret in this regard that the amendment environmentalists protecting certain professions - lawyers, journalists, doctors and judges - was rejected by the Law Commission. I hope the Government will repair this error.

Minister, beyond the consequences of this text for freedom, we are concerned about its economic impact. Number of French hosts are seriously concerned to see their clients flee their services to countries where the digital space is not subject to such controls. We risk penalizing employment and the digital industry in our country. Can you tell us, Mr. Prime Minister, if all the consequences of the text were actually evaluated by your government? (*Applause on the benches of the environmental group.*)

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister*. Sir, after my speech, the Assembly began in the presence of Bernard Cazeneuve, Christiane Taubira and Jean-Yves Le Drian, examining this important text. He answers, like other texts we have passed since 2012, the various threats against our country. Like yesterday, Mr. Coronado, let me be clear: the first of the threats that we face is terrorism.

I do not mean that one can believe for one moment, as in the public debate in this Chamber, that our freedoms and rule of law would be threatened by this text. (*Applause several benches of the CBC group.*) I can not accept it. I'm not talking

specifically of your question, sir, but I heard some surprising interventions from different banks, in which there was talk of "political police". (*"Yes!" On the benches of the UMP .*) Listening to these interventions, and reading some editorials, I think that the authors are really missing the point!

I also read that we would be legislating under the threat of terrorism: to say this is not only a mistake but also a political mistake because Parliament has been working for several months on this text. It is the result of the work of members Jean-Jacques and Patrice Urvoas Verchère, I mentioned again yesterday. It was examined by the Law Committee; it is now being reviewed by the entire Assembly. This is the President of the Republic has decided to legislate on this issue in June 2014.

I said a moment ago: we voted two laws against terrorism. We also provided additional resources to our intelligence services, I announced with Minister of the Interior after the terrible attacks last January.

This text, meanwhile, aims to answer a very specific threat. It aims to protect our intelligence services, including, but not only, on the internet and supervise the work of our services. It is a balanced text, efficient and at the same time ensuring our freedoms. As stated by the Chairman of the Law Committee Urvoas Jean-Jacques, who took a very large part if not essential to its preparation, this bill protects our freedoms and reinforces our rule of law.

I mean, of course, all the worries. We must respond. Many amendments have already been accepted. (*Exclamations on the benches of the UMP group.*) It is the honor of our country to finally acquire the means of a modern constitutional state in the fight against terrorism, while protecting our fundamental freedoms.

No fantasies! No false debates! I invite the national representation to unite on this

important text. The fight against terrorism is also know beyond his prejudices and be able to unite on the essential. *(Applause on the benches of CBC group.)*

## Asylum

[Mr. President](#) . I call Mr Arnaud Richard, for the group of the Union of Democrats and Independents.

[Arnaud Richard](#) . Minister of the Interior, on the eve of the Senate review the bill on asylum, a preliminary report of the Court of Auditors has raised even before its publication, many public reactions: one would speak there the exorbitant cost of asylum; Asylum we designate it as the main source of influx of illegal immigrants; we deplore them a nonexistent management failed. On a subject of such importance, that which the Court of Auditors has qualified itself to partial and biased reading of its observations, do not fall, colleagues, and in the cartoon controversy. Rather, let us live up to our republican heritage. *(Applause on the benches of IDU group.)*

If there is a finding, we share it, of course. With processing times becoming longer, increasing budget cuts, a constant increase in demand, not to mention unfilled judicial positions at the National Court of Asylum - CNDA - our ability to welcome with dignity and effectively those who really need is weakened.

For your bill, Mr. Minister, you were supposed to address the malfunctioning of our asylum system and to stop the diversion and procedural abuses. However, legitimate doubts about your ability to give meaning to a system truly breathless remain. The Court of Auditors will even say that your text "does not answer the central question - and legitimate - the management of failed causing an embolism." Mr. Interior Minister, how do you respond to those comments?  
*(Applause on the benches of IDU group.)*

[Mr. President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior*. Thank you very much, sir, for that matter. You know very well about it; the weight with which you approach evidenced and contrasts with other interventions. (*Exclamations on the benches of the UMP.*)

You participated very actively in the discussion in Parliament on this issue by including a great relationship with Jeanine Dubié, which helped fuel the thinking of the Government. What do we plan to do on asylum to address the concerns you have expressed? First, we must reduce delays. But if we want humane treatment the situation of asylum seekers, it will do so without creating positions within the French Office for the Protection of Refugees and Stateless - OFPRA - and within the Court National asylum. The Government has taken very clear decisions in this regard in the budget for 2014. These decisions have also led to an increase of 14% in 2014 the number of cases handled and the time began to be reduced - c This is my first point.

Second, we must create the conditions for a worthy reception of asylum seekers. That is why the Government of Jean-Marc Ayrault, whose action in the matter has been pursued by that of Manuel Valls, has created 10,000 extra places in reception centers for asylum seekers.

Third, we must create the conditions for a return of rejected asylum: this is the purpose of the provisions of the draft law on immigration, which will be considered by Parliament in July and that will including house arrest by the device, reduce the number of rejected asylum-seekers, which has been increasing in the previous legislature.

Fourthly - and this is a very important point - we must fight resolutely against the channels of illegal immigration. In 2014, the number of dismantled channels increased 14%. For the only city of Calais, we have dismantled 30% more

channels compared to the previous year; that is to say the mobilization of services of the Interior Ministry to achieve the goal. (*Applause few benches CRS group.*)

## Reform of colleges

[Mr. President](#) . I call Mrs. Virginia Duby-Muller for the Union for a Popular Movement group.

[Virginie Duby-Muller](#) . Madam Minister of National Education, Higher Education and Research, my question concerns the controversial reform of colleges. Following the dramatic events of January, you launched the "mobilization of school to the values of the Republic." We found ourselves on the values of authority, effort, work, school is a must for culture. But since March 11 and your presentation to the Cabinet of your college reform project for 2016, nothing goes.

Although docile Higher Council of Education was approved on 10 April and if you tried to make adjustments at the margin, this reform is the subject of many disputes.

[Guy Geoffroy](#) . That's right!

[Virginie Duby-Muller](#) . Old letters from professors denounce the death of Latin and Greek, structural disciplines to the spirit of our college and vectors of human values for the citizen of tomorrow. German teachers are desperate for the fall of learning this language and the disappearance of the bi-lingual classes or European, even though we must strengthen our ties with Germany.

[Mr. François Rochebloine](#) . Very just!

[Virginie Duby-Muller](#) . You did not even manage to reassure our colleague Pierre-Yves Le BORGNE which, as chairman of the friendship group France-Germany mobilizes members from all edges on the immediate danger of the provisions of the reform and the urgency of the evolve - not to mention the interdisciplinary practical lessons - PPE - supposed appeal to college but deemed dangerous by educators far from convinced of the value of a cross



lessons before high school. Even the unions have called the strike in May.

As for us, even though we share your diagnosis of the college called "weak link in the educational system," we can not remain silent before this project unsuitable and heavy reform consequences. Madam Minister, *errare humanum is perseverare diabolicum.* (Applause on the benches of the UMP and some benches IDU group.)

[Mr. President](#) . Call the Foreign Minister of National Education, Higher Education and Research.

[Ms. Najat Vallaud-Belkacem](#) , *Minister of National Education, Higher Education and Research.* Madam, I am glad to hear that you share our findings. If I may, I prefer for my part go beyond the findings and act. (*Exclamations on the benches of the UMP.*)

Let us act to reform the college, which is said for decades that it is not enough to succeed our children. Let us act to provide them with educational practices that enable each college students, and not just the most privileged 20%, to appropriate the basic knowledge they need to build their lives.

[Mr. Sylvain Berrios](#) . Gravediggers!

[Ms. Najat Vallaud-Belkacem](#) , *minister.* Let us act to allow each college to be joined individually, individually, to learn to work, to consolidate their learning, group work and simply succeed. Accompany these college students so that they have access to a second living language from the fifth grade rather than fourth is the focus of our reform.

Yes, the bi-lingual classes no longer work in the same way today because 100% of pupils learn a second foreign language from the fifth class, against 10% today. This will he affect the learning of German, as you fear?

[Mr. François Rochebloine](#) . Yes!

[Ms. Najat Vallaud-Belkacem](#) , *minister*. Not in any way. Today, 485,000 schoolchildren are learning German. At the 2016 school year, thanks to the reform, they will at the very least 500,000 - of course we expect an increase in this number. A simple rule of three is enough to understand: today only 10% of college students are enrolled in two-language class and learn German before, but tomorrow, 13% of college students who choose German as second foreign language benefit from this learning a year earlier, with two and a half hour more in school. I answered the question yesterday on Latin. Madam, follow us in this beautiful Reform (*Applause several benches of the CBC group.*)

## Rafale Sales

[Mr. President](#) . The call Mr Nicolas Bays, for the Socialist Group, Republican and citizen.

[Mr. Nicolas Bays](#) . Minister of defense, I associate my question all parliamentarians on these benches, welcome the success of French companies to export. On April 10, the Indian Prime Minister has formalized the order of thirty-six combat aircraft Rafale multi-role aircraft par excellence. (*Many members of the UMP are turning to Olivier Dassault and applaud.*) The sale is following the order by the Egyptian state, there a few weeks, twenty-four of these fighters as well as a multi-mission frigate. (*Exclamations persistent on the benches of the UMP.*)

Mr. Minister, I rise today to welcome this second historic order that contradicts forcefully declinists discourse that aim to push that country.

**Several deputies of the UMP.** Oh!

[Mr. President](#) . Stop! It's unpleasant, no longer even hear the questions!

[Mr. Nicolas Bays](#) . On the contrary, this type of contract signed with an emerging power like India proves, if need be, the excellence of our defense industry and reinforces the place of France in the international arena. It also shows the talent and ability of the ministers involved, who worked in the absolute discretion that

requires this type of file, in contrast to what was current in the previous majority, who had accustomed us to, in the words of William Shakespeare, much ado about nothing. (*Exclamations on the benches of the UMP.*)

This command is also synonymous with job creation, both in the manufacturer, whom we congratulate on the quality of its engineering, and among its many sub-contractors. (*"Dassault Congratulations!" on the benches of the UMP.*) It ensures indeed a backlog that will allow the development of the companies and in particular SMEs, which constitute one of the main levers of creation jobs in our country. In this regard, the visit today of the President of the Republic in different SMEs, and the announcement by the Government of measures to promote industrial investment, investment show very clearly the Executive and his majority in favor of the development of a fabric of SMEs European level. The France who wins deserves to be working for her. So, Mr. Minister, can you tell us more about the method of conclusion of the contract? (*Applause few benches CRS group.*)

[Mr. President](#) . I call the Minister of Defence. I ask you all to listen to the speakers more.

[Mr. Jean-Yves Le Drian](#) , *minister of defense* . Sir, you recalled that Prime Minister Mr. Modi last week confirmed the choice of the Rafale by India.

**Several deputies of the UMP** . Dassault Congratulations!

[Mr. Jean-Yves Le Drian](#) , *Minister* . He did so by announcing the acquisition of thirty-six fighter aircraft Rafale, in less time, to meet the operational requirements of the Indian Air Force. Given these tight deadlines, these thirty-six combat aircraft will be made by Dassault Aviation in France. (*Applause on the benches of the UMP.*)

**Several deputies of the UMP** . Ah!

[Mr. Jean-Yves Le Drian](#) , *Minister* . I would add that this decision helps to be at the rendezvous of the military program law that had made the bet to forty aircraft sold for export: . The number is now sixty, given the Egyptian contract (*Applause and "Bravo!" on the benches of the CBC group.*)

I also specifies, in terms of the agenda that I will be in India soon, at the request of the President of the Republic, to consolidate the inter-governmental agreement which was desired by the Indian Prime Minister to guide the order he just passed. Then, in a second phase, we will continue the discussion with India to ensure technology transfer and industrial transfers. There will be two stages: the framing of the agreement and a discussion with regard to technology transfer. I draw three conclusions: first, the Rafale is definitely a very good airplane. (*"Bravo" on the benches of UMP group.*)

[Mr. Olivier Dassault](#) . Thank you!

[Mr. Jean-Yves Le Drian](#) , *Minister* . Second, the French defense industries have a very high level of technology and excellence. Third, the partnership with India is based on trust. (*Applause on the benches of the CBC group.*)

## Grants to municipalities

[Mr. President](#) . I call Mr. Yves Bonami for the Union for a Popular Movement group.

[Yves Bonami](#) . Mr. Prime Minister, we are all aware that today we must reduce public spending. But at a time when the mayors of France are voting their budgets, you just play them a bad turn.

[Mr. Jean-Luc Reitzer](#) . Quite a trick.

[Yves Bonami](#) . You can imagine. I'll tell you about the brutal way in which you have decided to lower grants to municipalities ( . *"! True" on the benches of the*

UMP)

In my city, your decision is to Therefore a 25% self-financing, which funds investments without borrowing. Your abrupt decision and erases the savings and elected officials of my city for years. If the finance department had warned us that if only three months ago, we could anticipate and make different trade-offs. Mr. Prime Minister, your method leaves no other choice than to increase the mayors taxes or borrowing. This approach is not out of place with everything we blame you for three years: improvisation, no consultation! These are the real reasons that make today local taxes will increase. It's your fault. You could do otherwise, and you did not want to place the blame for these increases to the mayors of France. Mr. Prime Minister, the Mayor of land that I am asking you, as I am sure , all the mayors who sit in this Chamber, not to elected hostages tax killing you knowingly held for three years by taking 90 billion euros into the pockets of French. Mr. Prime Minister, we ask you to gather and incorporate us in collusion department by department, if you do not want to have the mayors of France against you. *(Applause on the benches of the UMP.)*

[Mr. President](#) . Call the Foreign Minister of Decentralization and Public Service, I ask you to listen carefully.

[Ms. marylise lebranchu](#) , *Minister of Decentralization and Public Service* . Sir, actually, we could decide together not to lower public spending and not to reduce the deficits of France. But from the moment the decision of the reduction has been made, it is not clear how to lower the expense of the state without lowering allocations. Since you're talking about taxes, I remind you that, as revenues today of the State are below its expenses, if we wanted to keep the allocations to

local governments at the same level, it is the income tax or VAT that would be mobilized. *(Exclamations on the benches of the UMP.)*

**Mr. Jérôme Chartier and several deputies of the UMP** . That's not what he said!

[Mr. Marc Francina](#) . State taxes!

[Ms. Marylise Lebranchu](#) , *Minister* . These are the same people who pay the same taxes. You are talking about 90 billion - this is not to shout like that! - But we are far! The Prime Minister himself said that 30 billion for the last government and 30 billion for ours, too. So we decided to lower taxes. You know, several million French have this year a tax sheet on the lowest income than last year. *(Exclamations on the benches of the UMP.)*

[Mr. Jérôme Chartier](#) . It's surreal!

[Mr. Bernard Deflesselles](#) . The mind boggles!

[Ms. Marylise Lebranchu](#) , *Minister* . Sir, in the case of Commons, you succeed in yours, which has 11 000 inhabitants, to commit € 4 million investment. That is correct. But you know that in Île-de-France today, the subject involves intermunicipal and the pooling of resources. Indeed, what we see, and this morning the interministerial committee on the Grand Paris there has largely responded part is that hyper-wealth rubs hyper-poverty. If we want to draw our local authorities up, that is to say meeting the housing needs, transportation and economic development, the only solution we have in Île-de-France is the inter. *(Applause on the benches of the CBC group.)*

## New health rights

[Mr. President](#) . Call H el ene Geoffroy, for the Socialist Group, Republican and citizen.

[H el ene Geoffroy](#) . Madam Minister of Social Affairs, women's health and rights, a priority for our country, a goal that you are pursuing, is access for all to quality care. From 2012, the Government displayed as priority the fight against insecurity, with a multi-year plan also included an increase in access to

complementary ceilings. The renunciation of care remains very worrying, even for lower classes, due to either advance to either the complexity of the device. During 2014, 1.2 million people whose resources are low but slightly higher than the ceiling set for the allocation of supplementary universal health coverage, received a certificate of using the supplementary health. Despite the increased number of beneficiaries, the rate of use of GBA is still too low. The Government has launched a major reform of this system, including by making a national call for proposals to bring down prices further. Madam Minister, could you tell us concretely how to apply this reform should have important effects, particularly on the purchasing power and access to care? Furthermore, the modernization law our health care system will truly change the lives of our citizens because it has breadth measures such as the generalization of the third-party payment for all French. For this ambitious device, which we have debated in recent weeks, we remove the upfront fee. Lever simplification of life of the insured, but above all, social justice, this measure gives new life to our health policy for one of its purposes: the fight against health inequalities. *(Applause several benches CRS group.)*

[Mr. President](#) . Call the Foreign Minister of Social Affairs, health and women's rights.

[Ms. Marisol Touraine](#) , *Minister of Social Affairs, health and women's rights* . The bill to modernize our health system, which will be voted just now, is equality in access to health care a priority, and I want, madam, to greet your role and

involvement in the discussion of this text. Access to care is obviously, you have reminded us, the gradual generalization of third-party payment for all the French, but they are also measures to enable the installation of doctors close to home, steps to reduce waiting times at the ophthalmologist for example, or the establishment of a single telephone number to find a doctor on call. Access to Care is also the purchasing power for the most modest French, and it is in this spirit that I launched the reform of the complementary health aid. Assistance for complementary health is a check of up to 550 euros, which is paid to people whose income is higher than that entitles the CMU but less for one person, 1 000 euros per month. With this check, these people, of the low paid, small pensioners, students can obtain a complementary health mutual. With the reform that I initiated, the contracts that will be proposed will be cheaper, they will cost up 300 euros less for a single person aged over sixty years, and they will have better coverage. From 1<sup>st</sup> July this year, these new contracts will be offered to our humble citizens. You see, madam, the Government is committed to a proactive policy in favor of access to care, because it is a priority for all of our citizens. *(Applause several benches of the CBC group.)*

## **Arduousness Account**

[Mr. President](#) . I call Mr. Gilles Lurton for the Union for a Popular Movement group.

[Mr. Gilles Lurton](#) . Mr. Prime Minister, I do not know if confidence is found in the words of President Le Roux, but our businesses are still suffering and again. They suffer from economic disaster into which you plunged our country for three



years. *(Shouts from many benches SRC Group. - Applause on the benches of the UMP.)*

**Several deputies of the UMP** . That's right!

[Mr. Gilles Lurton](#) . They suffer from the reduction of local authority investments linked to the unprecedented decline in depreciation that you have decided. Instead of alleviating the constraints on them, multiply them, and prevent the same time to enjoy the effects of a hypothetical economic recovery. Among these constraints, there is the arduous day, which is impossible to implement. *(Applause several benches of the UMP.)* You know the way. Since the passage of the law of 20 January 2014, you keep back. Of deferrals, creating mission in creating mission, you are caught in your own trap. We had been warned, the account is genuine hardship gasworks.

**Several deputies of the UMP** . That's right!

[Mr. Gilles Lurton](#) . This is so true that, as recently as last Thursday, on the occasion of the general meeting of the architects of the building, while mocking the notion of hardship, your labor minister announced that there would be no hardship to fill plug for small businesses from June. Whether to delete the inapplicable criteria, we will remove them, he added. *(Applause several benches of the UMP.)*

What a relief, but what a shame to have sowed so many troubles at the expense of employment in our country. The companies expect that you confirm today the minister about your work. So, Mr. Prime Minister, is it a new quack within your government or will you really want to delete the profile painfulness? *(Applause on the benches of the UMP and several benches of IDU group.)*

[Mr. President](#) . I call Mr. Minister of Labour, employment, vocational training and social dialogue. *(Protests on the benches of the UMP.)*

[Mr. François Rebsamen](#) , *Minister of Labour, employment, vocational training and social dialogue* . The creation of the arduousness account is undoubtedly a great social advance (*Exclamations on the benches of the UMP*. - *applause from several benches Group SRC*) and the left majority of this government is proud to have adopted such a measure. This is a social justice measure to fight against inequality. Life expectancy, in fact, as you know, is not following the same profession you are doing. For this account exists, we must find the right balance between a collective approach and an individual approach to applying the factors of hardship. This is one of the issues the two missions entrusted to one of Virville Michel and the other to Christophe Sirugue. The goal is to achieve a simple device (*Exclamations on the benches of the UMP*), in particular for small and very small businesses of the building, while reflecting the reality of working conditions. We will tailor what must be. The missions will make their conclusions before the summer. If they conclude that adaptations are necessary in such threshold of exposure, measurement and implementation of strain factors, these findings will be retained. For there to be new rights, as important as they are, they must still be applicable. (*Applause few benches CRS group*.)

## Public Health in the Caribbean

[Mr. President](#) . I call Mr Ary Chalus for the radical group, republican, democrat and progressive.

[Mr Ary Chalus](#) . Madam Minister of Social Affairs, women's health and rights, the review of the Law on Health offers an excellent opportunity to revisit some public health issues that are of major concern for our citizens. This concern was echoed by the President of the Republic and the Court of Auditors, which highlighted the urgent need to reduce as quickly as possible, often glaring inequalities in health. The prevalence of some cancers - prostate, cervix and stomach - is particularly strong in the French departments of America. The delay of our territories, in

terms of equipment useful and effective nuclear medicine, is no stranger to the difficulties in screening for these cancers. The number recorded, ever growing, creating a real concern among the population, which calls for the establishment of a cyclotron, more able to afford a reliable diagnosis. In this particular context, confirmation of state commitments to rebuild the hospital in Pointe-à-Pitre is in a reassuring approach, as well as the designation of a mission to the General Inspectorate of Social Affairs who must rely on the work already done on the ground on the initiative of regional health agencies. . This mission must serve to characterize the set of location solutions and exploitation of various technological and organizational models proposed Madam Minister, our American regions are mobilized more than twenty thousand petitioners reflects strong expectations of the population and patients. Faced with this situation, I wish that the Government can be associated very closely with the decisions it intends to take. Also, can we expect that the choices made by your department will be based on the principles of equality of public health offer on the entire national territory? Finally, I want to thank the three ministers present at Days from overseas, especially the Prime Minister for his speech particularly optimistic. Yes, overseas is an asset for France! *(Applause on the benches of RRDP groups and some benches CBC and IDU groups.)*

[Mr. President](#) . Call the Foreign Minister of Social Affairs, health and women's rights.

[Ms. Marisol Touraine](#) , *Minister of Social Affairs, health and women's rights* .  
Chalus sir, you are right to stress the need to reduce health inequalities. This is one of the lines of force of the law to be voted on just now. You alerted me

several times on the particular situation of the overseas departments, including Guadeloupe. We discussed it. I know your attachment to that specific responses are made. It is particularly important to develop solutions to address the issue of cancer. The will of the President of the Republic, with the third cancer Plan is to ensure that, at any point of the territory, everyone has the same chance to be cared for in good conditions. Specifically, we need to better detect cancers and heal more quickly, deploy PET scan in the French departments of America. But to power these PET scan, we need cyclotrons. The whole debate is how, when and where we will install these cyclotrons. Last fall, I told a professor in the assessment mission Bourguet, who is the president of biophysics and nuclear medicine section of the National Council of Universities, and the General Inspectorate of Social Affairs. This mission will present its findings soon. I can assure you, sir, that this work will be shared and there will be discussions and exchanges between us, as it is to define an equitable solution. You, sir, count on my determination to associate you and provide appropriate solutions. (*Applause few benches CRS group.*)

## **Destruction of experimental crops**

[Mr. President](#) . I call Mr. Marc Laffineur for the Union for a Popular Movement group.

[Marc Laffineur](#) . Minister of agriculture, food and forestry, since 2005, the Maine-et-Loire is recognized worldwide cluster on the plant - that is, at the time, Dominique Bussereau who came announce its labeling. In this context, we host the study group and control varieties and seeds - GEVES - whose mission is to evaluate new varieties with a view to authorizing the production and marketing. GEVES, which depends on your department also works closely with the Community Plant Variety Office which is located in Angers. This Sunday, April 5th, fifty offenders came on land GEVES, the Pouëze for to destroy the rape crops. It was not GMOs, it was not even rape obtained by mutagenesis, which also occurs in nature. These thugs have destroyed years of work and research.

Gradually, the whole plant research leaves France, while we were there twenty years ahead in this area. Breeders turn away from our country to get their classification, and then sell their seeds in France. Tens of thousands of jobs that we have already lost. It can be grown rapeseed half the herbicides you imagine the benefits for the environment. Now these individuals are backed by a part of your majority! They destroy our research capacity.

[Mr. Bernard Perrut](#) . It's a shame!

[Marc Laffineur](#) . Minister, what do you do to prevent this and condemn these thugs that destroy and ransack the work of so many scientists? Our agriculture needs this research to develop. This is vital! (*Applause on the benches of the UMP.*)

[Mr. President](#) . I call the minister of agriculture, food and forestry, spokesman of the Government.

[Stéphane Le Foll](#) , *minister of agriculture, agri-food and forest, spokesman of the Government* . Sir, you mentioned a very important and technical subject.

[Mr. Christian Jacob](#) . And politics!

[Stéphane Le Foll](#) , *Minister* . I supported the Angers center of excellence on plants and I moved several times during different fairs held there. You raised the issue of rapeseed varieties tolerant to certain herbicides, which are not genetically modified varieties. Like many, I condemn what happened, because there was no reason to destroy these experiments.

[Mr. Christian Jacob](#) . But if these plans were GMOs, there would have been a reason?

[Stéphane Le Foll](#) , *Minister* . A complaint was filed, Mr. Jacob. Stay reasonable to get things done! We will continue to work on these issues herbicides.

[Mr. Christian Jacob](#) . We do not ask you to sweet-talk but to answer!

[Stéphane Le Foll](#) , *Minister* . The herbicide resistance continue to increase. So we have a challenge. It does not only go by what has been done, and that was necessary, in experiments, but more comprehensive strategies that involve changes in production models. (*Exclamations on the benches of the UMP.*)

[Guy Geoffroy](#) . It is not the question!

[Stéphane Le Foll](#) , *Minister* . Calm down! (*Same movements.*)

[Mr. President](#) . Colleagues, some quiet please!

[Stéphane Le Foll](#) , *Minister* . Research is needed and I condemn what happened.

[Mr. Christian Jacob](#) . And the question?

[Mr. Sylvain Berrios](#) . This is the blurb!

[Stéphane Le Foll](#) , *Minister* . But on these issues, we need much broader strategies against herbicide resistance. (*Applause on the benches and environmentalist groups CBC.*)

## Location Alcatel-Lucent

[Mr. President](#) . Call Corinne Erhel, for the Socialist Group, Republican and citizen.

[Corinne Erhel](#) . Mr. Minister of Labour, employment, vocational training and social dialogue, Alcatel-Lucent, French flagship telecommunications, international scale, confirmed this morning be in advanced discussions with the Finnish group Nokia for a rapprochement. Alcatel-Lucent is a leading industrial player in France. It employs in our country over 6,000 employees and is a key partner in the territories where it operates, particularly in Lannion in the Côtes d'Armor and Villarceaux in the Essonne. The group holds technologies and strategic infrastructure for France. The prospect of a possible sale This raises many questions which I have maintained this morning, with Emmanuel Macron. Mr. Minister, what is your view on these ads? If the talks are successful, intends to play what role the State to ensure, over time, to more than 6 000 employees retaining their jobs and skills in the territories, both as regards the functions of research and development that support functions? These employees already

heavily tested by redemptions and a succession of planes in recent years, and I welcome the social partners here. Moreover, while France is a major hub of research for the Alcatel-Lucent, thanks to the research tax credit, how to ensure the maintenance in our country of innovation and research and development on growth businesses? Finally, how to anticipate the possible consequences on the entire telecom sector, its employees and ecosystems affected? Minister, we count on your vigilance. (*Applause several benches CRS group.*)

[Mr. François de Rugy](#) . Very good!

[Mr. President](#) . I call Mr. Minister of Labour, employment, vocational training and social dialogue.

[Mr. François Rebsamen](#) , *Minister of Labour, employment, vocational training and social dialogue* . Madam, this is a record that I'm close with my colleague Emmanuel Macron, which is right now in the Senate to present the bill to the growth and activity. Alcatel-Lucent and Nokia have confirmed it is in discussions with a view to a full merger of the two groups, without having, at this time, reached an agreement. Alcatel-Lucent, you said, occupies a place in the structuring industry equipment and telecom networks. It is also a particularly competitive company in the global market. That is why the Government intends that the details of discussing draft to be presented to the faster, especially as regards the production sites: there are 800 jobs at stake in Lannion and 3000 in Villarceaux. The Government will also be very vigilant that excellence is maintained research laboratories in France and that the location of decision centers and investment outlook is clarified over time, regardless of the discussions held by Alcatel . We'll get the two groups all the information

necessary to judge whether the project is relevant from an industrial point of view and if a combination would constitute a competitive European champion globally, a kind of Airbus telecoms. The Government is closely following the situation. Emmanuel Macron will soon visit to Lannion in order to confirm the teams, review the commitments and see if the project meets all the conditions required to build a strong industrial activity and future carrier in the long term. Finally, behold, the President of the Republic receives right now leaders Nokia and Alcatel to make a point on this. *(Applause few benches CRS group.)*

## Social plans and pre-emption

[Mr. President](#) . I call Mr. André Chassaigne for the group of the Democratic and Republican Left.

[Mr. André Chassaigne](#) . Mr. Prime Minister, which hurt businesses and employment, not labor costs. Thus, the US group HBI, owner of the Sun brand, plans to cut 400 jobs in France, but the cause of this redundancy plan, there is the pressure from investment funds and pension funds that hold the group . Same scenario in Vivarte, which owns the stores Kookai, Andre and La Halle: the group will separate 1600 employees, a decision taken under pressure from representatives of the funds. At the MoryGlobal carrier, where more than 2,000 jobs are lost It is not known where 17.5 million of public aid are passed. As for the company Gaillon is the investment fund owner who wants to relocate while the order books are full. Given the attitude of shareholders and pension funds, our country needs strong measures to defend businesses! We believe that this requires the creation of new rights for employees. This is the meaning of our



proposals to ban the stock dismissals, strengthen works council veto or even facilitate the resumption by employees of their business in cooperative form. Our bill, which will come under discussion May 7, specifically aims to establish a pre-emptive right of employees in case of resale of their business, particularly in order to prevent the sale to unscrupulous shareholders. To help strengthen companies, Mr. Prime Minister, will you support our proposal to maintain employment in our territories? Unless you considérez the investment plan and the consolidation of representative bodies will suffice to strengthen these enterprises! (*Applause on the benches of the GDR group.*)

[Mr. President](#) . The call Mrs Secretary of State for Trade, Crafts, consumption and social and solidarity economy.

[Carole Delga](#) , *Secretary of State for Trade, Crafts, consumption and social economy* . Sir, social plans financial optimization, affecting sometimes even healthy firms are indeed a scourge for our economy and unjustifiable measures for employees. With Florange law, we introduced a requirement to search for a buyer for companies with more than 1 000 employees. The Constitutional Council then clarified the legal framework by postulating that damage to property rights must be justified by a reason of general interest and above all be proportionate to the objective pursued. The resumption of business by their employees must be encouraged. That's what we did with the law Social and Solidarity Economy of 31 July, based on three strong action: the training of employees of law, undertaking to explain the corrective actions and legal conditions; ensure prior information law; promote seed SCOP, that is to say ultimately allow employees to be decision makers, with a minimum period of seven years to be the majority in the capital. The Government wished to continue this work by giving your colleague Fanny Coste Dombre mission to reflect on the

operational capability of the prior information law and transmission procedures in case of recovery. We will soon improve employee training right for the resumption of business. A right of preference or a right of pre-emption would be appropriate? I think by the rules established by the Constitutional Council, we could hardly go that route, but I share your concern to promote social dialogue and well remember that employees are a chance for the company, including become of it and in case of recovery. (*Applause few benches CRS group.*)

## **New common agricultural policy**

[Mr. President](#) . Call Véronique Louwagie for the Union for a Popular Movement group.

[Véronique Louwagie](#) . Minister of agriculture, food and forestry, the consequences of the implementation of the new common agricultural policy - CAP - cause a feeling of abandonment among many farmers. On 18 March, you said, Mr. Minister, that the monitoring committees would ensure the coherence of the new measures, whose complexity is unparalleled. Either. I wish a lot of courage to the members of these committees, as well as prefects in charge of ensuring they are properly conducted. Despite the transfer of the implementation of the texts to the territories, other effects of the new common agricultural policy remain. The Agency and payment services - ASP, responsible for payment of European aid, said to be unable to pay the aid for 2014 under agri-environment measures territorially - MAET - and crop insurance and assistance coupled with the production of starch, and this on the grounds that human resources are monopolized until April 27th by adapting IT tools to the new rules of the CAP. As many farms ensuring diversity of the agricultural world benefit from these aid, it is a blow that is worn them. The payment deadline was extended to June 30, but

many short-term liabilities are maintained at the usual dates, or right now. Such casualness undermines treasuries holdings, despite themselves become hostages to administrative difficulties unprecedented. Minister, despite the goodwill of the departmental representatives of the State and the involvement of monitoring committees, on this specific issue nothing will be possible without a real involvement on your part. So, tell us plainly: the beneficiaries of aid under the 2014 MAET Can or not, rely on your help (*Applause. on the benches of the UMP*)

[Mr. President](#) . I call the minister of agriculture, food and forestry, spokesman of the Government.

[Stéphane Le Foll](#) , *minister of agriculture, agri-food and forest, spokesman of the Government* . Madam, I have not expected the question to mobilize myself on the payment of aid from the common agricultural policy - still happy (*Exclamations on the benches of the UMP.*)

You mentioned a sense of abandonment. I recall that the budget for the common agricultural policy will be at the end of European trading, 9000000000.

[Mr. Sylvain Berrios](#) and [Mr. Alain Marty](#) . Yes or no?

[Stéphane Le Foll](#) , *Minister* . We will see what will be the following negotiations, but for now this money will be distributed to farmers. As for the ASP, you give the national representation of information that are not pulled up Minister agriculture.

[Alain Gest](#) . It is not!

[Stéphane Le Foll](#) , *Minister* . Moreover, if we have fallen behind, it is because of what?

**Several members of the UMP group** . Of Sarkozy?

[Stéphane Le Foll](#) , *Minister* . Oh, much more than Sarkozy: it's because of Mr. Bussereau and before Mr. Mayor - thus Sarkozy but also of Mr. Chirac. There for two! (*Whoops on the benches of the UMP.*)

[Dominique Bussereau](#) . Lie!

[Mr. Sylvain Berrios](#) . And Charlemagne?

[Mr. President](#) . Please, dear colleagues! I know that we do not see next week, but still, you do not have to make noise for two weeks!

[Stéphane Le Foll](#) , *Minister* . You have implemented an agricultural policy that has led us to have to endure what is called a "clearance", worth 3 million euros, because what you did was wrong!

**Several members of the UMP group** . And Dagobert? And Clovis?

[Mr. President](#) . Please!

[Stéphane Le Foll](#) , *Minister* . It took fix this, and that's because we did that we needed more time, Madam. But everything will be done as it should be. And my commitment to you is not to get involved, because this is what I already do for months, ...

[Mrs. Claude Greff](#) . Pretentious!

[Stéphane Le Foll](#) , *Minister* . ... But well that farmers receive their aid, because that is the commitment that must be taken. This is the commitment that I have made before and that farmers that took the Prime Minister at the Congress of the National Federation of Farmers' Unions! (*Applause on the benches of the CBC group.*)

## Monetary policy

[Mr. President](#) . I call Mr Jean-Luc Laurent, for the Socialist Group, Republican and citizen.

[Mr. Jean-Luc Laurent](#) . Minister for Finance and Public Accounts, the European Central Bank - ECB - has for a month now a quantitative easing policy to buy back public debt securities for, among others, the fight against deflation that threatens the . Europe The ECB has many faults - the Republican and Citizen Movement criticized even before the birth - but its president, Mario Draghi, has taken twice the extent of the crisis, ending speculation on debt . public in 2012 and today, facing the risk of deflation Quantitative easing has even fostered a decline in the euro, which is close to parity with the dollar - as a result, also, monetary policy American. The effects of this policy are uncertain; the situation is very contrasted, the right indicators are mixed with bad. Clearly, quantitative easing will not suffice. Simply put, Europe leads a too expansionary monetary policy while maintaining budgetary policies absurdly corseted by the Treaty on Stability, Coordination and Governance - TSCG -. And locked at the continental level by the German right More than ever, we must look at reality: the European economies diverge, so that treaties were supposed to organize their convergence. The real, it is knocking, and the Economic and Monetary Union, with its single policy, bumps into economic reality, and the democratic reality -. As in Greece for all citizens, the silence of the France is often deafening. So, Mr. Minister, what does France think, when it comes, not an exit from the euro, but the dissolution of the eurozone?

[Mr. President](#) . I call the Minister of Finance and Public Accounts.

[Mr. Michel Sapin](#) , *Minister for Finance and Public Accounts* . Sir, you were right to emphasize the quality of monetary policy under the leadership of Mario Draghi. The President of the European Central Bank has, since the middle of last year, good analysis, which was also the same as that proposed by the French government, here in this Chamber.

[Yves Fromion](#) . Ah?

[Mr. Michel Sapin](#) , *Minister* . He described the risk of too low inflation would be accompanied by weak growth and high unemployment too. Faced with this situation, and following the political debate raised in particular by the President of the Republic, the Prime Minister and myself in European bodies, it made these decisions ...

[Mr. Pierre Lequiller](#) . Oh, stop! Draghi is independent!

[Yves Censi](#) . What yes-yes!

[Mr. Michel Sapin](#) , *Minister* . ... Who helped make the extremely low interest rates, so as to facilitate the financing not only of state budgets, but also business investment, and as you pointed out, to bring back the euro more in line with its actual value level. A lower euro helps our companies to export more to international markets, but it is also a way to fight on our territory against imports which would only quality as a low price due to a too strong currency . That's what Mr. Draghi, and he did it in a political context that governments have wished.

[Yves Censi](#) . The ECB would therefore not be independent?

[Mr. Michel Sapin](#) , *Minister* . It did not fall from heaven; it is not a decision like this, it is a decision taken in a political context and in a political context, which was particularly desired by our government! (*Exclamations on the benches of the UMP.*)

[Mr. Pierre Lequiller](#) . Not true!

[Mr. Michel Sapin](#) , *Minister* . For the rest, sir, our goal is not the dissolution of the euro area, but a stronger euro area, stronger, more united, which is not reduced but on the contrary capable of extending - and converging.

[Mr. Pierre Lequiller](#) . Liar!

[Mr. Michel Sapin](#) , *Minister* . Because yes, we must focus our economies - not only they but also our societies, particularly our social protection systems  
(*Applause. some benches on the CBC group*)

[Mr. President](#) . We ended questions to the Government.

## ***Suspension and resumption of the meeting***

[Mr. President](#) . The meeting was suspended.

(*The House adjourned at 4:05 p.m. and resumed at 4:20 p.m.*).

[Mr. President](#) . The meeting resumed.

3

## **Modernization of the health system**

### ***Solemn vote***

[Mr. President](#) . The next item is the explanations of vote on behalf of groups and voting by open vote on the entire project to modernize our health system law (n<sup>os</sup> 2302, 2673).

## **Explanations of vote**

[Mr. President](#) . The call Mr Patrice Carvalho, for the group of the Democratic and Republican Left.

[Patrice M. Carvalho](#) . Mr. Chairman, Madam Minister, ladies and gentlemen, rapporteurs, my colleagues, we will close two weeks of debate on a text that aimed to "transform our health care system in order to reinforce excellence", with "ambition reduce inequalities in access to care, develop prevention, education, innovation and the rights of patients. " At the time of the vote, we have to check if this is achieved. It is undeniable that the text includes positive measures:

creation of the action of health products group; strengthening of certain areas of prevention; measures on abortion; widespread third-party payment - even if there are still gray areas, such as the transfer of administrative tasks to doctors and charge transfer Social Security to the mutual; progress on limiting excess fees; progress in the fight against conflicts of interest. But there are large gaps. Neither deductibles nor packages, nor the conditions of pricing activity are questioned. Other issues continue to preoccupy us, our fears have not been allayed during the discussion. This is the case of the national system of health data, including personal items are now available to pharmaceutical companies and insurers. Our system security demands have not been heard. We remain very concerned about the idea that information about the health of our fellow citizens are now accessible, even indirectly, to private companies. Finally, the issue that sparked the most criticism from us is about the empowerment of regional health agencies - ARS. We must recognize our consistency: opposed to the creation of ARS provided by law "Hospital, patients, health and territories", said Bachelot law, we then fought strengthening their prerogatives under the Social Security Financing Act 2015. We have nothing against a local health organization, but we are headwind against the transformation of ARS in health prefectures in military arm of the government. This change comes into its own with the introduction of an obligation to adhere to hospital complexes territory. This injunction is reflected by service closures, yet useful to the population, through massive job cuts, not without consequences on the personal working conditions and the care of patients, and by drastic budget cuts. It s 'is a principle problem: ARS should promote health and social democracy not be instituted in financial censor, arbitral and brutal. This problem becomes more acute with the drastic reduction in budgets that you have decided and against which my group voted. Your bill is part of a savings plan of 21 billion euros for health insurance and social protection, with a reduction in the health budget of € 10 billion in two years, including 3 billion for the only hospitals. The issue of resources is inseparable from empowerment of ARS, which put music in the financial policy adopted by



the government. It is obviously necessary to rationalize expenditure and savings where feasible. But this should not be the basis of a health policy. It should be based on the needs of our citizens and find ways to respond with the utmost efficiency, spending as little as possible. We can legitimately ask whether the passed measures may be applied in the budgetary context. It is unacceptable that access to certain treatments or prevention measures may not be effective because the means are lacking. I think to hospitals, but also to the school medicine, which can carry out its tasks as she should have a central role in prevention. Recall that, according to the region, 30% to 40% of an age group only received by the school doctor. There are only 1,100 school doctors for 12 million students, or less than one doctor for 10,000 students. For these reasons, members of the Left Front will vote against the majority legislation. (*Applause on the benches of the GDR group.*)

[Mr. President](#) . I call Mr Jean-Louis Roumegas for the environmental group.

[Mr. Jean-Louis Roumegas](#) . Mr. Chairman, Madam Minister, ladies and gentlemen, rapporteurs, my colleagues, the law to modernize the health system was highly anticipated; evidenced by our long debates, dense and fruitful. It was to address several major challenges for the sustainability of our health system:

prevention, innovation and improvement of the care pathway, the reduction of chronic diseases rampant in our country and around the world. Throughout the debates, we measured the Government's desire to implement a policy of solidarity, beginning with the most distant of the healthcare system, while anchoring the policy in our territories by uniting all the actors and doing live . health democracy We support many of the provisions contained in the original text or made by the parliamentary debate: the widespread use of third-party payment, which will facilitate access to care provided does not deteriorate the health basket; improving access to abortion, due to the elimination of seven days, useless and guilt; the extension of the powers accorded to midwives; testing of safer consumption rooms; reforming the system of health agencies; the greater importance given to ambulatory; strengthening the role of the LRA in the decentralized organization of public health missions. We welcome particularly the advance represented by the creation of the group action for victims of drug products. However, we regret that this possibility has not been extended to all toxic exposures - asbestos, pesticides, fine particles or tobacco, and the planned amendment of our colleague Michèle Delaunay. Madam Minister, to restore confidence after too many health scandals, you have taken measures against conflicts of interest in the expertise. It will probably go further; we have made proposals in this direction. The fight against smoking, alcoholism or abuse of *junk food* has been in the spotlight. Tobacco and its misdeeds have led to heated exchanges, but progress is real: youngest it is above all to protect and limit the influence of lobbies. Neutral package, limited industry marketing operations in the right direction. You also accepted our proposals for independent traceability to ban cigarettes or capsules for co ministries responsible for the budget and health in the setting of retail prices.

[Arnaud Richard](#) . Very good!

[Mr. Jean-Louis Roumegas](#) . The fight against junk food will go through a clearer nutrition labeling. But why do we arrest there way, so that we could integrate the food additives or fight against the use of palm oil, so harmful to health and forests? We also regret that our proposals for improving the air quality inside and outside the control of particulate and volatile organic compounds have been rejected, even though we are going through a peak of historic pollution. We would have liked progress on the issue of hyperélectrosensibilité and on the electromagnetic radiation in general. We welcome the inclusion in the Public Health Code of the concept of "exposome" which reflects the recognition of the role determining the environment in health. Remains to better realize this concept. We proposed governance measures to ensure the establishment of environmental health in the national health strategy, research and within the new institute Eve and prevention. You have sent our proposals for training of health professionals in environmental health issues to regulatory developments: So we will wait to judge. We are pleased that you accepted our proposal to extend the ban bisphenol A in toys, which is consistent. Promoting access to health care, it is also put people at the heart of our health policy. That is why we welcome the better consideration of pain, disability and an end to discrimination against homosexuals. Madam Minister, we must advance more on environmental health issues. We begin today giving our support to this beautiful health law! (*Applause on the benches of environmentalist groups and CBC.*)

[Mr. President](#) . The call Mrs Martine Pinville, for the Socialist Group, Republican and citizen.

[Martine Pinville](#) . Mr. President, Madam Minister, Madam President of the women's rights delegation, honorable rapporteurs, my colleagues, you have made the choice in 2012, Madam Minister, to fundamentally reform our health care system. Now we can say: you have been faithful to this commitment. We will reach the end of this work in a few minutes by passing the modernization of our health system of law. I congratulate me of parliamentary work done, including the debate which took place for two weeks in the Chamber to enriching the text with many amendments. I also want to salute the political will to which you have given body - sometimes in a somewhat tense context - with all of the Government, Minister, for your address social inequalities and territorial experienced many of our fellow citizens access to health care matters. I can not remember all the advances that encourage all CRS group members to adopt this text. Some provisions are essential and we can be particularly proud to have entered into the implementation law of a true public health prevention policy. The promotion of school health, strengthening the fight against smoking and testing of safer consumption rooms are all markers that show that we want to get out of the all-healing. The generalization of the third party payment will be at term social progress for all insured persons, starting with those experiencing the most difficulties. It is to the credit of the Government and the majority met to reach this marker left which was a commitment of the President of the Republic. We can not leave many families without care for financial reasons.

[Arnaud Robinet](#) . Not true!

[Martine Pinville](#) . Giving up a consultation 23 euros for her child is both unacceptable and intolerable. Improving the coordination of primary care

treatments are also one of the priority objectives of this bill. The creation of each health democracy territories from a territorial health council composed of elected officials and representatives of all health actors of the territory - as professional users - increase the efficiency of healthcare delivery. Its tasks will include the fight against medical desertification linked to the primary care teams consist of general practitioners and primary care health professional local communities. Another element to improve the provision of care in each territory: the constitution of hospital groups in the territory, which will bring together all the public hospitals present on a given sector around a medical project with a local component and a component use. In addition, the bill redefines public hospital, which had been deleted implicitly by HPST in 2009, and the missions of health facilities providing this service, including emergency services. This text also introduces the procedure of group action in the field of health. For the first time, the law opens the possibility of bringing class actions in court to claim compensation for damages suffered in this area. Health scandals have led the Government to give this right to victims who find themselves alone facing costly litigation. We can also be proud of having established the right to be forgotten for people healed of cancer, that will do more to declare their disease when taking out a loan or negotiating insurance. Finally, before concluding, I want to welcome the adoption of the provisions that improve the conditions of care for women wish to make an abortion. Now the seven-day cooling off period between the first and second consultation will be removed and we will open to midwives the right to practice a medical abortion. For all these reasons and on behalf of members of the group SRC, minister I want to salute the quality of work we have undertaken and exchanges to which they gave rise. So, with all of my colleagues, we will adopt this proposed modernization of our health system law. *(Applause on the benches are group SRC s. and environmentalist.)*

[Mr. President](#) . On the whole bill, the vote shall be announced in the chamber of the National Assembly. I call Mr Jean-Pierre Door, for the Union for a Popular Movement group.

[Mr. Jean-Pierre Door](#) . Mr. Chairman, Madam Minister, ladies and gentlemen, rapporteurs, ladies and gentlemen, as you know, the UMP group will vote against this bill ... (*Applause on the benches of the UMP. - Exclamations on the benches of the CBC group*)

[Catherine Contello](#) , *Chairwoman of the Delegation of the National Assembly for women's rights and equal opportunities between men and women* . What a surprise!

[Mr. Jean-Pierre Door](#) . ... Artificially project called "modernization of our health system." Yes, we discussed two weeks of a long project, dense, complicated, poorly prepared and brutally subjected to the accelerated procedure. That is the conclusion that this reform was challenged by the medical unions, by the Academy of Medicine and the National Medical Association council was not ready, because it assumes control project and put under bureaucratic control French health system. It is also the observation that general practice is in disarray in our country tens of thousands marching in the street, internal anger you expressed forcefully on 15 March. The second finding is that of failure the meeting decided by the Prime Minister, which was followed by a change to the

text by dozens of amendments and articles out emergency Avenue de Segur. Even some of your colleagues have questioned majority and began to doubt. Third observation: the amateurism that there has to comprehensively address all directions a prevention component associated with a sham care system reorganization. You does not like private medicine or private clinics.

[Catherine Contello](#) , *Chair of the Delegation for Women's Rights* . Oh!

[Mr. Jean-Pierre Door](#) . Our fear is that of a degradation and a decline in the French health care system, despite the forced rewriting of Articles 12, 26 and 38. In Article 26, you stigmatize private clinics excluding public hospital . You turn your back to the doctors, who do not identify with this reform, and are just pretending to meet their demands. This bill misses the point: the attractiveness and upgrading of medical profession. Moreover, Madam Minister, you cut yourself of youth, among which are yet doctors of tomorrow. Why persist in this stubbornness? Doctors say you pursuing their protests and criticisms! Certainly, the worst has been avoided in article 12 with the deletion of the territorial health service to the public envisaged in the original text in favor of a primary care organization. Clear talk, though: more than 2 300 amendments were studied, of which 90 submitted by the Government; the text is increased from 57 to 210 products. It is difficult to sum it up in five minutes. In short, why have hit the balance of the Veil law against all odds of Deputies? Why, against your own view, Madam Minister, abolished the College of Nursing, at the risk of jurisprudence? Why, especially, have passed the irresponsible Article 18, which establishes the general third-party payment - real marker of socialist power, it is true, but financially and technically impossible inflationary, for which all health

professionals with the fighting strength ? We tell you, Madam Minister: from the alternation in 2017, this article will be repealed! (*Applause on the benches of the UMP.*)

[Mr. Benoît Hamon](#) . Irresponsible!

[Mr. Jean-Pierre Door](#) . Other irresponsible: Article 9 which seriously questions the French policy against drug addiction by allowing the opening shoot rooms where drug use will be allowed. Stan needs is the worst follies: this approach bodes your willingness to legalize cannabis or other drugs.

[Alexis Bachelay](#) . We would love to!

[Mr. Jean-Pierre Door](#) . The France must not become complicit in the abuse: it is better that maintaining treat. It goes without saying that in 2017, we will repeal this experiment.

[Martine Pinville](#) . Dishonesty!

[Mr. Jean-Pierre Door](#) . In conclusion, this project widely contested law gave birth to strong political errors. You have won the first round, but you have not won the game!

[Catherine Contello](#) , *Chair of the Delegation for Women's Rights* . This is not a game!

[Mr. Jean-Pierre Door](#) . Some of your choices are probably unconstitutional, and we will know. The UMP will naturally make other choices and vote against it!  
(*Applause on the benches of the UMP and IDU groups.*)

[Mr. President](#) . I call Mr Arnaud Richard, for the group of the Union of Democrats and Independents.



[Arnaud Richard](#) . Mr. President, Madam Minister, Madam President of the women's rights delegation, honorable rapporteurs, my colleagues, it is paradoxical that after fifteen days of debate on this text, we still do not are able to say what is the Government's policy on public health, and it is worrying that he is himself incapable! We know however that this text is not: it is not the fruit - c is to say the least - a broad consensus of health professionals and patients, but a draft law written in haste ... after filing. It does not provide either a response to the increased co-pay, which reached unsustainable levels for families. And this is not the generalization of the third-party payment, you brandish today standard, which will reduce! Finally, this text provides no answer to the inhabitants of the abandoned territories, who fear not qualify for any support in case of illness and for whom medical desertification has become a source of anxiety. In this regard, Madam Minister, the launch of a national struggle against the medical deserts program - empty of all content - is the death certificate of commitment n ° 19 of Hollande, who proposed to 'set a maximum of half . time to access emergency care " Clearly, this bill can raise any of the great challenges facing our health system. However, this text contains forward: let us be magnanimous and do not dispute. I think the first right to be forgotten so dear to our colleague Yannick Favennec. I also think some aspects of prevention policy, to create a patient information system on the cost of hospitalization - although we would have with Ms. Delaunay, wanted to go further - especially in amendment that ends the discrimination against homosexuals in terms of blood donation, which was adopted unanimously on a proposal from our group. It is now up to you, Minister, to put into practice the will of national representation. Finally, this bill is characterized by a major fault: the suppression of the reflection period for voluntary interruption of pregnancy, which puts relevant protective legislation and an old consensus of forty.

[Catherine Contello](#) , *Chair of the Delegation for Women's Rights* . Not at all!

[Arnaud Richard](#) . Hold the period and interviews provided by the Veil law is not to consider that women are not responsible enough to take such a decision, as you would believe.

[Philippe Vigier](#) . That's right!

[Arnaud Richard](#) . Rather, these cooling-off periods and these interviews helped avoid women being condemned to assume this responsibility in solitude and anguish. So, Minister, the contents of the great public health law this five-year, promised for two and a half! It is a text which ignores all major challenges facing our health care system, so that the issues today the patient, relatives and health professionals continue to arise after the vote of this bill. Therefore, despite some fragile progress which the IDU group has contributed in a logic - as always - of constructive opposition, the text seems clearly missed the objective that should have been hers: to prepare the future of our system health. These are the reasons why our group will vote against this bill! (*Applause on the benches of IDU group and on the benches of the UMP.*)

[Mr. President](#) . The call Mrs Dominique Orliac for the radical group, republican, democrat and progressive.

[Dominique Orliac](#) . Mr. President, Madam Minister, ladies the rapporteurs, the draft law on the modernization of our health system, which we are voting this afternoon, nourished hopes and raised many fears, so that health should be a real national consensus. I want to say at the outset that the parliamentary group of RRDP regret the conditions of its development, particularly the lack of effective negotiations that would have to work in a calmer atmosphere and to avoid

misunderstandings. However, we welcome the adoption in the text of measures to improve access to health care of our citizens and put an end to certain discriminations. I will mention the measures against drug abuse and support drug addicts - and the safer consumption rooms will save lives and improve safety. I also mention the removal of seven days imposed on women who wish to benefit from a voluntary interruption of pregnancy and the control measures against smoking and alcoholism against younger, while regretting that the problem of communication our wine production has not been set. We also welcome the adoption of the right to be forgotten for those who have been affected by cancer and were previously unable to take out a loan. Mrs. Minister, accepting the opening of blood donation for homosexuals and allowing funeral care about deceased HIV-positive people, you hear a demand radical left and you struggle against discrimination. You accepted our amendment to that the submission of a report identifying conditions for the return of the psychiatric infirmary of the Paris police headquarters in the common law, as was claimed for a long time by patient associations and the protection of human rights . We also welcome the adoption of the amendment, presented by our colleague Joël Giraud, on cross-border hospitals. We will be attentive to the evolution of hospital groups territory is in line with the living areas and the needs of nearby. The left Related radical group recognizes the progress that is for patients the recognition of the health group action, and notes with satisfaction that the new regulations on access and use of data anonymous health meets the legitimate concerns of journalists, these essential pillars of our democracy. Always the benefit of patients and professionals, the adoption of our amendment on public health information services, which includes health products within the meaning wide, will provide a simple, clear and independent information. Finally, the amendments relating to environmental health we have defended, and those concerning the fight against the effects of radon, will fight more effectively against the lung cancer. However, we regret the refusal of the Government to address the issue of medication officinale primary care in the care pathway, which other European countries have

long practiced. We also regret the removal of the College of Nursing, even though he is the guarantor of the ethics of the relationship between patients and the healthcare professionals and their independence. Finally, the method with which was addressed the generalization of the third-party payment is not satisfactory. We had no objection in principle to the third party payment as it is to improve access to healthcare for all. However, the renunciation of care focuses on optical and auditory devices, and dental care. The time needed to obtain an appointment with some specialists are also not strangers sometimes. We had to listen to the doctors, Madam Minister, for their reservations about this bill are outside the fantasy. Doctors foresee that behind the widespread third-party payment the scheduled end looming and privatization of our Social Security by the gradual transfer of social security to private insurance, which will mean the end of access to local care and quality for all French. We had to reassure by guaranteeing that the device is operational, and keep in mind the need to preserve the medical time. So we will be vigilant about the conditions under which the Government will establish the widespread third-party payment, which should have, we believe, be preceded by experimentation. In these circumstances you will understand, Minister, that our group n ' not adopt a consistent position on this text. (*Applause on the benches of RRDP group.*)

## Vote on the entire

[Mr. President](#) . The vote is the entire bill.

*(It is in the voting process.)*

The result of the vote:

Number of Voters 562

Number of votes cast 552

Absolute majority 277

For adoption 311

against 241

*(The bill passed.)*

*(Applause on the benches of the CBC group and environmental group.)*

## ***Suspension and resumption of the meeting***

[Mr. President](#) . The meeting was suspended.

*(The House adjourned at 4:50 p.m. and resumed at 4:55 p.m., under the chairmanship of Mrs. Laurence Dumont.)*

## **Chairmanship of Mrs. Laurence Dumont Vice President**

[Madam President](#) . The meeting resumed.

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## **Attaching the agenda**

[Madam President](#) . The Conference of Presidents, which met this morning, approved the following agenda proposals for the control week of May 4: debate on the package "climate and energy"; debate on the cultural network of France abroad; issues of housing policy; debate on the European economic and social project of France; questions about transport policy. There is no opposition? ... It is so decided.

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## **Information**

### ***Further discussion of a bill***

[Madam President](#) . The agenda is the continuation of the discussion, after engagement of the accelerated procedure, the draft law on intelligence (n<sup>os</sup> 2669, 2697, 2691).

## Discussion articles

[Madam President](#) . Last night, the Assembly started the discussion of the articles of the bill, stopping at the amendment ° 52 section 1<sup>st</sup> .

## *Point of Order*

[Madam President](#) . I call Mr. Patrick Hetzel, for a point of order.

[Mr. Patrick Hetzel](#) . I wanted to report to the Government, represented by the Minister of Justice and the Minister of the Interior, a problem in the smooth progress of our work. Yesterday, the Government filed fifteen amendments - he obviously has the right - but this morning at ten o'clock, wishing to consult them, I found that one of them was not available. The successful conduct of our work requires us to be aware of all the amendments.

[Mr. Patrick Mennucci](#) . It is North Korea!

[Mr. Patrick Hetzel](#) . I understand that you are asked to drop late, but you can not, on one hand, that this text has been prepared carefully, and the other file at the last minute fifteen amendments - some of which are moreover not accessible. I wanted to draw your attention to this point through this point of order based on Article 51, paragraph 1 of our Rules.

[Lionel Tardy](#) . This is a real problem!

[Madam President](#) . I understand all the amendments were available from the Government last night on the Assembly website.

## Article 1<sup>st</sup> (*continued*)

[Madam President](#) . We come to the amendments. I first received two identical amendments, n<sup>os</sup> 52 and 169. I call Mr. Lionel Tardy, to support Amendment n<sup>o</sup> 52.

[Lionel Tardy](#) . Paragraph 17 deals with the intelligence services permitted to use certain techniques. In order for the control to be truly effective, it must in my view that the number of services is likely to use as small as possible. But paragraph 17 refers to a decree the other authorized services list, which is very worrying. Indeed, a limited preceding paragraph shall determine the number of these services and is expected to later add here! The minister of defense spoke yesterday two decrees. Unless I am mistaken, he did not mention one here expected. We frôlons closely negative incompetence! It is for the law to adopt the list and close, otherwise what is the text? This brings us back to the national encryption platform and décryptement, the famous PNCD in which several services would go blithely draw. According to *Le Monde* , there is a massive database without filter or control. Mr. Prime Minister had beautiful belie last night such precise revelations in a newspaper like *Le Monde* worried. It is not enough to say that this is a lie, Madame and Monsieur ministers! It should be clearer and give pledges, what the discussion of paragraph 17 provides you the opportunity. If present, such a platform is absolutely off-the-law. On the basis of this paragraph, it may well be that you authorize it by decree while we would not want to establish in the law. It is essential to remove this paragraph. It is for the legislature to determine the list of authorized services, if we leave the door open, which is not acceptable! Do not tell me that it is in the confidence in our services, so does the legality! Your main argument in favor of the text is that it provides a legal framework. If this paragraph is maintained, there will be a serious breach under the law is supposed to fix.



[Pascal Popelin](#) . Reread the article 34 of the Constitution!

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment ° 169.

[Sergio Coronado](#) . By listening to the Prime Minister yesterday and hearing earlier answer to the question I asked him, I realize that communication has varied somewhat over the comments made by both the rapporteur and the Ministers in the examination of the text in committee, rightly besides, according to which the text is not only about the fight against terrorism, but has a broader scope and frames, for which no one disputes the need elsewhere the activity of the intelligence community. But then as now, the Prime Minister has focused its communication only on the absolute and necessary fight against terrorism, using in some way, according to the laws of politics when it is politician, the legitimate emotion experienced by our people in January and claiming it takes effort and restrict our freedoms in order to better fight against the terrorist threat. I fully agree on this point the words of our colleague Tardy. We can not abandon our prerogatives as lightly legislators parliamentarians. The list of services that can appeal to these information collection techniques should be limited by law and there can be no question of increasing the number by simple decree.

[Mr. Patrick Hetzel](#) . Very just!

[Sergio Coronado](#) . The rather rich debate we had yesterday set out the missions assigned to intelligence services, the list of those involved and the conditions under which they may use a number of techniques and tools particularly intrusive. Accept that this list is subsequently completed, enriched and greatly expanded simply by government decree seems to be a particularly dangerous abandonment made by the legislature.

[Madam President](#) . I call Mr. Jean-Jacques Urvoas, Chairman and Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic, to give the opinion of the Committee.

[Mr. Jean-Jacques Urvoas](#) , *Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic* . I would point out clause which we speak. The text includes two decrees defining the scope of the

intelligence community. The first is a simple decree and is therefore not an Order in Council of State. It shall adopt the list, which now comprises six services whose number has also not meant to grow according to the commitments made by the Government Commission. A second decree, the one we are discussing, is taken in the Council of State and open to other services the opportunity to have access to certain intelligence techniques.

[Pierre Lellouche](#) . What services?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I come here. If we remove paragraph 17, some services that are not necessarily of the intelligence services can not have access to technology such as security interceptions, currently used by the intelligence branch of the police headquarters in Paris, which, under the decree, is not a member of the intelligence community. If we remove that paragraph, the central service of the territorial information, which is not an intelligence service, can not have access to security interceptions. Similarly, the central management of the judicial police, which is not an intelligence service, can not have access to administrative security interceptions. That is why it is obviously not necessary to adopt these amendments. The opinion of the Committee is therefore unfavorable.

[Madam President](#) . I call the Minister of Interior to give the opinion of the Government.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . Against.

[Madam President](#) . I call Mr. Jean Lassalle.

[Jean Lassalle](#) . Madam Chair, Mr. and Mrs. Ministers, ladies and gentlemen, I support the amendments to delete paragraph 17, not for formal reasons, because I fully agree with what the Prime Minister and ministers. The tremendous response of the French people imperatively calls a clear positioning. However, I do not trust, and many French either. I think it would overhaul the larger institutions of our state. Our state, we have somewhat neglected, should be revisited because it takes a state to France. The great distrust of the French towards their justice causes me concern. I grabbed the Council of State, in the

removal of most rural districts and most in need, adding 7000 euros for me the services of a competent lawyer to intervene. But I was surprised when it does not advance any of my arguments, she said that the task was difficult because the State Council, which represents 70% of its turnover, would have been angry. Thus, we must give ourselves the means to combat terrorism, but also to look into the functioning of our state. And I say nothing of the Constitutional Council which I sometimes wonder if it still exists!

[Ms. Marie-Françoise Bechtel](#) . Outrageous!

[Mr. Patrick Mennucci](#) . Anything!

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I can not agree with the argument of the rapporteur on this point, although I agree on many. We are told that the text is not a law of exception. I know it. It is not a law of circumstance. I will say that even if the tragic events of January had not produced, the bill would still have been presented to the National Assembly. It is therefore a bill reflected a long time. You had time to think about his writing, and therefore the list of services authorized to act!

**Guy Geoffroy and Mr. Patrick Hetzel** . Obviously!

[Pascal Cherki](#) . Would we have had to legislate in a hurry, as it happens, I would understand that one should let a decree on the grounds that the subject is not sufficiently ripe. But given the time that was thought to develop this bill, we must be able to give us the list of services!

[Guy Geoffroy](#) . Congratulations!

[Pascal Cherki](#) . Second, Article 34 of the Constitution provides that "the law sets the rules for civic rights and the fundamental guarantees granted to citizens for the exercise of civil liberties."

[Guy Geoffroy](#) . We're right into it!

[Pascal Cherki](#) . Intelligence without the knowledge of citizens, be it legally founded, is an obstacle to the freedom of citizens, which can be modified, justified and based on security requirements. It is therefore essential that they know what the state governments have authority to use certain techniques. They

know whether or not they are themselves the target, this is another debate, but at least they know the list of services! This falls within the area of the law which, under Article 34 of the Constitution lays down the rules relating to the exercise of civil liberties. Both on the basis of Article 34 of the Constitution as one, especially, the schedule of the law that is neither exceptional nor occasional but long-planned, I think that Parliament must be able to determine the list of eligible services.

[Pascal Popelin](#) . The organization of state services is not within the domain of the law!

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . Madam Chair, Madam Minister, Minister, dear colleagues, I am not so sure my colleague Cherki it does not act a law of circumstance, but I'm not going to open a debate on this point. What interests me is whether it falls within the powers of the Parliament to appoint those whose mission is to educate the power, that is to say, to ask the Prime Minister for permission to go or spy on each other after notice of this famous commission which we will return.

[Guy Geoffroy](#) . That's about it!

[Pierre Lellouche](#) . The Government and the president of the Law Committee argue that no, that a decree is sufficient. As my colleague Cherki, although we did not consult, I reread the first paragraph of Article 34 of our Constitution and pretend, Mr. Minister, that your text is unconstitutional.

[Lionel Tardy](#) . Of course!

[Pierre Lellouche](#) . Just read it, it is absolutely clear: "The law establishes the rules for civil rights and the fundamental guarantees granted to citizens for the exercise of civil liberties; freedom, pluralism and independent media; the obligations imposed by national defense upon citizens in their person and their property. " Even if we stick to the part of the text to terrorism, and we know that the scope of the text is larger, it is indeed the imposition of subjection. According to the first paragraph of Article 34, it therefore falls within the domain of the law. Besides, it makes sense. The decree does not mean anything but the executive

bodies with the power to spy, which is no small thing in a democratic society. When to defend themselves, and it is necessary, we defend as necessary but we must frame the modalities by law. I claim that the Parliament should know that spies in this country, which is not subject to a decree! You claim that the list is stopped, Chair of the committee, but you're not able to answer me when I ask which services included in the decree!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I just said! Try at least to listen to me when I tell you!

[Pierre Lellouche](#) . You stop an exhaustive list but it can change tomorrow! This falls within the domain of the law. I therefore argue that the text is not constitutional.

[Madam President](#) . I call Mr. Patrick Hetzel.

[Mr. Patrick Hetzel](#) . In response to the arguments developed by the Chairman of the Law Committee, it seems to me that the text must be well balanced between the work of the intelligence services on the one hand and respect for public freedoms but also freedoms individual other. As part of another text, the Government and a Council of State decree could be left to do the trick. But the vehemence with which the Prime Minister spoke yesterday in this Chamber shows that there is a problem. This problem must be treated. Our citizens have the right to have a number of safeguards that both civil liberties and individual freedoms will be preserved. They can not take a simple decree in Council of State. We therefore hope that the Government should find out which services are covered by paragraph 17. To that end, it comes well within your prerogatives, Mr. Minister, to propose an amendment stating clearly the services concerned, especially that you have submitted very late yesterday. You do then, I think, unanimously in this Chamber. It is essential, in such a text, that individual liberties and civil liberties are preserved!

[Guy Geoffroy](#) . Congratulations!

[Madam President](#) . I call Mr. Noël Mamère.

[Mr. Noël Mamère](#) . Madam Chair, Mr. and Mrs. Ministers, dear colleagues, I want to return to what was said earlier Coronado our colleague and the repeated statements of the Prime Minister that the law is put into debate to fight against terrorism. You should know what you want! This law she was prepared before the tragedies occur from January to strengthen the means of information? In that case, why vote in an emergency? This is called the tyranny of emotion and penal populism!

[Pascal Popelin](#) . There is nothing criminal in the text!

[Mr. Noël Mamère](#) . It is nothing like this was done for five years before us! It is a way of hysterical debate that does not deserve to be! Secondly, I would remind my colleagues that in 2012 and 2014, notably following the Merah case, two laws anti-terrorism were enacted. Does a 2014 law prevented the tragedies of *Charlie Hebdo* and Hyper hide?

No. That laws suppress freedoms claiming defend others do not correspond to the idea we have of the rule of law. Here we see a reversed fronts debate, where it is the right that defends freedoms against the excesses of the project while the left remains taisante. I remember some episodes in recent history, including the Security project and release of Mr. Peyrefitte, who sent down a number of us in the street to protest against attacks on freedom.

[Mr. Patrick Mennucci](#) . We compare in Peyrefitte! What a shame!

[Mr. Noël Mamère](#) . When one remembers the Peyrefitte law and notes that the technical means that the text proposes to give the intelligence services, under the sole responsibility of the Prime Minister, with deletion of the judicial judge, one is entitled to s' worry. This is what we say, and that's why we continue to fight tooth and nail against what you offer us today, which is not consistent with the idea that we have of the the balance between freedom and security.

[Madam President](#) . I call Mr Lionel Tardy.

[Lionel Tardy](#) . Madam Minister of Justice, Mr. Minister, Mr. Reporter, we have still not received an answer. Can you confirm that from the list of other intelligence

services who organized their access to the massive database of national encryption platform and décryptement - PNCD - are Tracfin for the Ministry of Economy, the National Directorate Intelligence and Customs Investigations - DNRED - for customs, Directorate of protection and security of defense - DPSD - for military security, management of military intelligence - DRM - for satellite branch of the military, the intelligence directorate of the police headquarters in Paris, which has been confirmed, and the Directorate General of Internal Security - ISB? Can you also confirm that this consultation is done today without any filter or line ministries, nor the CNCIS, responsible for ensuring the legality of administrative interceptions or the interdepartmental group control, the armed wing of Prime Minister and "control tower" in intelligence?

[Madam President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . Let's go back to paragraph 17, subject of the amendments that we are examining. I for one am convinced that we must not adopt these amendments and the need to maintain paragraph 17. On this point as on others, the architecture of the bill suited me. Qu'entendons- we do collectively, with a sense of continuity of the state, whatever may be the divisions on this issue? We try to rigorously define two entities: first, the six specialized intelligence services, which are defined by a simple decree, made under the order of 1958 parliamentary assemblies - these six services are not hidden: their names are listed in *the Official Journal* , transparent and perfectly republican manner; and a second circle of service, which are not specialized intelligence services *in the strict sense* , but some are placed under the authority of Interior Minister, others under that of the defense minister, and are listed. According to the distribution made by Articles 34 and 37 of the Constitution, it is natural under the authority of the Government - and him alone, because he is the executive and he organizes the administrative services of the - state that the services in question are to be appointed by a decree of the State Council. I say to our colleagues who legitimately pose legal questions, there is no problem of negative incompetence. Everyone does his job: the legislature defines the general framework and the

executive declines at the regulatory level, all of which are published as befits the *Official Journal* . (several benches SRC group "Very good!".)

[Madam President](#) . The call Mr Eric Ciotti.

[Mr. Éric Ciotti](#) . Let me express my turn my opposition to those amendments that seem totally inappropriate, both in substance and form. On the form, I will not repeat the legal arguments quite relevant that just Guillaume Larrivé support. Things are clear: the decree determines the composition of the intelligence community and the Council of State decree allows the government, with ministries that are clearly specified in the text - so we are in the field of law - to extend it to services within the internal organization of the ministries.

[Alain Turret](#) . It is not sure.

[Mr. Éric Ciotti](#) . On the substance, I want to recall - and Patrick Mennucci, Rapporteur of the Commission of Inquiry on the monitoring of jihadist sectors and individuals, is witness - that all the services that the inquiry could audition call for the possibility of intervene in second place in the framework of the intelligence community to detect the threat and risk. The rapporteur recalled the list of services, which we might add the national gendarmerie. Let us be realistic. When I hear talk of Mr Mamère penal populism, I thought I was dreaming! Would we be totally disconnected from the world we live in and the threat to us? Let us therefore rise to fantasies and fears, and return to the reality of the threat that our country faces.

[Mr. Christian Jacob](#) and [M. Guillaume Larrivé](#) . Very good!

[Madam President](#) . I call Mr Sergio Coronado.

[Sergio Coronado](#) . When I hear my colleague Ciotti, I wonder whether Parliament has never debated provisions necessary for the fight against terrorism. I believe however that several laws have been taken in this field. Your virulence can not explain the dysfunctions of services that are more often be the cause of the failures we have encountered the lack of legislation. The debate is on both the techniques to be used and the number services that can access technical



theoretically vested in the only intelligence community. This does not surprise me. We had this debate and we still have the intelligence prison, since amendment of our colleague Larrivé sued - against the will of the Government, expressed by Christiane Taubira - intelligence missions the prison intelligence, involving in second place, in the words of Mr. Ciotti. This debate, the Rapporteur and the Government must listen. The discussion can be continued as part of the shuttle; one could even consider postponing the vote on this issue. We raise a legitimate question about Parliament's prerogatives and competences of services. You want to increase the number of services allowed to use techniques originally reserved for the only intelligence mission, you encounter the opposition of Parliament, which manifests itself in some transversely in this Chamber.

[Madam President](#) . The call Mrs Marie-Françoise Bechtel.

[Ms. Marie-Françoise Bechtel](#) . Make no mistake no debate. We have a debate on transparency - which services will be empowered to do what - and another debate on the scope of the law, that is to say on what is or is not the legislature to decide. On this second debate, our colleague William Larrivé said what he had to say: we are not at all in the scope of Article 34; it is quite natural to delegate the definition of these services to the executive. This returns us to the issue of transparency, since the decree is published - and therefore available a law for the citizen. And not only is published, it can be attacked more easily by the citizen that the law, which requires to go the way of the complex question as to constitutionality. - QPC control on the services that will be allowed in second place access to certain technical information, not indeed to all, is perfectly possible and expected. I understand the concerns that arise, but read carefully the text: some services allow you to use certain purposes and certain technical for some missions. (*Exclamations several benches of the UMP.*)

[Lionel Tardy](#) . It is very clear indeed!

[Ms. Marie-Françoise Bechtel](#) . As we have said, these services will be known and attackable. In addition, it will act only in certain missions and certain techniques.

[Mr. Pouria Amirshahi](#) . Which ones?

[Pierre Lellouche](#) . It is the union of state counselors who speaks!

[Ms. Marie-Françoise Bechtel](#) . All this will be controlled - and controllable by the judge, dear colleagues. If there is too much or too technical purposes, you attack before the judge, who will tell if the republican framework has been respected. I do not see where the problem is.

[Madam President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . If our former colleague Pierre Mazeaud was there, he would have belched to say that the allocation made by Articles 34 and 37 is unambiguous and there is no need to dwell on the subject. It is clear that this is the internal organization of state services, reporting to the regulatory authority, and nothing else.

[Mr. Patrick Mennucci](#) . Obviously!

[Mr. Jacques Myard](#) . It is equally clear that to include this in the law would considerably increase. Imagine merge two services tomorrow. We will amend the law? Let's be serious: we must make an order, and nothing else.

[Mr. Patrick Mennucci](#) . Absolutely.

[Mr. Jacques Myard](#) . Whatever the service designated by the State Council decree, it will be subject to the law in its functioning, in its review and its missions. I do not see where is the problem: we are wasting time!

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . Okay, Mr. Myard!

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . The left is not taisante in this debate, although it is sometimes confused by certain arguments. I would say to our colleague Mamère, who arrives in the debate, it can be no penal populism in this text, since it in no way addresses the criminal but administrative policy provisions. I'm surprised you

today requires registration in the law of the existence of services that no one has so far moved to see action in the absence of any legal framework.

[Mr. Jean-Yves Le Bouillonec](#) . Very much so!

[Pascal Popelin](#) . The defense of civil liberties within the meaning of Article 34 of the Constitution covers the following questions: what techniques of purposes that can be intrusive into private life? What are the means that can be used? What are the checks? What are the sanctions for breach? This is why we have put into law. We will have a framework, and we will know that everything that is not authorized or is not in the conditions is prohibited. I agree with the analysis of William Larrivé legally irrefutable: we are not dealing here, including under Article 34 of the organization of state services.

[Pierre Lellouche](#) . We deal with constraints imposed on citizens!

[Pascal Popelin](#) . There is therefore no reason to continue this debate. It is the responsibility of the executive, who does also not surreptitiously, since all of these provisions are subject to decrees. I want to also remember that it is the left that, for the first time, created an intelligence service as part of a public decree. That was in 1981.

[Madam President](#) . The call Mr Hervé Morin.

[Hervé Morin](#) . Let me respond to the argument that we would be in the regulatory field. I understand the argument of Jacques Myard that the interior minister had also developed in committee: we can in fact change the law every time the name of a service or the department's administrative organization the interior comes to change. However, I do not see why the Government did not transmit us in the name of transparency and to cut short any debate, what had promised the minister in committee, namely the draft decree on this issue. For my part, I want to know if local services of the Interior Ministry can use means that are particularly intrusive ...

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Have you been a minister, or did you not?

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . Finally, Mr. Minister!

[Hervé Morin](#) . And I especially want to know more ...

[Pascal Popelin](#) . But you know it!

[Hervé Morin](#) . ... When in the name of emergency, authorizes a department head to use operational means. It would therefore be consistent we can precisely determine the services that will use the means that we know can be implemented for very broad aims.

[Madam President](#) . I call Ms Aurélie Filippetti.

[Ms. Aurélie Filippetti](#) . Several issues were raised during the discussion. The scope of the legislative and regulatory field first, which brings us to debate what is covered by Article 34 of the Constitution, so the domain of the law, and which falls under Article 37, So the regulatory domain. Furthermore, Article 66 of the Constitution stipulates that the judicial judge is the guarantor of individual freedoms. (*Exclamations sister several benches groups CBC and UMP.*)

[Mr. Jean-Yves Le Bouillonec](#) . At this point, it is incompetence!

[Mr. Patrick Mennucci](#) . It is not possible to hear that! Return to Law School!

[Ms. Aurélie Filippetti](#) . I ask that on these constitutional issues, we question the Constitutional Council, which alone can rule on the question whether the text is legislative or regulatory field. Since the Government seemed absolutely sure of it, I wonder if the Prime Minister is ready to bring himself to the Constitutional Council the Act on intelligence, once it is passed - since there will be a large majority in this Chamber for the vote - to obtain confirmation of the highest constitutional authority.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I wish the debate, which began yesterday afternoon progresses, avoiding us to continually reopen the same discussions.

[Eduardo Rihan Cypel](#) . It would be desirable, indeed!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . There are indeed a lot of topics for consideration, all very important, but we can not progress if we do not settle a number of arguments that have been developed and on which votes have occurred post yesterday noon. I invite each of us to not always use the same arguments. As everyone will understand, I am extremely sensitive to all the arguments relating to constitutionality, Mr. Lellouche and others, as yet Ms. Filippetti instantly have raised. In 2006, the Government presented a draft law against terrorism, which amended the scheme of connection data: this is the same subject as that discussed here. This text referred to a decree: it is the same way as the one proposed here. This law was logically referred to the Constitutional Council, which discussed and validated reference to a decree. This debate is therefore not relevant. (*Applause p everal benches CRS group.*)

[Madam President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . Many topics were developed at the moment. I would just provide some information in addition to what the rapporteur has said excellently. On the constitutionality of the proposed device first. If as claimed by a number of speakers, it is unconstitutional to refer to a decree the list of services that leverage information technology, the 1991 law which referred to the decree establishing the list of services the is for twenty years! At no time this method has been raised, not even if my recollection - I am speaking under the control of the President of the Law Commission - when the 1991 law was the subject of a control constitutionality. This topic has already been decided. We can stand this today in the same terms, as the Constitutional Council has already responded, but we already have the answer. There is indeed no ambiguity, as stated earlier Marie-Françoise Bechtel and Guillaume Larrivé, not for reasons that would take in their commitment to administrative law, but simply because of their good knowledge of the law. Under Article 37 of the Constitution, the Regulation is competent to define the means of services.

[Eduardo Rihan Cypel](#) . Absolutely!

[Mr. Bernard Cazeneuve](#) , *Minister* . Second, beyond the elements of law, he has the Government any desire to hide information on services that have access to these intelligence techniques? In any case, since the decree in question will be published in the *Official Journal* . Mr Morin proposed that it be submitted to the National Assembly before being published in the *Official Journal* : I am willing to pass it on to the Law Committee when ready and come to realize before it.

[Hervé Morin](#) . Perfect!

[Mr. Bernard Cazeneuve](#) , *Minister* . So there is no constitutional problem or any problem of transparency. As I am betting - although, I admit, it takes a lot of patience to achieve convince yourself that this is possible - that good faith may stamping this debate, I repeat what I have said yesterday. Third, the decree, as the law, are detrimental to civil liberties? I use the same argument yesterday: it is, I think, legally unstoppable, although I admit that, politically, it can do debate. Section 66 of the Constitution, you just invoke, Ms. Filippetti, after having already done yesterday, defines the conditions under which the judicial court should exercise its control when administrative police measures are detrimental to civil liberties. The judicial court is competent and, for example, in administrative detention or police provisions may constitute a deprivation of liberty.

*(Exclamations several benches of the UMP.)*

[Ms. Sandrine Mazetier](#) . And that's you, right, who have extended the period in which it occurs! That does not bother you then!

[Mr. Bernard Cazeneuve](#) , *Minister* . Ladies and gentlemen, I try to bring you the most rigorous and honest answer possible, because you ask important and fair questions. There is, in this legislation, no - I repeat: no - available intrusive freedoms, be it freedom to come and go or other individual and collective freedoms. If you feel that a section of the text is likely to undermine freedom, tell me which one. However, there are provisions which may be regarded as challenging privacy and the right to it. According to the established jurisprudence of the Constitutional Council, these provisions do in any way the ordinary courts

but the administrative court: stop *Westgate* in 2013, which is part of a long continuity of stops, recalled if were needed. As the rapporteur, like myself, you have made all the necessary explanations carefully, particularly with regard to the jurisprudence of the Constitutional Council, while Article 66 of the Constitution provides for the intervention of the judicial court if offending provisions freedoms - knowing that this text does not call into question - hold several times, the remarks you made here shows is a misunderstanding of our explanations, certainly due to the fact that we express ourselves evil, a stubbornness which I can understand but within the posture and not the requirement of transparency that you call your vows.

[Mr. Patrick Mennucci](#) . Very good!

[Mr. Bernard Cazeneuve](#) , *Minister* . I agree that we have a debate on the content of the text, on ambiguous provisions that should be clarified, but I really have trouble accepting - because I want to be scrupulous and best respond to your questions - that is suing the text, on the basis either of provisions that do not contain either of its provisions but for which I have given all the legal explanation, which may also be verified by you, what would seem normal to me, consulting jurisprudence or the elements I mentioned. Last: Mr. Tardy, you mentioned several times an article in the *World* . In this regard, I would say several things. First, I have respect for the public services that are the intelligence services. In my mind - unlike perhaps some of you - these services are not populated pharmacies expert people in the art of twisted, as opposed to hypothetical disciples of law. No, in my mind, the intelligence services are public services that contribute to the missions of public service and do so in response to considerations of general interest, which are often of national interest. I work daily with a number of services to prevent terrorism. Their officials and employees are civil servants who deserve our respect. But when they read our statements and exchanges - they understand that they can also take place in this Chamber, as is normal - they find that they are constantly challenged and we doubt their ethics. Well, I want me to defend the national representation for the

ethical requirement and the Republican direction that are theirs because they deserve it. Every day, these officials, who perform a public service mission, greatly expose to ensure the safety and protection of the French.

[Pierre Lellouche](#) . This is not an argument. You seem to believe that all those who do not share your viewpoint hate intelligence!

[Mr. Bernard Cazeneuve](#) , *Minister* . Finally, the prime minister and the defense minister, and I will use my turn me before you again, have denied the content of the article in the *World* of the strongest manner. Why? Because utilities that I just do not speak out of control, but are under our responsibility. If the practices described in this article existed, they engage our own responsibility as ministers of the Republic, we would be complicit and accountable for those actions. But these practices do not exist, simply because they do not conform to the law, the law. The DGSE, which is composed of officials demonstrating the spirit that I have just indicated, do not engage in mass surveillance you point the finger. This was said very clearly yesterday by ministers. The best proof is - I say especially to Mr. Morin - we give a legal basis to practices which have long been lacking. Why do we do it? Because we want the services activity is strictly controlled, that the national intelligence oversight Technical Commission - CNCTR - could watch what the services. If it finds that certain practices do not comply with the law, it can enter the judicial review, considerably strengthened by this legislation. If the judicial review and CNCTR find that certain practices are detrimental to criminal law, the aforementioned commission may refer the criminal court. All these controls hitherto did not exist.

[Pascal Popelin](#) . Exactly!

[Mr. Bernard Cazeneuve](#) , *Minister* . Why do we set? Because we consider that the major public services that are the intelligence services must be controlled. For this reason, this text is a law of progress, and I would like to stop saying false things, which do not correspond to the reality of the operation of services, the reality of the law, to scare, while the real danger is constituted by all those who



daily can compromise the values of the Republic, civil liberties, as evidenced by recent events at TV5 Monde. (*Applause many thanks of CRS group.*)

(*Amendments identical n<sup>os</sup> 52 and 169 are not adopted.*)

[Mr. Patrick Mennucci](#) . It is unbelievable that a former minister of the Republic vote these amendments!

[Madam President](#) . The call Mr Hervé Morin, to support the amendment ° 112.

[Hervé Morin](#) . Mr. Minister, I will make several observations. First, the Constitutional Council has never censored a text under the division between Articles 34 and 37: he always renounced make this distinction. Otherwise also, half of our laws have long since been the subject of a sanction from him.

[Ms. Marie-Françoise Bechtel](#) . But no!

[Hervé Morin](#) . This is what we learn in the first year of constitutional law. In addition, I note you send the draft decree on the services that will have access to these new procedures. Given the different elements and techniques that can be implemented, whether algorithms or *IMSI- c Atche rs* , it is quite normal that we know precisely what are the services that can be used . Let us not legislating just because today Mr Valls and Mr. Cazeneuve respectively Prime Minister and Minister of the Interior! We need to legislate a long-time because power succeed to power. What I hope is that the texts adopted in good faith today are not hijacked by tomorrow powers decide, themselves, to apply them differently. I want to be sure that in five or ten years, these provisions were adopted with good faith you have shown, Mr. Minister, Mr. Rapporteur, will always guarantee public freedoms and respect for personal life. That's what matters to me. We could go into more technical discussions that do not directly concern the Assembly - we can talk together - but what I want is that we associate as much as possible to the new powers that are grants services against powers that avoid arbitrariness. This is the meaning of this amendment.

[Jean Lassalle](#) . Very good!

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . As our colleagues have seen, Dr. Morin's amendment is to enshrine in law the list of services in question, in other words the Directorate General of Internal Security, the Directorate-General for External Security, the Military Intelligence Directorate, the Directorate of protection and security of defense, Tracfin and the National Directorate of Customs Intelligence and Investigation - I say this because I am not sure that the defense of the amendment was all completely explicit. For reasons that everyone will have understood, I am not in favor of the fact that the law provides the names of services. Indeed, if the Government were to change their name tomorrow, we would have to amend the law. That's what we did for example in 2013 and 2014; this is what was done in 2008. If it had figured in the law, we should debate each time; as the parliamentary agenda is already full, do not solicit more, trust the decree! Despite what Mr. Morin, debate articles 34 and 37 has already been largely resolved by the Constitutional Council.

[Hervé Morin](#) . No!

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . I have exactly the same position as the rapporteur, for the reasons just mentioned: if every time, in exercising its prerogatives, the Government changes the name of a service or service organization , proceed to a legislative change to allow these services to operate according to the law, I am not sure which one wins in flexibility, efficiency and even less transparency and clarity. I would like to develop a second argument because I'm not sure that anyone can remember, this device having been arrested there over twenty years: the 1991 law did not refer to the decree. She said nothing - absolutely nothing - on the set of services that could mobilize intelligence techniques for a number of purposes. We decided precisely for reasons of transparency, take, by a decree to be published , provisions which constitute an undeniable improvement over the previous state of the law. As we take these measures precisely to create the conditions for this progress, we

debate this Act as if it was a step back from the state the earlier right.

No! Rather, it represents considerable progress, progress in transparency, progress in control. I want to remind once again that things be said.

[Madam President](#) . The call Mr Guy Geoffroy.

[Guy Geoffroy](#) . Thank you for giving me the floor, Madam Chair: I wanted to speak on the previous amendment, but I realized that you wanted to move on. I want to say three things. First, I find the minister very severe with regard to the 1991 Act and Michel Rocard, who had to vote: those who, like me, alongside the chairman and rapporteur Patrice Verchère attended all interviews with the mission of information on intelligence remember the circumstances narrated by the Prime Minister at the time that led him to persuade - the word is probably very far from reality - the President of the Republic time of the need for a law on intelligence. We can not today, twenty-five years later, to rebuke this law which had the merit to exist, while the President of the Republic of the time did not want that it should be well. Then I invite the rapporteur to chair a little caution. The argument that it will not move forward if we begin to record specific things in the law may turn quickly against the person using it and against all others, Minister for text or rapporteur to present it. I am indeed persuaded that this pitfall, you rightly point is systematic and difficult to avoid. Finally, concerning the debate on Article 34, I have difficulty accepting the mocking contempt with which some of you, categorically, deny us the right to express ourselves. Certainly, there is one area of the law and an area of settlement; they are not otherwise so easy to determine that, which is why the Constitutional Council, most of the time, preferred not to deal with it. But I'll still notice that, for some time, the Constitutional Council in trafficking. I remember in particular the 2005 Law on the

future of the school: he decided to simply remove the programmatic Appendix to Article 1 on the grounds that it not fall within the scope of the law but to that of Regulation. The Council has started to do its work. Allow me, Madam Chair, ...

[Madam President](#) . ... Conclude, sir!

[Guy Geoffroy](#) . In conclusion, Madam Chair, I will say that the list in question - or lack list - goes beyond the simple explanation of the text of the law.

[Mr. Jacques Myard](#) . No!

[Guy Geoffroy](#) . It helps, if it exists, to determine the scope of the law on intelligence. Once the list defined in the law allows us to know what we are talking, I think it warrants a bit more caution and depth in our discussions on the constitutionality or not of what you proposed, we were a number to challenge. This is a real debate. Both the categorical and somewhat vulgar manner, in the etymological sense of the term, you used to return us in our aims really seems somewhat acceptable!

[Madam President](#) . I call Mr. Noël Mamère.

[Mr. Noël Mamère](#) . To go in the same direction as our colleague Geoffroy, some great constitutional - I think especially to Professor Dominique Rousseau, but there are others - explaining that the Constitutional Council has never censored a number of laws yet fall within the regulatory domain.

[Hervé Morin](#) . Of course! It never did!

[Mr. Noël Mamère](#) . The reality is that the Constitutional Council is hiding behind this and we vote laws that are often of the order of the Regulation. And you can cover yourself by arguing non-censure by the Constitutional Council. I also want to respond to the minister of the interior: it is not because one criticizes the provisions of this law, that there is concern overflows which could lead on our civil liberties and our personal freedoms, provided we judge that government steeped in bad faith and we think he wants to turn into a *Big Brother* ! It's not because one critical technical means available to intelligence services, provided it is considered that all intelligence services are spooks! There were some times when the intelligence services were not as Republicans you say: remember the case of the *Rainbow Warrior* ! We could also mention a number of episodes that involved intelligence services and where excesses occurred. For my part, I support badly enough, like a number of my colleagues, to be pointed from forty-eight hours because we criticize - and we are not alone, since there is also non-governmental organizations, associations, judges, lawyers, journalists, ...

[Pierre Lellouche](#) . Deputies from the right!

[Mr. Noël Mamère](#) . And even the deputies of the right! The three professions that I have just mentioned, which I might add doctors are absolutely not protected by this bill - not now, at least I hope that the discussion will do it! If I believe without fulfillment the discussion we had on the confidentiality of journalists' sources, I think that this law on intelligence will not put in an easy position to exercise their duty to truth and investigation.

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . In continuation of previous interventions, I want to say to the Minister of the Interior that he is perfectly right to remember that fear is a bad counselor. It is the bad part remains an advisor and another, you can not feed the obsession with terrorism risk, even if the risk is real, any more than we can keep the fear of widespread monitoring. Nobody said that your intention is in itself ontologically voluntarily carrier in the law itself draconian excesses. But suffer all the same that we ask ourselves, in the parliamentary debate - otherwise it is useless - on the potential risks because tomorrow is the same technique of mass data collection, or the lack of resources allocated control structures. These concerns need to be in the debate. I am ready, as part of a reasoned debate, to follow the reasoning of our rapporteur, for example on the relationship between the ordinary courts and administrative courts. I am ready to follow the argument of Marie-Françoise Bechtel a wise balance between what comes under the decree and what is the law. But I ask that we can also discuss what, in the demarcation of the law, requires in principle of vigilance, both in the Explanatory Memorandum that in some of the provisions. Thus, some points are raised not only by parliamentarians present here, but also by associations who ardently defend fundamental freedoms. Let us pause for a moment on a forum recently published in the daily *Le Monde* , signed by Nils Muižnieks Rights Commissioner to those in the Council of Europe - it is not anyone! - By Michel Forst, UN Special Rapporteur on the situation of human rights activist - not anyone! - And finally by Ben Emmerson, UN special rapporteur on human rights and the fight against terrorism, which therefore knows whereof he speaks. They alert us with a title in my opinion a bit hard since characterized the bill as seriously undermine individual freedoms - which I do not pretend to myself: I'm just saying that deserves that we can debate.

[Madam President](#) . Thank you to conclude, sir!

[Mr. Pouria Amirshahi](#) . I'll end with this sentence, Madam Chair, if the Government, not in this particular provision, but in general, is perfectly safe for compliance with the spirit of the laws and the Constitution for the protection and defense of freedoms nothing prevents the Prime Minister himself to refer the whole of the law to the Constitutional Council, after it has been passed, the opinion of constitutionality.

[Madam President](#) . I call Mr. Patrick Hetzel.

[Mr. Patrick Hetzel](#) . I want to address two arguments you have developed, minister of the interior. First, your words seemed to me to betray a very Manichean vision. You have now left to think that those who today claim you specify the legislation, would be hostile to critical information or services to them. I take issue! At no point in the arguments that we have developed, we have not sought to criticize the service, on the contrary!

[Pierre Lellouche](#) . It is even insulting your part!

[Mr. Patrick Hetzel](#) . We join willingly in the tribute you have paid to the officials. It should therefore be truly out of this Manichean vision precisely because we are trying to find a balance between, on the one hand, the need for information and tasks assigned to services and secondly, freedoms. Second argument on which I wish to return after listening to you: you bring items that are within the administrative science, considering that the Government shall, by order, including those issued by the Council of State, a number of guarantees in respect of freedoms. Nevertheless, I learn nothing by reminding you that there is a hierarchy of norms and that many of these standards include the Preamble to the Constitution and the Declaration of Human Rights and the Citizen. In fact, that for what we are fighting and we are trying to make you perceive, is that on a topic as sensitive as intelligence, it is essential to ensure a good balance and preserve the freedoms, civil liberties but also individual. This point requires that we be

extremely careful in Writing: this is why we present a number of amendments.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . I'll be brief: first point, Mr. Minister, Madam Minister, Mr. Rapporteur, we have nothing - I repeat: nothing! - Against the intelligence services, we respect and we work with when it happens that we are in business.

[Mr. Patrick Mennucci](#) . You mean the SAC?

[Pierre Lellouche](#) . Second point: we have everything against terrorists, so we fighting the same battle you. This does not mean that we can ask you questions. Let me develop in a minute a parable which I will call "the parable of *German wings* ": after 11 September 2001, it was considered intelligent, by people as reasonable as you, equip the cockpit of a commercial aircraft security door to prevent it from introducing terrorists; the intent was perfectly laudable. And armored doors have indeed been installed. Now what has happened when a cockpit was occupied by a deranged? One hundred and fifty innocent people have lost their lives! Will it had, minister of the interior, one hundred and fifty victims of terrorism in the US or Europe after September 11 2001? Answer: no other words, a law even designed with the best intentions, can have detrimental consequences if misused: this is our one and only about Although, for making myself a little Right, I have great respect for your legal, Urvoas sir, I think that when it comes to article 34 of the "obligations imposed by National Defence to citizens", it is hair cell in the subject!



[Ms. Marie-Françoise Bechtel](#) . But no!

[Pierre Lellouche](#) . When we think that the list of agencies to spy on our citizens can be the domain of the law, do not answer us: "Move along, nothing to see! The Act and Regulations! The Government decides! We do it because we're in business! "

A little less arrogance! Do not accuse us of being hostile intelligence services! This would allow the debate around the turn neither fears nor around fantasies. It is something insulting to hear us say that since yesterday!

*(Amendment n ° 112 is not passed.)*

[Madam President](#) . I received two identical amendments, n<sup>os</sup> 408 and 396. The floor is Madam Minister of Justice, Minister of Justice, to support Amendment n ° 408.

[Ms. Christiane Taubira](#) , *Minister of Justice, Minister of Justice* . This amendment seeks to delete the reference to the services of the ministry of justice in the list of services that can use the information collection techniques referred to in paragraph 17. As I have already stated in committee, I consider it is not desirable that justice can directly control the implementation of these techniques. We support a prison population where there are dangerous prisoners condemned both terrorist acts and for organized crime facts. Given the links that exist between terrorism and organized crime networks, we obviously perform surveillance in institutions. Besides the circular I took in November 2012 and updated in November 2013, we strengthened and restructured prison intelligence: increase in staff in 2012 and 2013, both in reorganization of the central administration to the directions . interregional and institutions Under the anti-terrorism plan, the building continues - we spend 72 to 159 agents today at the end of 2015 and 185 in 2016 - and is accompanied by a diversification of skills. We have also structured our relationships with the Ministry of the Interior: After several months of working together, we got a prison governor integrates the Coordination Unit of combating terrorism, the UCLAT. I also took joint circular

with the interior minister. The prison administration seat in the European network RAN - *Radicalisation Awareness Network* - . and participates in weekly meetings UCLAT and security staffs Prison intelligence is diversifying by adding particular computer analysts as part of a monitoring unit on social networks. We also create a multidisciplinary think tank bringing together prison staff and researchers and experts in international politics. I wanted to remind these developments prison intelligence. However, the integration of services of the Ministry of Justice among the services that will control the implementation of information collection techniques goes beyond the business currently held by prison officers and supervisors. The State is one. It provides its sovereign missions complementarity and solidarity. Of the Department of Justice are continuing, to judge, punish and rehabilitate. They are executed by the judges and the prison administration. It is on this basis that the decree of 13 March 1911 transferred the prison administration of the Ministry of Interior to that of Justice. The execution of court decisions within what Montesquieu called the judicial power, prison is litigious action in stages since then. This is the case, for example, the application of penalties, or disciplinary committees, which have integrated civil society through assessors and lawyers. Any prison activity is under the judicial authority, including wooden floors. Among the intermediate steps, one can also cite the reform Amor 1945, the Badinter law, the 1987 law on the public prison service. Today, prison intelligence has more staff than ever - they will have more than doubled in a year and a half. Never skills will have been as diverse. I spoke computer scientists and experts on international issues, I could also mention the forty Arabic translators we recruit Therefore, it is legitimate to ask whether may remain a service of the prison administration in the Ministry of Justice. To answer this, we must assess the consequences of the choices we make. The Ministry of Justice has the peculiarity that it must administer justice while standing away from the courts. We have strengthened the independence of judges by the law of 25 July 2013, which prohibits individual instructions, and we could finalize the device in a future constitutional reform. The Interior Ministry, in its role as

administrative police and the Ministry of Defence Intelligence are already with the support of the prison administration. It is the Ministry of Justice, which is the Ministry of rights, constitutional guarantees of individual liberties - the guarantee of civil liberties would she, a sovereign mission of the Interior Ministry - to ensure judicial review of this activity. Intelligence, as I recall, is a perfectly legal activity that frames this text rigorously. If we decided that prison intelligence had become a full service, capable of directly implementing intelligence gathering techniques, it would be a job change that should draw the consequences not only in training and staffing, but also with regard to guardianship. Judicial review allows citizens to be sure that the state, in its unity, complementarity and solidarity, ensures their effective protection not only of this strengthening of intelligence, but also the preservation of their rights and freedoms . We believe it is desirable that the Ministry of Justice to exercise this control, does not have to directly order the implementation of intelligence collection techniques. That is the purpose of this amendment.

[Pierre Lellouche](#) . A nice Amendment!

[Madam President](#) . I call Mr Pascal Cherki, to support Amendment n ° 396.

[Pascal Cherki](#) . I do not think this amendment, but quickly developed after careful consideration, would lead to an interesting debate. Thereby achieving inspire the Government gives me encouragement to persevere in other debates! (*Laughter on the benches of the UMP.*)

I fully agree with the arguments of Ms. Keeper. There are indeed two issues. First, that of the institutions responsible for intelligence. The prison administration as such is responsible for complex issues: relations with prisoners, management of public order in prisons, etc. Those who know these subjects know it today is not equipped to carry out the action of a specialized intelligence service. Open this possibility in the legislation seems to me to present much more disadvantages than advantages. Second, no one disputes that carry a specific flaw in prison intelligence work. We have already mentioned the radicalization, and we know well that being in prison does not mean being completely cut off from the outside world. Inmates can design it, or prepare in part, crime.

[Elie Aboud](#) . Of course!

[Pascal Cherki](#) . However, I do not think we should entrust the necessary intelligence work to the prison administration. But it undoubtedly destined to work

in collaboration and coordination with other specialized services in the prison intelligence, as indeed provide for the following amendments of the Government.

[Madam President](#) . What is the opinion of the Committee on these two identical amendments?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The Law Committee gave a negative opinion. (*"Very good!" on the benches of the UMP.*)

[Elie Aboud](#) . It is brave of him!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Both amendments indeed tend to reverse a unanimous vote acquired by the Committee with one abstention, that of Mr. Sergio Coronado. Our logic is this: open a department of the Ministry of Justice the opportunity to have access to certain information technology does not make it an intelligence service. The organization of the intelligence community follows a design circles. The first circle consists of six services listed in the decree of 12 May 2014 the community component: DGSE ISB Military Intelligence Directorate, Directorate of Protection and security defense, national leadership of the Customs Intelligence and Investigation, TRACFIN. The second circle, the one in question here, is composed of the services we used to say that they "contribute" to intelligence. It includes the central service of the territorial intelligence, which depends on the central management of public safety; Sub-Directorate for operational anticipation, which depends on the National Gendarmerie; the intelligence directorate of the police headquarters in Paris, and finally the service named "Security Staff n ° 3 'or, more commonly, "Office of the Prison intelligence" that had existed since 1980 under a fairly standardized form before that an order of 2003 and an order founded in 2008 only confirms it. The Minister of Justice has rightly said that this service is increasing in recent years and is set to grow because of the problems that arise in prison life: 67,000 prisoners, 26,000 guards, 850 prisoners called "special reports" or DPS, of which 120 are radical Islamists. These dangerous elements or of instability for the prison world, require special monitoring. Proselytism destabilizes both inmates and guards.

[Guy Geoffroy](#) . Very much so!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . There are only a few years, the office of the prison intelligence had only thirteen people. He was a correspondent for Inter Prison Service and a corresponding - which obviously does not exercise this function full time - in each institution. Everyone understands that we have interest in developing its human skills. I understand in this regard that the government plans to allow the security staff n ° 3 access to training of intelligence academy, which will be good. However, a time comes when we must develop technical means. Human intelligence is important, the techniques are too. With 73 people, the Office of Intelligence prison has insufficient size to engage the means to monitor if only the 150 most dangerous elements, not to mention 850 detainees particularly reported. The Law Commission has not proposed raise the security staff n ° 3 to the rank of intelligence service or to transform 26,000 supervisors of Corrections agents of the intelligence services as I have read in the press. It is obvious that these are not supervisors circulating in the corridors, which deal daily, which will be charged tomorrow sound to visiting rooms or cells! We are talking about the prison service officers who will be entitled to exercise these powers, which it will be the job, and also request access to these technologies. - I am referring to the FO union Directorate The Government, if so decides, can ripen this thinking - this is the subject of the discussion we had earlier about the decree and the law. We believe, with the unanimity of the Law Committee, that prison intelligence service must, as such, access to certain technical intelligence

...

[Guy Geoffroy](#) . That makes sense!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . ... Understanding that we trust everyone, especially to the Director of Prisons I auditioned and did not lie to me about the use of some tools that we legalize - I think not only to "IMSI-catchers", but also to conventional security interception techniques that would be very useful in some cases. This is why the Law Committee is against the amendment of the Government to keep the text as amended by the amendment adopted in committee (*Applause on the benches of the UMP.*)

[Elie Aboud](#) . Very good!

[Madam President](#) . I call Mr Philippe Nauche, draftsman of the Committee on National Defense and Armed Forces.

[Philippe Nauche](#) , *draftsman of the Committee on National Defense and Armed Forces* . The Defence Committee has not considered this amendment as it did not exist at the time it was seized. She was taken to study the original text of the government which did not provide that the Department of Justice be so concerned. We can well understand the arguments of the Law Committee, but we must also listen to the Minister of Justice to enter his state of mind and the reasons for its refusal.

[Mr. Alain Chrétien](#) . It oar!

[Philippe Nauche](#) , *draftsman* . It is important to distinguish today trades each well. Part of the prison administration wants to move closer to the Directorate General for Internal Security to implement a number of technical as it is essential to preserve a continuum between inside and outside of schools. Once the Keeper and the Chancellery do not wish integrated the Ministry of Justice in this device and Defence Committee that the Government approved the text as it stood before being amended by the Law Committee, I would rather favorable, personally, to the amendment of the Government.

[Elie Aboud](#) . This is Dallas!

[Laure de La Raudière](#) . Are we right in the congress of the Socialist Party?

[Madam President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . I would like to indicate that this is an amendment of the Government, and not an amendment to the Keeper of the Seals. I support this amendment, for all the reasons that the Keeper has mentioned and that I had indeed expressed in the Committee. I have not changed position since.

[Pierre Lellouche](#) . C'mon!

[Madam President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . I fully understand the role of prison staff and he is not here to turn it into intelligence agents, but I do not understand your logic, Madam Keeper. We are dealing with people who we know fully well that they can be dangerous to their release. Imagine a prisoner out of prison after serving his sentence without that one or insight, not having used adequate means, he had developed very serious contacts during his sentence - we know very well that prisons without being windmills, are not completely closed houses - he perseveres in his radical commitments , devises specific projects and that something is happening. You will carry a serious responsibility that will engage the Government as the Minister of the Interior has just declared that he was supportive. In this case, I do not see why the Minister of Justice could not ask, if in doubt, that the necessary means are used to gather a number of clues or evidence that will allow us to act in the future. You are committing a true political error that could have dangerous consequences.

[Madam President](#) . The call Mr Guillaume Larrivé.



[Guillaume Larrivé](#) . This debate, far from being poor, beyond the divisions. It was at the initiative of our group, converging with other initiatives, this amendment was voted unanimously in the Committee on Laws, as recalled by President Jean-Jacques Urvoas. It should be ramp up within the 189 prisons, a real prison intelligence service based on existing devices for several years, particularly following efforts by Dominique Perben in his time with the creation of the office EMS- 3. This specialized intelligence service prison must enter the architecture of common law that this bill sets. Therefore, it must incorporate the second circle defined by the decree which Article which we speak. Why this proposal? Because this service must have the mission to gather intelligence in prisons to prevent terrorism, which is a much broader purpose than the fight against escape or to maintain public order in prisons. The prison administration should fully grasp the instruments of this bill. Here is the point of disagreement with the Minister of Justice, public, non-partisan political disagreement disagreement. That is why we insist that the amendment of the Government be dismissed. It is imperative that we change the gear ratio. It has become very urgent to fully professionalize within prisons, the ability of gathering and analyzing intelligence. This is what we propose for several weeks on the benches of the UMP and we are unanimous on this important issue.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . This question is important. We went in Fresnes with my colleague William Larrivé and we saw how is now managed the hundred jihadists income Syria. The problem is serious. I can not understand that the Government explains that it is out of question to spy jihadists or candidates for Jihad ....

[Ms. Marie-Françoise Bechtel](#) . It's not that! What caricature!

[Pierre Lellouche](#) . ... While we put up a huge surveillance system on the rest of the country. With modern means of interception and the provisions of the law, you are building a Himalayan information about the country, forgetting that the common point Mehra, Nemmouche, Kouachi, Koulibaly is the prison. It was in prison that they have been radicalized, that's where the information is

exchanged, it is there that penetrate 27,000 mobile phones per year - not normal phones; apparatus of the size of a car key housing. Now in prison, it is forbidden to listen, and there is no means to learn. We walk on the head! Spy on where it matters! This should be the top priority. Now, after voting by the commission of an amendment to create an intelligence service in the prison, Ms Taubira tells us that justice should not be concerned that it can not get their hands dirty in such a case , it is beyond question that his services are spying detainees because it's not their business, it is limited to derail attempts to escape. Except that, unfortunately, with jihadism, these missions have changed. It is not to ask the prison guards to play the spies, as well Urvoas explained. This is the means to spy on them where necessary. It is incomprehensible that the Government wants and remove one of the few relevant provisions of the text.

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . I want to thank Ms. Keeper for reminding elements relating to action of the penitentiary intelligence that demonstrate the Government's commitment in this area, particularly as regards the fight against terrorism and the progress made since several years to solve problems that date back longer than that. We have debated for over an hour with the question of whether to use the vector of the law or the decree to define intelligence. In this case the question arises in different terms: what the law allows to put in an order? The Law Commission has adopted two amendments, one of Mr. Larrivé and Mr. Cavard for the opportunity to the Department of Justice to seek the implementation of information technology in order to fulfill certain missions, whether the fight against terrorism, the fight against crime and organized crime, the fight against collective violence likely to undermine national security and so on. With this device, if the Chancellor wishes, it could, when it deems appropriate, to enter the intelligence office prison in a decree of the State Council to clarify which authorities other than those of intelligence, can use these techniques, under what conditions and for what purposes, all of course in accordance with the present text. I speak this device as from the work of the Law Commission and we now

proposed to amend. It would be a shame not to open this possibility. That is why the Socialist Group does not wish to vote the amendment of the Government.

[Madam President](#) . I call Mr. Yves Goasdoué.

[Yves Goasdoué](#) . I understand the high intellectual requirement that takes you, Madam Minister of Justice, to expose a position that we can understand. However, we are working for some months on jihadist dies with Mr. Mennucci and some colleagues, under the authority of President Ciotti, and we visit the prisons. We understand that this is not to transform the prison officers in little spies, which would have catastrophic effect of completely deteriorating relations between the supervisor and the inmate, which are relations of authority but must be also trusting relationships. *(Exclamations on the benches of the UMP.)*

[Mr. Alain Chrétien](#) . How can you say such things!

[Yves Goasdoué](#) . Let me finish, you'll be happy! I understand that the EMS-3 office would increase from 73 to 185 people, at least all of the services, and that is very important. I think today we can not do without special services that provides text and that would be, Madam Minister of Justice, under your authority. That's why we wanted as this decree in Council of State and that prison intelligence remains under the Ministry of Justice. We can not afford that in prison as information pass through the sieve.

[Elie Aboud](#) . Okay, that's brave!

[Madam President](#) . I call Mr Patrick Mennucci.

[Mr. Patrick Mennucci](#) . In my turn, Madam Minister of Justice, I will support the position of the Socialist Group in the awareness that this can cause you a problem, but witnessing to what I saw in the course of our inquiry. A report will be published on May 27, but we can already say a number of things here. First, the provision under discussion is not the result of a proposal by Guillaume Larrivé. As for me, I am referring rather to the text published by Jean-Jacques Urvoas, June 2, 2014, on his blog. There he engaged in an analysis of the intelligence prison, that caught my attention and after that I tried to get interested in the issue. I do not return the form - Pascal Popelin and Yves Goasdoué spoke in perfectly. You will be able to do things when you need them will estimate. Basically, our debates are right now monitored by prison managers, trade unionists, prison guards who look to us for consideration, a gesture by which we recognize the quality of their work. Colleagues who, with me, went to the Baumettes prison in Marseille were extremely impressed with the quality of work and commitment of the people of EMS-3, for the intelligence of their action. I will mention a paradox, so that everyone understands. It is possible, in prison, to hear the legal conversations. When someone takes a phone and calls his family was allowed to plug in and listen, but we have no right to listen to conversations illegal!

*(Laughter and exclamations on the benches of the UMP .)*

[Elie Aboud](#) . It's extraordinary that!

[Mr. Patrick Mennucci](#) . This is reality! I see, Mr. Lellouche, you nodding, but you wanted to open a controversy. It is wrong to say that there are no tracks in jail!

[Madam President](#) . Thank you conclude, Mr. Mennucci.

[Mr. Patrick Mennucci](#) . The prison uses ISB who comes to listen or, more usually, ISB finds the phone and asks the prison not to enter because she bugged. This is what happens, but maybe I misunderstood what you said. I wanted anyway

emphasize this terrible paradox. I would like the Government withdrew the amendment and that we keep the text adopted by the Law Committee. It would send a very strong signal to those in prisons, are first in line to deal with radicalization and difficulties. And then Ms. custody of the seals could make a difference over time.

[Madam President](#) . The call Mrs Marie-Françoise Bechtel.

[Ms. Marie-Françoise Bechtel](#) . I emphasize that I was occurred Committee against the amendment of the commission, ...

[Sergio Coronado](#) . Very much so!

[Ms. Marie-Françoise Bechtel](#) . ... And that I had supported the text of the Government. It is therefore logical that I defend today the amendment of the Government.

[Sergio Coronado](#) . Congratulations!

[Ms. Marie-Françoise Bechtel](#) . We must not confuse the issues.

[Sergio Coronado](#) . Exactly!

[Ms. Marie-Françoise Bechtel](#) . Material issues arise. What can you do in prison, notably in addressing the terrible challenge of jihadism is not one-off but does not represent the totality of what was for centuries the prison in our country? But also raises a question of principle. Some departments, by construction, always have intelligence: we can not imagine a ministry of interior or ministry of defense intelligence. It is also, unfortunately, the case of the Ministry of the Budget, in charge of Customs. However, the identity of the ministry of justice is elsewhere.

[Pascal Cherki](#) . Exactly!

[Ms. Marie-Françoise Bechtel](#) . A colleague spoke earlier of the officer's job, but we will not change the identity of the ministry of justice because we have to fight with the best possible way - that's for sure - against a serious threat. The fight against this threat is not at all the issue.

[Pierre Lellouche](#) . Of course yes!

[Ms. Marie-Françoise Bechtel](#) . The question is how effectively one can work within the prison, an intelligence unit, related possibly with other services, ...

[Pierre Lellouche](#) . This does not work!

[Ms. Marie-Françoise Bechtel](#) . ... To get the best possible material conditions of supervision and thus prevent the development of jihadist dies by the prison. That's the subject, but the text that the Commission proposes we absolutely evokes this and do not solve any of the problems, also brilliantly by my colleague Goasdoué or, now, by Patrick Mennucci. I would add that we must correctly read the article, because our colleague Pascal Popelin made earlier reverse playback.

[Mr. Patrick Mennucci](#) . No!

[Ms. Marie-Françoise Bechtel](#) . If we adopt the amendment of the Government, it will not set in stone that justice will always have access to intelligence techniques, but may be allowed to use them for specific missions, as well as other services, by Order in Council of State. This amendment is precise, and it has the principles of righteousness.

[Sergio Coronado](#) and [M. Noël Mamère](#) . Very good!

[Madam President](#) . The call Mr Nicolas Dhuicq.

[Mr. Nicolas Dhuicq](#) . France's prisons are so open to the outside world that prisoners who do not obey the rules in the Wahhabi institutions see their families threatened, and they can not even take showers if they do not wear shorts or underpants. I want to salute the dedication of the members of the prison service, who are constantly exposed to danger and are attacked regularly. The population of a central I know well are approximately 70% to 80% of inmates who converted to Islam under the influence of Wahhabi or one, currently funded, we know, by Qatari or Saudi funds. This proportion extremely strong induced changes in code because the detainee said radicalized no longer wear distinctive signs: they are in the prison ground, does his job extremely intelligent way and he is ahead of his time, because he fight for a cause that we do not share by freeing from guilt and justifying past and future acts, acts of extreme violence. Supervisors are there to

watch, Madam Minister of Justice, it is not the educators. They are there to collect intelligence and information flow among the prisoners being what it is, I do not see how could go unnoticed inmates themselves the arrival of members of staff outside the prison administration - since this is what we offer some or some of our honorable colleagues, I salute. This system would be totally unworkable! The only solution, Madam Minister of Justice, it is that there is sufficient staff trained in monitoring dangerous people in the central and prisons in France.

[Philippe Meunier](#) . Very good!

[Madam President](#) . The call Mrs Cécile Duflot.

[Cécile Duflot](#) . I would like to thank the Government for introducing this amendment. If we do not adopt, we had a phenomenal error on both the objectives and principles. And I mean the rapporteur, Mr Urvoas, Sergio Coronado had voted against the amendment adopted in the Committee on Laws. The prison administration may have to make intelligence, especially to achieve goals related to its activity, but will entrusted him a function which is that intelligence is completely deny his role, and it is even more fragile. Indeed, to have recourse automatically to extremely intrusive techniques would undermine the very ability of prison staff to hold office. I heard what you said, sir Mennucci. The question that arises is that in fact that of the multiplicity of mobile devices. These are, indeed, tolerated because we can not manage their presence, and it would be better to simplify their wiretap, if necessary, by conventional intelligence agencies which would, themselves, their profession. But entrusting it to the prison organization exposes it to very large risks. More importantly, it attenterait to principles. In this debate, which I was not involved as much as I would like since the Commission for Sustainable Development is currently working on energy transition law, our basic principles are often mentioned. But the function of the Ministry of Justice and its enforcement tool of the sentence what the prison administration does not provide the information. These are other services that fulfill this mission. This will maybe annoy you, Mr. Lellouche, but I will use your example of armored doors of *Germanwings* . Give the prison service response

capabilities beyond the issue of institutional security and prevention of escape attempts, would make him bear responsibility for the detection, which is not his function, and could produce the opposite effect to that sought. Indeed, one might find some useful tools, but the possibility of recourse at any time to secret technical totally weaken the situation. Recall that these detainees and, in principle, held in cells measuring a few square meters. This would result in an intolerable situation with regard to our principles. That is why it is essential to support the amendment of the Government I thank her for being sensitive and attentive to this principle.

[Madam President](#) . I call Mr. Alain Tourret.

[Alain Tourret](#) . On such a subject, there can not be any conflict between the Assembly and the Executive, between the majority and the Government. I note that the original text, signed by the Prime Minister, did not provide for recourse to the services of justice. I also note that the same amendments which we are now subject are supported not only by the Minister of Justice, but also by the interior minister. I therefore appeal to the wisdom of the Assembly. It does not seem possible to me that there is such a frontal opposition. It is inconceivable, and this poses a real problem in terms of freedom and even credibility of the law. It seems to me preferable to adopt these amendments at first and then revisit the issue.

[Laure de La Raudière](#) and [Mr. Elias Aboud](#) . No, we must do the opposite!

[Alain Tourret](#) . Otherwise, there will be clearly a confusion of genres. And to paraphrase Audiard, here's what I can tell you: The prison guards are not the scales. Otherwise, the wineries will plant them!

[Mr. Patrick Mennucci](#) . Those are not prison guards; is the service!

[Madam President](#) . I call Mr. Denys Robiliard.



[Mr. Denys Robiliard](#) . I support the Government. In this debate, the borders are disrupted. We do not know where is the line, which is the left, where are those who support or do not support the Government. This is only whether the prison administration officers may, after Decree access to intelligence techniques. It is not whether there is or not intelligence in the prison administration. Why is it desirable that these agents do not have access to intelligence techniques? First because there is no need. Today, in France, in a prison, or in a central, visiting rooms with sound can be either a court decision or - for now, with no legal basis - to the demand for services. What Patrick described Mennucci seemed address but not the right to factual accuracy. So this access to information technology is not necessary. Whether the phones or the parlors, it is not a necessity. Why is it necessary that the prison authorities may not have access to these techniques? Because, if the prison administration should certainly keep detainees, it must also prepare for reintegration, they leave, so that the recurrence rate is as low as possible.

[Philippe Meunier](#) . We talk about jihadists!

[Mr. Nicolas Dhuicq](#) . They are fighters!

[Mr. Denys Robiliard](#) . And it is through such a human relationship quality. There are rules in a prison, in a central. Indeed, there is no right to correspondence, and you can listen to telephone conversations. All this, prisoners know this but they should not see a guard potential spy: this distorts the human relationship, and it would be an alteration in the extreme quality of the relationship implemented by supervisors in French prisons . (*Applause several benches of the environmental group.*)

[Elie Aboud](#) . What human relationship?

[Mr. Denys Robiliard](#) . I say this after going every week for fifteen years in the prison of my department.

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I do not understand all the arguments of our Popelin Goasdoué colleagues and I will answer them, give them comfort reasons. They said that by making this change in law commission, they beat the Government. They believe that the EMS-3 study, as a specialized structure of the intelligence prison, must participate in intelligence work. Thus, according to them, if you remove the word "justice" in paragraph 17, the EMS-3 will not do it. I will read this paragraph, colleagues: "A decree of the Council State, issued after consultation with the National Commission for Monitoring of Intelligence techniques, referring to those services, other than specialized intelligence services, reporting to the Ministers of Defence, Justice and the Interior and the Ministers economy, budget or customs, which can also be allowed to use techniques "intelligence. The act of removing the word "justice" of this paragraph do not prohibit the Government to decide, by order, to involve the Office of Intelligence prison in intelligence work. I am surprised that after working in law commission, you have not understood this!

[Pascal Popelin Patrick Mennucci](#) and [Laure de La Raudière](#) . But no, this is wrong!

[Mr. Patrick Mennucci](#) . The comma! You forget the comma!

[Pascal Cherki](#) . But yes! The paragraph clarifies that services other than the specialized services can also be allowed to use these techniques.

[Mr. Patrick Mennucci](#) . Come On! Slingers remove the commas, now!

[Pascal Cherki](#) . Then the amendment ° 408 is an amendment of the Government: I guess so, Madam Minister of Justice, Minister of Interior, the Prime Minister fully agrees with this amendment. It is therefore the Government which requests the national representation, and first to the Socialist deputies, delete the word "justice" in that paragraph, that the judicial institution as such is not mentioned.

[Laure de La Raudière](#) . Slingers support the government against the rest of the Socialist Group now?

[Mr. Éric Ciotti](#) . It is reversed fronts!

[Pascal Cherki](#) . One can argue, agree or not; I myself have removed a number of amendments, because I was convinced by the arguments of the Government - I have less convinced by other arguments. Despite this, I find curious, given the intensity puts the Prime Minister in this fight, determination and of the minister of the interior pugnacity, and what Ms. custody Seals, as Socialist deputies decided to go further than the Government, with the blessing of their colleagues in the UMP. I would like, ladies and gentlemen of the Socialist Group, that you have this zeal when it comes to social issues!

[Madam President](#) . The call Mr Joaquim Pueyo.

[Joaquim Pueyo](#) . In this debate, I almost lost. It must be said that supervisors are not professional intelligence officers: they are professionals of observation.

[Pierre Lellouche](#) . Eh yes!

[Joaquim Pueyo](#) . They observe every day, and if they gather valuable information, it can be useful to intelligence services. . So we need both, strengthen the work of observation of supervisors and, in parallel, strengthen coordination on intelligence Then, in my opinion, what matters is efficiency: Ms. Keeper the said, and the minister of the interior. For such information to be exploited, it is necessary weekly relations, daily, with the Directorate General of Internal Security under the Ministry of Interior: this is what is happening. Section 12 of the Bill nevertheless allowed the Prison Service to use intelligence techniques. It is unfortunate, Mr. Rapporteur, of having suppressed, and having rejected the same time the intervention of the prosecutor; I recall, in this regard, that the prison services are under the control of the magistrates of the judiciary. I admit that the deletion of Article 12 bothers me: I wanted to say.

[Thierry Benoit](#) . It is not wrong!

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . I support the amendment by Madam Justice Minister, but I am willing from what was proposed, rightly, our rapporteur. He recalled the

distinction between the intelligence services themselves, and those who contribute to intelligence. In other words, to each his job. I've been a social worker: I directed the health centers. We were in charge of child protection. Some services are directly responsible for child protection, others can contribute to it: I think, for example, police or gendarmerie. You understand that when we were asked to cooperate with them in difficult situations, it was no question for us to pass on all the information related to the person concerned, in this case the minor child or his family, except specific request in the context of a legal procedure. It would therefore be good to distinguish the sovereign functions that fall under the defense or the interior of those under justice or education. In addition, I fully understand the concerns expressed by Jacques Myard and Pierre Lellouche. They want to find a way to fight against radicalization in prisons and to intercept, if any, information about people who might harm state security, because they foment attacks. But it is already possible without involving the judicial institution as such. Just simply ask targeted authorizations for clearly identified prisoners: this is already the case today. As recalled some of my colleagues, and business Merah Kouachi showed that this monitoring was possible. It is perfectly possible, at present, to seek the introduction of a targeted surveillance and limited in time to monitor persons with a proven risk without entrust prison intelligence control intelligence tools which we have seen and will see again during the consideration of other items, they can cause problems. Moreover, in my opinion, these tools éloigneraient all businesses prison bodies of their original missions.

[Madam President](#) . The call Mr Guénhaël Huet.

[Guénhaël Mr. Huet](#) . Among the various interventions on the subject oh how difficult, I would like to retain a: to the Chairman of the Law Committee. He

described in great detail the prison reality, the way things happen there, citing some figures: one can not escape this reality. On this issue, opinions are transpartisanes: we can only rejoice. Anyway, I understand that this bill was not the occasion, he had not intended to respond to an emotion, but it was based on a principle of reality. Well it is precisely in the name of the reality principle, as stated by Jean-Jacques Urvoas, and given that we all know of prison reality jihadist influences that exist there, not to be to accept the amendment submitted by the Government.

[Madam President](#) . I call Ms Aurélie Filippetti.

[Ms. Aurélie Filippetti](#) . We are in a paradoxical situation. You see, since the beginning of the debate, I am critical vis-à-vis the draft Government legislation.

[Pascal Popelin](#) . This did not escape us!

[Ms. Aurélie Filippetti](#) . Yet I hear support the amendment ° 408 of the Government. Why that? I will not repeat all the arguments that have been advanced to define what the prison administration, what the prison. I repeat what has been truly said, the staff of the prison service are not there to do intelligence.

[Mr. Patrick Mennucci](#) . But they are not affected!

[Ms. Aurélie Filippetti](#) . Above all, in the interests of efficiency, it is necessary to trust the staff working in prisons to identify detainees who marginalize, which bridge with extremists - including Islamists - and fall under their control. In reality, their workload is very heavy; they know the inmates more closely, allowing them then to report any problems, abuses or excesses. If they can identify, because they have a daily human relationship with the detainees. The reality today is that the services of the Prison Service are working with the intelligence services, and that they will be working more with them. This will be clarified by the amendment n ° 407 of the Government, which we will examine later. In this way, those who are in daily contact with prisoners, those entering with them a relationship of trust - in which each well keeps its place - can work at best.

[Mr. Nicolas Dhuicq](#) . You know what they think, the guards, the relationship of trust when they are attacked by prisoners?

[Ms. Aurélie Filippetti](#) . They will be able to identify inmates who may pose a problem - 65 000 people now in custody, there are hundreds - and transmit this information to the specialized intelligence services. This is how we can fight effectively against radicalization, while respecting the spirit of the judicial and penal institution.

[Madam President](#) . On identical amendments n<sup>os</sup> 408 and 396, I am seized by the environmental group with a public demand for a poll. The poll is announced within the precincts of the National Assembly. I call Mr Jean-Yves Le Bouillonnetc .

[Mr. Jean-Yves Le Bouillonnetc](#) . I feel that for several days, we have been drawn into a kind of intellectual confusion. I am questioning the intellectual honesty to anyone, but we are moving away from reality! The bill he creates the French intelligence? No, he oversees. Will he now, in the prison administration, the Ministry of Budget, inside and defense, services which, without being specialized intelligence services, are still intelligence actions?

Yes! Madam Minister of Justice, I ask you a question: officials of the EMS-3 in the prisons, which are part of the prison staff, are they tainted with the hazard you make of the information? No!

You fear than they are: it is a legitimate subject, we understand. But paragraph 17 does not justify it. It simply provides that we may authorize, by decree, a number of services that are not specialized intelligence services, to use information technology. Besides, if we adopt the amendment of the Government, this would not prevent the EMS-3 to use intelligence techniques he can - or should -. Use Madam Keeper, you seem to fear that this subparagraph do sink the prison administration in the information strategy. But the amendment ° 408 does not seem at all appropriate. What makes the text adopted by the committee

is to authorize services of Corrections - amongst others - to use intelligence techniques, as described in the second part of this bill. It is therefore not to swing the prison administration in the circle of the intelligence services, but enable specialist services of this administration to use information technology. That is, since the beginning, the sense of this device which will in no way undermine the fundamental principles of justice. It will however legalize what is currently in detention centers.

[Madam President](#) . I call Mr. Noël Mamère.

[Mr. Noël Mamère](#) . For once, we have a lot of fun to support the Government. Indeed, the amendment proposed by Ms. Keeper to keep within certain institutional principles very well described by Ms. Bechtel, who spoke of institutional construction. In the construction of the institutions of this country, the Ministry of Justice is neither the Interior Ministry nor the Ministry of Intelligence. The Prison Service is not a substitute for intelligence pharmacies and the Ministry of Interior. The function of those now in charge of surveillance and punishment - in the words of Michel Foucault - is not to replace the intelligence services, but to promote reintegration, as Mr. Robiliard it very well said earlier. A number of us were involved in 2000 in the Parliamentary Select Committee on Prisons, established at the initiative of the President of the National Assembly at the time Mr Fabius . We visited the houses of stops, detention centers and we saw what could be the role of the prison administration. We also found the breach and its flaws, especially in its mission to prepare for reintegration. We can not today, on the grounds that our detention centers are "riddled" jihadists, divert the function of the Ministry of Justice . Mr. Amirshahi has rightly said just now, a number of tools are already available to the Ministry of Interior and the intelligence services to monitor those who may pose a threat to our country. The investigation of Merah and Coulibaly business and the Kouachi brothers revealed the flaws in the monitoring of the intelligence services. This is not a reason to the

Ministry of Justice a substitute for these services. That is why we defend fiercely and obstinately amendment Mrs Taubira.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . In the words of one of our colleagues just now, this debate is far from mediocre. I'll try to bring him back to those provisions laid down in those amendments. The question is not whether to support the Government: I support, and others who will vote the amendment does not support it. The question is not whether the prison administration become or not an intelligence service.

[Mr. Jean-Yves Le Bouillonnet](#) . Exactly! It is not the question!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The question is simple and precise: the administration has created within, by a decree of 9 July 2008, the Security Staff n° 3, that is to say, the famous prison office information that purpose is the collection, breeding and analysis of information, provided by Mission 70 people today, 113 tomorrow on 26,000 supervisors. These duly authorized personnel will they have access to intelligence gathering techniques to perform the mission we have entrusted to them? It's that simple.

[Mr. Pouria Amirshahi](#) . We must not let them do!

[Elie Aboud](#) . It is obvious!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We thought that there was an opportunity. We are currently establishing a legal framework for intelligence services; or the office of the prison intelligence is an intelligence service that has no access to intelligence collection techniques. Will we give it the means to work? If you answer no, the current situation will continue. There has already been an agreement between ISB and the prison administration; it would also there to be one with the sub-directorate of operational anticipation, the gendarmerie intelligence service. Mr. Mennucci, leading a commission of inquiry on the jihadists and has visited many prisons and heard their personal, noted



rightly that there are plays in prison, which are implemented by the ISB. We simply propose that tomorrow the staff in charge of security. This is an opportunity we are not forcing anyone. If the Government opposes it, and we can perfectly hear this point of view, the security staff will not do. Only we who are working on these issues for some time, felt it was appropriate to allow him to do so.

It's that simple.

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I thank all members who spoke as each has shown the importance of the subject. The summary just made by the Rapporteur reflects that. The rapporteur has just mentioned the Decree of July 9, 2008. The decree of the same day on the organization of the prison administration states that "the prison intelligence office is responsible for collect and analyze all information relevant to safety and correctional services. " As I recall from the beginning of the work in committee, very specific tasks are assigned to the prison administration, including the Office of Intelligence prison, security prison. You know, the office of officers EMS-3 are not identified. Once the prison intelligence service may resort directly to the information collection techniques is potentially all prison staff who may be considered to be using it. This is the reality of prisons.

[Cécile Duflot](#) and [M. Pascal Cherki](#) . Exactly!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . And we will ensure to maintain the anonymity of qualified officers to accomplish this prison intelligence mission because this is simply a condition of effectiveness. The mission of the Ministry of Justice is to ensure judicial review activities, including relating to the collection of information, prisons under the judicial authority. It's the law! The prosecutor may at any time and unexpectedly have control of these enclosed spaces. This is the

reality. Of course, it is possible not to support the amendment of the Government, but the very nature of the missions of the Department of Justice found in altered: instead of ensuring judicial review of the rights and freedoms of citizens The services of the Ministry would use intelligence gathering techniques directly. This is a possible option, I repeat, but, as I said in committee, that choice can not be made inadvertently All consequences must be considered. Prison intelligence, forgiveness of repeating myself, was strengthened during the past three years. It was restructured, provisions have been made. We face reality, we respond every day. And about reality, Mr. Lellouche, you said that you had visited the prison in Fresnes, including the wing where inmates were grouped percent we chose to place in a dedicated place. Unless they are twenty to two, not a hundred! And among them there are defendants, that is to say people who are not yet convicted. But we have assumed responsibility for placing them in a dedicated wing. We went even further: as the prison intelligence informed us that detainees radicalized had for some time a strategy of dissimulation, I decided last year, before the traumatic attacks that we have seen, to launch a research action, with tender, to detect so-called weak signals, understand the changeover process in the radicalization but also identify those who indoctrinate. There will be four action research. The first progress report will be presented in the month of April. You said, Mr. Minister, Pierre Lellouche, that the bombers were radicalized in January to prison.

This is false. While it is possible that the former is radicalized in prison but the second had already been convicted once for a terrorist act: it is not in jail he has

been radicalized. The third, meanwhile, had never had to do justice. Yes, the radicalized people and those who engage in terrorist acts are dangerous. When they are in our prisons, we have a duty to monitor as closely as possible. The twenty-two prisoners that you saw in Fresnes yet have relations with the administration and we know their profiles and practices. But radicalized, proselytes, those who indoctrinate are not participating in this program: they are isolated, are subject to periodic searches and are regularly transferred from one facility to another. The regime is absolutely not the same.

[Mr. Pouria Amirshahi](#) . Exactly! The device already exists!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . We look at the reality and we confront. We have identified the means necessary for the identification, tracking and tracing.

[Dino Cinieri](#) . All right then!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . We make reports to the Ministry of Interior systematically. That's why we integrated a Director of Prisons within the counter-terrorism coordination unit - UCLAT. We simply want the monitoring of these persons should be extended; it is a question of efficiency. The law already allows intelligence agencies to enter prisons. We felt that the terms were not sufficiently clear; this is why we had specified in the bill. I recall that the main consequence of few words introduced by amendment in committee in section 1<sup>st</sup> was dropping Article 12 of the bill. However, Article 12 involved granting additional resources to the prison intelligence and strengthen its activities in the framework of the general functions provided for by law. We can change, I repeat, but allow prison officials to have direct recourse to intelligence gathering techniques is changing the very nature of these missions.

[Mr. Pouria Amirshahi](#) . That's what's important!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Section 12 provided to give prison officials the ability to detect, locate, jam communications and seize unauthorized material. We can go further. I remember that there is life in institutions: it seems

important that the issue of effectiveness is processed. For now, we inform people that deserve to be followed and intelligence services perform this monitoring in institutions and out of the detainee. Therefore, if the amendment of the Government is not adopted, we really would change the nature of the missions of the Ministry of Justice. The means we have given information is contained in a file prison extremely effective since we has intersected a number of elements and communicate the intelligence service of the Ministry of Interior. But this file was under control. So I asked the intervention of the CNIL. She made recommendations and that file should be validated in the coming days. It is a tool of utmost importance but which was built without taking into account the nature of the prison intelligence mission and its legal limits. I do not want to prolong the debate. (*"Ah!" on the benches of UMP group.*) With this text, we face the reality of the situation within but also outside of our prisons. For we must remember a stable statistic: 15% of people that we follow in prisons have a prison history. Yes, 15% of people we have placed under special supervision of prison history. So 15% could be radicalized in prison. It's a number that I give for almost two years, but as I was the reputation of not taking things seriously, they would not consider it. There are two years, during the dismantling network of Sarcelles, I consult the criminal records of those involved. It then turned out that two out of twelve had prison record. The consequence is obvious: two out of twelve had potentially radicalized in prison. Ten out of twelve had never set foot in jail and had yet radicalized to become members of a network!

[Pascal Popelin](#) . Eh yes!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This is an essential factor that explains the importance of this text and the provisions that are taken to identify, locate and prevent radicalization that occurs outside prison. We take very

seriously radicalization takes place in prison, as we also take seriously people who are already out of prison and those about to be released. But this does not cover all places of radicalization nor all those involved in radicalization. We face reality, we provide answers to problems. Nevertheless, if the nature of the ministry of justice has to be changed, I think it's better to do it in all lucidity.

[Ms. Marie-Françoise Bechtel](#) . Absolutely.

[Madam President](#) . I'm going to go, exceptionally, to Mr. Candelier because no orator has yet been reached for the GDR group.

[Mr. Jean-Jacques Candelier](#) . The debate on the amendment ° 408 is very intense, lively, interesting, constructive.

[Mr. Nicolas Dhuicq](#) . And long.

[Mr. Jean-Jacques Candelier](#) . I listened to each other. For me, the prison officers are intended to prevent the risk of escape and enforce regulations in the interest of all. Their job is painful: I have seen several times by visiting prisons. It is hard. We can not entrust their extra intelligence mission. To each his job. I will vote the amendment of the Government.

[Madam President](#) . We will now proceed to vote. I remind you that these two identical amendments have raised an unfavorable opinion of the reporter and a favorable opinion of the draftsman of the Committee on Defence. Thank you to return to your seats. The vote is identical amendments n<sup>os</sup> 408 and 396.

*(It is in the voting process.)*

The result of the vote:

Number of Voters 107

Number of votes cast 106

Absolute majority 54

For adoption 38

against 68

(Amendments identical n<sup>os</sup> 408 and 396 are not adopted.)

(Applause on the benches of the UMP.)

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment n<sup>o</sup> 170.

[Sergio Coronado](#) . Defended.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable.

[Madam President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Agrees.

(Amendment n<sup>o</sup> 170 is removed.)

[Madam President](#) . The call Mrs custody of the seals, to support the amendment n<sup>o</sup> 407.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This is an amendment that is part of the logic of what I have, probably at some length, explained - but you know I always scrupulous desire to enlighten the national representation of the most accurate way possible. As Article 12 was deleted due to the introduction of the Ministry of Justice among the services that can order intelligence gathering techniques, I wanted to allow an amendment to institutionalize relations intelligence and prison services of the Interior Ministry, as these relationships exist, fueled by the good understanding of each other. This amendment therefore relates to formalize in law.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The wording of this amendment is problematic for me, although I understand not only the philosophy but the intention and if I support its content. I just fear a risk of *a contrario* . Indeed, the amendment provides that a decree will determine the information exchanged between a specialized intelligence service and the prison service. This in itself obviously poses no difficulty. But I fear that replies to other intelligence services who would like to have information from other jurisdictions to the extent that the law did not provide decree, they can not access this information. I fear that the

action of other intelligence services is thereby weakened. I await the minister's additional information before giving an opinion.

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I recall that this amendment seeks to insert a new paragraph after paragraph 17. The first sentence reads: "A decree determines the implementing arrangements in prisons, for the services mentioned in this Title, techniques of intelligence gathering under Title V of this book. "Paragraph 17, he is on a decree of the State Council, issued after consultation with the National Control Commission technical intelligence. I do not know, Mr. Rapporteur, if your question is from what prison administration would benefit only the decree provided for the amendment of the Government. The decree aims to formalize, to institutionalize and streamline the relationship between the information transmitter and receiver Service service and information feedback, as these relations are, as we have seen, one of the operational difficulties encountered. This back and forth, which does not exist, allow this administration to be more operational.

[Laure de La Raudière](#) . But why should an Order?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I do not know if your concern is the formalization of relations between the prison service and the services of the Interior Ministry, which is necessary because the prison administration under the Ministry of Justice, or if you are wondering about the relations between the departments of the Ministry of the Interior and those of other departments which are based, in respect of paragraph 17 - I think particularly at the Ministry of Economy, probably for the Customs and the Ministry of Defence - to use of information technology. So I did not understand the nature of your concern, and I wonder if accuracy in the amendment, "the services mentioned in this title" is not likely to dissipate .

[Madam President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I understand that the question is far from simple. The decree provides that the intelligence services will exchange with the prison administration and get information. Vote this provision is obviously a problem for me. But that's be clear, this means that the prison authorities will discuss with the intelligence services.

Very good. But the central Service of Territorial intelligence, for example, is not an intelligence service and no decree organizes its relations with the prison administration! The absence of a decree does not risk making impossible tomorrow these relationships? This is the only difficulty. If you think, Madam Minister of Justice, there is no worry to feed, this amendment poses me problem. I just fear the risk of *a contrario* .

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I think the question of the rapporteur deserves to be explored. So I suggest that the amendment be adopted as is, we expertisions the subject and eventually found ourselves either in the Senate or when returning the bill to the Assembly ...

[Laure de La Raudière](#) . There will be no return to the Assembly.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Right.

[Pascal Popelin](#) . It will do so in the Senate.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . We can therefore consider a solution when considering the bill in the Senate.

[Madam President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The approach proposed by the Minister of Justice is correct. I therefore give a favorable opinion on the amendment.

[Madam President](#) . The call Mr Nicolas Dhuicq.

[Mr. Nicolas Dhuicq](#) . Knowing the formidable intelligence of Madam Minister of Justice, this amendment is not trivial at all. Madam Minister of Justice, you conduct trench warfare. Having been beaten to the moment in open country ...

[Mr. Pouria Amirshahi](#) . It was your only goal!



[Mr. Nicolas Dhuicq](#) . ... You use this amendment, which will necessarily widely delay implementation of the text and complicate the work of the intelligence services. It will allow you to reach the goal you are pursuing for several minutes, ie exclude the possibility for the prison administration to participate in the intelligence service that is beneficial to the nation's security. It would seem logical to me that this amendment, despite the great ambiguity of the Rapporteur position or removed to be reworked, instead of being passed. Indeed, if passed as is, it déstructurerait fully the spirit of the text.

[Madam President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . I must say, Minister, that your amendment complicates things at will. I do not see how this provision could be operational. If you want to include in a decree, which essentially should be published in the *Official Journal* , the methods and intelligence gathering techniques, arms fall to me! We leave in effect the need for confidentiality. Obviously, you try to take back with one hand what you previously lost the other. The decree you plan fails: either he sticks to generalities that have no operational or it goes into detail, in which case it is dangerous.

[Madam President](#) . I call Ms Laure de La Raudière.

[Laure de La Raudière](#) . I agree with the direction of Jacques Myard. I do not see the need to provide a decree, as it is to define the working arrangements between different government services. I believe that a circular would be enough: this solution would not adopt an uncertain writing. This is the circular which would decide the question of whether or not covered all the intelligence services involved in the exchange of information with the prison administration.

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I would just like to respond to Mr. Dhuicq the MP. I want you to make me well all motives, but it's been three years since you accuse me of complacency, and even complicity, friendship, in collusion with all the criminals of the Earth, with all terrorist .

[Pascal Popelin](#) . This is outrageous! Ashamed!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Well now, that is enough.

[Mr. Nicolas Dhuicq](#) . You distorting.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . You have the right to think: you are a legislator, it is you who have the last word. But there are limits you have crossed for a long time and I am asking you in this House at least, respect. As you pass them in the radio studios, ...

[Pascal Popelin](#) . There is not invited.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . ... In newspaper columns or at meetings, still going on, but nothing authorizes you to do so in this Chamber. It happens that I belong to the Government and I represent the executive: pursue your unfounded accusations, unhealthy, dangerous and unbearable outside, but I ask you, here, a little decency. (*Loud applause and "Bravo !" on the benches of the CBC group.*)

[Laure de La Raudière](#) . We could at least get answers to our questions?

(*Amendment n<sup>o</sup> 407 passed.*)

## ***Point of Order***

[Madam President](#) . The call Mr Guillaume Larrivé for a point of order.

[Guillaume Larrivé](#) . We have had it for over an hour quality debate concerning not postures, Madam Minister of Justice, but a difference of analysis on public intelligence policy and its application to the prison universe. We continued this quality debate by making you that the amendment just adopted was not working legally. Jean-Jacques Urvoas asked pertinent questions: once you set some methods of cooperation between certain services and the prison administration, you say necessarily that you do not plan other forms of cooperation with other intelligence services. In short, this decree does not go. And you stand at the moment on a purely political ground by challenging the opposition. (*Exclamations on the benches of the CBC group.*)

[Mr. Jean-Yves Le Bouillonec](#) . No opposition, colleague!

[Guillaume Larrivé](#) . While yesterday we demonstrate that we operate in a spirit of responsibility, guided by the need to ensure the continuity of the state, and we are trying to develop together with all members of Parliament a useful text for French, I regret that you choose to break this climate of unity (*same movements*) putting you on a very personal, very politician, very partisan.

## **Article 1<sup>st</sup> (*continued*)**

[Madam President](#) . I call Mr. Michel Pouzol, to support the amendment ° 298.

[Michel Pouzol](#) . This amendment aims to allow the articulation between administrative and preventive action of the intelligence services and the repressive action of the judicial authority. The purpose of intelligence is certainly to collect data in a preventive framework, which justifies administrative action and the use of tools and techniques devolved to the intelligence services, but must also lead to investigations since data collection reveals an offense. This is why we would like the intelligence services, once they have found a breach whatsoever and whatever those might succeed him, directly inform the judicial court, ie the prosecutor, and the Prime Minister for that it can seize the Advisory Commission of the secrecy of national defense for advice on whether to declassify part or all of the elements of the file for transmission to the prosecutor.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the amendment because such a device already exists, in paragraph 2 of Article 40 of the Code of Criminal Procedure. If we create a particular device, we would not be certain of its effectiveness and we be weakening this paragraph of the Code, which applies

not only to the world of intelligence. I am always in favor of creating devices when the law is lacking, but there, we have one that works. So I do not see the point of this amendment.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

[Madam President](#) . The call Mr Guy Geoffroy.

[Guy Geoffroy](#) . You can imagine, Madam Chair, that is not on this amendment that I wish to speak, but you felt just now, quite rightly, only one point of order was enough. Your words, Madam Minister of Justice, have been heard and will be replayed. You said one thing and another explicitly implicitly. What you said explicitly was not too bad because you recognized a parliamentary right to think, but what you have left implicit hear was very serious. You told the same parliamentary he had the right to think, but he was not to speak, especially not here in the Chamber of the National Assembly. (*"Oh!" on the benches of CBC group.*) One can agree or not agree with the words of one of our colleagues, we can appreciate or not appreciate what is said repeatedly, perhaps heavy to bear, by a parliamentarian, but if given the opportunity, when you are member of the Government to order a parliamentary ... (*Same movements*)

[Mr. Pouria Amirshahi](#) . This is not true! That's not what she said, and you know very well!

[Guy Geoffroy](#) . ... To say or not say certain things in the Chamber's just difficult to hear. I wanted to tell you very calmly.

[Guillaume Larrivé](#) . Very good!

[Madam President](#) . The call Mr Nicolas Dhuicq.

[Mr. Nicolas Dhuicq](#) . Madam Minister, you are very clever to misquote. I never kept those you attribute to me. I just strongly disagree with you, with your vision of society and the way you manage the prison administration, whose members

suffer terribly at the moment. I have the right to say it, because I visit prisons. When we will see a prison and we explained that the department does not communicate on radical Islam in prison, I wonder what kind of world we live in. That's all I say, Madam Keeper. I hope that this country will remain a country of freedom. I will vote against this bill because it will not respond to anything and is draconian. (*Exclamations several benches CRS group.*)

[Mr. Patrick Mennucci](#) . What do you want then? We need to know!

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . Mrs Taubira, chance was that we were together on the day of the attacks to Charlie Hebdo, which will remain an unforgettable memory for me. I know you saw me like that day. Beyond political differences we may have, we lived this moment together. Regarding radicalization, from the little I saw in prison, there is a lot of people returning from Syria, thirty or Quarantine Fresnes, hundreds in the prisons of the Republic, and it is true that they are a problem monitoring, proselytism, as stated elsewhere President, and even contamination of other detainees. The question I asked earlier was not controversy. In a law whose purpose is to improve our intelligence apparatus, it is unthinkable to hold prisons away as it is to jail, unfortunately, are recruited many of these terrorists. They also recruit on the internet, and it is of course a corresponding component but it also takes a prisons component that needs to be articulated with others. Your argument is that these things are too dirty to be a part of justice. So, Article 12 was deleted, I regret: there is now a big hole in this legislation. Our role is still to be at the service of French. We need to build a device for the prison world. I hope we will. The fact that there are divisions in the majority shows that there are opinions that reach mine. Amendment n ° 298 also raises the problem of judicial judge, and I would like, Madam Minister, Mr. the rapporteur, have your views on how the link is made to Article 40. As you soulignez Mr. Urvoas, the secret services are public services. An official who has knowledge of an offense in the place of an operation is required to inform the prosecutor, it is the law.

[Mr. Jacques Myard](#) . Unless national education!

[Pierre Lellouche](#) . This amendment does is remind.

[Mr. Jean-Yves Le Bouillonec](#) . It is therefore useless!

[Pierre Lellouche](#) . I do not understand that the Government is against: it only recall the state of the law. In a text which departs totally the judicial court, he recalled that, in this case, it must still go to the floor. I am surprised at your attitude because you let us believe that it is by design that is completely outside the world of justice for the exercise of intelligence operations: this is not the rule of law! I support this amendment because I find a lot of sense. If you do not want it to be adopted, the Government must expressly agrees that, if an infringement is detected during an espionage operation or monitoring, which can sometimes lead to tragedies, the prosecutor is informed - there is no *cover-up* , as they say in the US, which does not hide things. Minister, if these intelligence services are not thugs and are public services we must all respect, let us ensure that the common law applies!

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . Regarding the amendment, it seems to me very clear legal explanation of our rapporteur Mr Pouzol could lead to remove it. However, we discussed everything except the amendment in that sequence. We can all think, that home, and even say what we think not. But I'll say what I think. Personal attacks, the motives, the denigration of the subject since taking office our Minister of Justice, member of this government, which does honor to the Republic, I roll upward, and that's the case, I think of all the members of my group, of all the

members of the majority and beyond. (*Applause from many benches of the CBC group.*)

[Madam President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . Mr Lellouche, the requirement for an official whatsoever, including an official of an intelligence service, to enter the public prosecutor since it has been a criminal offense under Article 40 of Criminal Procedure Code is already enshrined in law. If we adopt this amendment as drafted, it could *conversely* give the feeling that outside this device, it does not have to do it. Therefore weaken the scope of Article 40. Moreover, the amendment is poorly written: it requires "services" intelligence to notify the prosecutor and the prime minister, but who is it? It is for each agent bears service in criminal law such an obligation when it observes a criminal offense. We have also provided in the text the opportunity for CNCTR or judicial review proceedings in the criminal judge where a finding of a criminal offense under the oversight of the intelligence mobilized by technical services. We are therefore not in favor of this amendment for two reasons, because it's already in the law, because, as drafted, it weakens the scope of Article 40.

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Thank you, sir Popelin, for your support and thank the other members of the majority have expressed their support for your words. The implicit, it is not my world, Mr. Geoffroy, not the subliminal, the elliptical either. I say clearly that I am constantly challenged for three years, and that they are implicated extremely serious, in addition to being unpleasant -. But that is not the point M. Dhucq claimed earlier, read the *Official Journal* , I led a trench war because I did not want the prison administration to be

effective in the difficult and dangerous situation faced by French with terrorism. These are extremely serious allegations, and that's why I suffered for three years. I am questioning every time there is a heinous crime in this country, as if I was the author! These are extremely serious charges, constantly! So yes, I reserve the right to say that there are circumstances, particularly here, where I represent the Government, which must take a minimum of precautions, because these bets in question is of extreme violence.

**Several members of the CBC group** . Very much so!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This is not the default, it's not subliminal, such accusations are specifically formulated for three years. Mr. Dhuicq, it looked you in a prison that the department does not communicate on radicalism. Just for you someone to say something, regardless of the facts, ...

[Mr. Nicolas Dhuicq](#) . This is reality!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Thus for three years for the Ministry of Justice! When you talk about the alleged laxity of justice, you challenge 8500 judges just to have the pleasure of accusing me! Now, if you know the figures is because I give regularly. Since I joined the Department of Justice, I have consistently made public the figures for the prison administration. I had in fact discovered that the researchers had to apply and reapply several times to obtain information, and I decided to make total transparency by regularly publish all the figures for the prison population. I am releasing the number of people who are followed up, whether for terrorism, organized criminality or Islamist terrorism, since we still have in our institutions people who are terrorism from 1995 onwards. I launch tenders for action research. I give the information, and I'm always in front of you in particular, both the Assembly and the Senate.



These are still unfounded accusations which have spread. Mr. Lellouche, regarding the work we do and which I know you are sensitive, we have every reason to be proud. It is the action of France - not that I pretend that the EU was not concerned terrorism issues before - which mobilized the European Commission, which today released credits to support States in their fight against terrorism, even in the construction of prisons or supporting actions. We have set up a network to exchange information. I moved abroad and I received my counterparts in France. It was after the tragedy of January we took this turn, so we had already mobilized Eurojust and taken a number of measures. It was taken on a request I made on behalf of France, to structure the mobilization of the European Union in the fight against terrorism, with the revision of the Framework Decision of 2008, the extension of the 1991 Directive and the transposition of the 2178 UN Resolution on definition of terrorist offenses, harmonization of our criminal offense and the means to exchange information on people, particularly on criminal records, through ECRIS network. Porous borders, free movement of people on European territory are indeed a real challenge. We need all countries to have information about the people who are stuck in other countries. France can be proud to be at the origin of this action which is now being implemented across the European Union. We have every reason to be satisfied with the effectiveness of actions that we launch in this fight against terrorism, organized crime and human trafficking, as this is very strongly linked.

[Madam President](#) . I call Mr. Michel Pouzol.

[Michel Pouzol](#) . I withdraw my amendment: I would not be one that has weakened the Article 40! (*Smiles.*)

*(Amendment n ° 298 is removed.)*

[Madam President](#) . I call Mr Lionel Tardy, to support Amendment No ° 4.

[Lionel Tardy](#) . This amendment is very simple, but necessary. The law should specify the exceptional nature of intelligence gathering techniques. Mr Rapporteur, you who speak both the 1991 law, know that this uniqueness was mentioned. You update the legal framework, but we must keep this essential reference. We must not lose sight of this. If you want to respond to those who fear a generalized surveillance, the best would be to support this amendment and states in paragraph 22: "The techniques of intelligence gathering mentioned in Title V of this book can not be implemented as Exceptionally in the national territory. "

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable. The use of techniques is justified or it is not justified; it is legal or it is not legal. In this case, the precision proposed by Mr. Tardy does nothing.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . There in the text much stronger provisions that you are proposing to adopt there, since the text provides that the techniques used must meet a requirement of necessity and proportionality, which, in terms of content and protection is greater than the proposal of your amendment, which is more than satisfied. For this reason, I suggest you remove it.

[Madam President](#) . Withdraw your amendment, Mr. Tardy?

[Lionel Tardy](#) . I maintain, Madam Chair.

*(Amendment n ° 4 is not passed.)*

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment ° 171.

[Sergio Coronado](#) . My subparagraph also full paragraph 22, but not quite in the same terms or in the same spirit as the amendment of Mr. Tardy. It aims to clarify that the use of such information collection techniques is only possible when the information can not be collected by another legally authorized means. Because of their particular intrusiveness on individual freedoms and privacy, the

mentioned techniques should not be used in the absence of other legal possibilities. It is important to include this principle in law.

**Madam President** . What is the opinion of the Committee?

**Mr. Jean-Jacques Urvoas** , *rapporteur* . Unfavorable. A number of techniques provided in the text follow a form of gradation in intrusiveness, as is the case with the sound of places or vehicles, capturing images or computer data. There is, for these cases, the principle of subsidiarity in the text. The add in general, is to weaken this principle to these specific techniques.

**Madam President** . What is the Government's view?

**Mr. Bernard Cazeneuve** , *Minister* . Your amendment, Mr. Coronado provides that intelligence techniques are implemented in compliance with the principles of proportionality and subsidiarity. Respect the principle of proportionality requires that departments use the most appropriate and least intrusive measure possible, given the aim pursued. Furthermore, it is neither possible nor desirable to prioritize them intelligence techniques, as we have already had occasion to say yesterday. Their use is subject to the operational needs of services, which must be duly justified and motivated, and under the control of the CNCTR one hand and of the Council of State on the other hand, the bill does not provide for a hierarchy that in terms of home intrusion because of the sensitivity of this modality in terms of respect for privacy. The Government is not in favor of this amendment.

*(Amendment n<sup>o</sup> 171 is not passed.)*

**Madam President** . I received two amendments, n<sup>os</sup> 289 and 271, which can be subject to joint discussion. I call Mr Pouria Amirshahi, to support Amendment n<sup>o</sup> 289.

**Mr. Pouria Amirshahi** . We approach a subject that is likely to deal a few moments. You said several times, minister of the interior, that you consider a strengthening of the Commission's monitoring capacity was an innovation with the expansion of its membership and changing its composition, which is divided between judges, parliamentarians and an expert in telecommunications. The

missions of this so-called Control Commission are nevertheless limited - and I'm not talking about the means, which will be discussed: understand, understand and master all the monitoring techniques, how they are used, for what services, and how these services store and use the data, is not easy and I'm also not sure that the Control Commission has the means and capacity to do so. To speak of the value and scope of its opinion This commission is supposed to give an advisory opinion to the decisions taken by the Prime Minister now custodian of extraordinary powers. In the new spirit of the law, this is to involve the political and the political responsibility of the executive, which is quite commendable, and probably in a spirit of accountability and transparency. However, the Prime Minister may be brought - and this poses a problem in terms of the importance of the powers conferred upon it - to ignore the advice of the Audit Commission - and I am not talking at this stage Emergency situations which more later say just now. If we want to preserve the essential data privacy and fundamental freedoms and thus raise the fears expressed by some associations and including some parliamentarians, it would undoubtedly be welcome to entrust the power to the Committee to give its assent. This review would ensure that if the members of the commission had doubts about preserving the privacy of the individual or individuals under surveillance, this technical information can not be held before there are established all guarantees requested by the Commission, which is the role and mission.

[Madam President](#) . I call Mr. Denys Robiliard to support the amendment ° 271.

[Mr. Denys Robiliard](#) . We have already discussed this amendment in part yesterday, and there was already answered. We are used to contrast the human rights protection system in England and France, saying that in France, we like to establish principles and in England we like to protect by the procedures. Conventionally opposed the *Declaration of Human Rights and the Citizen* of 1789 and the *Habeas corpus* - you will excuse the telescoping of time. It is possible, in

my opinion, to do both, and this bill allows. A principle is asserted, namely that behind the shield of secrecy defense, rule of law continues. This is a very good thing to say in the law, to get out of opacity. As for the procedure, it must allow the protected rights are effectively. The Commission is one of the instruments of protection, since it works in coordination with the Council of State and his special training. Why want assent? Because we live in a certain opacity and immediacy. Therefore, the possibility of a strong control *a priori* offers maximum guarantees regarding the protection of freedoms. This is the meaning of this concept of assent. The rapporteur me opposite argument that disempowers the administration or the government. I do not see why, because if the opinion is negative, it can have no authority to use the technical information so that if the opinion is consistent, it is not obliged to accede to the request: Section 23 makes it clear that authorizations are granted after notice. The alleged irresponsibility does not exist. To this, two advantages: if the Commission can issue its assent, we will give it the means to function in the long term, and it will thus truly guardian Liberties Committee.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the two amendments, because it does not consider that the current situation calls for significant changes. Since 1991, a national commission on security intercepts control advises the Government. But in none of the twenty-one reports CNCIS since 1991, not once its successive presidents have sought the assent. This answers actually a principle of coherence. There are in our country administrative authorities with decision-making power.

[Mr. Claude Goasguen](#) . Alas!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . In bad years, Parliament created an independent administrative authority, in good years, two or three. That's a lot of independent administrative authorities! Sometimes we give them regulatory powers, sometimes even a sanctioning power, but for cases that do not fall within the sovereign domain. Yet here it is individual freedoms and the *Declaration of the Rights of Man and Citizen* . It is normal, if proportionate interference with individual liberties, either the executive or the one that, under the Constitution, chief administrative officer, who assumes this responsibility. Allow the administrative authority to decide, is to take away the responsibility to the Government. In a rather academic and orthodox conception of the separation of powers, it is not desirable that the Government delegates his power. Moreover, in 1991, when the law was passed, the State Council had, as usual, was consulted. He then pointed out that giving responsibility to the administrative authority by giving it a power would be a compliance clause of unconstitutionality of the provision. There is no reason that his judgment has changed several years later.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . I fully understand the very respectable inspiration of the authors of these amendments: once the devices are likely to infringe the freedoms, a strong control must be exercised. I would like to reiterate that nothing in this bill - if it finds one, which tells me that we will debate and urgently! - Not undermine personal freedoms guaranteed by Article 66 of the Constitution. If that were the case, these amendments would also irrelevant since the intervention of the judicial judge would then not optional but mandatory. Second point: if we opt for assent because of a risk that n ' exist, since no article in the law presents, we would give this independent administrative authority power to take decisions in a highly sovereign sphere: it decides to substitute the Government in cases that fall within its sovereign prerogatives. However, as the rapporteur said excellently, the State Council is unambiguous constitutional risk that would pose to a provision of this type. In its opinion of 1991, he says that in the area of management of public policies involving the solemn responsibilities of

the state, the granting of a power of decision to an independent administrative authority can not be considered.

[Ms. Marie-Françoise Bechtel](#) . Very good!

[Mr. Bernard Cazeneuve](#) , *Minister* . So there is absolutely no ambiguity: first, there is no questioning the freedoms guaranteed by Article 66, and if that were the case, the mandatory involvement of the judicial judge would make these Amendments not applicable; Then, they present a risk to constitutional reasons reaffirmed many times by the State Council. The Government can not therefore be adversely What.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . After long and difficult debate we had on the ability of the administration to monitor inmates by special techniques, this question is all the more crucial. Because members of the majority who have filed these two amendments propose that the National Control Commission takes a decision in place of the executive.

[Mr. Pouria Amirshahi](#) . But no, not at all!

[Pierre Lellouche](#) . They have no confidence in the executive and prefer to rely on an independent commission that will include judges and IT experts, so people in whom they have confidence and that will assent to if asked to the Minister to intercept and eavesdrop. It is they who actually make the decision and would replace the executive in this area. The Minister will meet with the rapporteur rightly that this is a sovereign domain and is out of the question that State dismemberment take a decision in this area. This is also the philosophy of the text as paragraph 32 does not mention any opinion, that paragraph 43 provides for a procedure of urgency and therefore the possibility of doing without notice and clause 46 provides for the opportunity to sit on it. This is not a committee that can give assent!

[Mr. Jacques Myard](#) . Fortunately!

[Pierre Lellouche](#) . The minister said blandly, with all the talent that characterizes it, that there is no problem since there is no risk to freedom. But pushing the reasoning to the end, Minister: if there is no risk to the freedoms in the prison world, there is not for the French and, therefore, No need commission! Go to the end, Mr. Minister, delete it! You have already evacuated the judicial court ... And we believe not obliged to provide specialized training of the State Council, since there is no risk! Mr. Interior Minister, I respect your position, I recognize the need for information, but how can you explain to the French that there is no risk in this kind of case? The story showed the intelligence everywhere, not only in France that there are slippages!

[Madam President](#) . Please conclude, Mr. Lellouche.

[Pierre Lellouche](#) . So how can you design a system with a control commission but has no role? If its opinion is to be consistent, this means give it the power to decide. But if not, where is the control of the action of the executive? That's the whole problem of this article and this is what makes me feel comfortable with this bill from the beginning: where is the control?

[Mr. Claude Goasguen](#) . Of course!

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . One argument in addition to legal explanations of the rapporteur and the minister, who seemed particularly strong to me: the provisions of the text on Article L. 821-6 of the Code of internal security plan, and this is a novelty compared to the CNCIS that the CNCTR will be able, when the Prime Minister will not respond to its opinions or recommendations or it considers that these suites are inadequate to decide, after deliberation, specialized capture the bench mentioned Title IV.

[Mr. Pouria Amirshahi](#) . *In hindsight!*

[Pascal Popelin](#) . If we consider that the competence of the executive must be linked, that is to say that the opinion of the Commission is correct, it means that one possibility is then forbidden to enter a training since the judgment is CNTCR has given its approval, or it will not have given and there will be no need for



referral. These amendments would lead not only to destabilize the device balanced an independent administrative authority built on the model of the one that works today, but also to annihilate the new right given him to condemn a government who commits an offense under the law that we will vote.

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . Mr. Minister, you cited and good faith and the Constitution

...

[Pascal Popelin](#) . And jurisprudence.

[Mr. Pouria Amirshahi](#) . ... To protect you from criticism based on a draconian threat. I hear perfectly.

[Pascal Popelin](#) . Why then have you defended the amendment ° 289?

[Mr. Pouria Amirshahi](#) . The Constitution and the jurisprudence of the Constitutional Council resulting list that falls within the scope of civil liberties. But all are not part of the only constitutional definitions! However, I will not engage in a debate on enlargement of freedoms. I will restrict myself to the principle of respect for privacy. There are potentially breach privacy because of the existence of monitoring provisions: I guess you agree with me so far. Exorbitant powers in any extraordinary cases are even given to the Prime Minister to ensure limitation, supervision or deprivation of the free exercise of privacy. Therefore, we understand that there is controversy on how to control the authorized surveillance, permitted by the decision of the Executive alone. It is not at this stage to discuss the legitimacy to take such decisions, although the importance of the powers now vested in it is debatable in a modern democracy: I would not have done as if this was harmless and the only invocation of finally legally recognized executive accountability is in itself a sufficient guarantee of modernity. So restrains me to our reflection on the assent. It would not reduce the responsibility of the Government! The Prime Minister would continue to assume its responsibilities in this area: if he knows, on the basis of information gathered by intelligence, that there is material to decide spinners, interceptions, expanded coverage of information, targeted or not, it will transmit the information

on which its decision to the Commission as it will be asked to give an opinion. Mr. Lellouche is absolutely right to say that if we establish a panel, it is for it to serve a purpose. It can be estimated in good faith that its role is to be vigilant with regard to decisions that may be taken, not only tomorrow, if we were faced with an authoritarian power, but today because even with a Prime Minister with the best of intentions, the error is human. I ask that we hear this argument.

[Madam President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . Dear colleagues, I hope that the Government can govern - pardon the tautology. It is even expressly provided by Article 20 of the Constitution: "The Government determines and conducts the policy of the nation" and especially he "disposes" of the administration. This is not the administration that has the Government or co-decides with him.

[Mr. Jacques Myard](#) . Very good!

[Guillaume Larrivé](#) . The government governs and decides, in the case informed by the opinion of a commission and monitored by the judicial authority. It seems fundamental to remember, because it is the V<sup>th</sup> Republic. It is even the Republic at all. Second remark: as regards the judicial judge is often enough heard an argument that must be definitively litter. What is the meaning of Article 66? "No one shall be arbitrarily detained. The judicial authority, guardian of individual liberty, shall ensure respect for this principle as provided by law. "This means that the judiciary is competent when it comes to stress on the body or an impediment to freedom of movement, but the rest within the administrative police. It is obviously held as well as on many occasions the Constitutional Council, and it is up obviously at the administrative court, namely the Council of State to rule

on the matter. The bill is deeply and completely consistent, not the opinion of this or that but our rule of law.

[Madam President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . Of course it is for the Prime Minister to govern and take responsibility, and to report to this Assembly for his actions, that would never make a commission that would make its assent! If the Commission does not agree with a decision of the Prime Minister, the bill provides that it may refer to the Council of State. I do not see where the problem is. We must not give assent to power for the simple reason that the hierarchy of norms does not work like this: the head of the Government is responsible to the Assembly and is appointed by the President of the Republic , itself elected by universal suffrage. We should not reverse the pyramid for a device totally contrary to the Constitution which can not function.

[Guillaume Larrivé](#) . Very good!

[Madam President](#) . I call Mr. Denys Robiliard.

[Mr. Denys Robiliard](#) . First, I never said that the ordinary courts should be competent in the matter and have articulated no grievance against administrative justice: I know its quality. Moreover, the reproach of dispossessing the Government of capacity to direct the administration does not seem to me based since the device of the opinion would be a system with two keys: one held by the Commission and one by the Prime Minister. Therefore, should the two keys are switched, and the Government would not be relieved of liability. As for the power of assent in administrative matters, there is too much in the French right for me to think that -C is contrary to Article 20 of the Constitution. Another point: Article 1<sup>st</sup> he violates the freedoms and why? Remember what we speak: the safety and inviolability of the home, secrecy of correspondence, the opportunity to meet many without being listened to, and hence the opportunity to exchange ideas listening without the Government. There is potential here - I do not pretend that it is your goal - a violation of freedom of expression and, beyond, to freedom of opinion, which is yet intangible.

[Mr. Claude Goasguen](#) . Of course!

[Pierre Lellouche](#) . It is obvious!

[Mr. Denys Robiliard](#) . Behind the opportunity to meet several respecting privacy is hiding nothing less than the freedom to think, which is the foundation of all other freedoms, which is consubstantial to the dignity of man and which is the criterion that bases all human rights. (*"Very good!" and applause from various quarters.*)

[Mr. Pouria Amirshahi](#) . Remarkable! Clear!

[Madam President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . This is an extremely difficult debate. First, I would like us to stop the references to the 1991 law What we are doing is precisely to try to limit abuses that existed, and whose existence was specifically allowed by this law.

[Pascal Popelin](#) . No, they existed before!

[Mr. Claude Goasguen](#) . Now, Monsieur Popelin, if it were not, it would not be necessary to make a new law! You know that there has been abuse, that's obvious. Everyone acknowledged.

[Pascal Popelin](#) . There has been prior abuse.

[Mr. Claude Goasguen](#) . The 1991 law has led to abuse: A number of plays were held outside any legal framework.

[Pascal Popelin](#) . Before!

[Mr. Claude Goasguen](#) . Not after, otherwise it would not be necessary to make a new law!

[Pascal Popelin](#) . If, because there are new techniques!

[Mr. Claude Goasguen](#) . So we try with a greatly expanded field, to develop a system that allows both to give the administration the powers and safeguard

these fundamental freedoms are the freedoms to think, express, to exist, to match - all individual freedoms that fall, I repeat, Article 66 of the Constitution.

[Mr. Jacques Myard](#) . But no!

[Mr. Claude Goasguen](#) . You will not escape the justice, sir, and I'll explain why. Imagine that the Prime Minister makes a decision. As you stand in an endogenous system assent seems you - wrongly - not logical, since it is an administrative authority. The State Council is seized, he said the legal interception: no problem. It was therefore decided to indict the individual - because this is what happens after most plays.

[Guillaume Larrivé](#) . It no longer exists!

[Mr. Jacques Myard](#) and [M. Alain Tourret](#) . It is an indictment!

[Mr. Claude Goasguen](#) . What is happening then? The prosecutor is seized - and not the Council of State, is not it? - And launches the judicial machine: the indictment. A judge is appointed. What will he do when we tell him that the indictment stems from eavesdropping? Will he think that as the Council of State found that listening was legal, it is not worth going to see more? You are joking! Is that you do not know well the investigating judges.

[Pierre Lellouche](#) . Neither lawyers!

[Mr. Claude Goasguen](#) . Obviously, the judge will then examine the legal nature of listening: it will require expertise and an expertise-cons ...

[Pascal Popelin](#) . Whether it is long, two minutes!

[Mr. Claude Goasguen](#) . ... And you will realize that your system actually delay the punishment because you wanted to push through in the administrative field. Do not worry, Mr. Minister, you will find the justice!

[Pierre Lellouche](#) . It is obvious!

[Madam President](#) . I call the Rapporteur for opinion.

[Philippe Nauche](#) , *draftsman* . It is important not to disempower the executive. It is the full responsibility of the executive to decide. Require the Commission to give its assent would mean that, if a service was the source of the request, the

Government would not even have the opportunity to refuse to perform a listen. So there would be more of a real executive decision. I think in this area, everyone must remain in his role. Or that of CNCTR is not just to give its opinion on an interception authorization application or other technical intelligence collection, but to carry out checks before, during and after implementation, since it can exercise its control mission at any time. Limit this role, as seem to want the amendments, a review of the application for authorization would be very simplistic. Finally, the Commission may initiate an appeal to the State Council, which is an important guarantee. That is why it seems to me that the existence and independence of the CNCTR, and the means allocated to it so it can work, like the CNI, are the most important guarantees provided by the text. There is in my opinion the key issue, more so than the issue of assent.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I will not repeat the discussion on the administrative police and Article 66 of the Constitution, because I understand that we will have until the end of the examination of the text. I simply refer those in time to the reading of the law of 1872, which made administrative judges judges. I remind you that this has never been disputed.

[Mr. Claude Goasguen](#) . I do not dispute that!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We will have the opportunity to redefine this area. I would however bring the subject of amendments to the text content. Unless I am mistaken, there is no article that would prevent or restrict the freedom to think! I agree that it makes us trials, but now the line is a little forced. We write the text, and I imagine that you will support us in this, in accordance with the Constitution. However, it said, in paragraph 2 of Article 20, "The Government has the administration" and Article 21, "The Prime Minister directs the Government". It is therefore logical to think that the Prime Minister directs the administration. This is not to customize the function, but to follow the functional

reasoning. As we consider - which could also be contested, but has not been so far - that the intelligence services are administrations, it is normal that the Prime Minister directs. So what would be the school that would provide an independent administrative authority which no accountability to anyone the power to dent individual freedoms? If someone had suggested this, do you imagine the reaction? Nine people, as eminent as they are, decide to our individual freedoms? As it stands, the bill is based on what the Constitution says. The Constitution! That's why I have no fear on the basis of what I said. It is logical that the Prime Minister who assumes this responsibility. And when you say that even if an unfavorable opinion, the Government may pass on, it is not true. That is if the notice complies with the Government can not ignore. In drafting that we offer, if the Government decides to ignore his opinion, it will justify its decision. This motivation will be used to feed the public report of the CNCTR, which will alert the opinions - everyone knows that it is the administrative authority of presidents who know very well take it to alert the public in case of disagreement on a point .

[Mr. Claude Goasguen](#) . They can not do it, they are bound to secrecy!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . And if that is not enough, the CNCTR may initiate court proceedings before the Council of State, on the basis of the decision that the Government has assumed. In short, do not déresponsabilisez the Government, give the administrative authority the power to Board!

[Madam President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . Several issues were discussed. To ensure that the debate in the best possible match to what you want, that is to say, it

provides precise answers to the questions that you ask, I quickly repeat the demonstration, responding at the same time Mr. Lellouche and Mr. Goasguen. The argument that the rapporteur and I are developing a response to amendments tabled. This is normal, since the debate is about these! These amendments are based on the idea that he would assent of CNCTR because there could be violations of freedoms.

[Mr. Pouria Amirshahi](#) . In private life.

[Mr. Bernard Cazeneuve](#) , *Minister* . I want to repeat, because things are extremely accurate in law, there is in this text no questioning the freedoms under article 66 of the Constitution, the Constitutional Council interpreted consistently, by repeated decisions the content. Privacy is another matter: it is not a question of individual liberties. The extremely strong Mr Robiliard drew applause, but frankly, I could have done the same: I totally agree with what he said! There is not an article in the bill that prevents people to think, express or meet to exchange ideas with each other! However, it is a question of allowing intelligence gathering techniques to power by security interceptions which are not created by this legislation but previously exist, listen to conversations between citizens in the framework of police measures administrative. As such, caution should actually be taken. They are, for several reasons: a committee will give notice, judicial review will be made if the citizen or CNCTR seized the Council of State, and may even be judicial intervention if the judge CNCTR, the citizen or the Council of State finds a violation of criminal law in the context of the mobilization of these techniques. All this is provided for in the bill, which, from this point of view, is highly protective, far more than were all the previous legislation. This is the first point I wanted to emphasize: the answer we bring relates to amendments, we can not accept for reasons of constitutional fragility recalled by the State Council in the text that I quoted. Then Mr. Lellouche said that I explained blandly, c that is to say, halfway between a suave tone and silliness - I'll let you decide! (*Laughter*) - that since there was no risk, it was not necessary that there be a control. I want to again clarify. I said there was no questioning of the freedoms under article 66



of the Constitution. I did not say there was no risk.

[Pierre Lellouche](#) . Ah! Progress is!

[Mr. Bernard Cazeneuve](#) , *Minister* . There is one, but that is not detrimental to the liberties: the risk that the Government mobilizes intelligence techniques in a way that does not comply with the law. Therefore it is possible to enter the judicial control, and that is in this capacity that control CNCTR is helpful.

[Pierre Lellouche](#) . Well here: there is!

[Mr. Bernard Cazeneuve](#) , *Minister* . That is precisely what is the state of things. And this is because it is this that I can not give a favorable opinion to the amendments.

[Pierre Lellouche](#) . It was not until 8:30 p.m. to come to the bottom!

*(Amendments n<sup>os</sup> 289 and 271, successively put to the vote, are not adopted.)*

[Madam President](#) . The following discussion is referred to the next meeting.

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## Agenda of the next sitting

[Madam President](#) . Next meeting tonight to twenty-two hours Continued bill on intelligence.

The meeting is adjourned.

*(The House adjourned at 8:30 p.m.).*

*The Director of the service account report of the sitting*

*of the National Assembly*

*Catherine Joly*

## **Cryptome**

6 May 2015

Part 4 of 7. National Assembly debate of France Spy Bill approved 5 May 2015

<http://cryptome.org/2015/05/fr-spy-bill-text-en.pdf>

Original French source:

<http://www.assemblee-nationale.fr/14/cri/2014-2015/20150215.asp>

Google translation.

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## **National Assembly**

**XIV<sup>th</sup> legislature**

**Ordinary Session 2014-2015**

**Record**

**integral**

## **First meeting of Tuesday, 14 April 2015**

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#### [6. Agenda of the next sitting](#)

**Chairmanship of Mr. Claude Bartolone**

[Mr. President](#) . The meeting was called.

*(The meeting was called to fifteen hours.)*

## Of welcome to a foreign delegation

[Mr. President](#) . Dear colleagues, I am pleased to welcome on your behalf a delegation from Armenia-France Friendship Group of the National Assembly of the Republic of Armenia, led by its President, Mr Ara Babloyan. *(Ms and Messrs. Deputies and members of t ernance rose and applauded.)*

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## Questions to the Government

[Mr. President](#) . The next item is questions to the Government.

## Asylum

[Mr. President](#) . The call Mr Guy Geoffroy, for the Union for a Popular Movement group.

[Guy Geoffroy](#) . Mr. Prime Minister, why you persist you refuse to take into account our opinion, possibly our advice, possibly of our proposals, even and especially when it comes to texts that call our attention and a wish national consensus that we have you ever really declined lately?

Thus, the text on asylum, your government, your minister have contrived to deny everything that we proposed and deny what has become obvious, namely the link between, on the one hand, the right asylum, its use, its practice and, secondly, illegal immigration.

Well, you were wrong, Mr. Prime Minister, because the Court of Auditors has said very loudly that we had tried to make you understand: "The asylum policy has become the main source of arrival illegal immigrants in France, she is no longer tenable in the short term, it is on the verge of embolism. "

The Court indicates that the majority of those rejected will be regularized after five years from the circular outlet 28 November 2012 by the Minister of the Interior that you were at that time, Mr. Prime Minister. It specifies - terrible figure, cruel - only 1% of rejected asylum are sent back to their country. The Court concludes with ten recommendations, the seventh is to be executed by the negative cases their obligation to leave French territory.

As part of the parliamentary shuttle, the draft law on asylum is being examined by the Senate. You can catch your mistake, you have the opportunity, finally, to confess before the French that the abuse of asylum and illegal immigration are one and must be treated together. Mr. Prime Minister, do it! (*Applause on the benches of the UMP group u.*)

[Mr. President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior*. Sir, I do not understand why - or rather I understand it too well. - On all topics that should call a consensus, precision, rigor, you summon with a lot of adulterated arguments unnecessary polemics (*Exclamations on the benches of the UMP and IDU groups.*) I will respond very accurately.

First, you propose that we listen to the advice you give us, but, generally, in politics, to give advice, you must have done well, and I'll remind you what is the result of your policy of asylum. Spaces home of asylum seekers centers - CADA - were systematically planed by budgetary measures that do not reflect reality. (*Exclamations on the benches of the UMP.*)

[Guy Geoffroy](#) . It is not the question!

[Mr. Bernard Cazeneuve](#) , *Minister*. That's my answer!

[Mr. Sylvain Berrios](#) and [Mr. Alain Marty](#) . What contempt for the Court of Auditors!



[Mr. Bernard Cazeneuve](#) , *Minister*. We have created over the past months, 5,000 additional places in CADA, plus 5,000 additional childcare places created in the budget 2014. It is the first point.

Secondly, since you speak of failed asylum, I must remind you, because that is the statistical reality and it is also in the report of the Court of Auditors, between 2007 and 2013 the number of applicants Asylum doubled and you have been totally unable to return those failed asylum.

We are taking steps to address this situation. First, so that the processing time of asylum seekers records shorten and pass twenty-four to nine months, we create positions within the French Office for the Protection of Refugees and Stateless - OFPRA - and the National Court of Asylum. Fifty positions created in the 2014 budget have made it possible to increase by 12% the number of asylum seekers processed files. Moreover, we make a law on immigration which establishes the conditions in which we can proceed to the removal of failed asylum. I must remind you that in 2014 the number of removals to the border failed asylum was significantly higher than ...

[Mr. President](#) . Thank you, Mr. Minister!

[Guy Geoffroy](#) . This is an adulterated answer!

## Grand Paris

[Mr. President](#) . I call Mr Bruno Le Roux, for the Socialist Group, Republican and citizen.

[Bruno Le Roux](#) . Mr. Prime Minister, you met again this morning an interdepartmental committee devoted to the Grand Paris. The measures announced, very practical, meet the needs of French. (*"Hello! Hello!" On the benches of the UMP.*)

Massive investments in transport, with exemplary projects in environmental

matters, mobilizing action for housing and planning, with assistance to builders and elected government intervention adapted to the different priority sites, cultural and academic radiation with the Condorcet campus or project Paris-Saclay, with considerable resources, mobilizing international investments and dynamic driving force, by entering the Grand Paris in the Seine Valley, which connects the capital to the rest of the world ...

The digital, ecology, investment simplification: these levers are all red son of our action. They will make the Grand Paris a model of sustainable metropolis and connected, to which the eyes are. But that interministerial committee also defends a great ambition for our country, that of giving it to heart and at the time of the great events of the world.

The President of the Republic and wish your government indeed, and I think that ambition is shared on all the benches of this Assembly, to organize the Olympic Games and 2024 World Expo 2025. For this latter application, you named a recognized personality Pascal Lamy. President Bartolone had also told the Assembly a mission of information on this issue, chaired by Jean-Christophe Fromantin and which I was rapporteur.

This dual candidacy, one hundred and fifteen years after we welcomed all these events, is indicative of our newfound confidence. *(Laughter and exclamations on the benches of the UMP.)*

[Mr. Marc Francina](#) . Oh!

[Bruno Le Roux](#) . They can be formidable accelerators. Economic levers of course, they are an opportunity to mass gatherings. *(Exclamations persistent on the benches of the UMP.)*

[Mr. President](#) . Colleagues, listen to the speaker!

[Bruno Le Roux](#) . Mr. Prime Minister, we actively support. Tell us the main steps of this revival of Greater Paris. *(Applause few benches CRS group.)*

[Mr. Sylvain Berrios](#) . Goodbye! Goodbye!

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister*. Mr. Chairman Le Roux, you summarized it very well (*Laughter and exclamations on the benches of the UMP*) ...

**One member of the UMP**. What spontaneity!

[Manuel Valls](#) , *Prime Minister*. ... Axes and proposals of the interdepartmental committee that I chaired in the presence of several members of the Government. I had previously met with the architects and planners who think long your great ideas to the Grand Paris. I spoke to the mayors of Île-de-France, ...

[Mr. Sylvain Berrios](#) . Did they welcomed?

[Manuel Valls](#) , *Prime Minister*. ... Floral park, to detail all these proposals.

You have well said, rightly, that the goal is to make Greater Paris an engine for sustainable development, to include in our policies for employment and training, to put it at the service of Research and higher education and also at the service of students, including by addressing the issue of housing thereof. It is also to hand the neighborhoods in the heart of Greater Paris. These are the main areas that we presented this morning. I will have the opportunity to meet again the ministers in September to clarify the territories where government intervention could be stronger and more precise, *via* operations of national interest.

You are right: the Grand Paris must not only occur in transport, in housing, in employment, in higher education and research, in the popular neighborhoods - for this reason I remind the mobilization of the Agency National Urban Renewal - but it must also embody. The Olympics and the World Expo, you have defended your colleague Jean-Christophe Fromantin and Senator Luc Carvounas, represent two events, two opportunities to mobilize a very high quality.

The state, in its place will be alongside local authorities, with the city of Paris, which has ruled very clearly yesterday, with the Ile-de-France, which supports

the Paris bid for the Olympics. This time, beyond this Chamber, and behind the sports movement, we all want to succeed in this application. This is important for Paris, it is important for France.

[Mr. Marc Francina](#) . Paris is not France!

[Manuel Valls](#) , *Prime Minister*. Similarly, for the World Expo is for the State to take responsibility, starting from the work already done by Parliament, with the exemplary and enthusiastic mobilization of economic actors. Prepare this appointment will be very important work of Pascal Lamy.

With the Olympics and the World Expo, we have the opportunity to embody the Grand Paris, overcome selfishness, to ensure that all local authorities, economic and social actors, but also and first citizens engage. You can count on the commitment of the Government, as it knows it can count on yours. *(Applause several benches of the CBC group.)*

## **Bill on Intelligence**

[Mr. President](#) . I call Mr Sergio Coronado, to the environmental group.

[Sergio Coronado](#) . Mr. Prime Minister, the Assembly began yesterday reviewing the draft law on information you have presented. The accelerated procedure you chose reduces the time for debate in Parliament this text nevertheless of great importance, since it affects the delicate balance between security and fundamental freedoms. As written rightly president of the Law Committee, "the review requirements of the accelerated procedure does not allow parliamentarians to work satisfactorily. "

Mr. Prime Minister, this text, which can not be reduced to the fight against terrorism, raising concerns and legitimate criticism in society. The president of the national security interceptions Control Board, Jean-Marie Delarue, has estimated that drifts affecting the individual freedoms. The Commissioner for Human Rights of the Council of Europe denounced meanwhile a dangerous

social climate in which everyone can be considered a potential suspect.

Critics also aim widening purposes now assigned to intelligence services, ranging from the fight against terrorism to the "prevention of violations of the republican form of institutions", through the protection of the "best interests of the political foreign of France. " The bill also authorizes the use of the tools of technical data collection of very large, if not mass - including mobile tools near direct data capture, and sensors and algorithms operating on electronic flows - without offering any guarantees of protection for our freedoms. I regret in this regard that the amendment environmentalists protecting certain professions - lawyers, journalists, doctors and judges - was rejected by the Law Commission. I hope the Government will repair this error.

Minister, beyond the consequences of this text for freedom, we are concerned about its economic impact. Number of French hosts are seriously concerned to see their clients flee their services to countries where the digital space is not subject to such controls. We risk penalizing employment and the digital industry in our country. Can you tell us, Mr. Prime Minister, if all the consequences of the text were actually evaluated by your government? (*Applause on the benches of the environmental group.*)

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister*. Sir, after my speech, the Assembly began in the presence of Bernard Cazeneuve, Christiane Taubira and Jean-Yves Le Drian, examining this important text. He answers, like other texts we have passed since 2012, the various threats against our country. Like yesterday, Mr. Coronado, let me be clear: the first of the threats that we face is terrorism.

I do not mean that one can believe for one moment, as in the public debate in this Chamber, that our freedoms and rule of law would be threatened by this text. (*Applause several benches of the CBC group.*) I can not accept it. I'm not talking

specifically of your question, sir, but I heard some surprising interventions from different banks, in which there was talk of "political police". (*"Yes!" On the benches of the UMP .*) Listening to these interventions, and reading some editorials, I think that the authors are really missing the point!

I also read that we would be legislating under the threat of terrorism: to say this is not only a mistake but also a political mistake because Parliament has been working for several months on this text. It is the result of the work of members Jean-Jacques and Patrice Urvoas Verchère, I mentioned again yesterday. It was examined by the Law Committee; it is now being reviewed by the entire Assembly. This is the President of the Republic has decided to legislate on this issue in June 2014.

I said a moment ago: we voted two laws against terrorism. We also provided additional resources to our intelligence services, I announced with Minister of the Interior after the terrible attacks last January.

This text, meanwhile, aims to answer a very specific threat. It aims to protect our intelligence services, including, but not only, on the internet and supervise the work of our services. It is a balanced text, efficient and at the same time ensuring our freedoms. As stated by the Chairman of the Law Committee Urvoas Jean-Jacques, who took a very large part if not essential to its preparation, this bill protects our freedoms and reinforces our rule of law.

I mean, of course, all the worries. We must respond. Many amendments have already been accepted. (*Exclamations on the benches of the UMP group.*) It is the honor of our country to finally acquire the means of a modern constitutional state in the fight against terrorism, while protecting our fundamental freedoms.

No fantasies! No false debates! I invite the national representation to unite on this

important text. The fight against terrorism is also know beyond his prejudices and be able to unite on the essential. *(Applause on the benches of CBC group.)*

## Asylum

[Mr. President](#) . I call Mr Arnaud Richard, for the group of the Union of Democrats and Independents.

[Arnaud Richard](#) . Minister of the Interior, on the eve of the Senate review the bill on asylum, a preliminary report of the Court of Auditors has raised even before its publication, many public reactions: one would speak there the exorbitant cost of asylum; Asylum we designate it as the main source of influx of illegal immigrants; we deplore them a nonexistent management failed. On a subject of such importance, that which the Court of Auditors has qualified itself to partial and biased reading of its observations, do not fall, colleagues, and in the cartoon controversy. Rather, let us live up to our republican heritage. *(Applause on the benches of IDU group.)*

If there is a finding, we share it, of course. With processing times becoming longer, increasing budget cuts, a constant increase in demand, not to mention unfilled judicial positions at the National Court of Asylum - CNDA - our ability to welcome with dignity and effectively those who really need is weakened.

For your bill, Mr. Minister, you were supposed to address the malfunctioning of our asylum system and to stop the diversion and procedural abuses. However, legitimate doubts about your ability to give meaning to a system truly breathless remain. The Court of Auditors will even say that your text "does not answer the central question - and legitimate - the management of failed causing an embolism." Mr. Interior Minister, how do you respond to those comments?  
*(Applause on the benches of IDU group.)*

[Mr. President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior*. Thank you very much, sir, for that matter. You know very well about it; the weight with which you approach evidenced and contrasts with other interventions. (*Exclamations on the benches of the UMP.*)

You participated very actively in the discussion in Parliament on this issue by including a great relationship with Jeanine Dubié, which helped fuel the thinking of the Government. What do we plan to do on asylum to address the concerns you have expressed? First, we must reduce delays. But if we want humane treatment the situation of asylum seekers, it will do so without creating positions within the French Office for the Protection of Refugees and Stateless - OFPRA - and within the Court National asylum. The Government has taken very clear decisions in this regard in the budget for 2014. These decisions have also led to an increase of 14% in 2014 the number of cases handled and the time began to be reduced - c This is my first point.

Second, we must create the conditions for a worthy reception of asylum seekers. That is why the Government of Jean-Marc Ayrault, whose action in the matter has been pursued by that of Manuel Valls, has created 10,000 extra places in reception centers for asylum seekers.

Third, we must create the conditions for a return of rejected asylum: this is the purpose of the provisions of the draft law on immigration, which will be considered by Parliament in July and that will including house arrest by the device, reduce the number of rejected asylum-seekers, which has been increasing in the previous legislature.

Fourthly - and this is a very important point - we must fight resolutely against the channels of illegal immigration. In 2014, the number of dismantled channels increased 14%. For the only city of Calais, we have dismantled 30% more



channels compared to the previous year; that is to say the mobilization of services of the Interior Ministry to achieve the goal. (*Applause few benches CRS group.*)

## Reform of colleges

[Mr. President](#) . I call Mrs. Virginia Duby-Muller for the Union for a Popular Movement group.

[Virginie Duby-Muller](#) . Madam Minister of National Education, Higher Education and Research, my question concerns the controversial reform of colleges. Following the dramatic events of January, you launched the "mobilization of school to the values of the Republic." We found ourselves on the values of authority, effort, work, school is a must for culture. But since March 11 and your presentation to the Cabinet of your college reform project for 2016, nothing goes.

Although docile Higher Council of Education was approved on 10 April and if you tried to make adjustments at the margin, this reform is the subject of many disputes.

[Guy Geoffroy](#) . That's right!

[Virginie Duby-Muller](#) . Old letters from professors denounce the death of Latin and Greek, structural disciplines to the spirit of our college and vectors of human values for the citizen of tomorrow. German teachers are desperate for the fall of learning this language and the disappearance of the bi-lingual classes or European, even though we must strengthen our ties with Germany.

[Mr. François Rochebloine](#) . Very just!

[Virginie Duby-Muller](#) . You did not even manage to reassure our colleague Pierre-Yves Le BORGNE which, as chairman of the friendship group France-Germany mobilizes members from all edges on the immediate danger of the provisions of the reform and the urgency of the evolve - not to mention the interdisciplinary practical lessons - PPE - supposed appeal to college but deemed dangerous by educators far from convinced of the value of a cross

lessons before high school. Even the unions have called the strike in May.

As for us, even though we share your diagnosis of the college called "weak link in the educational system," we can not remain silent before this project unsuitable and heavy reform consequences. Madam Minister, *errare humanum is perseverare diabolicum.* (Applause on the benches of the UMP and some benches IDU group.)

[Mr. President](#) . Call the Foreign Minister of National Education, Higher Education and Research.

[Ms. Najat Vallaud-Belkacem](#) , *Minister of National Education, Higher Education and Research.* Madam, I am glad to hear that you share our findings. If I may, I prefer for my part go beyond the findings and act. (*Exclamations on the benches of the UMP.*)

Let us act to reform the college, which is said for decades that it is not enough to succeed our children. Let us act to provide them with educational practices that enable each college students, and not just the most privileged 20%, to appropriate the basic knowledge they need to build their lives.

[Mr. Sylvain Berrios](#) . Gravediggers!

[Ms. Najat Vallaud-Belkacem](#) , *minister.* Let us act to allow each college to be joined individually, individually, to learn to work, to consolidate their learning, group work and simply succeed. Accompany these college students so that they have access to a second living language from the fifth grade rather than fourth is the focus of our reform.

Yes, the bi-lingual classes no longer work in the same way today because 100% of pupils learn a second foreign language from the fifth class, against 10% today. This will he affect the learning of German, as you fear?

[Mr. François Rochebloine](#) . Yes!

[Ms. Najat Vallaud-Belkacem](#) , *minister*. Not in any way. Today, 485,000 schoolchildren are learning German. At the 2016 school year, thanks to the reform, they will at the very least 500,000 - of course we expect an increase in this number. A simple rule of three is enough to understand: today only 10% of college students are enrolled in two-language class and learn German before, but tomorrow, 13% of college students who choose German as second foreign language benefit from this learning a year earlier, with two and a half hour more in school. I answered the question yesterday on Latin. Madam, follow us in this beautiful Reform (*Applause several benches of the CBC group.*)

## Rafale Sales

[Mr. President](#) . The call Mr Nicolas Bays, for the Socialist Group, Republican and citizen.

[Mr. Nicolas Bays](#) . Minister of defense, I associate my question all parliamentarians on these benches, welcome the success of French companies to export. On April 10, the Indian Prime Minister has formalized the order of thirty-six combat aircraft Rafale multi-role aircraft par excellence. (*Many members of the UMP are turning to Olivier Dassault and applaud.*) The sale is following the order by the Egyptian state, there a few weeks, twenty-four of these fighters as well as a multi-mission frigate. (*Exclamations persistent on the benches of the UMP.*)

Mr. Minister, I rise today to welcome this second historic order that contradicts forcefully declinists discourse that aim to push that country.

**Several deputies of the UMP.** Oh!

[Mr. President](#) . Stop! It's unpleasant, no longer even hear the questions!

[Mr. Nicolas Bays](#) . On the contrary, this type of contract signed with an emerging power like India proves, if need be, the excellence of our defense industry and reinforces the place of France in the international arena. It also shows the talent and ability of the ministers involved, who worked in the absolute discretion that

requires this type of file, in contrast to what was current in the previous majority, who had accustomed us to, in the words of William Shakespeare, much ado about nothing. (*Exclamations on the benches of the UMP.*)

This command is also synonymous with job creation, both in the manufacturer, whom we congratulate on the quality of its engineering, and among its many sub-contractors. (*"Dassault Congratulations!" on the benches of the UMP.*) It ensures indeed a backlog that will allow the development of the companies and in particular SMEs, which constitute one of the main levers of creation jobs in our country. In this regard, the visit today of the President of the Republic in different SMEs, and the announcement by the Government of measures to promote industrial investment, investment show very clearly the Executive and his majority in favor of the development of a fabric of SMEs European level. The France who wins deserves to be working for her. So, Mr. Minister, can you tell us more about the method of conclusion of the contract? (*Applause few benches CRS group.*)

[Mr. President](#) . I call the Minister of Defence. I ask you all to listen to the speakers more.

[Mr. Jean-Yves Le Drian](#) , *minister of defense* . Sir, you recalled that Prime Minister Mr. Modi last week confirmed the choice of the Rafale by India.

**Several deputies of the UMP** . Dassault Congratulations!

[Mr. Jean-Yves Le Drian](#) , *Minister* . He did so by announcing the acquisition of thirty-six fighter aircraft Rafale, in less time, to meet the operational requirements of the Indian Air Force. Given these tight deadlines, these thirty-six combat aircraft will be made by Dassault Aviation in France. (*Applause on the benches of the UMP.*)

**Several deputies of the UMP** . Ah!

[Mr. Jean-Yves Le Drian](#) , *Minister* . I would add that this decision helps to be at the rendezvous of the military program law that had made the bet to forty aircraft sold for export: . The number is now sixty, given the Egyptian contract (*Applause and "Bravo!" on the benches of the CBC group.*)

I also specifies, in terms of the agenda that I will be in India soon, at the request of the President of the Republic, to consolidate the inter-governmental agreement which was desired by the Indian Prime Minister to guide the order he just passed. Then, in a second phase, we will continue the discussion with India to ensure technology transfer and industrial transfers. There will be two stages: the framing of the agreement and a discussion with regard to technology transfer. I draw three conclusions: first, the Rafale is definitely a very good airplane. (*"Bravo" on the benches of UMP group.*)

[Mr. Olivier Dassault](#) . Thank you!

[Mr. Jean-Yves Le Drian](#) , *Minister* . Second, the French defense industries have a very high level of technology and excellence. Third, the partnership with India is based on trust. (*Applause on the benches of the CBC group.*)

## Grants to municipalities

[Mr. President](#) . I call Mr. Yves Bonami for the Union for a Popular Movement group.

[Yves Bonami](#) . Mr. Prime Minister, we are all aware that today we must reduce public spending. But at a time when the mayors of France are voting their budgets, you just play them a bad turn.

[Mr. Jean-Luc Reitzer](#) . Quite a trick.

[Yves Bonami](#) . You can imagine. I'll tell you about the brutal way in which you have decided to lower grants to municipalities ( . *"! True" on the benches of the*

UMP)

In my city, your decision is to Therefore a 25% self-financing, which funds investments without borrowing. Your abrupt decision and erases the savings and elected officials of my city for years. If the finance department had warned us that if only three months ago, we could anticipate and make different trade-offs. Mr. Prime Minister, your method leaves no other choice than to increase the mayors taxes or borrowing. This approach is not out of place with everything we blame you for three years: improvisation, no consultation! These are the real reasons that make today local taxes will increase. It's your fault. You could do otherwise, and you did not want to place the blame for these increases to the mayors of France. Mr. Prime Minister, the Mayor of land that I am asking you, as I am sure , all the mayors who sit in this Chamber, not to elected hostages tax killing you knowingly held for three years by taking 90 billion euros into the pockets of French. Mr. Prime Minister, we ask you to gather and incorporate us in collusion department by department, if you do not want to have the mayors of France against you. *(Applause on the benches of the UMP.)*

[Mr. President](#) . Call the Foreign Minister of Decentralization and Public Service, I ask you to listen carefully.

[Ms. marylise lebranchu](#) , *Minister of Decentralization and Public Service* . Sir, actually, we could decide together not to lower public spending and not to reduce the deficits of France. But from the moment the decision of the reduction has been made, it is not clear how to lower the expense of the state without lowering allocations. Since you're talking about taxes, I remind you that, as revenues today of the State are below its expenses, if we wanted to keep the allocations to

local governments at the same level, it is the income tax or VAT that would be mobilized. *(Exclamations on the benches of the UMP.)*

**Mr. Jérôme Chartier and several deputies of the UMP** . That's not what he said!

[Mr. Marc Francina](#) . State taxes!

[Ms. marylise lebranchu](#) , *Minister* . These are the same people who pay the same taxes. You are talking about 90 billion - this is not to shout like that! - But we are far! The Prime Minister himself said that 30 billion for the last government and 30 billion for ours, too. So we decided to lower taxes. You know, several million French have this year a tax sheet on the lowest income than last year. *(Exclamations on the benches of the UMP.)*

[Mr. Jérôme Chartier](#) . It's surreal!

[Mr. Bernard Deflesselles](#) . The mind boggles!

[Ms. marylise lebranchu](#) , *Minister* . Sir, in the case of Commons, you succeed in yours, which has 11 000 inhabitants, to commit € 4 million investment. That is correct. But you know that in Île-de-France today, the subject involves intermunicipal and the pooling of resources. Indeed, what we see, and this morning the interministerial committee on the Grand Paris there has largely responded part is that hyper-wealth rubs hyper-poverty. If we want to draw our local authorities up, that is to say meeting the housing needs, transportation and economic development, the only solution we have in Île-de-France is the inter. *(Applause on the benches of the CBC group.)*

## New health rights

[Mr. President](#) . Call H el ene Geoffroy, for the Socialist Group, Republican and citizen.

[H el ene Geoffroy](#) . Madam Minister of Social Affairs, women's health and rights, a priority for our country, a goal that you are pursuing, is access for all to quality care. From 2012, the Government displayed as priority the fight against insecurity, with a multi-year plan also included an increase in access to

complementary ceilings. The renunciation of care remains very worrying, even for lower classes, due to either advance to either the complexity of the device. During 2014, 1.2 million people whose resources are low but slightly higher than the ceiling set for the allocation of supplementary universal health coverage, received a certificate of using the supplementary health. Despite the increased number of beneficiaries, the rate of use of GBA is still too low. The Government has launched a major reform of this system, including by making a national call for proposals to bring down prices further. Madam Minister, could you tell us concretely how to apply this reform should have important effects, particularly on the purchasing power and access to care? Furthermore, the modernization law our health care system will truly change the lives of our citizens because it has breadth measures such as the generalization of the third-party payment for all French. For this ambitious device, which we have debated in recent weeks, we remove the upfront fee. Lever simplification of life of the insured, but above all, social justice, this measure gives new life to our health policy for one of its purposes: the fight against health inequalities. *(Applause several benches CRS group.)*

[Mr. President](#) . Call the Foreign Minister of Social Affairs, health and women's rights.

[Ms. Marisol Touraine](#) , *Minister of Social Affairs, health and women's rights* . The bill to modernize our health system, which will be voted just now, is equality in access to health care a priority, and I want, madam, to greet your role and



involvement in the discussion of this text. Access to care is obviously, you have reminded us, the gradual generalization of third-party payment for all the French, but they are also measures to enable the installation of doctors close to home, steps to reduce waiting times at the ophthalmologist for example, or the establishment of a single telephone number to find a doctor on call. Access to Care is also the purchasing power for the most modest French, and it is in this spirit that I launched the reform of the complementary health aid. Assistance for complementary health is a check of up to 550 euros, which is paid to people whose income is higher than that entitles the CMU but less for one person, 1 000 euros per month. With this check, these people, of the low paid, small pensioners, students can obtain a complementary health mutual. With the reform that I initiated, the contracts that will be proposed will be cheaper, they will cost up 300 euros less for a single person aged over sixty years, and they will have better coverage. From 1<sup>st</sup> July this year, these new contracts will be offered to our humble citizens. You see, madam, the Government is committed to a proactive policy in favor of access to care, because it is a priority for all of our citizens. *(Applause several benches of the CBC group.)*

## **Arduousness Account**

[Mr. President](#) . I call Mr. Gilles Lurton for the Union for a Popular Movement group.

[Mr. Gilles Lurton](#) . Mr. Prime Minister, I do not know if confidence is found in the words of President Le Roux, but our businesses are still suffering and again. They suffer from economic disaster into which you plunged our country for three

years. *(Shouts from many benches SRC Group. - Applause on the benches of the UMP.)*

**Several deputies of the UMP** . That's right!

[Mr. Gilles Lurton](#) . They suffer from the reduction of local authority investments linked to the unprecedented decline in depreciation that you have decided. Instead of alleviating the constraints on them, multiply them, and prevent the same time to enjoy the effects of a hypothetical economic recovery. Among these constraints, there is the arduous day, which is impossible to implement. *(Applause several benches of the UMP.)* You know the way. Since the passage of the law of 20 January 2014, you keep back. Of deferrals, creating mission in creating mission, you are caught in your own trap. We had been warned, the account is genuine hardship gasworks.

**Several deputies of the UMP** . That's right!

[Mr. Gilles Lurton](#) . This is so true that, as recently as last Thursday, on the occasion of the general meeting of the architects of the building, while mocking the notion of hardship, your labor minister announced that there would be no hardship to fill plug for small businesses from June. Whether to delete the inapplicable criteria, we will remove them, he added. *(Applause several benches of the UMP.)*

What a relief, but what a shame to have sowed so many troubles at the expense of employment in our country. The companies expect that you confirm today the minister about your work. So, Mr. Prime Minister, is it a new quack within your government or will you really want to delete the profile painfulness? *(Applause on the benches of the UMP and several benches of IDU group.)*

[Mr. President](#) . I call Mr. Minister of Labour, employment, vocational training and social dialogue. *(Protests on the benches of the UMP.)*

[Mr. François Rebsamen](#) , *Minister of Labour, employment, vocational training and social dialogue* . The creation of the arduousness account is undoubtedly a great social advance (*Exclamations on the benches of the UMP*. - *applause from several benches Group SRC*) and the left majority of this government is proud to have adopted such a measure. This is a social justice measure to fight against inequality. Life expectancy, in fact, as you know, is not following the same profession you are doing. For this account exists, we must find the right balance between a collective approach and an individual approach to applying the factors of hardship. This is one of the issues the two missions entrusted to one of Virville Michel and the other to Christophe Sirugue. The goal is to achieve a simple device (*Exclamations on the benches of the UMP*), in particular for small and very small businesses of the building, while reflecting the reality of working conditions. We will tailor what must be. The missions will make their conclusions before the summer. If they conclude that adaptations are necessary in such threshold of exposure, measurement and implementation of strain factors, these findings will be retained. For there to be new rights, as important as they are, they must still be applicable. (*Applause few benches CRS group.*)

## Public Health in the Caribbean

[Mr. President](#) . I call Mr Ary Chalus for the radical group, republican, democrat and progressive.

[Mr Ary Chalus](#) . Madam Minister of Social Affairs, women's health and rights, the review of the Law on Health offers an excellent opportunity to revisit some public health issues that are of major concern for our citizens. This concern was echoed by the President of the Republic and the Court of Auditors, which highlighted the urgent need to reduce as quickly as possible, often glaring inequalities in health. The prevalence of some cancers - prostate, cervix and stomach - is particularly strong in the French departments of America. The delay of our territories, in

terms of equipment useful and effective nuclear medicine, is no stranger to the difficulties in screening for these cancers. The number recorded, ever growing, creating a real concern among the population, which calls for the establishment of a cyclotron, more able to afford a reliable diagnosis. In this particular context, confirmation of state commitments to rebuild the hospital in Pointe-à-Pitre is in a reassuring approach, as well as the designation of a mission to the General Inspectorate of Social Affairs who must rely on the work already done on the ground on the initiative of regional health agencies. . This mission must serve to characterize the set of location solutions and exploitation of various technological and organizational models proposed Madam Minister, our American regions are mobilized more than twenty thousand petitioners reflects strong expectations of the population and patients. Faced with this situation, I wish that the Government can be associated very closely with the decisions it intends to take. Also, can we expect that the choices made by your department will be based on the principles of equality of public health offer on the entire national territory? Finally, I want to thank the three ministers present at Days from overseas, especially the Prime Minister for his speech particularly optimistic. Yes, overseas is an asset for France! *(Applause on the benches of RRDP groups and some benches CBC and IDU groups.)*

[Mr. President](#) . Call the Foreign Minister of Social Affairs, health and women's rights.

[Ms. Marisol Touraine](#) , *Minister of Social Affairs, health and women's rights* .  
Chalus sir, you are right to stress the need to reduce health inequalities. This is one of the lines of force of the law to be voted on just now. You alerted me

several times on the particular situation of the overseas departments, including Guadeloupe. We discussed it. I know your attachment to that specific responses are made. It is particularly important to develop solutions to address the issue of cancer. The will of the President of the Republic, with the third cancer Plan is to ensure that, at any point of the territory, everyone has the same chance to be cared for in good conditions. Specifically, we need to better detect cancers and heal more quickly, deploy PET scan in the French departments of America. But to power these PET scan, we need cyclotrons. The whole debate is how, when and where we will install these cyclotrons. Last fall, I told a professor in the assessment mission Bourguet, who is the president of biophysics and nuclear medicine section of the National Council of Universities, and the General Inspectorate of Social Affairs. This mission will present its findings soon. I can assure you, sir, that this work will be shared and there will be discussions and exchanges between us, as it is to define an equitable solution. You, sir, count on my determination to associate you and provide appropriate solutions. (*Applause few benches CRS group.*)

## **Destruction of experimental crops**

[Mr. President](#) . I call Mr. Marc Laffineur for the Union for a Popular Movement group.

[Marc Laffineur](#) . Minister of agriculture, food and forestry, since 2005, the Maine-et-Loire is recognized worldwide cluster on the plant - that is, at the time, Dominique Bussereau who came announce its labeling. In this context, we host the study group and control varieties and seeds - GEVES - whose mission is to evaluate new varieties with a view to authorizing the production and marketing. GEVES, which depends on your department also works closely with the Community Plant Variety Office which is located in Angers. This Sunday, April 5th, fifty offenders came on land GEVES, the Pouëze for to destroy the rape crops. It was not GMOs, it was not even rape obtained by mutagenesis, which also occurs in nature. These thugs have destroyed years of work and research.

Gradually, the whole plant research leaves France, while we were there twenty years ahead in this area. Breeders turn away from our country to get their classification, and then sell their seeds in France. Tens of thousands of jobs that we have already lost. It can be grown rapeseed half the herbicides you imagine the benefits for the environment. Now these individuals are backed by a part of your majority! They destroy our research capacity.

[Mr. Bernard Perrut](#) . It's a shame!

[Marc Laffineur](#) . Minister, what do you do to prevent this and condemn these thugs that destroy and ransack the work of so many scientists? Our agriculture needs this research to develop. This is vital! (*Applause on the benches of the UMP.*)

[Mr. President](#) . I call the minister of agriculture, food and forestry, spokesman of the Government.

[Stéphane Le Foll](#) , *minister of agriculture, agri-food and forest, spokesman of the Government* . Sir, you mentioned a very important and technical subject.

[Mr. Christian Jacob](#) . And politics!

[Stéphane Le Foll](#) , *Minister* . I supported the Angers center of excellence on plants and I moved several times during different fairs held there. You raised the issue of rapeseed varieties tolerant to certain herbicides, which are not genetically modified varieties. Like many, I condemn what happened, because there was no reason to destroy these experiments.

[Mr. Christian Jacob](#) . But if these plans were GMOs, there would have been a reason?

[Stéphane Le Foll](#) , *Minister* . A complaint was filed, Mr. Jacob. Stay reasonable to get things done! We will continue to work on these issues herbicides.

[Mr. Christian Jacob](#) . We do not ask you to sweet-talk but to answer!

[Stéphane Le Foll](#) , *Minister* . The herbicide resistance continue to increase. So we have a challenge. It does not only go by what has been done, and that was necessary, in experiments, but more comprehensive strategies that involve changes in production models. *(Exclamations on the benches of the UMP.)*

[Guy Geoffroy](#) . It is not the question!

[Stéphane Le Foll](#) , *Minister* . Calm down! *(Same movements.)*

[Mr. President](#) . Colleagues, some quiet please!

[Stéphane Le Foll](#) , *Minister* . Research is needed and I condemn what happened.

[Mr. Christian Jacob](#) . And the question?

[Mr. Sylvain Berrios](#) . This is the blurb!

[Stéphane Le Foll](#) , *Minister* . But on these issues, we need much broader strategies against herbicide resistance. *(Applause on the benches and environmentalist groups CBC.)*

## Location Alcatel-Lucent

[Mr. President](#) . Call Corinne Erhel, for the Socialist Group, Republican and citizen.

[Corinne Erhel](#) . Mr. Minister of Labour, employment, vocational training and social dialogue, Alcatel-Lucent, French flagship telecommunications, international scale, confirmed this morning be in advanced discussions with the Finnish group Nokia for a rapprochement. Alcatel-Lucent is a leading industrial player in France. It employs in our country over 6,000 employees and is a key partner in the territories where it operates, particularly in Lannion in the Côtes d'Armor and Villarceaux in the Essonne. The group holds technologies and strategic infrastructure for France. The prospect of a possible sale This raises many questions which I have maintained this morning, with Emmanuel Macron. Mr. Minister, what is your view on these ads? If the talks are successful, intends to play what role the State to ensure, over time, to more than 6 000 employees retaining their jobs and skills in the territories, both as regards the functions of research and development that support functions? These employees already

heavily tested by redemptions and a succession of planes in recent years, and I welcome the social partners here. Moreover, while France is a major hub of research for the Alcatel-Lucent, thanks to the research tax credit, how to ensure the maintenance in our country of innovation and research and development on growth businesses? Finally, how to anticipate the possible consequences on the entire telecom sector, its employees and ecosystems affected? Minister, we count on your vigilance. *(Applause several benches CRS group.)*

[Mr. François de Rugy](#) . Very good!

[Mr. President](#) . I call Mr. Minister of Labour, employment, vocational training and social dialogue.

[Mr. François Rebsamen](#) , *Minister of Labour, employment, vocational training and social dialogue* . Madam, this is a record that I'm close with my colleague Emmanuel Macron, which is right now in the Senate to present the bill to the growth and activity. Alcatel-Lucent and Nokia have confirmed it is in discussions with a view to a full merger of the two groups, without having, at this time, reached an agreement. Alcatel-Lucent, you said, occupies a place in the structuring industry equipment and telecom networks. It is also a particularly competitive company in the global market. That is why the Government intends that the details of discussing draft to be presented to the faster, especially as regards the production sites: there are 800 jobs at stake in Lannion and 3000 in Villarceaux. The Government will also be very vigilant that excellence is maintained research laboratories in France and that the location of decision centers and investment outlook is clarified over time, regardless of the discussions held by Alcatel . We'll get the two groups all the information



necessary to judge whether the project is relevant from an industrial point of view and if a combination would constitute a competitive European champion globally, a kind of Airbus telecoms. The Government is closely following the situation. Emmanuel Macron will soon visit to Lannion in order to confirm the teams, review the commitments and see if the project meets all the conditions required to build a strong industrial activity and future carrier in the long term. Finally, behold, the President of the Republic receives right now leaders Nokia and Alcatel to make a point on this. *(Applause few benches CRS group.)*

## Social plans and pre-emption

[Mr. President](#) . I call Mr. André Chassaigne for the group of the Democratic and Republican Left.

[Mr. André Chassaigne](#) . Mr. Prime Minister, which hurt businesses and employment, not labor costs. Thus, the US group HBI, owner of the Sun brand, plans to cut 400 jobs in France, but the cause of this redundancy plan, there is the pressure from investment funds and pension funds that hold the group . Same scenario in Vivarte, which owns the stores Kookai, Andre and La Halle: the group will separate 1600 employees, a decision taken under pressure from representatives of the funds. At the MoryGlobal carrier, where more than 2,000 jobs are lost It is not known where 17.5 million of public aid are passed. As for the company Gaillon is the investment fund owner who wants to relocate while the order books are full. Given the attitude of shareholders and pension funds, our country needs strong measures to defend businesses! We believe that this requires the creation of new rights for employees. This is the meaning of our

proposals to ban the stock dismissals, strengthen works council veto or even facilitate the resumption by employees of their business in cooperative form. Our bill, which will come under discussion May 7, specifically aims to establish a pre-emptive right of employees in case of resale of their business, particularly in order to prevent the sale to unscrupulous shareholders. To help strengthen companies, Mr. Prime Minister, will you support our proposal to maintain employment in our territories? Unless you considérez the investment plan and the consolidation of representative bodies will suffice to strengthen these enterprises! (*Applause on the benches of the GDR group.*)

[Mr. President](#) . The call Mrs Secretary of State for Trade, Crafts, consumption and social and solidarity economy.

[Carole Delga](#) , *Secretary of State for Trade, Crafts, consumption and social economy* . Sir, social plans financial optimization, affecting sometimes even healthy firms are indeed a scourge for our economy and unjustifiable measures for employees. With Florange law, we introduced a requirement to search for a buyer for companies with more than 1 000 employees. The Constitutional Council then clarified the legal framework by postulating that damage to property rights must be justified by a reason of general interest and above all be proportionate to the objective pursued. The resumption of business by their employees must be encouraged. That's what we did with the law Social and Solidarity Economy of 31 July, based on three strong action: the training of employees of law, undertaking to explain the corrective actions and legal conditions; ensure prior information law; promote seed SCOP, that is to say ultimately allow employees to be decision makers, with a minimum period of seven years to be the majority in the capital. The Government wished to continue this work by giving your colleague Fanny Coste Dombre mission to reflect on the

operational capability of the prior information law and transmission procedures in case of recovery. We will soon improve employee training right for the resumption of business. A right of preference or a right of pre-emption would be appropriate? I think by the rules established by the Constitutional Council, we could hardly go that route, but I share your concern to promote social dialogue and well remember that employees are a chance for the company, including become of it and in case of recovery. (*Applause few benches CRS group.*)

## **New common agricultural policy**

[Mr. President](#) . Call Véronique Louwagie for the Union for a Popular Movement group.

[Véronique Louwagie](#) . Minister of agriculture, food and forestry, the consequences of the implementation of the new common agricultural policy - CAP - cause a feeling of abandonment among many farmers. On 18 March, you said, Mr. Minister, that the monitoring committees would ensure the coherence of the new measures, whose complexity is unparalleled. Either. I wish a lot of courage to the members of these committees, as well as prefects in charge of ensuring they are properly conducted. Despite the transfer of the implementation of the texts to the territories, other effects of the new common agricultural policy remain. The Agency and payment services - ASP, responsible for payment of European aid, said to be unable to pay the aid for 2014 under agri-environment measures territorially - MAET - and crop insurance and assistance coupled with the production of starch, and this on the grounds that human resources are monopolized until April 27th by adapting IT tools to the new rules of the CAP. As many farms ensuring diversity of the agricultural world benefit from these aid, it is a blow that is worn them. The payment deadline was extended to June 30, but

many short-term liabilities are maintained at the usual dates, or right now. Such casualness undermines treasuries holdings, despite themselves become hostages to administrative difficulties unprecedented. Minister, despite the goodwill of the departmental representatives of the State and the involvement of monitoring committees, on this specific issue nothing will be possible without a real involvement on your part. So, tell us plainly: the beneficiaries of aid under the 2014 MAET Can or not, rely on your help (*Applause. on the benches of the UMP*)

[Mr. President](#) . I call the minister of agriculture, food and forestry, spokesman of the Government.

[Stéphane Le Foll](#) , *minister of agriculture, agri-food and forest, spokesman of the Government* . Madam, I have not expected the question to mobilize myself on the payment of aid from the common agricultural policy - still happy (*Exclamations on the benches of the UMP.*)

You mentioned a sense of abandonment. I recall that the budget for the common agricultural policy will be at the end of European trading, 9000000000.

[Mr. Sylvain Berrios](#) and [Mr. Alain Marty](#) . Yes or no?

[Stéphane Le Foll](#) , *Minister* . We will see what will be the following negotiations, but for now this money will be distributed to farmers. As for the ASP, you give the national representation of information that are not pulled up Minister agriculture.

[Alain Gest](#) . It is not!

[Stéphane Le Foll](#) , *Minister* . Moreover, if we have fallen behind, it is because of what?

**Several members of the UMP group** . Of Sarkozy?

[Stéphane Le Foll](#) , *Minister* . Oh, much more than Sarkozy: it's because of Mr. Bussereau and before Mr. Mayor - thus Sarkozy but also of Mr. Chirac. There for two! (*Whoops on the benches of the UMP.*)

[Dominique Bussereau](#) . Lie!

[Mr. Sylvain Berrios](#) . And Charlemagne?

[Mr. President](#) . Please, dear colleagues! I know that we do not see next week, but still, you do not have to make noise for two weeks!

[Stéphane Le Foll](#) , *Minister* . You have implemented an agricultural policy that has led us to have to endure what is called a "clearance", worth 3 million euros, because what you did was wrong!

**Several members of the UMP group** . And Dagobert? And Clovis?

[Mr. President](#) . Please!

[Stéphane Le Foll](#) , *Minister* . It took fix this, and that's because we did that we needed more time, Madam. But everything will be done as it should be. And my commitment to you is not to get involved, because this is what I already do for months, ...

[Mrs. Claude Greff](#) . Pretentious!

[Stéphane Le Foll](#) , *Minister* . ... But well that farmers receive their aid, because that is the commitment that must be taken. This is the commitment that I have made before and that farmers that took the Prime Minister at the Congress of the National Federation of Farmers' Unions! (*Applause on the benches of the CBC group.*)

## Monetary policy

[Mr. President](#) . I call Mr Jean-Luc Laurent, for the Socialist Group, Republican and citizen.

[Mr. Jean-Luc Laurent](#) . Minister for Finance and Public Accounts, the European Central Bank - ECB - has for a month now a quantitative easing policy to buy back public debt securities for, among others, the fight against deflation that threatens the . Europe The ECB has many faults - the Republican and Citizen Movement criticized even before the birth - but its president, Mario Draghi, has taken twice the extent of the crisis, ending speculation on debt . public in 2012 and today, facing the risk of deflation Quantitative easing has even fostered a decline in the euro, which is close to parity with the dollar - as a result, also, monetary policy American. The effects of this policy are uncertain; the situation is very contrasted, the right indicators are mixed with bad. Clearly, quantitative easing will not suffice. Simply put, Europe leads a too expansionary monetary policy while maintaining budgetary policies absurdly corseted by the Treaty on Stability, Coordination and Governance - TSCG -. And locked at the continental level by the German right More than ever, we must look at reality: the European economies diverge, so that treaties were supposed to organize their convergence. The real, it is knocking, and the Economic and Monetary Union, with its single policy, bumps into economic reality, and the democratic reality -. As in Greece for all citizens, the silence of the France is often deafening. So, Mr. Minister, what does France think, when it comes, not an exit from the euro, but the dissolution of the eurozone?

[Mr. President](#) . I call the Minister of Finance and Public Accounts.

[Mr. Michel Sapin](#) , *Minister for Finance and Public Accounts* . Sir, you were right to emphasize the quality of monetary policy under the leadership of Mario Draghi. The President of the European Central Bank has, since the middle of last year, good analysis, which was also the same as that proposed by the French government, here in this Chamber.

[Yves Fromion](#) . Ah?

[Mr. Michel Sapin](#) , *Minister* . He described the risk of too low inflation would be accompanied by weak growth and high unemployment too. Faced with this situation, and following the political debate raised in particular by the President of the Republic, the Prime Minister and myself in European bodies, it made these decisions ...

[Mr. Pierre Lequiller](#) . Oh, stop! Draghi is independent!

[Yves Censi](#) . What yes-yes!

[Mr. Michel Sapin](#) , *Minister* . ... Who helped make the extremely low interest rates, so as to facilitate the financing not only of state budgets, but also business investment, and as you pointed out, to bring back the euro more in line with its actual value level. A lower euro helps our companies to export more to international markets, but it is also a way to fight on our territory against imports which would only quality as a low price due to a too strong currency . That's what Mr. Draghi, and he did it in a political context that governments have wished.

[Yves Censi](#) . The ECB would therefore not be independent?

[Mr. Michel Sapin](#) , *Minister* . It did not fall from heaven; it is not a decision like this, it is a decision taken in a political context and in a political context, which was particularly desired by our government! (*Exclamations on the benches of the UMP.*)

[Mr. Pierre Lequiller](#) . Not true!

[Mr. Michel Sapin](#) , *Minister* . For the rest, sir, our goal is not the dissolution of the euro area, but a stronger euro area, stronger, more united, which is not reduced but on the contrary capable of extending - and converging.

[Mr. Pierre Lequiller](#) . Liar!

[Mr. Michel Sapin](#) , *Minister* . Because yes, we must focus our economies - not only they but also our societies, particularly our social protection systems  
(*Applause. some benches on the CBC group*)

[Mr. President](#) . We ended questions to the Government.

## ***Suspension and resumption of the meeting***

[Mr. President](#) . The meeting was suspended.

(*The House adjourned at 4:05 p.m. and resumed at 4:20 p.m.*).

[Mr. President](#) . The meeting resumed.

3

## **Modernization of the health system**

### ***Solemn vote***

[Mr. President](#) . The next item is the explanations of vote on behalf of groups and voting by open vote on the entire project to modernize our health system law (n<sup>os</sup> 2302, 2673).

## **Explanations of vote**

[Mr. President](#) . The call Mr Patrice Carvalho, for the group of the Democratic and Republican Left.

[Patrice M. Carvalho](#) . Mr. Chairman, Madam Minister, ladies and gentlemen, rapporteurs, my colleagues, we will close two weeks of debate on a text that aimed to "transform our health care system in order to reinforce excellence", with "ambition reduce inequalities in access to care, develop prevention, education, innovation and the rights of patients. " At the time of the vote, we have to check if this is achieved. It is undeniable that the text includes positive measures:



creation of the action of health products group; strengthening of certain areas of prevention; measures on abortion; widespread third-party payment - even if there are still gray areas, such as the transfer of administrative tasks to doctors and charge transfer Social Security to the mutual; progress on limiting excess fees; progress in the fight against conflicts of interest. But there are large gaps. Neither deductibles nor packages, nor the conditions of pricing activity are questioned. Other issues continue to preoccupy us, our fears have not been allayed during the discussion. This is the case of the national system of health data, including personal items are now available to pharmaceutical companies and insurers. Our system security demands have not been heard. We remain very concerned about the idea that information about the health of our fellow citizens are now accessible, even indirectly, to private companies. Finally, the issue that sparked the most criticism from us is about the empowerment of regional health agencies - ARS. We must recognize our consistency: opposed to the creation of ARS provided by law "Hospital, patients, health and territories", said Bachelot law, we then fought strengthening their prerogatives under the Social Security Financing Act 2015. We have nothing against a local health organization, but we are headwind against the transformation of ARS in health prefectures in military arm of the government. This change comes into its own with the introduction of an obligation to adhere to hospital complexes territory. This injunction is reflected by service closures, yet useful to the population, through massive job cuts, not without consequences on the personal working conditions and the care of patients, and by drastic budget cuts. It s 'is a principle problem: ARS should promote health and social democracy not be instituted in financial censor, arbitral and brutal. This problem becomes more acute with the drastic reduction in budgets that you have decided and against which my group voted. Your bill is part of a savings plan of 21 billion euros for health insurance and social protection, with a reduction in the health budget of € 10 billion in two years, including 3 billion for the only hospitals. The issue of resources is inseparable from empowerment of ARS, which put music in the financial policy adopted by

the government. It is obviously necessary to rationalize expenditure and savings where feasible. But this should not be the basis of a health policy. It should be based on the needs of our citizens and find ways to respond with the utmost efficiency, spending as little as possible. We can legitimately ask whether the passed measures may be applied in the budgetary context. It is unacceptable that access to certain treatments or prevention measures may not be effective because the means are lacking. I think to hospitals, but also to the school medicine, which can carry out its tasks as she should have a central role in prevention. Recall that, according to the region, 30% to 40% of an age group only received by the school doctor. There are only 1,100 school doctors for 12 million students, or less than one doctor for 10,000 students. For these reasons, members of the Left Front will vote against the majority legislation. *(Applause on the benches of the GDR group.)*

[Mr. President](#) . I call Mr Jean-Louis Roumegas for the environmental group.

[Mr. Jean-Louis Roumegas](#) . Mr. Chairman, Madam Minister, ladies and gentlemen, rapporteurs, my colleagues, the law to modernize the health system was highly anticipated; evidenced by our long debates, dense and fruitful. It was to address several major challenges for the sustainability of our health system:

prevention, innovation and improvement of the care pathway, the reduction of chronic diseases rampant in our country and around the world. Throughout the debates, we measured the Government's desire to implement a policy of solidarity, beginning with the most distant of the healthcare system, while anchoring the policy in our territories by uniting all the actors and doing live . health democracy We support many of the provisions contained in the original text or made by the parliamentary debate: the widespread use of third-party payment, which will facilitate access to care provided does not deteriorate the health basket; improving access to abortion, due to the elimination of seven days, useless and guilt; the extension of the powers accorded to midwives; testing of safer consumption rooms; reforming the system of health agencies; the greater importance given to ambulatory; strengthening the role of the LRA in the decentralized organization of public health missions. We welcome particularly the advance represented by the creation of the group action for victims of drug products. However, we regret that this possibility has not been extended to all toxic exposures - asbestos, pesticides, fine particles or tobacco, and the planned amendment of our colleague Michèle Delaunay. Madam Minister, to restore confidence after too many health scandals, you have taken measures against conflicts of interest in the expertise. It will probably go further; we have made proposals in this direction. The fight against smoking, alcoholism or abuse of *junk food* has been in the spotlight. Tobacco and its misdeeds have led to heated exchanges, but progress is real: youngest it is above all to protect and limit the influence of lobbies. Neutral package, limited industry marketing operations in the right direction. You also accepted our proposals for independent traceability to ban cigarettes or capsules for co ministries responsible for the budget and health in the setting of retail prices.

[Arnaud Richard](#) . Very good!

[Mr. Jean-Louis Roumegas](#) . The fight against junk food will go through a clearer nutrition labeling. But why do we arrest there way, so that we could integrate the food additives or fight against the use of palm oil, so harmful to health and forests? We also regret that our proposals for improving the air quality inside and outside the control of particulate and volatile organic compounds have been rejected, even though we are going through a peak of historic pollution. We would have liked progress on the issue of hyperélectrosensibilité and on the electromagnetic radiation in general. We welcome the inclusion in the Public Health Code of the concept of "exposome" which reflects the recognition of the role determining the environment in health. Remains to better realize this concept. We proposed governance measures to ensure the establishment of environmental health in the national health strategy, research and within the new institute Eve and prevention. You have sent our proposals for training of health professionals in environmental health issues to regulatory developments: So we will wait to judge. We are pleased that you accepted our proposal to extend the ban bisphenol A in toys, which is consistent. Promoting access to health care, it is also put people at the heart of our health policy. That is why we welcome the better consideration of pain, disability and an end to discrimination against homosexuals. Madam Minister, we must advance more on environmental health issues. We begin today giving our support to this beautiful health law! (*Applause on the benches of environmentalist groups and CBC.*)

[Mr. President](#) . The call Mrs Martine Pinville, for the Socialist Group, Republican and citizen.

[Martine Pinville](#) . Mr. President, Madam Minister, Madam President of the women's rights delegation, honorable rapporteurs, my colleagues, you have made the choice in 2012, Madam Minister, to fundamentally reform our health care system. Now we can say: you have been faithful to this commitment. We will reach the end of this work in a few minutes by passing the modernization of our health system of law. I congratulate me of parliamentary work done, including the debate which took place for two weeks in the Chamber to enriching the text with many amendments. I also want to salute the political will to which you have given body - sometimes in a somewhat tense context - with all of the Government, Minister, for your address social inequalities and territorial experienced many of our fellow citizens access to health care matters. I can not remember all the advances that encourage all CRS group members to adopt this text. Some provisions are essential and we can be particularly proud to have entered into the implementation law of a true public health prevention policy. The promotion of school health, strengthening the fight against smoking and testing of safer consumption rooms are all markers that show that we want to get out of the all-healing. The generalization of the third party payment will be at term social progress for all insured persons, starting with those experiencing the most difficulties. It is to the credit of the Government and the majority met to reach this marker left which was a commitment of the President of the Republic. We can not leave many families without care for financial reasons.

[Arnaud Robinet](#) . Not true!

[Martine Pinville](#) . Giving up a consultation 23 euros for her child is both unacceptable and intolerable. Improving the coordination of primary care

treatments are also one of the priority objectives of this bill. The creation of each health democracy territories from a territorial health council composed of elected officials and representatives of all health actors of the territory - as professional users - increase the efficiency of healthcare delivery. Its tasks will include the fight against medical desertification linked to the primary care teams consist of general practitioners and primary care health professional local communities. Another element to improve the provision of care in each territory: the constitution of hospital groups in the territory, which will bring together all the public hospitals present on a given sector around a medical project with a local component and a component use. In addition, the bill redefines public hospital, which had been deleted implicitly by HPST in 2009, and the missions of health facilities providing this service, including emergency services. This text also introduces the procedure of group action in the field of health. For the first time, the law opens the possibility of bringing class actions in court to claim compensation for damages suffered in this area. Health scandals have led the Government to give this right to victims who find themselves alone facing costly litigation. We can also be proud of having established the right to be forgotten for people healed of cancer, that will do more to declare their disease when taking out a loan or negotiating insurance. Finally, before concluding, I want to welcome the adoption of the provisions that improve the conditions of care for women wish to make an abortion. Now the seven-day cooling off period between the first and second consultation will be removed and we will open to midwives the right to practice a medical abortion. For all these reasons and on behalf of members of the group SRC, minister I want to salute the quality of work we have undertaken and exchanges to which they gave rise. So, with all of my colleagues, we will adopt this proposed modernization of our health system law. *(Applause on the benches are group SRC s. and environmentalist.)*

[Mr. President](#) . On the whole bill, the vote shall be announced in the chamber of the National Assembly. I call Mr Jean-Pierre Door, for the Union for a Popular Movement group.

[Mr. Jean-Pierre Door](#) . Mr. Chairman, Madam Minister, ladies and gentlemen, rapporteurs, ladies and gentlemen, as you know, the UMP group will vote against this bill ... (*Applause on the benches of the UMP. - Exclamations on the benches of the CBC group*)

[Catherine Contello](#) , *Chairwoman of the Delegation of the National Assembly for women's rights and equal opportunities between men and women* . What a surprise!

[Mr. Jean-Pierre Door](#) . ... Artificially project called "modernization of our health system." Yes, we discussed two weeks of a long project, dense, complicated, poorly prepared and brutally subjected to the accelerated procedure. That is the conclusion that this reform was challenged by the medical unions, by the Academy of Medicine and the National Medical Association council was not ready, because it assumes control project and put under bureaucratic control French health system. It is also the observation that general practice is in disarray in our country tens of thousands marching in the street, internal anger you expressed forcefully on 15 March. The second finding is that of failure the meeting decided by the Prime Minister, which was followed by a change to the

text by dozens of amendments and articles out emergency Avenue de Segur. Even some of your colleagues have questioned majority and began to doubt. Third observation: the amateurism that there has to comprehensively address all directions a prevention component associated with a sham care system reorganization. You does not like private medicine or private clinics.

[Catherine Contello](#) , *Chair of the Delegation for Women's Rights* . Oh!

[Mr. Jean-Pierre Door](#) . Our fear is that of a degradation and a decline in the French health care system, despite the forced rewriting of Articles 12, 26 and 38. In Article 26, you stigmatize private clinics excluding public hospital . You turn your back to the doctors, who do not identify with this reform, and are just pretending to meet their demands. This bill misses the point: the attractiveness and upgrading of medical profession. Moreover, Madam Minister, you cut yourself of youth, among which are yet doctors of tomorrow. Why persist in this stubbornness? Doctors say you pursuing their protests and criticisms! Certainly, the worst has been avoided in article 12 with the deletion of the territorial health service to the public envisaged in the original text in favor of a primary care organization. Clear talk, though: more than 2 300 amendments were studied, of which 90 submitted by the Government; the text is increased from 57 to 210 products. It is difficult to sum it up in five minutes. In short, why have hit the balance of the Veil law against all odds of Deputies? Why, against your own view, Madam Minister, abolished the College of Nursing, at the risk of jurisprudence? Why, especially, have passed the irresponsible Article 18, which establishes the general third-party payment - real marker of socialist power, it is true, but financially and technically impossible inflationary, for which all health



professionals with the fighting strength ? We tell you, Madam Minister: from the alternation in 2017, this article will be repealed! (*Applause on the benches of the UMP.*)

[Mr. Benoît Hamon](#) . Irresponsible!

[Mr. Jean-Pierre Door](#) . Other irresponsible: Article 9 which seriously questions the French policy against drug addiction by allowing the opening shoot rooms where drug use will be allowed. Stan needs is the worst follies: this approach bodes your willingness to legalize cannabis or other drugs.

[Alexis Bachelay](#) . We would love to!

[Mr. Jean-Pierre Door](#) . The France must not become complicit in the abuse: it is better that maintaining treat. It goes without saying that in 2017, we will repeal this experiment.

[Martine Pinville](#) . Dishonesty!

[Mr. Jean-Pierre Door](#) . In conclusion, this project widely contested law gave birth to strong political errors. You have won the first round, but you have not won the game!

[Catherine Contello](#) , *Chair of the Delegation for Women's Rights* . This is not a game!

[Mr. Jean-Pierre Door](#) . Some of your choices are probably unconstitutional, and we will know. The UMP will naturally make other choices and vote against it! (*Applause on the benches of the UMP and IDU groups.*)

[Mr. President](#) . I call Mr Arnaud Richard, for the group of the Union of Democrats and Independents.

[Arnaud Richard](#) . Mr. President, Madam Minister, Madam President of the women's rights delegation, honorable rapporteurs, my colleagues, it is paradoxical that after fifteen days of debate on this text, we still do not are able to say what is the Government's policy on public health, and it is worrying that he is himself incapable! We know however that this text is not: it is not the fruit - c is to say the least - a broad consensus of health professionals and patients, but a draft law written in haste ... after filing. It does not provide either a response to the increased co-pay, which reached unsustainable levels for families. And this is not the generalization of the third-party payment, you brandish today standard, which will reduce! Finally, this text provides no answer to the inhabitants of the abandoned territories, who fear not qualify for any support in case of illness and for whom medical desertification has become a source of anxiety. In this regard, Madam Minister, the launch of a national struggle against the medical deserts program - empty of all content - is the death certificate of commitment n ° 19 of Hollande, who proposed to 'set a maximum of half . time to access emergency care " Clearly, this bill can raise any of the great challenges facing our health system. However, this text contains forward: let us be magnanimous and do not dispute. I think the first right to be forgotten so dear to our colleague Yannick Favennec. I also think some aspects of prevention policy, to create a patient information system on the cost of hospitalization - although we would have with Ms. Delaunay, wanted to go further - especially in amendment that ends the discrimination against homosexuals in terms of blood donation, which was adopted unanimously on a proposal from our group. It is now up to you, Minister, to put into practice the will of national representation. Finally, this bill is characterized by a major fault: the suppression of the reflection period for voluntary interruption of pregnancy, which puts relevant protective legislation and an old consensus of forty.

[Catherine Contello](#) , *Chair of the Delegation for Women's Rights* . Not at all!

[Arnaud Richard](#) . Hold the period and interviews provided by the Veil law is not to consider that women are not responsible enough to take such a decision, as you would believe.

[Philippe Vigier](#) . That's right!

[Arnaud Richard](#) . Rather, these cooling-off periods and these interviews helped avoid women being condemned to assume this responsibility in solitude and anguish. So, Minister, the contents of the great public health law this five-year, promised for two and a half! It is a text which ignores all major challenges facing our health care system, so that the issues today the patient, relatives and health professionals continue to arise after the vote of this bill. Therefore, despite some fragile progress which the IDU group has contributed in a logic - as always - of constructive opposition, the text seems clearly missed the objective that should have been hers: to prepare the future of our system health. These are the reasons why our group will vote against this bill! (*Applause on the benches of IDU group and on the benches of the UMP.*)

[Mr. President](#) . The call Mrs Dominique Orliac for the radical group, republican, democrat and progressive.

[Dominique Orliac](#) . Mr. President, Madam Minister, ladies the rapporteurs, the draft law on the modernization of our health system, which we are voting this afternoon, nourished hopes and raised many fears, so that health should be a real national consensus. I want to say at the outset that the parliamentary group of RRDP regret the conditions of its development, particularly the lack of effective negotiations that would have to work in a calmer atmosphere and to avoid

misunderstandings. However, we welcome the adoption in the text of measures to improve access to health care of our citizens and put an end to certain discriminations. I will mention the measures against drug abuse and support drug addicts - and the safer consumption rooms will save lives and improve safety. I also mention the removal of seven days imposed on women who wish to benefit from a voluntary interruption of pregnancy and the control measures against smoking and alcoholism against younger, while regretting that the problem of communication our wine production has not been set. We also welcome the adoption of the right to be forgotten for those who have been affected by cancer and were previously unable to take out a loan. Mrs. Minister, accepting the opening of blood donation for homosexuals and allowing funeral care about deceased HIV-positive people, you hear a demand radical left and you struggle against discrimination. You accepted our amendment to that the submission of a report identifying conditions for the return of the psychiatric infirmary of the Paris police headquarters in the common law, as was claimed for a long time by patient associations and the protection of human rights . We also welcome the adoption of the amendment, presented by our colleague Joël Giraud, on cross-border hospitals. We will be attentive to the evolution of hospital groups territory is in line with the living areas and the needs of nearby. The left Related radical group recognizes the progress that is for patients the recognition of the health group action, and notes with satisfaction that the new regulations on access and use of data anonymous health meets the legitimate concerns of journalists, these essential pillars of our democracy. Always the benefit of patients and professionals, the adoption of our amendment on public health information services, which includes health products within the meaning wide, will provide a simple, clear and independent information. Finally, the amendments relating to environmental health we have defended, and those concerning the fight against the effects of radon, will fight more effectively against the lung cancer. However, we regret the refusal of the Government to address the issue of medication officinale primary care in the care pathway, which other European countries have

long practiced. We also regret the removal of the College of Nursing, even though he is the guarantor of the ethics of the relationship between patients and the healthcare professionals and their independence. Finally, the method with which was addressed the generalization of the third-party payment is not satisfactory. We had no objection in principle to the third party payment as it is to improve access to healthcare for all. However, the renunciation of care focuses on optical and auditory devices, and dental care. The time needed to obtain an appointment with some specialists are also not strangers sometimes. We had to listen to the doctors, Madam Minister, for their reservations about this bill are outside the fantasy. Doctors foresee that behind the widespread third-party payment the scheduled end looming and privatization of our Social Security by the gradual transfer of social security to private insurance, which will mean the end of access to local care and quality for all French. We had to reassure by guaranteeing that the device is operational, and keep in mind the need to preserve the medical time. So we will be vigilant about the conditions under which the Government will establish the widespread third-party payment, which should have, we believe, be preceded by experimentation. In these circumstances you will understand, Minister, that our group n ' not adopt a consistent position on this text. (*Applause on the benches of RRDP group.*)

## Vote on the entire

[Mr. President](#) . The vote is the entire bill.

*(It is in the voting process.)*

The result of the vote:

Number of Voters 562

Number of votes cast 552

Absolute majority 277

For adoption 311

against 241

*(The bill passed.)*

*(Applause on the benches of the CBC group and environmental group.)*

## ***Suspension and resumption of the meeting***

[Mr. President](#) . The meeting was suspended.

*(The House adjourned at 4:50 p.m. and resumed at 4:55 p.m., under the chairmanship of Mrs. Laurence Dumont.)*

## **Chairmanship of Mrs. Laurence Dumont Vice President**

[Madam President](#) . The meeting resumed.

4

## **Attaching the agenda**

[Madam President](#) . The Conference of Presidents, which met this morning, approved the following agenda proposals for the control week of May 4: debate on the package "climate and energy"; debate on the cultural network of France abroad; issues of housing policy; debate on the European economic and social project of France; questions about transport policy. There is no opposition? ... It is so decided.

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## **Information**

### ***Further discussion of a bill***

[Madam President](#) . The agenda is the continuation of the discussion, after engagement of the accelerated procedure, the draft law on intelligence (n<sup>os</sup> 2669, 2697, 2691).

## Discussion articles

[Madam President](#) . Last night, the Assembly started the discussion of the articles of the bill, stopping at the amendment ° 52 section 1<sup>st</sup> .

## *Point of Order*

[Madam President](#) . I call Mr. Patrick Hetzel, for a point of order.

[Mr. Patrick Hetzel](#) . I wanted to report to the Government, represented by the Minister of Justice and the Minister of the Interior, a problem in the smooth progress of our work. Yesterday, the Government filed fifteen amendments - he obviously has the right - but this morning at ten o'clock, wishing to consult them, I found that one of them was not available. The successful conduct of our work requires us to be aware of all the amendments.

[Mr. Patrick Mennucci](#) . It is North Korea!

[Mr. Patrick Hetzel](#) . I understand that you are asked to drop late, but you can not, on one hand, that this text has been prepared carefully, and the other file at the last minute fifteen amendments - some of which are moreover not accessible. I wanted to draw your attention to this point through this point of order based on Article 51, paragraph 1 of our Rules.

[Lionel Tardy](#) . This is a real problem!

[Madam President](#) . I understand all the amendments were available from the Government last night on the Assembly website.



## Article 1<sup>st</sup> (*continued*)

[Madam President](#) . We come to the amendments. I first received two identical amendments, n<sup>os</sup> 52 and 169. I call Mr. Lionel Tardy, to support Amendment n<sup>o</sup> 52.

[Lionel Tardy](#) . Paragraph 17 deals with the intelligence services permitted to use certain techniques. In order for the control to be truly effective, it must in my view that the number of services is likely to use as small as possible. But paragraph 17 refers to a decree the other authorized services list, which is very worrying. Indeed, a limited preceding paragraph shall determine the number of these services and is expected to later add here! The minister of defense spoke yesterday two decrees. Unless I am mistaken, he did not mention one here expected. We frôlons closely negative incompetence! It is for the law to adopt the list and close, otherwise what is the text? This brings us back to the national encryption platform and décryptement, the famous PNCD in which several services would go blithely draw. According to *Le Monde* , there is a massive database without filter or control. Mr. Prime Minister had beautiful belie last night such precise revelations in a newspaper like *Le Monde* worried. It is not enough to say that this is a lie, Madame and Monsieur ministers! It should be clearer and give pledges, what the discussion of paragraph 17 provides you the opportunity. If present, such a platform is absolutely off-the-law. On the basis of this paragraph, it may well be that you authorize it by decree while we would not want to establish in the law. It is essential to remove this paragraph. It is for the legislature to determine the list of authorized services, if we leave the door open, which is not acceptable! Do not tell me that it is in the confidence in our services, so does the legality! Your main argument in favor of the text is that it provides a legal framework. If this paragraph is maintained, there will be a serious breach under the law is supposed to fix.

[Pascal Popelin](#) . Reread the article 34 of the Constitution!

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment ° 169.

[Sergio Coronado](#) . By listening to the Prime Minister yesterday and hearing earlier answer to the question I asked him, I realize that communication has varied somewhat over the comments made by both the rapporteur and the Ministers in the examination of the text in committee, rightly besides, according to which the text is not only about the fight against terrorism, but has a broader scope and frames, for which no one disputes the need elsewhere the activity of the intelligence community. But then as now, the Prime Minister has focused its communication only on the absolute and necessary fight against terrorism, using in some way, according to the laws of politics when it is politician, the legitimate emotion experienced by our people in January and claiming it takes effort and restrict our freedoms in order to better fight against the terrorist threat. I fully agree on this point the words of our colleague Tardy. We can not abandon our prerogatives as lightly legislators parliamentarians. The list of services that can appeal to these information collection techniques should be limited by law and there can be no question of increasing the number by simple decree.

[Mr. Patrick Hetzel](#) . Very just!

[Sergio Coronado](#) . The rather rich debate we had yesterday set out the missions assigned to intelligence services, the list of those involved and the conditions under which they may use a number of techniques and tools particularly intrusive. Accept that this list is subsequently completed, enriched and greatly expanded simply by government decree seems to be a particularly dangerous abandonment made by the legislature.

[Madam President](#) . I call Mr. Jean-Jacques Urvoas, Chairman and Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic, to give the opinion of the Committee.

[Mr. Jean-Jacques Urvoas](#) , *Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic* . I would point out clause which we speak. The text includes two decrees defining the scope of the

intelligence community. The first is a simple decree and is therefore not an Order in Council of State. It shall adopt the list, which now comprises six services whose number has also not meant to grow according to the commitments made by the Government Commission. A second decree, the one we are discussing, is taken in the Council of State and open to other services the opportunity to have access to certain intelligence techniques.

[Pierre Lellouche](#) . What services?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I come here. If we remove paragraph 17, some services that are not necessarily of the intelligence services can not have access to technology such as security interceptions, currently used by the intelligence branch of the police headquarters in Paris, which, under the decree, is not a member of the intelligence community. If we remove that paragraph, the central service of the territorial information, which is not an intelligence service, can not have access to security interceptions. Similarly, the central management of the judicial police, which is not an intelligence service, can not have access to administrative security interceptions. That is why it is obviously not necessary to adopt these amendments. The opinion of the Committee is therefore unfavorable.

[Madam President](#) . I call the Minister of Interior to give the opinion of the Government.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . Against.

[Madam President](#) . I call Mr. Jean Lassalle.

[Jean Lassalle](#) . Madam Chair, Mr. and Mrs. Ministers, ladies and gentlemen, I support the amendments to delete paragraph 17, not for formal reasons, because I fully agree with what the Prime Minister and ministers. The tremendous response of the French people imperatively calls a clear positioning. However, I do not trust, and many French either. I think it would overhaul the larger institutions of our state. Our state, we have somewhat neglected, should be revisited because it takes a state to France. The great distrust of the French towards their justice causes me concern. I grabbed the Council of State, in the

removal of most rural districts and most in need, adding 7000 euros for me the services of a competent lawyer to intervene. But I was surprised when it does not advance any of my arguments, she said that the task was difficult because the State Council, which represents 70% of its turnover, would have been angry. Thus, we must give ourselves the means to combat terrorism, but also to look into the functioning of our state. And I say nothing of the Constitutional Council which I sometimes wonder if it still exists!

[Ms. Marie-Françoise Bechtel](#) . Outrageous!

[Mr. Patrick Mennucci](#) . Anything!

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I can not agree with the argument of the rapporteur on this point, although I agree on many. We are told that the text is not a law of exception. I know it. It is not a law of circumstance. I will say that even if the tragic events of January had not produced, the bill would still have been presented to the National Assembly. It is therefore a bill reflected a long time. You had time to think about his writing, and therefore the list of services authorized to act!

**Guy Geoffroy and Mr. Patrick Hetzel** . Obviously!

[Pascal Cherki](#) . Would we have had to legislate in a hurry, as it happens, I would understand that one should let a decree on the grounds that the subject is not sufficiently ripe. But given the time that was thought to develop this bill, we must be able to give us the list of services!

[Guy Geoffroy](#) . Congratulations!

[Pascal Cherki](#) . Second, Article 34 of the Constitution provides that "the law sets the rules for civic rights and the fundamental guarantees granted to citizens for the exercise of civil liberties."

[Guy Geoffroy](#) . We're right into it!

[Pascal Cherki](#) . Intelligence without the knowledge of citizens, be it legally founded, is an obstacle to the freedom of citizens, which can be modified, justified and based on security requirements. It is therefore essential that they know what the state governments have authority to use certain techniques. They

know whether or not they are themselves the target, this is another debate, but at least they know the list of services! This falls within the area of the law which, under Article 34 of the Constitution lays down the rules relating to the exercise of civil liberties. Both on the basis of Article 34 of the Constitution as one, especially, the schedule of the law that is neither exceptional nor occasional but long-planned, I think that Parliament must be able to determine the list of eligible services.

[Pascal Popelin](#) . The organization of state services is not within the domain of the law!

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . Madam Chair, Madam Minister, Minister, dear colleagues, I am not so sure my colleague Cherki it does not act a law of circumstance, but I'm not going to open a debate on this point. What interests me is whether it falls within the powers of the Parliament to appoint those whose mission is to educate the power, that is to say, to ask the Prime Minister for permission to go or spy on each other after notice of this famous commission which we will return.

[Guy Geoffroy](#) . That's about it!

[Pierre Lellouche](#) . The Government and the president of the Law Committee argue that no, that a decree is sufficient. As my colleague Cherki, although we did not consult, I reread the first paragraph of Article 34 of our Constitution and pretend, Mr. Minister, that your text is unconstitutional.

[Lionel Tardy](#) . Of course!

[Pierre Lellouche](#) . Just read it, it is absolutely clear: "The law establishes the rules for civil rights and the fundamental guarantees granted to citizens for the exercise of civil liberties; freedom, pluralism and independent media; the obligations imposed by national defense upon citizens in their person and their property. " Even if we stick to the part of the text to terrorism, and we know that the scope of the text is larger, it is indeed the imposition of subjection. According to the first paragraph of Article 34, it therefore falls within the domain of the law. Besides, it makes sense. The decree does not mean anything but the executive

bodies with the power to spy, which is no small thing in a democratic society. When to defend themselves, and it is necessary, we defend as necessary but we must frame the modalities by law. I claim that the Parliament should know that spies in this country, which is not subject to a decree! You claim that the list is stopped, Chair of the committee, but you're not able to answer me when I ask which services included in the decree!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I just said! Try at least to listen to me when I tell you!

[Pierre Lellouche](#) . You stop an exhaustive list but it can change tomorrow! This falls within the domain of the law. I therefore argue that the text is not constitutional.

[Madam President](#) . I call Mr. Patrick Hetzel.

[Mr. Patrick Hetzel](#) . In response to the arguments developed by the Chairman of the Law Committee, it seems to me that the text must be well balanced between the work of the intelligence services on the one hand and respect for public freedoms but also freedoms individual other. As part of another text, the Government and a Council of State decree could be left to do the trick. But the vehemence with which the Prime Minister spoke yesterday in this Chamber shows that there is a problem. This problem must be treated. Our citizens have the right to have a number of safeguards that both civil liberties and individual freedoms will be preserved. They can not take a simple decree in Council of State. We therefore hope that the Government should find out which services are covered by paragraph 17. To that end, it comes well within your prerogatives, Mr. Minister, to propose an amendment stating clearly the services concerned, especially that you have submitted very late yesterday. You do then, I think, unanimously in this Chamber. It is essential, in such a text, that individual liberties and civil liberties are preserved!

[Guy Geoffroy](#) . Congratulations!

[Madam President](#) . I call Mr. Noël Mamère.

[Mr. Noël Mamère](#) . Madam Chair, Mr. and Mrs. Ministers, dear colleagues, I want to return to what was said earlier Coronado our colleague and the repeated statements of the Prime Minister that the law is put into debate to fight against terrorism. You should know what you want! This law she was prepared before the tragedies occur from January to strengthen the means of information? In that case, why vote in an emergency? This is called the tyranny of emotion and penal populism!

[Pascal Popelin](#) . There is nothing criminal in the text!

[Mr. Noël Mamère](#) . It is nothing like this was done for five years before us! It is a way of hysterical debate that does not deserve to be! Secondly, I would remind my colleagues that in 2012 and 2014, notably following the Merah case, two laws anti-terrorism were enacted. Does a 2014 law prevented the tragedies of *Charlie Hebdo* and Hyper hide?

No. That laws suppress freedoms claiming defend others do not correspond to the idea we have of the rule of law. Here we see a reversed fronts debate, where it is the right that defends freedoms against the excesses of the project while the left remains taisante. I remember some episodes in recent history, including the Security project and release of Mr. Peyrefitte, who sent down a number of us in the street to protest against attacks on freedom.

[Mr. Patrick Mennucci](#) . We compare in Peyrefitte! What a shame!

[Mr. Noël Mamère](#) . When one remembers the Peyrefitte law and notes that the technical means that the text proposes to give the intelligence services, under the sole responsibility of the Prime Minister, with deletion of the judicial judge, one is entitled to s' worry. This is what we say, and that's why we continue to fight tooth and nail against what you offer us today, which is not consistent with the idea that we have of the the balance between freedom and security.

[Madam President](#) . I call Mr Lionel Tardy.

[Lionel Tardy](#) . Madam Minister of Justice, Mr. Minister, Mr. Reporter, we have still not received an answer. Can you confirm that from the list of other intelligence

services who organized their access to the massive database of national encryption platform and décryptement - PNCD - are Tracfin for the Ministry of Economy, the National Directorate Intelligence and Customs Investigations - DNRED - for customs, Directorate of protection and security of defense - DPSD - for military security, management of military intelligence - DRM - for satellite branch of the military, the intelligence directorate of the police headquarters in Paris, which has been confirmed, and the Directorate General of Internal Security - ISB? Can you also confirm that this consultation is done today without any filter or line ministries, nor the CNCIS, responsible for ensuring the legality of administrative interceptions or the interdepartmental group control, the armed wing of Prime Minister and "control tower" in intelligence?

[Madam President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . Let's go back to paragraph 17, subject of the amendments that we are examining. I for one am convinced that we must not adopt these amendments and the need to maintain paragraph 17. On this point as on others, the architecture of the bill suited me. Qu'entendons- we do collectively, with a sense of continuity of the state, whatever may be the divisions on this issue? We try to rigorously define two entities: first, the six specialized intelligence services, which are defined by a simple decree, made under the order of 1958 parliamentary assemblies - these six services are not hidden: their names are listed in *the Official Journal* , transparent and perfectly republican manner; and a second circle of service, which are not specialized intelligence services *in the strict sense* , but some are placed under the authority of Interior Minister, others under that of the defense minister, and are listed. According to the distribution made by Articles 34 and 37 of the Constitution, it is natural under the authority of the Government - and him alone, because he is the executive and he organizes the administrative services of the - state that the services in question are to be appointed by a decree of the State Council. I say to our colleagues who legitimately pose legal questions, there is no problem of negative incompetence. Everyone does his job: the legislature defines the general framework and the



executive declines at the regulatory level, all of which are published as befits the *Official Journal* . (several benches SRC group "Very good!".)

[Madam President](#) . The call Mr Eric Ciotti.

[Mr. Éric Ciotti](#) . Let me express my turn my opposition to those amendments that seem totally inappropriate, both in substance and form. On the form, I will not repeat the legal arguments quite relevant that just Guillaume Larrivé support. Things are clear: the decree determines the composition of the intelligence community and the Council of State decree allows the government, with ministries that are clearly specified in the text - so we are in the field of law - to extend it to services within the internal organization of the ministries.

[Alain Turret](#) . It is not sure.

[Mr. Éric Ciotti](#) . On the substance, I want to recall - and Patrick Mennucci, Rapporteur of the Commission of Inquiry on the monitoring of jihadist sectors and individuals, is witness - that all the services that the inquiry could audition call for the possibility of intervene in second place in the framework of the intelligence community to detect the threat and risk. The rapporteur recalled the list of services, which we might add the national gendarmerie. Let us be realistic. When I hear talk of Mr Mamère penal populism, I thought I was dreaming! Would we be totally disconnected from the world we live in and the threat to us? Let us therefore rise to fantasies and fears, and return to the reality of the threat that our country faces.

[Mr. Christian Jacob](#) and [M. Guillaume Larrivé](#) . Very good!

[Madam President](#) . I call Mr Sergio Coronado.

[Sergio Coronado](#) . When I hear my colleague Ciotti, I wonder whether Parliament has never debated provisions necessary for the fight against terrorism. I believe however that several laws have been taken in this field. Your virulence can not explain the dysfunctions of services that are more often be the cause of the failures we have encountered the lack of legislation. The debate is on both the techniques to be used and the number services that can access technical

theoretically vested in the only intelligence community. This does not surprise me. We had this debate and we still have the intelligence prison, since amendment of our colleague Larrivé sued - against the will of the Government, expressed by Christiane Taubira - intelligence missions the prison intelligence, involving in second place, in the words of Mr. Ciotti. This debate, the Rapporteur and the Government must listen. The discussion can be continued as part of the shuttle; one could even consider postponing the vote on this issue. We raise a legitimate question about Parliament's prerogatives and competences of services. You want to increase the number of services allowed to use techniques originally reserved for the only intelligence mission, you encounter the opposition of Parliament, which manifests itself in some transversely in this Chamber.

[Madam President](#) . The call Mrs Marie-Françoise Bechtel.

[Ms. Marie-Françoise Bechtel](#) . Make no mistake no debate. We have a debate on transparency - which services will be empowered to do what - and another debate on the scope of the law, that is to say on what is or is not the legislature to decide. On this second debate, our colleague William Larrivé said what he had to say: we are not at all in the scope of Article 34; it is quite natural to delegate the definition of these services to the executive. This returns us to the issue of transparency, since the decree is published - and therefore available a law for the citizen. And not only is published, it can be attacked more easily by the citizen that the law, which requires to go the way of the complex question as to constitutionality. - QPC control on the services that will be allowed in second place access to certain technical information, not indeed to all, is perfectly possible and expected. I understand the concerns that arise, but read carefully the text: some services allow you to use certain purposes and certain technical for some missions. (*Exclamations several benches of the UMP.*)

[Lionel Tardy](#) . It is very clear indeed!

[Ms. Marie-Françoise Bechtel](#) . As we have said, these services will be known and attackable. In addition, it will act only in certain missions and certain techniques.

[Mr. Pouria Amirshahi](#) . Which ones?

[Pierre Lellouche](#) . It is the union of state counselors who speaks!

[Ms. Marie-Françoise Bechtel](#) . All this will be controlled - and controllable by the judge, dear colleagues. If there is too much or too technical purposes, you attack before the judge, who will tell if the republican framework has been respected. I do not see where the problem is.

[Madam President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . If our former colleague Pierre Mazeaud was there, he would have belched to say that the allocation made by Articles 34 and 37 is unambiguous and there is no need to dwell on the subject. It is clear that this is the internal organization of state services, reporting to the regulatory authority, and nothing else.

[Mr. Patrick Mennucci](#) . Obviously!

[Mr. Jacques Myard](#) . It is equally clear that to include this in the law would considerably increase. Imagine merge two services tomorrow. We will amend the law? Let's be serious: we must make an order, and nothing else.

[Mr. Patrick Mennucci](#) . Absolutely.

[Mr. Jacques Myard](#) . Whatever the service designated by the State Council decree, it will be subject to the law in its functioning, in its review and its missions. I do not see where is the problem: we are wasting time!

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . Okay, Mr. Myard!

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . The left is not taisante in this debate, although it is sometimes confused by certain arguments. I would say to our colleague Mamère, who arrives in the debate, it can be no penal populism in this text, since it in no way addresses the criminal but administrative policy provisions. I'm surprised you

today requires registration in the law of the existence of services that no one has so far moved to see action in the absence of any legal framework.

[Mr. Jean-Yves Le Bouillonec](#) . Very much so!

[Pascal Popelin](#) . The defense of civil liberties within the meaning of Article 34 of the Constitution covers the following questions: what techniques of purposes that can be intrusive into private life? What are the means that can be used? What are the checks? What are the sanctions for breach? This is why we have put into law. We will have a framework, and we will know that everything that is not authorized or is not in the conditions is prohibited. I agree with the analysis of William Larrivé legally irrefutable: we are not dealing here, including under Article 34 of the organization of state services.

[Pierre Lellouche](#) . We deal with constraints imposed on citizens!

[Pascal Popelin](#) . There is therefore no reason to continue this debate. It is the responsibility of the executive, who does also not surreptitiously, since all of these provisions are subject to decrees. I want to also remember that it is the left that, for the first time, created an intelligence service as part of a public decree. That was in 1981.

[Madam President](#) . The call Mr Hervé Morin.

[Hervé Morin](#) . Let me respond to the argument that we would be in the regulatory field. I understand the argument of Jacques Myard that the interior minister had also developed in committee: we can in fact change the law every time the name of a service or the department's administrative organization the interior comes to change. However, I do not see why the Government did not transmit us in the name of transparency and to cut short any debate, what had promised the minister in committee, namely the draft decree on this issue. For my part, I want to know if local services of the Interior Ministry can use means that are particularly intrusive ...

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Have you been a minister, or did you not?

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . Finally, Mr. Minister!

[Hervé Morin](#) . And I especially want to know more ...

[Pascal Popelin](#) . But you know it!

[Hervé Morin](#) . ... When in the name of emergency, authorizes a department head to use operational means. It would therefore be consistent we can precisely determine the services that will use the means that we know can be implemented for very broad aims.

[Madam President](#) . I call Ms Aurélie Filippetti.

[Ms. Aurélie Filippetti](#) . Several issues were raised during the discussion. The scope of the legislative and regulatory field first, which brings us to debate what is covered by Article 34 of the Constitution, so the domain of the law, and which falls under Article 37, So the regulatory domain. Furthermore, Article 66 of the Constitution stipulates that the judicial judge is the guarantor of individual freedoms. (*Exclamations sister several benches groups CBC and UMP.*)

[Mr. Jean-Yves Le Bouillonec](#) . At this point, it is incompetence!

[Mr. Patrick Mennucci](#) . It is not possible to hear that! Return to Law School!

[Ms. Aurélie Filippetti](#) . I ask that on these constitutional issues, we question the Constitutional Council, which alone can rule on the question whether the text is legislative or regulatory field. Since the Government seemed absolutely sure of it, I wonder if the Prime Minister is ready to bring himself to the Constitutional Council the Act on intelligence, once it is passed - since there will be a large majority in this Chamber for the vote - to obtain confirmation of the highest constitutional authority.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I wish the debate, which began yesterday afternoon progresses, avoiding us to continually reopen the same discussions.

[Eduardo Rihan Cypel](#) . It would be desirable, indeed!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . There are indeed a lot of topics for consideration, all very important, but we can not progress if we do not settle a number of arguments that have been developed and on which votes have occurred post yesterday noon. I invite each of us to not always use the same arguments. As everyone will understand, I am extremely sensitive to all the arguments relating to constitutionality, Mr. Lellouche and others, as yet Ms. Filippetti instantly have raised. In 2006, the Government presented a draft law against terrorism, which amended the scheme of connection data: this is the same subject as that discussed here. This text referred to a decree: it is the same way as the one proposed here. This law was logically referred to the Constitutional Council, which discussed and validated reference to a decree. This debate is therefore not relevant. (*Applause p everal benches CRS group.*)

[Madam President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . Many topics were developed at the moment. I would just provide some information in addition to what the rapporteur has said excellently. On the constitutionality of the proposed device first. If as claimed by a number of speakers, it is unconstitutional to refer to a decree the list of services that leverage information technology, the 1991 law which referred to the decree establishing the list of services the is for twenty years! At no time this method has been raised, not even if my recollection - I am speaking under the control of the President of the Law Commission - when the 1991 law was the subject of a control constitutionality. This topic has already been decided. We can stand this today in the same terms, as the Constitutional Council has already responded, but we already have the answer. There is indeed no ambiguity, as stated earlier Marie-Françoise Bechtel and Guillaume Larrivé, not for reasons that would take in their commitment to administrative law, but simply because of their good knowledge of the law. Under Article 37 of the Constitution, the Regulation is competent to define the means of services.

[Eduardo Rihan Cypel](#) . Absolutely!

[Mr. Bernard Cazeneuve](#) , *Minister* . Second, beyond the elements of law, he has the Government any desire to hide information on services that have access to these intelligence techniques? In any case, since the decree in question will be published in the *Official Journal* . Mr Morin proposed that it be submitted to the National Assembly before being published in the *Official Journal* : I am willing to pass it on to the Law Committee when ready and come to realize before it.

[Hervé Morin](#) . Perfect!

[Mr. Bernard Cazeneuve](#) , *Minister* . So there is no constitutional problem or any problem of transparency. As I am betting - although, I admit, it takes a lot of patience to achieve convince yourself that this is possible - that good faith may stamping this debate, I repeat what I have said yesterday. Third, the decree, as the law, are detrimental to civil liberties? I use the same argument yesterday: it is, I think, legally unstoppable, although I admit that, politically, it can do debate. Section 66 of the Constitution, you just invoke, Ms. Filippetti, after having already done yesterday, defines the conditions under which the judicial court should exercise its control when administrative police measures are detrimental to civil liberties. The judicial court is competent and, for example, in administrative detention or police provisions may constitute a deprivation of liberty.

*(Exclamations several benches of the UMP.)*

[Ms. Sandrine Mazetier](#) . And that's you, right, who have extended the period in which it occurs! That does not bother you then!

[Mr. Bernard Cazeneuve](#) , *Minister* . Ladies and gentlemen, I try to bring you the most rigorous and honest answer possible, because you ask important and fair questions. There is, in this legislation, no - I repeat: no - available intrusive freedoms, be it freedom to come and go or other individual and collective freedoms. If you feel that a section of the text is likely to undermine freedom, tell me which one. However, there are provisions which may be regarded as challenging privacy and the right to it. According to the established jurisprudence of the Constitutional Council, these provisions do in any way the ordinary courts

but the administrative court: stop *Westgate* in 2013, which is part of a long continuity of stops, recalled if were needed. As the rapporteur, like myself, you have made all the necessary explanations carefully, particularly with regard to the jurisprudence of the Constitutional Council, while Article 66 of the Constitution provides for the intervention of the judicial court if offending provisions freedoms - knowing that this text does not call into question - hold several times, the remarks you made here shows is a misunderstanding of our explanations, certainly due to the fact that we express ourselves evil, a stubbornness which I can understand but within the posture and not the requirement of transparency that you call your vows.

[Mr. Patrick Mennucci](#) . Very good!

[Mr. Bernard Cazeneuve](#) , *Minister* . I agree that we have a debate on the content of the text, on ambiguous provisions that should be clarified, but I really have trouble accepting - because I want to be scrupulous and best respond to your questions - that is suing the text, on the basis either of provisions that do not contain either of its provisions but for which I have given all the legal explanation, which may also be verified by you, what would seem normal to me, consulting jurisprudence or the elements I mentioned. Last: Mr. Tardy, you mentioned several times an article in the *World* . In this regard, I would say several things. First, I have respect for the public services that are the intelligence services. In my mind - unlike perhaps some of you - these services are not populated pharmacies expert people in the art of twisted, as opposed to hypothetical disciples of law. No, in my mind, the intelligence services are public services that contribute to the missions of public service and do so in response to considerations of general interest, which are often of national interest. I work daily with a number of services to prevent terrorism. Their officials and employees are civil servants who deserve our respect. But when they read our statements and exchanges - they understand that they can also take place in this Chamber, as is normal - they find that they are constantly challenged and we doubt their ethics. Well, I want me to defend the national representation for the



ethical requirement and the Republican direction that are theirs because they deserve it. Every day, these officials, who perform a public service mission, greatly expose to ensure the safety and protection of the French.

[Pierre Lellouche](#) . This is not an argument. You seem to believe that all those who do not share your viewpoint hate intelligence!

[Mr. Bernard Cazeneuve](#) , *Minister* . Finally, the prime minister and the defense minister, and I will use my turn me before you again, have denied the content of the article in the *World* of the strongest manner. Why? Because utilities that I just do not speak out of control, but are under our responsibility. If the practices described in this article existed, they engage our own responsibility as ministers of the Republic, we would be complicit and accountable for those actions. But these practices do not exist, simply because they do not conform to the law, the law. The DGSE, which is composed of officials demonstrating the spirit that I have just indicated, do not engage in mass surveillance you point the finger. This was said very clearly yesterday by ministers. The best proof is - I say especially to Mr. Morin - we give a legal basis to practices which have long been lacking. Why do we do it? Because we want the services activity is strictly controlled, that the national intelligence oversight Technical Commission - CNCTR - could watch what the services. If it finds that certain practices do not comply with the law, it can enter the judicial review, considerably strengthened by this legislation. If the judicial review and CNCTR find that certain practices are detrimental to criminal law, the aforementioned commission may refer the criminal court. All these controls hitherto did not exist.

[Pascal Popelin](#) . Exactly!

[Mr. Bernard Cazeneuve](#) , *Minister* . Why do we set? Because we consider that the major public services that are the intelligence services must be controlled. For this reason, this text is a law of progress, and I would like to stop saying false things, which do not correspond to the reality of the operation of services, the reality of the law, to scare, while the real danger is constituted by all those who

daily can compromise the values of the Republic, civil liberties, as evidenced by recent events at TV5 Monde. (*Applause many thanks of CRS group.*)

(*Amendments identical n<sup>os</sup> 52 and 169 are not adopted.*)

[Mr. Patrick Mennucci](#) . It is unbelievable that a former minister of the Republic vote these amendments!

[Madam President](#) . The call Mr Hervé Morin, to support the amendment n<sup>o</sup> 112.

[Hervé Morin](#) . Mr. Minister, I will make several observations. First, the Constitutional Council has never censored a text under the division between Articles 34 and 37: he always renounced make this distinction. Otherwise also, half of our laws have long since been the subject of a sanction from him.

[Ms. Marie-Françoise Bechtel](#) . But no!

[Hervé Morin](#) . This is what we learn in the first year of constitutional law. In addition, I note you send the draft decree on the services that will have access to these new procedures. Given the different elements and techniques that can be implemented, whether algorithms or *IMSI- c Atche rs* , it is quite normal that we know precisely what are the services that can be used . Let us not legislate just because today Mr Valls and Mr. Cazeneuve respectively Prime Minister and Minister of the Interior! We need to legislate a long-time because power succeed to power. What I hope is that the texts adopted in good faith today are not hijacked by tomorrow powers decide, themselves, to apply them differently. I want to be sure that in five or ten years, these provisions were adopted with good faith you have shown, Mr. Minister, Mr. Rapporteur, will always guarantee public freedoms and respect for personal life. That's what matters to me. We could go into more technical discussions that do not directly concern the Assembly - we can talk together - but what I want is that we associate as much as possible to the new powers that are grants services against powers that avoid arbitrariness. This is the meaning of this amendment.

[Jean Lassalle](#) . Very good!

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . As our colleagues have seen, Dr. Morin's amendment is to enshrine in law the list of services in question, in other words the Directorate General of Internal Security, the Directorate-General for External Security, the Military Intelligence Directorate, the Directorate of protection and security of defense, Tracfin and the National Directorate of Customs Intelligence and Investigation - I say this because I am not sure that the defense of the amendment was all completely explicit. For reasons that everyone will have understood, I am not in favor of the fact that the law provides the names of services. Indeed, if the Government were to change their name tomorrow, we would have to amend the law. That's what we did for example in 2013 and 2014; this is what was done in 2008. If it had figured in the law, we should debate each time; as the parliamentary agenda is already full, do not solicit more, trust the decree! Despite what Mr. Morin, debate articles 34 and 37 has already been largely resolved by the Constitutional Council.

[Hervé Morin](#) . No!

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . I have exactly the same position as the rapporteur, for the reasons just mentioned: if every time, in exercising its prerogatives, the Government changes the name of a service or service organization , proceed to a legislative change to allow these services to operate according to the law, I am not sure which one wins in flexibility, efficiency and even less transparency and clarity. I would like to develop a second argument because I'm not sure that anyone can remember, this device having been arrested there over twenty years: the 1991 law did not refer to the decree. She said nothing - absolutely nothing - on the set of services that could mobilize intelligence techniques for a number of purposes. We decided precisely for reasons of transparency, take, by a decree to be published , provisions which constitute an undeniable improvement over the previous state of the law. As we take these measures precisely to create the conditions for this progress, we

debate this Act as if it was a step back from the state the earlier right.

No! Rather, it represents considerable progress, progress in transparency, progress in control. I want to remind once again that things be said.

[Madam President](#) . The call Mr Guy Geoffroy.

[Guy Geoffroy](#) . Thank you for giving me the floor, Madam Chair: I wanted to speak on the previous amendment, but I realized that you wanted to move on. I want to say three things. First, I find the minister very severe with regard to the 1991 Act and Michel Rocard, who had to vote: those who, like me, alongside the chairman and rapporteur Patrice Verchère attended all interviews with the mission of information on intelligence remember the circumstances narrated by the Prime Minister at the time that led him to persuade - the word is probably very far from reality - the President of the Republic time of the need for a law on intelligence. We can not today, twenty-five years later, to rebuke this law which had the merit to exist, while the President of the Republic of the time did not want that it should be well. Then I invite the rapporteur to chair a little caution. The argument that it will not move forward if we begin to record specific things in the law may turn quickly against the person using it and against all others, Minister for text or rapporteur to present it. I am indeed persuaded that this pitfall, you rightly point is systematic and difficult to avoid. Finally, concerning the debate on Article 34, I have difficulty accepting the mocking contempt with which some of you, categorically, deny us the right to express ourselves. Certainly, there is one area of the law and an area of settlement; they are not otherwise so easy to determine that, which is why the Constitutional Council, most of the time, preferred not to deal with it. But I'll still notice that, for some time, the Constitutional Council in trafficking. I remember in particular the 2005 Law on the

future of the school: he decided to simply remove the programmatic Appendix to Article 1 on the grounds that it not fall within the scope of the law but to that of Regulation. The Council has started to do its work. Allow me, Madam Chair, ...

[Madam President](#) . ... Conclude, sir!

[Guy Geoffroy](#) . In conclusion, Madam Chair, I will say that the list in question - or lack list - goes beyond the simple explanation of the text of the law.

[Mr. Jacques Myard](#) . No!

[Guy Geoffroy](#) . It helps, if it exists, to determine the scope of the law on intelligence. Once the list defined in the law allows us to know what we are talking, I think it warrants a bit more caution and depth in our discussions on the constitutionality or not of what you proposed, we were a number to challenge. This is a real debate. Both the categorical and somewhat vulgar manner, in the etymological sense of the term, you used to return us in our aims really seems somewhat acceptable!

[Madam President](#) . I call Mr. Noël Mamère.

[Mr. Noël Mamère](#) . To go in the same direction as our colleague Geoffroy, some great constitutional - I think especially to Professor Dominique Rousseau, but there are others - explaining that the Constitutional Council has never censored a number of laws yet fall within the regulatory domain.

[Hervé Morin](#) . Of course! It never did!

[Mr. Noël Mamère](#) . The reality is that the Constitutional Council is hiding behind this and we vote laws that are often of the order of the Regulation. And you can cover yourself by arguing non-censure by the Constitutional Council. I also want to respond to the minister of the interior: it is not because one criticizes the provisions of this law, that there is concern overflows which could lead on our civil liberties and our personal freedoms, provided we judge that government steeped in bad faith and we think he wants to turn into a *Big Brother* ! It's not because one critical technical means available to intelligence services, provided it is considered that all intelligence services are spooks! There were some times when the intelligence services were not as Republicans you say: remember the case of the *Rainbow Warrior* ! We could also mention a number of episodes that involved intelligence services and where excesses occurred. For my part, I support badly enough, like a number of my colleagues, to be pointed from forty-eight hours because we criticize - and we are not alone, since there is also non-governmental organizations, associations, judges, lawyers, journalists, ...

[Pierre Lellouche](#) . Deputies from the right!

[Mr. Noël Mamère](#) . And even the deputies of the right! The three professions that I have just mentioned, which I might add doctors are absolutely not protected by this bill - not now, at least I hope that the discussion will do it! If I believe without fulfillment the discussion we had on the confidentiality of journalists' sources, I think that this law on intelligence will not put in an easy position to exercise their duty to truth and investigation.

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . In continuation of previous interventions, I want to say to the Minister of the Interior that he is perfectly right to remember that fear is a bad counselor. It is the bad part remains an advisor and another, you can not feed the obsession with terrorism risk, even if the risk is real, any more than we can keep the fear of widespread monitoring. Nobody said that your intention is in itself ontologically voluntarily carrier in the law itself draconian excesses. But suffer all the same that we ask ourselves, in the parliamentary debate - otherwise it is useless - on the potential risks because tomorrow is the same technique of mass data collection, or the lack of resources allocated control structures. These concerns need to be in the debate. I am ready, as part of a reasoned debate, to follow the reasoning of our rapporteur, for example on the relationship between the ordinary courts and administrative courts. I am ready to follow the argument of Marie-Françoise Bechtel a wise balance between what comes under the decree and what is the law. But I ask that we can also discuss what, in the demarcation of the law, requires in principle of vigilance, both in the Explanatory Memorandum that in some of the provisions. Thus, some points are raised not only by parliamentarians present here, but also by associations who ardently defend fundamental freedoms. Let us pause for a moment on a forum recently published in the daily *Le Monde* , signed by Nils Muižnieks Rights Commissioner to those in the Council of Europe - it is not anyone! - By Michel Forst, UN Special Rapporteur on the situation of human rights activist - not anyone! - And finally by Ben Emmerson, UN special rapporteur on human rights and the fight against terrorism, which therefore knows whereof he speaks. They alert us with a title in my opinion a bit hard since characterized the bill as seriously undermine individual freedoms - which I do not pretend to myself: I'm just saying that deserves that we can debate.

[Madam President](#) . Thank you to conclude, sir!

[Mr. Pouria Amirshahi](#) . I'll end with this sentence, Madam Chair, if the Government, not in this particular provision, but in general, is perfectly safe for compliance with the spirit of the laws and the Constitution for the protection and defense of freedoms nothing prevents the Prime Minister himself to refer the whole of the law to the Constitutional Council, after it has been passed, the opinion of constitutionality.

[Madam President](#) . I call Mr. Patrick Hetzel.

[Mr. Patrick Hetzel](#) . I want to address two arguments you have developed, minister of the interior. First, your words seemed to me to betray a very Manichean vision. You have now left to think that those who today claim you specify the legislation, would be hostile to critical information or services to them. I take issue! At no point in the arguments that we have developed, we have not sought to criticize the service, on the contrary!

[Pierre Lellouche](#) . It is even insulting your part!

[Mr. Patrick Hetzel](#) . We join willingly in the tribute you have paid to the officials. It should therefore be truly out of this Manichean vision precisely because we are trying to find a balance between, on the one hand, the need for information and tasks assigned to services and secondly, freedoms. Second argument on which I wish to return after listening to you: you bring items that are within the administrative science, considering that the Government shall, by order, including those issued by the Council of State, a number of guarantees in respect of freedoms. Nevertheless, I learn nothing by reminding you that there is a hierarchy of norms and that many of these standards include the Preamble to the Constitution and the Declaration of Human Rights and the Citizen. In fact, that for what we are fighting and we are trying to make you perceive, is that on a topic as sensitive as intelligence, it is essential to ensure a good balance and preserve the freedoms, civil liberties but also individual. This point requires that we be



extremely careful in Writing: this is why we present a number of amendments.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . I'll be brief: first point, Mr. Minister, Madam Minister, Mr. Rapporteur, we have nothing - I repeat: nothing! - Against the intelligence services, we respect and we work with when it happens that we are in business.

[Mr. Patrick Mennucci](#) . You mean the SAC?

[Pierre Lellouche](#) . Second point: we have everything against terrorists, so we fighting the same battle you. This does not mean that we can ask you questions. Let me develop in a minute a parable which I will call "the parable of *German wings* ": after 11 September 2001, it was considered intelligent, by people as reasonable as you, equip the cockpit of a commercial aircraft security door to prevent it from introducing terrorists; the intent was perfectly laudable. And armored doors have indeed been installed. Now what has happened when a cockpit was occupied by a deranged? One hundred and fifty innocent people have lost their lives! Will it had, minister of the interior, one hundred and fifty victims of terrorism in the US or Europe after September 11 2001? Answer: no other words, a law even designed with the best intentions, can have detrimental consequences if misused: this is our one and only about Although, for making myself a little Right, I have great respect for your legal, Urvoas sir, I think that when it comes to article 34 of the "obligations imposed by National Defence to citizens", it is hair cell in the subject!

[Ms. Marie-Françoise Bechtel](#) . But no!

[Pierre Lellouche](#) . When we think that the list of agencies to spy on our citizens can be the domain of the law, do not answer us: "Move along, nothing to see! The Act and Regulations! The Government decides! We do it because we're in business! "

A little less arrogance! Do not accuse us of being hostile intelligence services! This would allow the debate around the turn neither fears nor around fantasies. It is something insulting to hear us say that since yesterday!

*(Amendment n ° 112 is not passed.)*

[Madam President](#) . I received two identical amendments, n<sup>os</sup> 408 and 396. The floor is Madam Minister of Justice, Minister of Justice, to support Amendment n ° 408.

[Ms. Christiane Taubira](#) , *Minister of Justice, Minister of Justice* . This amendment seeks to delete the reference to the services of the ministry of justice in the list of services that can use the information collection techniques referred to in paragraph 17. As I have already stated in committee, I consider it is not desirable that justice can directly control the implementation of these techniques. We support a prison population where there are dangerous prisoners condemned both terrorist acts and for organized crime facts. Given the links that exist between terrorism and organized crime networks, we obviously perform surveillance in institutions. Besides the circular I took in November 2012 and updated in November 2013, we strengthened and restructured prison intelligence: increase in staff in 2012 and 2013, both in reorganization of the central administration to the directions . interregional and institutions Under the anti-terrorism plan, the building continues - we spend 72 to 159 agents today at the end of 2015 and 185 in 2016 - and is accompanied by a diversification of skills. We have also structured our relationships with the Ministry of the Interior: After several months of working together, we got a prison governor integrates the Coordination Unit of combating terrorism, the UCLAT. I also took joint circular

with the interior minister. The prison administration seat in the European network RAN - *Radicalisation Awareness Network* - . and participates in weekly meetings UCLAT and security staffs Prison intelligence is diversifying by adding particular computer analysts as part of a monitoring unit on social networks. We also create a multidisciplinary think tank bringing together prison staff and researchers and experts in international politics. I wanted to remind these developments prison intelligence. However, the integration of services of the Ministry of Justice among the services that will control the implementation of information collection techniques goes beyond the business currently held by prison officers and supervisors. The State is one. It provides its sovereign missions complementarity and solidarity. Of the Department of Justice are continuing, to judge, punish and rehabilitate. They are executed by the judges and the prison administration. It is on this basis that the decree of 13 March 1911 transferred the prison administration of the Ministry of Interior to that of Justice. The execution of court decisions within what Montesquieu called the judicial power, prison is litigious action in stages since then. This is the case, for example, the application of penalties, or disciplinary committees, which have integrated civil society through assessors and lawyers. Any prison activity is under the judicial authority, including wooden floors. Among the intermediate steps, one can also cite the reform Amor 1945, the Badinter law, the 1987 law on the public prison service. Today, prison intelligence has more staff than ever - they will have more than doubled in a year and a half. Never skills will have been as diverse. I spoke computer scientists and experts on international issues, I could also mention the forty Arabic translators we recruit Therefore, it is legitimate to ask whether may remain a service of the prison administration in the Ministry of Justice. To answer this, we must assess the consequences of the choices we make. The Ministry of Justice has the peculiarity that it must administer justice while standing away from the courts. We have strengthened the independence of judges by the law of 25 July 2013, which prohibits individual instructions, and we could finalize the device in a future constitutional reform. The Interior Ministry, in its role as

administrative police and the Ministry of Defence Intelligence are already with the support of the prison administration. It is the Ministry of Justice, which is the Ministry of rights, constitutional guarantees of individual liberties - the guarantee of civil liberties would she, a sovereign mission of the Interior Ministry - to ensure judicial review of this activity. Intelligence, as I recall, is a perfectly legal activity that frames this text rigorously. If we decided that prison intelligence had become a full service, capable of directly implementing intelligence gathering techniques, it would be a job change that should draw the consequences not only in training and staffing, but also with regard to guardianship. Judicial review allows citizens to be sure that the state, in its unity, complementarity and solidarity, ensures their effective protection not only of this strengthening of intelligence, but also the preservation of their rights and freedoms . We believe it is desirable that the Ministry of Justice to exercise this control, does not have to directly order the implementation of intelligence collection techniques. That is the purpose of this amendment.

[Pierre Lellouche](#) . A nice Amendment!

[Madam President](#) . I call Mr Pascal Cherki, to support Amendment n ° 396.

[Pascal Cherki](#) . I do not think this amendment, but quickly developed after careful consideration, would lead to an interesting debate. Thereby achieving inspire the Government gives me encouragement to persevere in other debates! (*Laughter on the benches of the UMP.*)

I fully agree with the arguments of Ms. Keeper. There are indeed two issues. First, that of the institutions responsible for intelligence. The prison administration as such is responsible for complex issues: relations with prisoners, management of public order in prisons, etc. Those who know these subjects know it today is not equipped to carry out the action of a specialized intelligence service. Open this possibility in the legislation seems to me to present much more disadvantages than advantages. Second, no one disputes that carry a specific flaw in prison intelligence work. We have already mentioned the radicalization, and we know well that being in prison does not mean being completely cut off from the outside world. Inmates can design it, or prepare in part, crime.

[Elie Aboud](#) . Of course!

[Pascal Cherki](#) . However, I do not think we should entrust the necessary intelligence work to the prison administration. But it undoubtedly destined to work

in collaboration and coordination with other specialized services in the prison intelligence, as indeed provide for the following amendments of the Government.

[Madam President](#) . What is the opinion of the Committee on these two identical amendments?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The Law Committee gave a negative opinion. (*"Very good!" on the benches of the UMP.*)

[Elie Aboud](#) . It is brave of him!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Both amendments indeed tend to reverse a unanimous vote acquired by the Committee with one abstention, that of Mr. Sergio Coronado. Our logic is this: open a department of the Ministry of Justice the opportunity to have access to certain information technology does not make it an intelligence service. The organization of the intelligence community follows a design circles. The first circle consists of six services listed in the decree of 12 May 2014 the community component: DGSE ISB Military Intelligence Directorate, Directorate of Protection and security defense, national leadership of the Customs Intelligence and Investigation, TRACFIN. The second circle, the one in question here, is composed of the services we used to say that they "contribute" to intelligence. It includes the central service of the territorial intelligence, which depends on the central management of public safety; Sub-Directorate for operational anticipation, which depends on the National Gendarmerie; the intelligence directorate of the police headquarters in Paris, and finally the service named "Security Staff n ° 3 'or, more commonly, "Office of the Prison intelligence" that had existed since 1980 under a fairly standardized form before that an order of 2003 and an order founded in 2008 only confirms it. The Minister of Justice has rightly said that this service is increasing in recent years and is set to grow because of the problems that arise in prison life: 67,000 prisoners, 26,000 guards, 850 prisoners called "special reports" or DPS, of which 120 are radical Islamists. These dangerous elements or of instability for the prison world, require special monitoring. Proselytism destabilizes both inmates and guards.

[Guy Geoffroy](#) . Very much so!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . There are only a few years, the office of the prison intelligence had only thirteen people. He was a correspondent for Inter Prison Service and a corresponding - which obviously does not exercise this function full time - in each institution. Everyone understands that we have interest in developing its human skills. I understand in this regard that the government plans to allow the security staff n ° 3 access to training of intelligence academy, which will be good. However, a time comes when we must develop technical means. Human intelligence is important, the techniques are too. With 73 people, the Office of Intelligence prison has insufficient size to engage the means to monitor if only the 150 most dangerous elements, not to mention 850 detainees particularly reported. The Law Commission has not proposed raise the security staff n ° 3 to the rank of intelligence service or to transform 26,000 supervisors of Corrections agents of the intelligence services as I have read in the press. It is obvious that these are not supervisors circulating in the corridors, which deal daily, which will be charged tomorrow sound to visiting rooms or cells! We are talking about the prison service officers who will be entitled to exercise these powers, which it will be the job, and also request access to these technologies. - I am referring to the FO union Directorate The Government, if so decides, can ripen this thinking - this is the subject of the discussion we had earlier about the decree and the law. We believe, with the unanimity of the Law Committee, that prison intelligence service must, as such, access to certain technical intelligence

...

[Guy Geoffroy](#) . That makes sense!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . ... Understanding that we trust everyone, especially to the Director of Prisons I auditioned and did not lie to me about the use of some tools that we legalize - I think not only to "IMSI-catchers", but also to conventional security interception techniques that would be very useful in some cases. This is why the Law Committee is against the amendment of the Government to keep the text as amended by the amendment adopted in committee (*Applause on the benches of the UMP.*)

[Elie Aboud](#) . Very good!

[Madam President](#) . I call Mr Philippe Nauche, draftsman of the Committee on National Defense and Armed Forces.

[Philippe Nauche](#) , *draftsman of the Committee on National Defense and Armed Forces* . The Defence Committee has not considered this amendment as it did not exist at the time it was seized. She was taken to study the original text of the government which did not provide that the Department of Justice be so concerned. We can well understand the arguments of the Law Committee, but we must also listen to the Minister of Justice to enter his state of mind and the reasons for its refusal.

[Mr. Alain Chrétien](#) . It oar!

[Philippe Nauche](#) , *draftsman* . It is important to distinguish today trades each well. Part of the prison administration wants to move closer to the Directorate General for Internal Security to implement a number of technical as it is essential to preserve a continuum between inside and outside of schools. Once the Keeper and the Chancellery do not wish integrated the Ministry of Justice in this device and Defence Committee that the Government approved the text as it stood before being amended by the Law Committee, I would rather favorable, personally, to the amendment of the Government.



[Elie Aboud](#) . This is Dallas!

[Laure de La Raudière](#) . Are we right in the congress of the Socialist Party?

[Madam President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . I would like to indicate that this is an amendment of the Government, and not an amendment to the Keeper of the Seals. I support this amendment, for all the reasons that the Keeper has mentioned and that I had indeed expressed in the Committee. I have not changed position since.

[Pierre Lellouche](#) . C'mon!

[Madam President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . I fully understand the role of prison staff and he is not here to turn it into intelligence agents, but I do not understand your logic, Madam Keeper. We are dealing with people who we know fully well that they can be dangerous to their release. Imagine a prisoner out of prison after serving his sentence without that one or insight, not having used adequate means, he had developed very serious contacts during his sentence - we know very well that prisons without being windmills, are not completely closed houses - he perseveres in his radical commitments , devises specific projects and that something is happening. You will carry a serious responsibility that will engage the Government as the Minister of the Interior has just declared that he was supportive. In this case, I do not see why the Minister of Justice could not ask, if in doubt, that the necessary means are used to gather a number of clues or evidence that will allow us to act in the future. You are committing a true political error that could have dangerous consequences.

[Madam President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . This debate, far from being poor, beyond the divisions. It was at the initiative of our group, converging with other initiatives, this amendment was voted unanimously in the Committee on Laws, as recalled by President Jean-Jacques Urvoas. It should be ramp up within the 189 prisons, a real prison intelligence service based on existing devices for several years, particularly following efforts by Dominique Perben in his time with the creation of the office EMS- 3. This specialized intelligence service prison must enter the architecture of common law that this bill sets. Therefore, it must incorporate the second circle defined by the decree which Article which we speak. Why this proposal? Because this service must have the mission to gather intelligence in prisons to prevent terrorism, which is a much broader purpose than the fight against escape or to maintain public order in prisons. The prison administration should fully grasp the instruments of this bill. Here is the point of disagreement with the Minister of Justice, public, non-partisan political disagreement disagreement. That is why we insist that the amendment of the Government be dismissed. It is imperative that we change the gear ratio. It has become very urgent to fully professionalize within prisons, the ability of gathering and analyzing intelligence. This is what we propose for several weeks on the benches of the UMP and we are unanimous on this important issue.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . This question is important. We went in Fresnes with my colleague William Larrivé and we saw how is now managed the hundred jihadists income Syria. The problem is serious. I can not understand that the Government explains that it is out of question to spy jihadists or candidates for Jihad ....

[Ms. Marie-Françoise Bechtel](#) . It's not that! What caricature!

[Pierre Lellouche](#) . ... While we put up a huge surveillance system on the rest of the country. With modern means of interception and the provisions of the law, you are building a Himalayan information about the country, forgetting that the common point Mehra, Nemmouche, Kouachi, Koulibaly is the prison. It was in prison that they have been radicalized, that's where the information is

exchanged, it is there that penetrate 27,000 mobile phones per year - not normal phones; apparatus of the size of a car key housing. Now in prison, it is forbidden to listen, and there is no means to learn. We walk on the head! Spy on where it matters! This should be the top priority. Now, after voting by the commission of an amendment to create an intelligence service in the prison, Ms Taubira tells us that justice should not be concerned that it can not get their hands dirty in such a case , it is beyond question that his services are spying detainees because it's not their business, it is limited to derail attempts to escape. Except that, unfortunately, with jihadism, these missions have changed. It is not to ask the prison guards to play the spies, as well Urvoas explained. This is the means to spy on them where necessary. It is incomprehensible that the Government wants and remove one of the few relevant provisions of the text.

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . I want to thank Ms. Keeper for reminding elements relating to action of the penitentiary intelligence that demonstrate the Government's commitment in this area, particularly as regards the fight against terrorism and the progress made since several years to solve problems that date back longer than that. We have debated for over an hour with the question of whether to use the vector of the law or the decree to define intelligence. In this case the question arises in different terms: what the law allows to put in an order? The Law Commission has adopted two amendments, one of Mr. Larrivé and Mr. Cavard for the opportunity to the Department of Justice to seek the implementation of information technology in order to fulfill certain missions, whether the fight against terrorism, the fight against crime and organized crime, the fight against collective violence likely to undermine national security and so on. With this device, if the Chancellor wishes, it could, when it deems appropriate, to enter the intelligence office prison in a decree of the State Council to clarify which authorities other than those of intelligence, can use these techniques, under what conditions and for what purposes, all of course in accordance with the present text. I speak this device as from the work of the Law Commission and we now

proposed to amend. It would be a shame not to open this possibility. That is why the Socialist Group does not wish to vote the amendment of the Government.

[Madam President](#) . I call Mr. Yves Goasdoué.

[Yves Goasdoué](#) . I understand the high intellectual requirement that takes you, Madam Minister of Justice, to expose a position that we can understand. However, we are working for some months on jihadist dies with Mr. Mennucci and some colleagues, under the authority of President Ciotti, and we visit the prisons. We understand that this is not to transform the prison officers in little spies, which would have catastrophic effect of completely deteriorating relations between the supervisor and the inmate, which are relations of authority but must be also trusting relationships. *(Exclamations on the benches of the UMP.)*

[Mr. Alain Chrétien](#) . How can you say such things!

[Yves Goasdoué](#) . Let me finish, you'll be happy! I understand that the EMS-3 office would increase from 73 to 185 people, at least all of the services, and that is very important. I think today we can not do without special services that provides text and that would be, Madam Minister of Justice, under your authority. That's why we wanted as this decree in Council of State and that prison intelligence remains under the Ministry of Justice. We can not afford that in prison as information pass through the sieve.

[Elie Aboud](#) . Okay, that's brave!

[Madam President](#) . I call Mr Patrick Mennucci.

[Mr. Patrick Mennucci](#) . In my turn, Madam Minister of Justice, I will support the position of the Socialist Group in the awareness that this can cause you a problem, but witnessing to what I saw in the course of our inquiry. A report will be published on May 27, but we can already say a number of things here. First, the provision under discussion is not the result of a proposal by Guillaume Larrivé. As for me, I am referring rather to the text published by Jean-Jacques Urvoas, June 2, 2014, on his blog. There he engaged in an analysis of the intelligence prison, that caught my attention and after that I tried to get interested in the issue. I do not return the form - Pascal Popelin and Yves Goasdoué spoke in perfectly. You will be able to do things when you need them will estimate. Basically, our debates are right now monitored by prison managers, trade unionists, prison guards who look to us for consideration, a gesture by which we recognize the quality of their work. Colleagues who, with me, went to the Baumettes prison in Marseille were extremely impressed with the quality of work and commitment of the people of EMS-3, for the intelligence of their action. I will mention a paradox, so that everyone understands. It is possible, in prison, to hear the legal conversations. When someone takes a phone and calls his family was allowed to plug in and listen, but we have no right to listen to conversations illegal!

*(Laughter and exclamations on the benches of the UMP .)*

[Elie Aboud](#) . It's extraordinary that!

[Mr. Patrick Mennucci](#) . This is reality! I see, Mr. Lellouche, you nodding, but you wanted to open a controversy. It is wrong to say that there are no tracks in jail!

[Madam President](#) . Thank you conclude, Mr. Mennucci.

[Mr. Patrick Mennucci](#) . The prison uses ISB who comes to listen or, more usually, ISB finds the phone and asks the prison not to enter because she bugged. This is what happens, but maybe I misunderstood what you said. I wanted anyway

emphasize this terrible paradox. I would like the Government withdrew the amendment and that we keep the text adopted by the Law Committee. It would send a very strong signal to those in prisons, are first in line to deal with radicalization and difficulties. And then Ms. custody of the seals could make a difference over time.

[Madam President](#) . The call Mrs Marie-Françoise Bechtel.

[Ms. Marie-Françoise Bechtel](#) . I emphasize that I was occurred Committee against the amendment of the commission, ...

[Sergio Coronado](#) . Very much so!

[Ms. Marie-Françoise Bechtel](#) . ... And that I had supported the text of the Government. It is therefore logical that I defend today the amendment of the Government.

[Sergio Coronado](#) . Congratulations!

[Ms. Marie-Françoise Bechtel](#) . We must not confuse the issues.

[Sergio Coronado](#) . Exactly!

[Ms. Marie-Françoise Bechtel](#) . Material issues arise. What can you do in prison, notably in addressing the terrible challenge of jihadism is not one-off but does not represent the totality of what was for centuries the prison in our country? But also raises a question of principle. Some departments, by construction, always have intelligence: we can not imagine a ministry of interior or ministry of defense intelligence. It is also, unfortunately, the case of the Ministry of the Budget, in charge of Customs. However, the identity of the ministry of justice is elsewhere.

[Pascal Cherki](#) . Exactly!

[Ms. Marie-Françoise Bechtel](#) . A colleague spoke earlier of the officer's job, but we will not change the identity of the ministry of justice because we have to fight with the best possible way - that's for sure - against a serious threat. The fight against this threat is not at all the issue.

[Pierre Lellouche](#) . Of course yes!

[Ms. Marie-Françoise Bechtel](#) . The question is how effectively one can work within the prison, an intelligence unit, related possibly with other services, ...

[Pierre Lellouche](#) . This does not work!

[Ms. Marie-Françoise Bechtel](#) . ... To get the best possible material conditions of supervision and thus prevent the development of jihadist dies by the prison. That's the subject, but the text that the Commission proposes we absolutely evokes this and do not solve any of the problems, also brilliantly by my colleague Goasdoué or, now, by Patrick Mennucci. I would add that we must correctly read the article, because our colleague Pascal Popelin made earlier reverse playback.

[Mr. Patrick Mennucci](#) . No!

[Ms. Marie-Françoise Bechtel](#) . If we adopt the amendment of the Government, it will not set in stone that justice will always have access to intelligence techniques, but may be allowed to use them for specific missions, as well as other services, by Order in Council of State. This amendment is precise, and it has the principles of righteousness.

[Sergio Coronado](#) and [M. Noël Mamère](#) . Very good!

[Madam President](#) . The call Mr Nicolas Dhuicq.

[Mr. Nicolas Dhuicq](#) . France's prisons are so open to the outside world that prisoners who do not obey the rules in the Wahhabi institutions see their families threatened, and they can not even take showers if they do not wear shorts or underpants. I want to salute the dedication of the members of the prison service, who are constantly exposed to danger and are attacked regularly. The population of a central I know well are approximately 70% to 80% of inmates who converted to Islam under the influence of Wahhabi or one, currently funded, we know, by Qatari or Saudi funds. This proportion extremely strong induced changes in code because the detainee said radicalized no longer wear distinctive signs: they are in the prison ground, does his job extremely intelligent way and he is ahead of his time, because he fight for a cause that we do not share by freeing from guilt and justifying past and future acts, acts of extreme violence. Supervisors are there to

watch, Madam Minister of Justice, it is not the educators. They are there to collect intelligence and information flow among the prisoners being what it is, I do not see how could go unnoticed inmates themselves the arrival of members of staff outside the prison administration - since this is what we offer some or some of our honorable colleagues, I salute. This system would be totally unworkable! The only solution, Madam Minister of Justice, it is that there is sufficient staff trained in monitoring dangerous people in the central and prisons in France.

[Philippe Meunier](#) . Very good!

[Madam President](#) . The call Mrs Cécile Duflot.

[Cécile Duflot](#) . I would like to thank the Government for introducing this amendment. If we do not adopt, we had a phenomenal error on both the objectives and principles. And I mean the rapporteur, Mr Urvoas, Sergio Coronado had voted against the amendment adopted in the Committee on Laws. The prison administration may have to make intelligence, especially to achieve goals related to its activity, but will entrusted him a function which is that intelligence is completely deny his role, and it is even more fragile. Indeed, to have recourse automatically to extremely intrusive techniques would undermine the very ability of prison staff to hold office. I heard what you said, sir Mennucci. The question that arises is that in fact that of the multiplicity of mobile devices. These are, indeed, tolerated because we can not manage their presence, and it would be better to simplify their wiretap, if necessary, by conventional intelligence agencies which would, themselves, their profession. But entrusting it to the prison organization exposes it to very large risks. More importantly, it attenterait to principles. In this debate, which I was not involved as much as I would like since the Commission for Sustainable Development is currently working on energy transition law, our basic principles are often mentioned. But the function of the Ministry of Justice and its enforcement tool of the sentence what the prison administration does not provide the information. These are other services that fulfill this mission. This will maybe annoy you, Mr. Lellouche, but I will use your example of armored doors of *Germanwings* . Give the prison service response



capabilities beyond the issue of institutional security and prevention of escape attempts, would make him bear responsibility for the detection, which is not his function, and could produce the opposite effect to that sought. Indeed, one might find some useful tools, but the possibility of recourse at any time to secret technical totally weaken the situation. Recall that these detainees and, in principle, held in cells measuring a few square meters. This would result in an intolerable situation with regard to our principles. That is why it is essential to support the amendment of the Government I thank her for being sensitive and attentive to this principle.

[Madam President](#) . I call Mr. Alain Tourret.

[Alain Tourret](#) . On such a subject, there can not be any conflict between the Assembly and the Executive, between the majority and the Government. I note that the original text, signed by the Prime Minister, did not provide for recourse to the services of justice. I also note that the same amendments which we are now subject are supported not only by the Minister of Justice, but also by the interior minister. I therefore appeal to the wisdom of the Assembly. It does not seem possible to me that there is such a frontal opposition. It is inconceivable, and this poses a real problem in terms of freedom and even credibility of the law. It seems to me preferable to adopt these amendments at first and then revisit the issue.

[Laure de La Raudière](#) and [Mr. Elias Aboud](#) . No, we must do the opposite!

[Alain Tourret](#) . Otherwise, there will be clearly a confusion of genres. And to paraphrase Audiard, here's what I can tell you: The prison guards are not the scales. Otherwise, the wineries will plant them!

[Mr. Patrick Mennucci](#) . Those are not prison guards; is the service!

[Madam President](#) . I call Mr. Denys Robiliard.

[Mr. Denys Robiliard](#) . I support the Government. In this debate, the borders are disrupted. We do not know where is the line, which is the left, where are those who support or do not support the Government. This is only whether the prison administration officers may, after Decree access to intelligence techniques. It is not whether there is or not intelligence in the prison administration. Why is it desirable that these agents do not have access to intelligence techniques? First because there is no need. Today, in France, in a prison, or in a central, visiting rooms with sound can be either a court decision or - for now, with no legal basis - to the demand for services. What Patrick described Mennucci seemed address but not the right to factual accuracy. So this access to information technology is not necessary. Whether the phones or the parlors, it is not a necessity. Why is it necessary that the prison authorities may not have access to these techniques? Because, if the prison administration should certainly keep detainees, it must also prepare for reintegration, they leave, so that the recurrence rate is as low as possible.

[Philippe Meunier](#) . We talk about jihadists!

[Mr. Nicolas Dhuicq](#) . They are fighters!

[Mr. Denys Robiliard](#) . And it is through such a human relationship quality. There are rules in a prison, in a central. Indeed, there is no right to correspondence, and you can listen to telephone conversations. All this, prisoners know this but they should not see a guard potential spy: this distorts the human relationship, and it would be an alteration in the extreme quality of the relationship implemented by supervisors in French prisons . (*Applause several benches of the environmental group.*)

[Elie Aboud](#) . What human relationship?

[Mr. Denys Robiliard](#) . I say this after going every week for fifteen years in the prison of my department.

[Madam President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I do not understand all the arguments of our Popelin Goasdoué colleagues and I will answer them, give them comfort reasons. They said that by making this change in law commission, they beat the Government. They believe that the EMS-3 study, as a specialized structure of the intelligence prison, must participate in intelligence work. Thus, according to them, if you remove the word "justice" in paragraph 17, the EMS-3 will not do it. I will read this paragraph, colleagues: "A decree of the Council State, issued after consultation with the National Commission for Monitoring of Intelligence techniques, referring to those services, other than specialized intelligence services, reporting to the Ministers of Defence, Justice and the Interior and the Ministers economy, budget or customs, which can also be allowed to use techniques "intelligence. The act of removing the word "justice" of this paragraph do not prohibit the Government to decide, by order, to involve the Office of Intelligence prison in intelligence work. I am surprised that after working in law commission, you have not understood this!

[Pascal Popelin Patrick Mennucci](#) and [Laure de La Raudière](#) . But no, this is wrong!

[Mr. Patrick Mennucci](#) . The comma! You forget the comma!

[Pascal Cherki](#) . But yes! The paragraph clarifies that services other than the specialized services can also be allowed to use these techniques.

[Mr. Patrick Mennucci](#) . Come On! Slingers remove the commas, now!

[Pascal Cherki](#) . Then the amendment ° 408 is an amendment of the Government: I guess so, Madam Minister of Justice, Minister of Interior, the Prime Minister fully agrees with this amendment. It is therefore the Government which requests the national representation, and first to the Socialist deputies, delete the word "justice" in that paragraph, that the judicial institution as such is not mentioned.

[Laure de La Raudière](#) . Slingers support the government against the rest of the Socialist Group now?

[Mr. Éric Ciotti](#) . It is reversed fronts!

[Pascal Cherki](#) . One can argue, agree or not; I myself have removed a number of amendments, because I was convinced by the arguments of the Government - I have less convinced by other arguments. Despite this, I find curious, given the intensity puts the Prime Minister in this fight, determination and of the minister of the interior pugnacity, and what Ms. custody Seals, as Socialist deputies decided to go further than the Government, with the blessing of their colleagues in the UMP. I would like, ladies and gentlemen of the Socialist Group, that you have this zeal when it comes to social issues!

[Madam President](#) . The call Mr Joaquim Pueyo.

[Joaquim Pueyo](#) . In this debate, I almost lost. It must be said that supervisors are not professional intelligence officers: they are professionals of observation.

[Pierre Lellouche](#) . Eh yes!

[Joaquim Pueyo](#) . They observe every day, and if they gather valuable information, it can be useful to intelligence services. . So we need both, strengthen the work of observation of supervisors and, in parallel, strengthen coordination on intelligence Then, in my opinion, what matters is efficiency: Ms. Keeper the said, and the minister of the interior. For such information to be exploited, it is necessary weekly relations, daily, with the Directorate General of Internal Security under the Ministry of Interior: this is what is happening. Section 12 of the Bill nevertheless allowed the Prison Service to use intelligence techniques. It is unfortunate, Mr. Rapporteur, of having suppressed, and having rejected the same time the intervention of the prosecutor; I recall, in this regard, that the prison services are under the control of the magistrates of the judiciary. I admit that the deletion of Article 12 bothers me: I wanted to say.

[Thierry Benoit](#) . It is not wrong!

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . I support the amendment by Madam Justice Minister, but I am willing from what was proposed, rightly, our rapporteur. He recalled the

distinction between the intelligence services themselves, and those who contribute to intelligence. In other words, to each his job. I've been a social worker: I directed the health centers. We were in charge of child protection. Some services are directly responsible for child protection, others can contribute to it: I think, for example, police or gendarmerie. You understand that when we were asked to cooperate with them in difficult situations, it was no question for us to pass on all the information related to the person concerned, in this case the minor child or his family, except specific request in the context of a legal procedure. It would therefore be good to distinguish the sovereign functions that fall under the defense or the interior of those under justice or education. In addition, I fully understand the concerns expressed by Jacques Myard and Pierre Lellouche. They want to find a way to fight against radicalization in prisons and to intercept, if any, information about people who might harm state security, because they foment attacks. But it is already possible without involving the judicial institution as such. Just simply ask targeted authorizations for clearly identified prisoners: this is already the case today. As recalled some of my colleagues, and business Merah Kouachi showed that this monitoring was possible. It is perfectly possible, at present, to seek the introduction of a targeted surveillance and limited in time to monitor persons with a proven risk without entrust prison intelligence control intelligence tools which we have seen and will see again during the consideration of other items, they can cause problems. Moreover, in my opinion, these tools éloigneraient all businesses prison bodies of their original missions.

[Madam President](#) . The call Mr Guénhaël Huet.

[Guénhaël Mr. Huet](#) . Among the various interventions on the subject oh how difficult, I would like to retain a: to the Chairman of the Law Committee. He

described in great detail the prison reality, the way things happen there, citing some figures: one can not escape this reality. On this issue, opinions are transpartisanes: we can only rejoice. Anyway, I understand that this bill was not the occasion, he had not intended to respond to an emotion, but it was based on a principle of reality. Well it is precisely in the name of the reality principle, as stated by Jean-Jacques Urvoas, and given that we all know of prison reality jihadist influences that exist there, not to be to accept the amendment submitted by the Government.

[Madam President](#) . I call Ms Aurélie Filippetti.

[Ms. Aurélie Filippetti](#) . We are in a paradoxical situation. You see, since the beginning of the debate, I am critical vis-à-vis the draft Government legislation.

[Pascal Popelin](#) . This did not escape us!

[Ms. Aurélie Filippetti](#) . Yet I hear support the amendment ° 408 of the Government. Why that? I will not repeat all the arguments that have been advanced to define what the prison administration, what the prison. I repeat what has been truly said, the staff of the prison service are not there to do intelligence.

[Mr. Patrick Mennucci](#) . But they are not affected!

[Ms. Aurélie Filippetti](#) . Above all, in the interests of efficiency, it is necessary to trust the staff working in prisons to identify detainees who marginalize, which bridge with extremists - including Islamists - and fall under their control. In reality, their workload is very heavy; they know the inmates more closely, allowing them then to report any problems, abuses or excesses. If they can identify, because they have a daily human relationship with the detainees. The reality today is that the services of the Prison Service are working with the intelligence services, and that they will be working more with them. This will be clarified by the amendment n ° 407 of the Government, which we will examine later. In this way, those who are in daily contact with prisoners, those entering with them a relationship of trust - in which each well keeps its place - can work at best.

[Mr. Nicolas Dhuicq](#) . You know what they think, the guards, the relationship of trust when they are attacked by prisoners?

[Ms. Aurélie Filippetti](#) . They will be able to identify inmates who may pose a problem - 65 000 people now in custody, there are hundreds - and transmit this information to the specialized intelligence services. This is how we can fight effectively against radicalization, while respecting the spirit of the judicial and penal institution.

[Madam President](#) . On identical amendments n<sup>os</sup> 408 and 396, I am seized by the environmental group with a public demand for a poll. The poll is announced within the precincts of the National Assembly. I call Mr Jean-Yves Le Bouillonec .

[Mr. Jean-Yves Le Bouillonec](#) . I feel that for several days, we have been drawn into a kind of intellectual confusion. I am questioning the intellectual honesty to anyone, but we are moving away from reality! The bill he creates the French intelligence? No, he oversees. Will he now, in the prison administration, the Ministry of Budget, inside and defense, services which, without being specialized intelligence services, are still intelligence actions?

Yes! Madam Minister of Justice, I ask you a question: officials of the EMS-3 in the prisons, which are part of the prison staff, are they tainted with the hazard you make of the information? No!

You fear that they are: it is a legitimate subject, we understand. But paragraph 17 does not justify it. It simply provides that we may authorize, by decree, a number of services that are not specialized intelligence services, to use information technology. Besides, if we adopt the amendment of the Government, this would not prevent the EMS-3 to use intelligence techniques he can - or should -. Use Madam Keeper, you seem to fear that this subparagraph do sink the prison administration in the information strategy. But the amendment ° 408 does not seem at all appropriate. What makes the text adopted by the committee

is to authorize services of Corrections - amongst others - to use intelligence techniques, as described in the second part of this bill. It is therefore not to swing the prison administration in the circle of the intelligence services, but enable specialist services of this administration to use information technology. That is, since the beginning, the sense of this device which will in no way undermine the fundamental principles of justice. It will however legalize what is currently in detention centers.

[Madam President](#) . I call Mr. Noël Mamère.

[Mr. Noël Mamère](#) . For once, we have a lot of fun to support the Government. Indeed, the amendment proposed by Ms. Keeper to keep within certain institutional principles very well described by Ms. Bechtel, who spoke of institutional construction. In the construction of the institutions of this country, the Ministry of Justice is neither the Interior Ministry nor the Ministry of Intelligence. The Prison Service is not a substitute for intelligence pharmacies and the Ministry of Interior. The function of those now in charge of surveillance and punishment - in the words of Michel Foucault - is not to replace the intelligence services, but to promote reintegration, as Mr. Robiliard it very well said earlier. A number of us were involved in 2000 in the Parliamentary Select Committee on Prisons, established at the initiative of the President of the National Assembly at the time Mr Fabius . We visited the houses of stops, detention centers and we saw what could be the role of the prison administration. We also found the breach and its flaws, especially in its mission to prepare for reintegration. We can not today, on the grounds that our detention centers are "riddled" jihadists, divert the function of the Ministry of Justice . Mr. Amirshahi has rightly said just now, a number of tools are already available to the Ministry of Interior and the intelligence services to monitor those who may pose a threat to our country. The investigation of Merah and Coulibaly business and the Kouachi brothers revealed the flaws in the monitoring of the intelligence services. This is not a reason to the



Ministry of Justice a substitute for these services. That is why we defend fiercely and obstinately amendment Mrs Taubira.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . In the words of one of our colleagues just now, this debate is far from mediocre. I'll try to bring him back to those provisions laid down in those amendments. The question is not whether to support the Government: I support, and others who will vote the amendment does not support it. The question is not whether the prison administration become or not an intelligence service.

[Mr. Jean-Yves Le Bouillonnet](#) . Exactly! It is not the question!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The question is simple and precise: the administration has created within, by a decree of 9 July 2008, the Security Staff n° 3, that is to say, the famous prison office information that purpose is the collection, breeding and analysis of information, provided by Mission 70 people today, 113 tomorrow on 26,000 supervisors. These duly authorized personnel will they have access to intelligence gathering techniques to perform the mission we have entrusted to them? It's that simple.

[Mr. Pouria Amirshahi](#) . We must not let them do!

[Elie Aboud](#) . It is obvious!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We thought that there was an opportunity. We are currently establishing a legal framework for intelligence services; or the office of the prison intelligence is an intelligence service that has no access to intelligence collection techniques. Will we give it the means to work? If you answer no, the current situation will continue. There has already been an agreement between ISB and the prison administration; it would also there to be one with the sub-directorate of operational anticipation, the gendarmerie intelligence service. Mr. Mennucci, leading a commission of inquiry on the jihadists and has visited many prisons and heard their personal, noted

rightly that there are plays in prison, which are implemented by the ISB. We simply propose that tomorrow the staff in charge of security. This is an opportunity we are not forcing anyone. If the Government opposes it, and we can perfectly hear this point of view, the security staff will not do. Only we who are working on these issues for some time, felt it was appropriate to allow him to do so.

It's that simple.

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I thank all members who spoke as each has shown the importance of the subject. The summary just made by the Rapporteur reflects that. The rapporteur has just mentioned the Decree of July 9, 2008. The decree of the same day on the organization of the prison administration states that "the prison intelligence office is responsible for collect and analyze all information relevant to safety and correctional services. " As I recall from the beginning of the work in committee, very specific tasks are assigned to the prison administration, including the Office of Intelligence prison, security prison. You know, the office of officers EMS-3 are not identified. Once the prison intelligence service may resort directly to the information collection techniques is potentially all prison staff who may be considered to be using it. This is the reality of prisons.

[Cécile Duflot](#) and [M. Pascal Cherki](#) . Exactly!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . And we will ensure to maintain the anonymity of qualified officers to accomplish this prison intelligence mission because this is simply a condition of effectiveness. The mission of the Ministry of Justice is to ensure judicial review activities, including relating to the collection of information, prisons under the judicial authority. It's the law! The prosecutor may at any time and unexpectedly have control of these enclosed spaces. This is the

reality. Of course, it is possible not to support the amendment of the Government, but the very nature of the missions of the Department of Justice found in altered: instead of ensuring judicial review of the rights and freedoms of citizens The services of the Ministry would use intelligence gathering techniques directly. This is a possible option, I repeat, but, as I said in committee, that choice can not be made inadvertently All consequences must be considered. Prison intelligence, forgiveness of repeating myself, was strengthened during the past three years. It was restructured, provisions have been made. We face reality, we respond every day. And about reality, Mr. Lellouche, you said that you had visited the prison in Fresnes, including the wing where inmates were grouped percent we chose to place in a dedicated place. Unless they are twenty to two, not a hundred! And among them there are defendants, that is to say people who are not yet convicted. But we have assumed responsibility for placing them in a dedicated wing. We went even further: as the prison intelligence informed us that detainees radicalized had for some time a strategy of dissimulation, I decided last year, before the traumatic attacks that we have seen, to launch a research action, with tender, to detect so-called weak signals, understand the changeover process in the radicalization but also identify those who indoctrinate. There will be four action research. The first progress report will be presented in the month of April. You said, Mr. Minister, Pierre Lellouche, that the bombers were radicalized in January to prison.

This is false. While it is possible that the former is radicalized in prison but the second had already been convicted once for a terrorist act: it is not in jail he has

been radicalized. The third, meanwhile, had never had to do justice. Yes, the radicalized people and those who engage in terrorist acts are dangerous. When they are in our prisons, we have a duty to monitor as closely as possible. The twenty-two prisoners that you saw in Fresnes yet have relations with the administration and we know their profiles and practices. But radicalized, proselytes, those who indoctrinate are not participating in this program: they are isolated, are subject to periodic searches and are regularly transferred from one facility to another. The regime is absolutely not the same.

[Mr. Pouria Amirshahi](#) . Exactly! The device already exists!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . We look at the reality and we confront. We have identified the means necessary for the identification, tracking and tracing.

[Dino Cinieri](#) . All right then!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . We make reports to the Ministry of Interior systematically. That's why we integrated a Director of Prisons within the counter-terrorism coordination unit - UCLAT. We simply want the monitoring of these persons should be extended; it is a question of efficiency. The law already allows intelligence agencies to enter prisons. We felt that the terms were not sufficiently clear; this is why we had specified in the bill. I recall that the main consequence of few words introduced by amendment in committee in section 1<sup>st</sup> was dropping Article 12 of the bill. However, Article 12 involved granting additional resources to the prison intelligence and strengthen its activities in the framework of the general functions provided for by law. We can change, I repeat, but allow prison officials to have direct recourse to intelligence gathering techniques is changing the very nature of these missions.

[Mr. Pouria Amirshahi](#) . That's what's important!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Section 12 provided to give prison officials the ability to detect, locate, jam communications and seize unauthorized material. We can go further. I remember that there is life in institutions: it seems

important that the issue of effectiveness is processed. For now, we inform people that deserve to be followed and intelligence services perform this monitoring in institutions and out of the detainee. Therefore, if the amendment of the Government is not adopted, we really would change the nature of the missions of the Ministry of Justice. The means we have given information is contained in a file prison extremely effective since we has intersected a number of elements and communicate the intelligence service of the Ministry of Interior. But this file was under control. So I asked the intervention of the CNIL. She made recommendations and that file should be validated in the coming days. It is a tool of utmost importance but which was built without taking into account the nature of the prison intelligence mission and its legal limits. I do not want to prolong the debate. (*"Ah!" on the benches of UMP group.*) With this text, we face the reality of the situation within but also outside of our prisons. For we must remember a stable statistic: 15% of people that we follow in prisons have a prison history. Yes, 15% of people we have placed under special supervision of prison history. So 15% could be radicalized in prison. It's a number that I give for almost two years, but as I was the reputation of not taking things seriously, they would not consider it. There are two years, during the dismantling network of Sarcelles, I consult the criminal records of those involved. It then turned out that two out of twelve had prison record. The consequence is obvious: two out of twelve had potentially radicalized in prison. Ten out of twelve had never set foot in jail and had yet radicalized to become members of a network!

[Pascal Popelin](#) . Eh yes!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This is an essential factor that explains the importance of this text and the provisions that are taken to identify, locate and prevent radicalization that occurs outside prison. We take very

seriously radicalization takes place in prison, as we also take seriously people who are already out of prison and those about to be released. But this does not cover all places of radicalization nor all those involved in radicalization. We face reality, we provide answers to problems. Nevertheless, if the nature of the ministry of justice has to be changed, I think it's better to do it in all lucidity.

[Ms. Marie-Françoise Bechtel](#) . Absolutely.

[Madam President](#) . I'm going to go, exceptionally, to Mr. Candelier because no orator has yet been reached for the GDR group.

[Mr. Jean-Jacques Candelier](#) . The debate on the amendment ° 408 is very intense, lively, interesting, constructive.

[Mr. Nicolas Dhuicq](#) . And long.

[Mr. Jean-Jacques Candelier](#) . I listened to each other. For me, the prison officers are intended to prevent the risk of escape and enforce regulations in the interest of all. Their job is painful: I have seen several times by visiting prisons. It is hard. We can not entrust their extra intelligence mission. To each his job. I will vote the amendment of the Government.

[Madam President](#) . We will now proceed to vote. I remind you that these two identical amendments have raised an unfavorable opinion of the reporter and a favorable opinion of the draftsman of the Committee on Defence. Thank you to return to your seats. The vote is identical amendments n<sup>os</sup> 408 and 396.

*(It is in the voting process.)*

The result of the vote:

Number of Voters 107

Number of votes cast 106

Absolute majority 54

For adoption 38

against 68

(Amendments identical n<sup>os</sup> 408 and 396 are not adopted.)

(Applause on the benches of the UMP.)

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment n<sup>o</sup> 170.

[Sergio Coronado](#) . Defended.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable.

[Madam President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Agrees.

(Amendment n<sup>o</sup> 170 is removed.)

[Madam President](#) . The call Mrs custody of the seals, to support the amendment n<sup>o</sup> 407.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This is an amendment that is part of the logic of what I have, probably at some length, explained - but you know I always scrupulous desire to enlighten the national representation of the most accurate way possible. As Article 12 was deleted due to the introduction of the Ministry of Justice among the services that can order intelligence gathering techniques, I wanted to allow an amendment to institutionalize relations intelligence and prison services of the Interior Ministry, as these relationships exist, fueled by the good understanding of each other. This amendment therefore relates to formalize in law.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The wording of this amendment is problematic for me, although I understand not only the philosophy but the intention and if I support its content. I just fear a risk of *a contrario* . Indeed, the amendment provides that a decree will determine the information exchanged between a specialized intelligence service and the prison service. This in itself obviously poses no difficulty. But I fear that replies to other intelligence services who would like to have information from other jurisdictions to the extent that the law did not provide decree, they can not access this information. I fear that the

action of other intelligence services is thereby weakened. I await the minister's additional information before giving an opinion.

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I recall that this amendment seeks to insert a new paragraph after paragraph 17. The first sentence reads: "A decree determines the implementing arrangements in prisons, for the services mentioned in this Title, techniques of intelligence gathering under Title V of this book. "Paragraph 17, he is on a decree of the State Council, issued after consultation with the National Control Commission technical intelligence. I do not know, Mr. Rapporteur, if your question is from what prison administration would benefit only the decree provided for the amendment of the Government. The decree aims to formalize, to institutionalize and streamline the relationship between the information transmitter and receiver Service service and information feedback, as these relations are, as we have seen, one of the operational difficulties encountered. This back and forth, which does not exist, allow this administration to be more operational.

[Laure de La Raudière](#) . But why should an Order?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I do not know if your concern is the formalization of relations between the prison service and the services of the Interior Ministry, which is necessary because the prison administration under the Ministry of Justice, or if you are wondering about the relations between the departments of the Ministry of the Interior and those of other departments which are based, in respect of paragraph 17 - I think particularly at the Ministry of Economy, probably for the Customs and the Ministry of Defence - to use of information technology. So I did not understand the nature of your concern, and I wonder if accuracy in the amendment, "the services mentioned in this title" is not likely to dissipate .

[Madam President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur.



[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I understand that the question is far from simple. The decree provides that the intelligence services will exchange with the prison administration and get information. Vote this provision is obviously a problem for me. But that's be clear, this means that the prison authorities will discuss with the intelligence services.

Very good. But the central Service of Territorial intelligence, for example, is not an intelligence service and no decree organizes its relations with the prison administration! The absence of a decree does not risk making impossible tomorrow these relationships? This is the only difficulty. If you think, Madam Minister of Justice, there is no worry to feed, this amendment poses me problem. I just fear the risk of *a contrario* .

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I think the question of the rapporteur deserves to be explored. So I suggest that the amendment be adopted as is, we expertisions the subject and eventually found ourselves either in the Senate or when returning the bill to the Assembly ...

[Laure de La Raudière](#) . There will be no return to the Assembly.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Right.

[Pascal Popelin](#) . It will do so in the Senate.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . We can therefore consider a solution when considering the bill in the Senate.

[Madam President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The approach proposed by the Minister of Justice is correct. I therefore give a favorable opinion on the amendment.

[Madam President](#) . The call Mr Nicolas Dhuicq.

[Mr. Nicolas Dhuicq](#) . Knowing the formidable intelligence of Madam Minister of Justice, this amendment is not trivial at all. Madam Minister of Justice, you conduct trench warfare. Having been beaten to the moment in open country ...

[Mr. Pouria Amirshahi](#) . It was your only goal!

[Mr. Nicolas Dhuicq](#) . ... You use this amendment, which will necessarily widely delay implementation of the text and complicate the work of the intelligence services. It will allow you to reach the goal you are pursuing for several minutes, ie exclude the possibility for the prison administration to participate in the intelligence service that is beneficial to the nation's security. It would seem logical to me that this amendment, despite the great ambiguity of the Rapporteur position or removed to be reworked, instead of being passed. Indeed, if passed as is, it déstructurerait fully the spirit of the text.

[Madam President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . I must say, Minister, that your amendment complicates things at will. I do not see how this provision could be operational. If you want to include in a decree, which essentially should be published in the *Official Journal* , the methods and intelligence gathering techniques, arms fall to me! We leave in effect the need for confidentiality. Obviously, you try to take back with one hand what you previously lost the other. The decree you plan fails: either he sticks to generalities that have no operational or it goes into detail, in which case it is dangerous.

[Madam President](#) . I call Ms Laure de La Raudière.

[Laure de La Raudière](#) . I agree with the direction of Jacques Myard. I do not see the need to provide a decree, as it is to define the working arrangements between different government services. I believe that a circular would be enough: this solution would not adopt an uncertain writing. This is the circular which would decide the question of whether or not covered all the intelligence services involved in the exchange of information with the prison administration.

[Madam President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I would just like to respond to Mr. Dhuicq the MP. I want you to make me well all motives, but it's been three years since you accuse me of complacency, and even complicity, friendship, in collusion with all the criminals of the Earth, with all terrorist .

[Pascal Popelin](#) . This is outrageous! Ashamed!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Well now, that is enough.

[Mr. Nicolas Dhuicq](#) . You distorting.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . You have the right to think: you are a legislator, it is you who have the last word. But there are limits you have crossed for a long time and I am asking you in this House at least, respect. As you pass them in the radio studios, ...

[Pascal Popelin](#) . There is not invited.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . ... In newspaper columns or at meetings, still going on, but nothing authorizes you to do so in this Chamber. It happens that I belong to the Government and I represent the executive: pursue your unfounded accusations, unhealthy, dangerous and unbearable outside, but I ask you, here, a little decency. (*Loud applause and "Bravo !" on the benches of the CBC group.*)

[Laure de La Raudière](#) . We could at least get answers to our questions?

(*Amendment n<sup>o</sup> 407 passed.*)

## ***Point of Order***

[Madam President](#) . The call Mr Guillaume Larrivé for a point of order.

[Guillaume Larrivé](#) . We have had it for over an hour quality debate concerning not postures, Madam Minister of Justice, but a difference of analysis on public intelligence policy and its application to the prison universe. We continued this quality debate by making you that the amendment just adopted was not working legally. Jean-Jacques Urvoas asked pertinent questions: once you set some methods of cooperation between certain services and the prison administration, you say necessarily that you do not plan other forms of cooperation with other intelligence services. In short, this decree does not go. And you stand at the moment on a purely political ground by challenging the opposition. (*Exclamations on the benches of the CBC group.*)

[Mr. Jean-Yves Le Bouillonec](#) . No opposition, colleague!

[Guillaume Larrivé](#) . While yesterday we demonstrate that we operate in a spirit of responsibility, guided by the need to ensure the continuity of the state, and we are trying to develop together with all members of Parliament a useful text for French, I regret that you choose to break this climate of unity (*same movements*) putting you on a very personal, very politician, very partisan.

## **Article 1<sup>st</sup> (*continued*)**

[Madam President](#) . I call Mr. Michel Pouzol, to support the amendment ° 298.

[Michel Pouzol](#) . This amendment aims to allow the articulation between administrative and preventive action of the intelligence services and the repressive action of the judicial authority. The purpose of intelligence is certainly to collect data in a preventive framework, which justifies administrative action and the use of tools and techniques devolved to the intelligence services, but must also lead to investigations since data collection reveals an offense. This is why we would like the intelligence services, once they have found a breach whatsoever and whatever those might succeed him, directly inform the judicial court, ie the prosecutor, and the Prime Minister for that it can seize the Advisory Commission of the secrecy of national defense for advice on whether to declassify part or all of the elements of the file for transmission to the prosecutor.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the amendment because such a device already exists, in paragraph 2 of Article 40 of the Code of Criminal Procedure. If we create a particular device, we would not be certain of its effectiveness and we be weakening this paragraph of the Code, which applies

not only to the world of intelligence. I am always in favor of creating devices when the law is lacking, but there, we have one that works. So I do not see the point of this amendment.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

[Madam President](#) . The call Mr Guy Geoffroy.

[Guy Geoffroy](#) . You can imagine, Madam Chair, that is not on this amendment that I wish to speak, but you felt just now, quite rightly, only one point of order was enough. Your words, Madam Minister of Justice, have been heard and will be replayed. You said one thing and another explicitly implicitly. What you said explicitly was not too bad because you recognized a parliamentary right to think, but what you have left implicit hear was very serious. You told the same parliamentary he had the right to think, but he was not to speak, especially not here in the Chamber of the National Assembly. (*"Oh!" on the benches of CBC group.*) One can agree or not agree with the words of one of our colleagues, we can appreciate or not appreciate what is said repeatedly, perhaps heavy to bear, by a parliamentarian, but if given the opportunity, when you are member of the Government to order a parliamentary ... (*Same movements*)

[Mr. Pouria Amirshahi](#) . This is not true! That's not what she said, and you know very well!

[Guy Geoffroy](#) . ... To say or not say certain things in the Chamber's just difficult to hear. I wanted to tell you very calmly.

[Guillaume Larrivé](#) . Very good!

[Madam President](#) . The call Mr Nicolas Dhuicq.

[Mr. Nicolas Dhuicq](#) . Madam Minister, you are very clever to misquote. I never kept those you attribute to me. I just strongly disagree with you, with your vision of society and the way you manage the prison administration, whose members

suffer terribly at the moment. I have the right to say it, because I visit prisons. When we will see a prison and we explained that the department does not communicate on radical Islam in prison, I wonder what kind of world we live in. That's all I say, Madam Keeper. I hope that this country will remain a country of freedom. I will vote against this bill because it will not respond to anything and is draconian. (*Exclamations several benches CRS group.*)

[Mr. Patrick Mennucci](#) . What do you want then? We need to know!

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . Mrs Taubira, chance was that we were together on the day of the attacks to Charlie Hebdo, which will remain an unforgettable memory for me. I know you saw me like that day. Beyond political differences we may have, we lived this moment together. Regarding radicalization, from the little I saw in prison, there is a lot of people returning from Syria, thirty or Quarantine Fresnes, hundreds in the prisons of the Republic, and it is true that they are a problem monitoring, proselytism, as stated elsewhere President, and even contamination of other detainees. The question I asked earlier was not controversy. In a law whose purpose is to improve our intelligence apparatus, it is unthinkable to hold prisons away as it is to jail, unfortunately, are recruited many of these terrorists. They also recruit on the internet, and it is of course a corresponding component but it also takes a prisons component that needs to be articulated with others. Your argument is that these things are too dirty to be a part of justice. So, Article 12 was deleted, I regret: there is now a big hole in this legislation. Our role is still to be at the service of French. We need to build a device for the prison world. I hope we will. The fact that there are divisions in the majority shows that there are opinions that reach mine. Amendment n ° 298 also raises the problem of judicial judge, and I would like, Madam Minister, Mr. the rapporteur, have your views on how the link is made to Article 40. As you soulignez Mr. Urvoas, the secret services are public services. An official who has knowledge of an offense in the place of an operation is required to inform the prosecutor, it is the law.

[Mr. Jacques Myard](#) . Unless national education!

[Pierre Lellouche](#) . This amendment does is remind.

[Mr. Jean-Yves Le Bouillonec](#) . It is therefore useless!

[Pierre Lellouche](#) . I do not understand that the Government is against: it only recall the state of the law. In a text which departs totally the judicial court, he recalled that, in this case, it must still go to the floor. I am surprised at your attitude because you let us believe that it is by design that is completely outside the world of justice for the exercise of intelligence operations: this is not the rule of law! I support this amendment because I find a lot of sense. If you do not want it to be adopted, the Government must expressly agrees that, if an infringement is detected during an espionage operation or monitoring, which can sometimes lead to tragedies, the prosecutor is informed - there is no *cover-up* , as they say in the US, which does not hide things. Minister, if these intelligence services are not thugs and are public services we must all respect, let us ensure that the common law applies!

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . Regarding the amendment, it seems to me very clear legal explanation of our rapporteur Mr Pouzol could lead to remove it. However, we discussed everything except the amendment in that sequence. We can all think, that home, and even say what we think not. But I'll say what I think. Personal attacks, the motives, the denigration of the subject since taking office our Minister of Justice, member of this government, which does honor to the Republic, I roll upward, and that's the case, I think of all the members of my group, of all the

members of the majority and beyond. (*Applause from many benches of the CBC group.*)

**Madam President** . I call the Minister.

**Mr. Bernard Cazeneuve** , *Minister* . Mr Lellouche, the requirement for an official whatsoever, including an official of an intelligence service, to enter the public prosecutor since it has been a criminal offense under Article 40 of Criminal Procedure Code is already enshrined in law. If we adopt this amendment as drafted, it could *conversely* give the feeling that outside this device, it does not have to do it. Therefore weaken the scope of Article 40. Moreover, the amendment is poorly written: it requires "services" intelligence to notify the prosecutor and the prime minister, but who is it? It is for each agent bears service in criminal law such an obligation when it observes a criminal offense. We have also provided in the text the opportunity for CNCTR or judicial review proceedings in the criminal judge where a finding of a criminal offense under the oversight of the intelligence mobilized by technical services. We are therefore not in favor of this amendment for two reasons, because it's already in the law, because, as drafted, it weakens the scope of Article 40.

**Madam President** . The call Mrs custody of the seals.

**Ms. Christiane Taubira** , *Keeper of the Seals* . Thank you, sir Popelin, for your support and thank the other members of the majority have expressed their support for your words. The implicit, it is not my world, Mr. Geoffroy, not the subliminal, the elliptical either. I say clearly that I am constantly challenged for three years, and that they are implicated extremely serious, in addition to being unpleasant -. But that is not the point M. Dhucq claimed earlier, read the *Official Journal* , I led a trench war because I did not want the prison administration to be



effective in the difficult and dangerous situation faced by French with terrorism. These are extremely serious allegations, and that's why I suffered for three years. I am questioning every time there is a heinous crime in this country, as if I was the author! These are extremely serious charges, constantly! So yes, I reserve the right to say that there are circumstances, particularly here, where I represent the Government, which must take a minimum of precautions, because these bets in question is of extreme violence.

**Several members of the CBC group** . Very much so!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This is not the default, it's not subliminal, such accusations are specifically formulated for three years. Mr. Dhuicq, it looked you in a prison that the department does not communicate on radicalism. Just for you someone to say something, regardless of the facts, ...

[Mr. Nicolas Dhuicq](#) . This is reality!

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Thus for three years for the Ministry of Justice! When you talk about the alleged laxity of justice, you challenge 8500 judges just to have the pleasure of accusing me! Now, if you know the figures is because I give regularly. Since I joined the Department of Justice, I have consistently made public the figures for the prison administration. I had in fact discovered that the researchers had to apply and reapply several times to obtain information, and I decided to make total transparency by regularly publish all the figures for the prison population. I am releasing the number of people who are followed up, whether for terrorism, organized criminality or Islamist terrorism, since we still have in our institutions people who are terrorism from 1995 onwards. I launch tenders for action research. I give the information, and I'm always in front of you in particular, both the Assembly and the Senate.

These are still unfounded accusations which have spread. Mr. Lellouche, regarding the work we do and which I know you are sensitive, we have every reason to be proud. It is the action of France - not that I pretend that the EU was not concerned terrorism issues before - which mobilized the European Commission, which today released credits to support States in their fight against terrorism, even in the construction of prisons or supporting actions. We have set up a network to exchange information. I moved abroad and I received my counterparts in France. It was after the tragedy of January we took this turn, so we had already mobilized Eurojust and taken a number of measures. It was taken on a request I made on behalf of France, to structure the mobilization of the European Union in the fight against terrorism, with the revision of the Framework Decision of 2008, the extension of the 1991 Directive and the transposition of the 2178 UN Resolution on definition of terrorist offenses, harmonization of our criminal offense and the means to exchange information on people, particularly on criminal records, through ECRIS network. Porous borders, free movement of people on European territory are indeed a real challenge. We need all countries to have information about the people who are stuck in other countries. France can be proud to be at the origin of this action which is now being implemented across the European Union. We have every reason to be satisfied with the effectiveness of actions that we launch in this fight against terrorism, organized crime and human trafficking, as this is very strongly linked.

[Madam President](#) . I call Mr. Michel Pouzol.

[Michel Pouzol](#) . I withdraw my amendment: I would not be one that has weakened the Article 40! (*Smiles.*)

*(Amendment n ° 298 is removed.)*

[Madam President](#) . I call Mr Lionel Tardy, to support Amendment No ° 4.

[Lionel Tardy](#) . This amendment is very simple, but necessary. The law should specify the exceptional nature of intelligence gathering techniques. Mr Rapporteur, you who speak both the 1991 law, know that this uniqueness was mentioned. You update the legal framework, but we must keep this essential reference. We must not lose sight of this. If you want to respond to those who fear a generalized surveillance, the best would be to support this amendment and states in paragraph 22: "The techniques of intelligence gathering mentioned in Title V of this book can not be implemented as Exceptionally in the national territory. "

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable. The use of techniques is justified or it is not justified; it is legal or it is not legal. In this case, the precision proposed by Mr. Tardy does nothing.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . There in the text much stronger provisions that you are proposing to adopt there, since the text provides that the techniques used must meet a requirement of necessity and proportionality, which, in terms of content and protection is greater than the proposal of your amendment, which is more than satisfied. For this reason, I suggest you remove it.

[Madam President](#) . Withdraw your amendment, Mr. Tardy?

[Lionel Tardy](#) . I maintain, Madam Chair.

*(Amendment n ° 4 is not passed.)*

[Madam President](#) . I call Mr Sergio Coronado, to support the amendment ° 171.

[Sergio Coronado](#) . My subparagraph also full paragraph 22, but not quite in the same terms or in the same spirit as the amendment of Mr. Tardy. It aims to clarify that the use of such information collection techniques is only possible when the information can not be collected by another legally authorized means. Because of their particular intrusiveness on individual freedoms and privacy, the

mentioned techniques should not be used in the absence of other legal possibilities. It is important to include this principle in law.

**Madam President** . What is the opinion of the Committee?

**Mr. Jean-Jacques Urvoas** , *rapporteur* . Unfavorable. A number of techniques provided in the text follow a form of gradation in intrusiveness, as is the case with the sound of places or vehicles, capturing images or computer data. There is, for these cases, the principle of subsidiarity in the text. The add in general, is to weaken this principle to these specific techniques.

**Madam President** . What is the Government's view?

**Mr. Bernard Cazeneuve** , *Minister* . Your amendment, Mr. Coronado provides that intelligence techniques are implemented in compliance with the principles of proportionality and subsidiarity. Respect the principle of proportionality requires that departments use the most appropriate and least intrusive measure possible, given the aim pursued. Furthermore, it is neither possible nor desirable to prioritize them intelligence techniques, as we have already had occasion to say yesterday. Their use is subject to the operational needs of services, which must be duly justified and motivated, and under the control of the CNCTR one hand and of the Council of State on the other hand, the bill does not provide for a hierarchy that in terms of home intrusion because of the sensitivity of this modality in terms of respect for privacy. The Government is not in favor of this amendment.

*(Amendment n<sup>o</sup> 171 is not passed.)*

**Madam President** . I received two amendments, n<sup>os</sup> 289 and 271, which can be subject to joint discussion. I call Mr Pouria Amirshahi, to support Amendment n<sup>o</sup> 289.

**Mr. Pouria Amirshahi** . We approach a subject that is likely to deal a few moments. You said several times, minister of the interior, that you consider a strengthening of the Commission's monitoring capacity was an innovation with the expansion of its membership and changing its composition, which is divided between judges, parliamentarians and an expert in telecommunications. The

missions of this so-called Control Commission are nevertheless limited - and I'm not talking about the means, which will be discussed: understand, understand and master all the monitoring techniques, how they are used, for what services, and how these services store and use the data, is not easy and I'm also not sure that the Control Commission has the means and capacity to do so. To speak of the value and scope of its opinion This commission is supposed to give an advisory opinion to the decisions taken by the Prime Minister now custodian of extraordinary powers. In the new spirit of the law, this is to involve the political and the political responsibility of the executive, which is quite commendable, and probably in a spirit of accountability and transparency. However, the Prime Minister may be brought - and this poses a problem in terms of the importance of the powers conferred upon it - to ignore the advice of the Audit Commission - and I am not talking at this stage Emergency situations which more later say just now. If we want to preserve the essential data privacy and fundamental freedoms and thus raise the fears expressed by some associations and including some parliamentarians, it would undoubtedly be welcome to entrust the power to the Committee to give its assent. This review would ensure that if the members of the commission had doubts about preserving the privacy of the individual or individuals under surveillance, this technical information can not be held before there are established all guarantees requested by the Commission, which is the role and mission.

[Madam President](#) . I call Mr. Denys Robiliard to support the amendment ° 271.

[Mr. Denys Robiliard](#) . We have already discussed this amendment in part yesterday, and there was already answered. We are used to contrast the human rights protection system in England and France, saying that in France, we like to establish principles and in England we like to protect by the procedures. Conventionally opposed the *Declaration of Human Rights and the Citizen* of 1789 and the *Habeas corpus* - you will excuse the telescoping of time. It is possible, in

my opinion, to do both, and this bill allows. A principle is asserted, namely that behind the shield of secrecy defense, rule of law continues. This is a very good thing to say in the law, to get out of opacity. As for the procedure, it must allow the protected rights are effectively. The Commission is one of the instruments of protection, since it works in coordination with the Council of State and his special training. Why want assent? Because we live in a certain opacity and immediacy. Therefore, the possibility of a strong control *a priori* offers maximum guarantees regarding the protection of freedoms. This is the meaning of this concept of assent. The rapporteur me opposite argument that disempowers the administration or the government. I do not see why, because if the opinion is negative, it can have no authority to use the technical information so that if the opinion is consistent, it is not obliged to accede to the request: Section 23 makes it clear that authorizations are granted after notice. The alleged irresponsibility does not exist. To this, two advantages: if the Commission can issue its assent, we will give it the means to function in the long term, and it will thus truly guardian Liberties Committee.

[Madam President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the two amendments, because it does not consider that the current situation calls for significant changes. Since 1991, a national commission on security intercepts control advises the Government. But in none of the twenty-one reports CNCIS since 1991, not once its successive presidents have sought the assent. This answers actually a principle of coherence. There are in our country administrative authorities with decision-making power.

[Mr. Claude Goasguen](#) . Alas!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . In bad years, Parliament created an independent administrative authority, in good years, two or three. That's a lot of independent administrative authorities! Sometimes we give them regulatory powers, sometimes even a sanctioning power, but for cases that do not fall within the sovereign domain. Yet here it is individual freedoms and the *Declaration of the Rights of Man and Citizen* . It is normal, if proportionate interference with individual liberties, either the executive or the one that, under the Constitution, chief administrative officer, who assumes this responsibility. Allow the administrative authority to decide, is to take away the responsibility to the Government. In a rather academic and orthodox conception of the separation of powers, it is not desirable that the Government delegates his power. Moreover, in 1991, when the law was passed, the State Council had, as usual, was consulted. He then pointed out that giving responsibility to the administrative authority by giving it a power would be a compliance clause of unconstitutionality of the provision. There is no reason that his judgment has changed several years later.

[Madam President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . I fully understand the very respectable inspiration of the authors of these amendments: once the devices are likely to infringe the freedoms, a strong control must be exercised. I would like to reiterate that nothing in this bill - if it finds one, which tells me that we will debate and urgently! - Not undermine personal freedoms guaranteed by Article 66 of the Constitution. If that were the case, these amendments would also irrelevant since the intervention of the judicial judge would then not optional but mandatory. Second point: if we opt for assent because of a risk that n ' exist, since no article in the law presents, we would give this independent administrative authority power to take decisions in a highly sovereign sphere: it decides to substitute the Government in cases that fall within its sovereign prerogatives. However, as the rapporteur said excellently, the State Council is unambiguous constitutional risk that would pose to a provision of this type. In its opinion of 1991, he says that in the area of management of public policies involving the solemn responsibilities of

the state, the granting of a power of decision to an independent administrative authority can not be considered.

[Ms. Marie-Françoise Bechtel](#) . Very good!

[Mr. Bernard Cazeneuve](#) , *Minister* . So there is absolutely no ambiguity: first, there is no questioning the freedoms guaranteed by Article 66, and if that were the case, the mandatory involvement of the judicial judge would make these Amendments not applicable; Then, they present a risk to constitutional reasons reaffirmed many times by the State Council. The Government can not therefore be adversely What.

[Madam President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . After long and difficult debate we had on the ability of the administration to monitor inmates by special techniques, this question is all the more crucial. Because members of the majority who have filed these two amendments propose that the National Control Commission takes a decision in place of the executive.

[Mr. Pouria Amirshahi](#) . But no, not at all!

[Pierre Lellouche](#) . They have no confidence in the executive and prefer to rely on an independent commission that will include judges and IT experts, so people in whom they have confidence and that will assent to if asked to the Minister to intercept and eavesdrop. It is they who actually make the decision and would replace the executive in this area. The Minister will meet with the rapporteur rightly that this is a sovereign domain and is out of the question that State dismemberment take a decision in this area. This is also the philosophy of the text as paragraph 32 does not mention any opinion, that paragraph 43 provides for a procedure of urgency and therefore the possibility of doing without notice and clause 46 provides for the opportunity to sit on it. This is not a committee that can give assent!

[Mr. Jacques Myard](#) . Fortunately!



[Pierre Lellouche](#) . The minister said blandly, with all the talent that characterizes it, that there is no problem since there is no risk to freedom. But pushing the reasoning to the end, Minister: if there is no risk to the freedoms in the prison world, there is not for the French and, therefore, No need commission! Go to the end, Mr. Minister, delete it! You have already evacuated the judicial court ... And we believe not obliged to provide specialized training of the State Council, since there is no risk! Mr. Interior Minister, I respect your position, I recognize the need for information, but how can you explain to the French that there is no risk in this kind of case? The story showed the intelligence everywhere, not only in France that there are slippages!

[Madam President](#) . Please conclude, Mr. Lellouche.

[Pierre Lellouche](#) . So how can you design a system with a control commission but has no role? If its opinion is to be consistent, this means give it the power to decide. But if not, where is the control of the action of the executive? That's the whole problem of this article and this is what makes me feel comfortable with this bill from the beginning: where is the control?

[Mr. Claude Goasguen](#) . Of course!

[Madam President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . One argument in addition to legal explanations of the rapporteur and the minister, who seemed particularly strong to me: the provisions of the text on Article L. 821-6 of the Code of internal security plan, and this is a novelty compared to the CNCIS that the CNCTR will be able, when the Prime Minister will not respond to its opinions or recommendations or it considers that these suites are inadequate to decide, after deliberation, specialized capture the bench mentioned Title IV.

[Mr. Pouria Amirshahi](#) . *In hindsight!*

[Pascal Popelin](#) . If we consider that the competence of the executive must be linked, that is to say that the opinion of the Commission is correct, it means that one possibility is then forbidden to enter a training since the judgment is CNTCR has given its approval, or it will not have given and there will be no need for

referral. These amendments would lead not only to destabilize the device balanced an independent administrative authority built on the model of the one that works today, but also to annihilate the new right given him to condemn a government who commits an offense under the law that we will vote.

[Madam President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . Mr. Minister, you cited and good faith and the Constitution

...

[Pascal Popelin](#) . And jurisprudence.

[Mr. Pouria Amirshahi](#) . ... To protect you from criticism based on a draconian threat. I hear perfectly.

[Pascal Popelin](#) . Why then have you defended the amendment ° 289?

[Mr. Pouria Amirshahi](#) . The Constitution and the jurisprudence of the Constitutional Council resulting list that falls within the scope of civil liberties. But all are not part of the only constitutional definitions! However, I will not engage in a debate on enlargement of freedoms. I will restrict myself to the principle of respect for privacy. There are potentially breach privacy because of the existence of monitoring provisions: I guess you agree with me so far. Exorbitant powers in any extraordinary cases are even given to the Prime Minister to ensure limitation, supervision or deprivation of the free exercise of privacy. Therefore, we understand that there is controversy on how to control the authorized surveillance, permitted by the decision of the Executive alone. It is not at this stage to discuss the legitimacy to take such decisions, although the importance of the powers now vested in it is debatable in a modern democracy: I would not have done as if this was harmless and the only invocation of finally legally recognized executive accountability is in itself a sufficient guarantee of modernity. So restrains me to our reflection on the assent. It would not reduce the responsibility of the Government! The Prime Minister would continue to assume its responsibilities in this area: if he knows, on the basis of information gathered by intelligence, that there is material to decide spinners, interceptions, expanded coverage of information, targeted or not, it will transmit the information

on which its decision to the Commission as it will be asked to give an opinion. Mr. Lellouche is absolutely right to say that if we establish a panel, it is for it to serve a purpose. It can be estimated in good faith that its role is to be vigilant with regard to decisions that may be taken, not only tomorrow, if we were faced with an authoritarian power, but today because even with a Prime Minister with the best of intentions, the error is human. I ask that we hear this argument.

[Madam President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . Dear colleagues, I hope that the Government can govern - pardon the tautology. It is even expressly provided by Article 20 of the Constitution: "The Government determines and conducts the policy of the nation" and especially he "disposes" of the administration. This is not the administration that has the Government or co-decides with him.

[Mr. Jacques Myard](#) . Very good!

[Guillaume Larrivé](#) . The government governs and decides, in the case informed by the opinion of a commission and monitored by the judicial authority. It seems fundamental to remember, because it is the V<sup>th</sup> Republic. It is even the Republic at all. Second remark: as regards the judicial judge is often enough heard an argument that must be definitively litter. What is the meaning of Article 66? "No one shall be arbitrarily detained. The judicial authority, guardian of individual liberty, shall ensure respect for this principle as provided by law. "This means that the judiciary is competent when it comes to stress on the body or an impediment to freedom of movement, but the rest within the administrative police. It is obviously held as well as on many occasions the Constitutional Council, and it is up obviously at the administrative court, namely the Council of State to rule

on the matter. The bill is deeply and completely consistent, not the opinion of this or that but our rule of law.

[Madam President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . Of course it is for the Prime Minister to govern and take responsibility, and to report to this Assembly for his actions, that would never make a commission that would make its assent! If the Commission does not agree with a decision of the Prime Minister, the bill provides that it may refer to the Council of State. I do not see where the problem is. We must not give assent to power for the simple reason that the hierarchy of norms does not work like this: the head of the Government is responsible to the Assembly and is appointed by the President of the Republic , itself elected by universal suffrage. We should not reverse the pyramid for a device totally contrary to the Constitution which can not function.

[Guillaume Larrivé](#) . Very good!

[Madam President](#) . I call Mr. Denys Robiliard.

[Mr. Denys Robiliard](#) . First, I never said that the ordinary courts should be competent in the matter and have articulated no grievance against administrative justice: I know its quality. Moreover, the reproach of dispossessing the Government of capacity to direct the administration does not seem to me based since the device of the opinion would be a system with two keys: one held by the Commission and one by the Prime Minister. Therefore, should the two keys are switched, and the Government would not be relieved of liability. As for the power of assent in administrative matters, there is too much in the French right for me to think that -C is contrary to Article 20 of the Constitution. Another point: Article 1<sup>st</sup> he violates the freedoms and why? Remember what we speak: the safety and inviolability of the home, secrecy of correspondence, the opportunity to meet many without being listened to, and hence the opportunity to exchange ideas listening without the Government. There is potential here - I do not pretend that it is your goal - a violation of freedom of expression and, beyond, to freedom of opinion, which is yet intangible.

[Mr. Claude Goasguen](#) . Of course!

[Pierre Lellouche](#) . It is obvious!

[Mr. Denys Robiliard](#) . Behind the opportunity to meet several respecting privacy is hiding nothing less than the freedom to think, which is the foundation of all other freedoms, which is consubstantial to the dignity of man and which is the criterion that bases all human rights. (*"Very good!" and applause from various quarters.*)

[Mr. Pouria Amirshahi](#) . Remarkable! Clear!

[Madam President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . This is an extremely difficult debate. First, I would like us to stop the references to the 1991 law What we are doing is precisely to try to limit abuses that existed, and whose existence was specifically allowed by this law.

[Pascal Popelin](#) . No, they existed before!

[Mr. Claude Goasguen](#) . Now, Monsieur Popelin, if it were not, it would not be necessary to make a new law! You know that there has been abuse, that's obvious. Everyone acknowledged.

[Pascal Popelin](#) . There has been prior abuse.

[Mr. Claude Goasguen](#) . The 1991 law has led to abuse: A number of plays were held outside any legal framework.

[Pascal Popelin](#) . Before!

[Mr. Claude Goasguen](#) . Not after, otherwise it would not be necessary to make a new law!

[Pascal Popelin](#) . If, because there are new techniques!

[Mr. Claude Goasguen](#) . So we try with a greatly expanded field, to develop a system that allows both to give the administration the powers and safeguard

these fundamental freedoms are the freedoms to think, express, to exist, to match - all individual freedoms that fall, I repeat, Article 66 of the Constitution.

[Mr. Jacques Myard](#) . But no!

[Mr. Claude Goasguen](#) . You will not escape the justice, sir, and I'll explain why. Imagine that the Prime Minister makes a decision. As you stand in an endogenous system assent seems you - wrongly - not logical, since it is an administrative authority. The State Council is seized, he said the legal interception: no problem. It was therefore decided to indict the individual - because this is what happens after most plays.

[Guillaume Larrivé](#) . It no longer exists!

[Mr. Jacques Myard](#) and [M. Alain Tourret](#) . It is an indictment!

[Mr. Claude Goasguen](#) . What is happening then? The prosecutor is seized - and not the Council of State, is not it? - And launches the judicial machine: the indictment. A judge is appointed. What will he do when we tell him that the indictment stems from eavesdropping? Will he think that as the Council of State found that listening was legal, it is not worth going to see more? You are joking! Is that you do not know well the investigating judges.

[Pierre Lellouche](#) . Neither lawyers!

[Mr. Claude Goasguen](#) . Obviously, the judge will then examine the legal nature of listening: it will require expertise and an expertise-cons ...

[Pascal Popelin](#) . Whether it is long, two minutes!

[Mr. Claude Goasguen](#) . ... And you will realize that your system actually delay the punishment because you wanted to push through in the administrative field. Do not worry, Mr. Minister, you will find the justice!

[Pierre Lellouche](#) . It is obvious!

[Madam President](#) . I call the Rapporteur for opinion.

[Philippe Nauche](#) , *draftsman* . It is important not to disempower the executive. It is the full responsibility of the executive to decide. Require the Commission to give its assent would mean that, if a service was the source of the request, the

Government would not even have the opportunity to refuse to perform a listen. So there would be more of a real executive decision. I think in this area, everyone must remain in his role. Or that of CNCTR is not just to give its opinion on an interception authorization application or other technical intelligence collection, but to carry out checks before, during and after implementation, since it can exercise its control mission at any time. Limit this role, as seem to want the amendments, a review of the application for authorization would be very simplistic. Finally, the Commission may initiate an appeal to the State Council, which is an important guarantee. That is why it seems to me that the existence and independence of the CNCTR, and the means allocated to it so it can work, like the CNI, are the most important guarantees provided by the text. There is in my opinion the key issue, more so than the issue of assent.

[Madam President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I will not repeat the discussion on the administrative police and Article 66 of the Constitution, because I understand that we will have until the end of the examination of the text. I simply refer those in time to the reading of the law of 1872, which made administrative judges judges. I remind you that this has never been disputed.

[Mr. Claude Goasguen](#) . I do not dispute that!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We will have the opportunity to redefine this area. I would however bring the subject of amendments to the text content. Unless I am mistaken, there is no article that would prevent or restrict the freedom to think! I agree that it makes us trials, but now the line is a little forced. We write the text, and I imagine that you will support us in this, in accordance with the Constitution. However, it said, in paragraph 2 of Article 20, "The Government has the administration" and Article 21, "The Prime Minister directs the Government". It is therefore logical to think that the Prime Minister directs the administration. This is not to customize the function, but to follow the functional

reasoning. As we consider - which could also be contested, but has not been so far - that the intelligence services are administrations, it is normal that the Prime Minister directs. So what would be the school that would provide an independent administrative authority which no accountability to anyone the power to dent individual freedoms? If someone had suggested this, do you imagine the reaction? Nine people, as eminent as they are, decide to our individual freedoms? As it stands, the bill is based on what the Constitution says. The Constitution! That's why I have no fear on the basis of what I said. It is logical that the Prime Minister who assumes this responsibility. And when you say that even if an unfavorable opinion, the Government may pass on, it is not true. That is if the notice complies with the Government can not ignore. In drafting that we offer, if the Government decides to ignore his opinion, it will justify its decision. This motivation will be used to feed the public report of the CNCTR, which will alert the opinions - everyone knows that it is the administrative authority of presidents who know very well take it to alert the public in case of disagreement on a point .

[Mr. Claude Goasguen](#) . They can not do it, they are bound to secrecy!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . And if that is not enough, the CNCTR may initiate court proceedings before the Council of State, on the basis of the decision that the Government has assumed. In short, do not déresponsabilisez the Government, give the administrative authority the power to Board!

[Madam President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . Several issues were discussed. To ensure that the debate in the best possible match to what you want, that is to say, it



provides precise answers to the questions that you ask, I quickly repeat the demonstration, responding at the same time Mr. Lellouche and Mr. Goasguen. The argument that the rapporteur and I are developing a response to amendments tabled. This is normal, since the debate is about these! These amendments are based on the idea that he would assent of CNCTR because there could be violations of freedoms.

[Mr. Pouria Amirshahi](#) . In private life.

[Mr. Bernard Cazeneuve](#) , *Minister* . I want to repeat, because things are extremely accurate in law, there is in this text no questioning the freedoms under article 66 of the Constitution, the Constitutional Council interpreted consistently, by repeated decisions the content. Privacy is another matter: it is not a question of individual liberties. The extremely strong Mr Robiliard drew applause, but frankly, I could have done the same: I totally agree with what he said! There is not an article in the bill that prevents people to think, express or meet to exchange ideas with each other! However, it is a question of allowing intelligence gathering techniques to power by security interceptions which are not created by this legislation but previously exist, listen to conversations between citizens in the framework of police measures administrative. As such, caution should actually be taken. They are, for several reasons: a committee will give notice, judicial review will be made if the citizen or CNCTR seized the Council of State, and may even be judicial intervention if the judge CNCTR, the citizen or the Council of State finds a violation of criminal law in the context of the mobilization of these techniques. All this is provided for in the bill, which, from this point of view, is highly protective, far more than were all the previous legislation. This is the first point I wanted to emphasize: the answer we bring relates to amendments, we can not accept for reasons of constitutional fragility recalled by the State Council in the text that I quoted. Then Mr. Lellouche said that I explained blandly, c that is to say, halfway between a suave tone and silliness - I'll let you decide! (*Laughter*) - that since there was no risk, it was not necessary that there be a control. I want to again clarify. I said there was no questioning of the freedoms under article 66

of the Constitution. I did not say there was no risk.

[Pierre Lellouche](#) . Ah! Progress is!

[Mr. Bernard Cazeneuve](#) , *Minister* . There is one, but that is not detrimental to the liberties: the risk that the Government mobilizes intelligence techniques in a way that does not comply with the law. Therefore it is possible to enter the judicial control, and that is in this capacity that control CNCTR is helpful.

[Pierre Lellouche](#) . Well here: there is!

[Mr. Bernard Cazeneuve](#) , *Minister* . That is precisely what is the state of things. And this is because it is this that I can not give a favorable opinion to the amendments.

[Pierre Lellouche](#) . It was not until 8:30 p.m. to come to the bottom!

*(Amendments n<sup>os</sup> 289 and 271, successively put to the vote, are not adopted.)*

[Madam President](#) . The following discussion is referred to the next meeting.

6

## Agenda of the next sitting

[Madam President](#) . Next meeting tonight to twenty-two hours Continued bill on intelligence.

The meeting is adjourned.

*(The House adjourned at 8:30 p.m.).*

*The Director of the service account report of the sitting*

*of the National Assembly*

*Catherine Joly*

## **Cryptome**

6 May 2015

Part 5 of 7. National Assembly debate of France Spy Bill approved 5 May 2015

<http://cryptome.org/2015/05/fr-spy-bill-text-en.pdf>

Original French source:

<http://www.assemblee-nationale.fr/14/cri/2014-2015/20150216.asp>

Google translation.

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## **National Assembly**

**XIV<sup>th</sup> legislature**

**Ordinary Session 2014-2015**

**Record**

**integral**

**First meeting of Wednesday, 15 April**

**2015**

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### [3. Agenda of the next sitting](#)

Chairmanship of Mr. Claude Bartolone

[Mr. President](#) . The meeting was called.

*(The meeting was called to fifteen hours.)*

1

## Questions to the Government

[Mr. President](#) . The next item is questions to the Government.

## Cultural policy

[Mr. President](#) . The call Mrs Marie-George Buffet, for the group of the Democratic and Republican Left.

[Marie-George Buffet](#) . Madam Minister of Culture and Communication, commenting yesterday in the daily *L'Humanité* map of 179 cultural and artistic events canceled this year for lack of means, the actor Philippe Torreton speaks of cultural collapse, and, for tomorrow, for artists without work but also cities speechless.

Festivals die or reduce their programming. This decline weakens the right of all individuals and to create, play, attend a play, a concert or a street show.

Cultural and artistic activities are not variable adjustment or ancillary activities that could be tossed at the discretion of the austerity diktat. They are essential in human terms as economically. Save on culture in times of crisis, is to take the risk of obscurantism.

[Marc Dolez](#) . Very good.

[Marie-George Buffet](#) . Save on culture, is to deprive the Republic of tools and spaces of emancipation and vital imagination to make the Citizens actors of democracy and living together. Now we are witnessing the disintegration is due in large part to the withdrawal of the state as well as lower depreciation and communities.

Your ministry, through its regional offices, now offers these same communities to sign "cultural pacts" by which they undertake to maintain their efforts in cultural matters. But, Minister, to engage, communities, for their part, need ways! In these difficult times where cultural practices are, in their diversity, more than ever helpful, only the state can guarantee the quality and diversity of the cultural offer in all territories.

Madam Minister, what steps will you take to get out of this spiral of culture and the means to recreate an ambitious cultural policy and accessible to all and to all? (*Applause on the benches GDRs and SRC groups.*)



[Mr. President](#) . Call the Foreign Minister of Culture and Communication.

[Ms. Fleur Pellerin](#) , *minister of culture and communication*. Madam, you said, culture is always a political choice. It is precisely the choices the Government at the time it implements a plan to save 50 billion euros for the coming years. The Prime Minister has indeed stated, there is little time, that the budget for culture is not only stabilized this year, but from next year, increased.

Therefore, we make that choice. It is in a period of financial constraints, difficult: I know and do not underestimate the difficulties facing local communities to maintain their cultural spending. But I think that this political choice must be made.

That is why, you said, I wanted to launch this initiative in cultural pacts by which I am committed, together with the Ministry of Culture, with local authorities ...

[Guy Geoffroy](#) . They are dry!

[Ms. Fleur Pellerin](#) , *Minister*. ... Who choose culture, ...

[Guy Geoffroy](#) . You owe them money!

[Mr. President](#) . Please, my friends, there is too much noise!

[Ms. Fleur Pellerin](#) , *Minister*. ... Stabilize for the next three years, the funding dedicated to this sector, so as to give visibility to cultural actors.

Madam, you mentioned festivals. For the most part, they were created by local governments without the financial support of the state. They allow, indeed, great vitality and creativity in our territory.

I note with sadness, too, that communities are withdrawing from these festivals. But the potential role of the state to support this dynamic is to maintain and support the system of unemployment insurance for the entertainment.

[Guy Geoffroy](#) . You are also the minister of unemployment!

[Ms. Fleur Pellerin](#) , *Minister*. That is why the Government has undertaken to strengthen this regime: it will be in the next law on social dialogue, which will be presented and discussed in this Chamber with my colleague François Rebsamen and myself.

Madam, support the financing of culture in the coming years, a concrete commitment to communities and to reform the system of unemployment insurance for the entertainment. Those are the answers that we bring to your question (*Applause some benches CRS group.*)

## Rural school map

[Mr. President](#) . I call Mr Gerard Charasse for the radical group, republican, democrat and progressive.

[Gérard Charasse](#) . Madam Minister of National Education, Higher Education and Research, all departments of France now proceed to the consideration of their school board - including Allier. As a parliamentarian and as local councilor, I lived for a few years under the proposal, discussion and consultation. We just spent under the injunction.

[Marc Dolez](#) . That's right!

[Gérard Charasse](#) . The farm administration classes including mountain, including where we had for years found a just way forward, including where tomorrow the projections presented by the administration will be denied.

Added to this new way of looking at students, parents, teachers and elected officials, questionable methods that are particularly at odds with the change in the law that we have done here 8 July 2013 so that children of less than three years are never counted in forecasts of manpower. It's even worse when you systematically registered children entering class for inclusive education in the urban area of school to close another CLIS in a rural school.

My question is simple: are we facing new directions and methods of national education, especially in these rural areas, whose mutation hitherto understood by the department had received special attention has hailed the entire educational community? (*Applause on the benches of RRDP groups IDUs, ecologist and some benches of the UMP.*)

[Éric Straumann](#) . Congratulations!

[Mr. President](#) . Call the Foreign Minister of Housing, Equality and territorial rurality.

[Ms. Sylvia Pinel](#) , *Minister of Housing, Equality and territorial rurality*. Mr.

Chairman, ladies and gentlemen, sir Gerard Charasse, the question you ask is particularly important because, as you pointed out, access to education - such as access to public services - a concern for residents and elected officials of rural areas.

You are right to recall how the rural school must be a place of education and civic success. That is why the Government has chosen to address this issue as part of the foundations of ruralities - particularly in your department Allier - which were for Ms. Najat Belkacem-Vallaud the opportunity to draw with actors and local elected proposals for action adapted to demographic and geographic characteristics of our rural territories.

These proposals were then announced by the Prime Minister at the inter-ministerial committee to ruralities. I want to remind you that the predominantly rural academies benefit from a more favorable rate of supervision in order to take into account the specificities of rural school, whether class sizes or various geographical constraints.

In addition, the State supports primarily rural municipalities in the development of their educational and territorial projects, you know, we encourage clustering and networking of schools to meet the needs of children.

Ms. Vallaud-Belkacem is particularly attentive to the situation of rural schools. That's why she decided to support local politicians who engage in network reorganization process. Madam Minister has repeatedly reminded in this Chamber how it is attached to keep some or all of positions and classes. This is the case in your area, who began this work. Work continues in the interest of our children! *(Applause from several benches of CBC groups RRDP and environmentalist.)*

## Government budgetary position

[Mr. President](#) . The call Mr Gilles Carrez, for the Union for a Popular Movement group. *(Applause on the benches of the UMP.)*

[Gilles Carrez](#) . My question is for Mr. Prime Minister. The budget for 2015 that our Assembly voted late last month of December has become obsolete. That is the conclusion that Eric Woerth and I do.

In January, we had expected new spending to fight against terrorism.

[Pascal Popelin](#) . Let good! This requires better as well!

[Gilles Carrez](#) . In March, the European Commission has asked France additional fiscal effort of 4 billion euros as it believes that the deficit is excessive. Last week you announced new tax cuts for businesses.

Since our budget is now obsolete and should be corrected. Now, Mr. Prime Minister, you refuse to submit to the debate of our Assembly the stability program. Worse, you refuse to submit a supplementary budget bill in mid-year.

So you want to maintain opacity and fog until next fall, as if you were afraid to discuss financial issues with the Assembly, together with Parliament, so with all the French. *(Applause on benches of the UMP.)*

It is true that our public finances are sick, there is no structural reforms to control spending and the debt takes off.

[Mr. Bernard Roman](#) . Less than you!

[Gilles Carrez](#) . It does not make it a reason to act like an ostrich by putting his head in the sand!

[Mr. Jean-Claude Perez](#) . Expert comment!

[Mr. Bernard Roman](#) . The public debt increased by \$ 600 billion during the previous five years!

[Gilles Carrez](#) . Also, this is a real problem of democracy. I am addressing the President of the Assembly, Mr. Claude Bartolone: what is the National Assembly, Mr. Chairman, if it can not even discuss budgetary issues? (*Applause on the benches of the UMP and IDU groups.*)

Even your spokesman, Mr Le Foll, wants a debate. But you do not want. So, Mr. Prime Minister, what have you to hide on our public finances (*Loud pplaudissements has on the benches of UMP and IDU groups. - Applause from the benches of the GDR group*)?

[Mr. President](#) . To prove that the debate is, I give the floor to the Minister for Finance and Public Accounts (*Whoops on the benches of the UMP.*) Please. It is still well placed to meet this question!

[Mr. Michel Sapin](#) , *Minister for Finance and Public Accounts*. Thank you, Mr. Chairman. Ladies and gentlemen, Mr. Chairman Carrez I have for your person and your role as chairman of the Finance Committee lot of respect, as for the whole Parliament.

[Guy Geoffroy](#) . It starts well!

[Mr. Michel Sapin](#) , *Minister*. I will answer you with all the respect that deserves such respect from all of us.

[Mr. Pierre Lequiller](#) . And clearly!

[Mr. Michel Sapin](#) , *Minister*. Is the finance bill lapsed? (*"Yes!" On the benches of the UMP.*)

[Mr. Bernard Roman](#) . Hear the answer!

[Mr. Michel Sapin](#) , *Minister*. The answer is no. I'll explain why: insiders know that the French Government submitted to the Commission and all our European partners the proposals are also subject to your review and your debate. These proposals are contrary to the multi-annual budget law that was passed here? (*"Yes!" On the benches of the UMP group.*) The answer is no. The our deficit reduction strategy is perfectly consistent with what has already been voted on here. It is Parliament that decides, therefore the France! In connection with the Commission, the Government is now implementing the decisions that the majority of this House has taken!

Are the savings in excess of what was expected? It is obvious that this would require further review and a new vote. But the answer is no. We are only to strictly and scrupulously implement the decisions and directions that have been taken by the Assembly and by this majority, which voted a program of savings of 21 billion euros for 2015.

[Mr. Pierre Lequiller](#) . And additional 4 billion?

[Mr. Michel Sapin](#) , *Minister*. For reasons you know well and which are related to the very low inflation, we have not seen some of these economies. New measures are proposed as part - and in full respect - of the Regulation of the Organic Law and the Constitution.

[Mrs. Claude Greff](#) . This deserves a debate!

[Mr. Michel Sapin](#) , *Minister*. You will be informed step by step of all these decisions: it is legitimate and normal. The debate will take place.

Mr Carrez, we spent two delightful hours in the Committee on Finance (*Exclamations and smiles on the benches of the UMP.*) And we will start next week! Then there will be the beginning of May a debate in this Chamber, because on these topics, it is you who have much to hide, not us (*Applause on*

*the benches of the SRC and environmentalist groups - Protests over the benches of the UMP.)*

## Stability Pact

[Mr. President](#) . I call Mr Alain Faure, for the Socialist Group, Republican and citizen.

[Alain Faure](#) . Minister for Finance and Public Accounts, when we were elected in June 2012, we faced an economic and financial situation very difficult.

[Yves Fromion](#) . Because it's better today?

[Alain Faure](#) . The debt was increasing at an explosive rate, reaching 1,850 billion euros, including 650 for the last ten years. Unemployment exploded too, with 35,000 additional unemployed per month. A recovery of public accounts was required and it was imperative to restore growth to promote job creation.

Extensive program!

First ...

[Philippe Cochet](#) . Zorro is here!

[Alain Faure](#) . ... We hired a spending reduction policy and, unfortunately, a tax increase, which followed one conducted by our predecessors.

[Yves Censi](#) . For job creation, we were not disappointed!

[Yves Fromion](#) . We see the result!

[Alain Faure](#) . These measures are beginning to bear fruit. Initial efforts have allowed us to remove the first tranche of income tax, through the fight against fraud and tax evasion in which we are engaged. Similarly, we wanted an aggressive revival of investment and production with competitive tax credit on labor and responsibility pact, not to mention the large investment plan launched by the Government.

Against all odds, we have taken this policy and recovery efforts. The international economic environment in which the Government holds an active part, especially

at European level, as well as the decline of the euro and the price of energy and oil complement the actions undertaken.

All this suggests that a growth above 1% is possible in 2015, which invalidates the request of President Carrez.

Overall, in 2016 and 2017 could occur much more favorable, which augurs a better situation finances and employment, so our country.

Minister, ...

[Mr. President](#) . I call the Minister of Finance and Public Accounts.

[Mr. Michel Sapin](#) , *Minister for Finance and Public Accounts*. Sir, the objective of ours, which is reflected in the document we call "stability program" lies in the continuity of the votes that have taken place here. It is France which decided in dialogue with our European partners - which is the least of things since we have the same currency.

[Guy Geoffroy](#) . We too have the same currency as you, yet you do not get talking with us!

[Mr Dominique Le conduct](#) . Anything!

[Mr. Michel Sapin](#) , *Minister*. ... Growth that allows us to repair the social fabric, as the goal of all our policies, whether reform or decisions in the budgetary or financial, is employment. We want to make sure to find sufficient growth to reduce unemployment by creating jobs.

We will reach the end of this year a rate of around 1.5% growth. I sent this morning assumptions that have been recognized as credible and realistic and which constitute the floor on which we should build: 1% overall for the year, 1.5% at the end of the year and 1.5% next year. These are the figures that we must reach to begin to reduce unemployment. It is our sincere intention and our desire, which I know is widely shared across all schools of this Chamber.



For that we must pursue a path of deficit reduction without any austerity, implementing the cost savings program that we had planned to 50 billion - but no more, because we do want to do anything that might break the recovery.

We will achieve this, without even raising taxes because from 2015 you will witness lower taxes and charges. What a break with what was done in previous years (*Applause on the benches of the SRC Group. - Protests on the benches of the UMP.*)!

## Local Finance

[Mr. President](#) . I call Mr Hugues Fourage, for the Socialist Group, Republican and citizen.

[Hugues Fourage](#) . Mr. Prime Minister, the opposition ran for municipal and departmental elections as the champion of tax cuts. In an interview with *Sunday newspaper* this week, Nicolas Sarkozy repeated with his usual arrogance (*Exclamations on the benches of the UMP group*), "We have commitments, we must hold them. No increase in taxes. "

Obviously, the word of the president of the UMP is as light as the action he led as President of the Republic.

We have indeed learned that barely installed, mayors of large cities led by the right broke their promise.

In Toulouse, Bordeaux, Nice, Tours, Marseille is France's turn tax increases.

The prize went to our colleague Mr. Moudenc in Toulouse, which takes one stroke 30 million in the pockets of Toulouse, an increase of 15%! Magnificent example of schizophrenia of our opposition colleagues, advocates of the tax

exemption in Paris but promoters surfiscalisation in their common! These princes of doublespeak we want to blame the decline on the grounds of financial allocations from the state. No doubt they not read the program of their own party, as the UMP wants to cut 150 billion public spending, while their representatives are not able to reduce the 150 000 euros in the joint!

**Several deputies of the UMP.** Make money!

[Hugues Fourage](#) . These princes of doublespeak we want to blame the decline on the grounds of financial allocations from the state. In Toulouse, Bordeaux, Nice, Tours, Marseille is France's turn tax increases.

No doubt they not read the program of their own party, as the UMP wants to cut 150 billion public spending, while their representatives are not able to reduce the 150 000 euros in the joint!

Mr. Prime Minister, it is time to recall that the opposition sarkozisme is not more efficient than the state sarkozisme. (Applause on the benches of CBC groups ecologist and GDRs.) It's your government that had the courage to start cutting public spending and taxes!

[Mr. Jean-Claude Perez](#) . He is right!

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister*. Sir, you mentioned, cities and intermunicipal are going to vote their budget. Several municipalities have justified particularly high increases in council tax by lower provisions of the state, ...

**Several deputies of the UMP.** That's right!

[Manuel Valls](#) , *Prime Minister*. ... Which has raised questions here.

But the rise in local taxes is neither general nor massive, contrary to what I read or hear. Many cities and towns honor the commitments that have been made vis-à-vis their inhabitants. I could cite many cities of all political colors, who make that choice not to raise taxes: Metz, Rouen, Amiens, Besançon, Le Havre,

Limoges, Montreuil, Rennes, Nantes, Brest, Saint-Etienne ...

We must stop the useless polemics and demagogy.

[Mr. Bernard Deflesselles](#) . Listen well, Mr. Fourage!

[Manuel Valls](#) , *Prime Minister*. Elected officials are free to choose their management, but they increase local taxes, they are justified to the voters by the policy they intend to carry on their territory (*Applause few benches Group SRC*) and especially that they respect the commitments they made during the election campaigns. The denial, a year later, which amounts to having lied to voters to win elections is to question the credibility of the political action and word.

*("Bravo!" And applause on the benches of CBC group.)*

[Laurent Wauquiez](#) . It's surreal!

[Manuel Valls](#) , *Prime Minister*. The Government has decided a reduction in overall staffing functioning community of 3.5 billion euros in 2015, which corresponds to the part of the communities in public spending. This is true and we assume.

[Laurent Wauquiez](#) . No scope! What a gentleman!

[Manuel Valls](#) , *Prime Minister*. All public actors - government, social security institutions, local authorities - should take part in their conservation efforts.

[Laurent Wauquiez](#) . Because the state is saving?

[Manuel Valls](#) , *Prime Minister*. You can not give us lessons on the necessary savings and at the same time tell us that we should not make it everywhere, in the most fair and balanced manner possible.

[Mr. Jean-Claude Perez](#) . Congratulations!

[Manuel Valls](#) , *Prime Minister*. It is this serious fiscal policy that allows us to boost business investment ...

**One member of the UMP.** Liar!

[Manuel Valls](#) , *Prime Minister*. ... Thanks to the pact of responsibility and solidarity, and that allows us, in the coming year, to lower the income tax 9 million households.

Do not try, ladies and gentlemen of the opposition, to cover their tracks, and assume the tax increases you decide in your cities (*Protests on the benches of the UMP - Applause from the benches of the CBC group.*)

I've never, you know, underestimated the effort required to local authorities as part of their contribution to fiscal consolidation. That is why I announced last week measures to support investment by local authorities. We are working with the Association of Mayors of France and associations of elected communal block. But I do not accept cons-truths, lies and campaigns to hide before the French real responsibilities. (*Exclamations on the benches of the UMP.*)

When the mayor of a big city like Toulouse announces that increases property tax and housing tax by 15% for 30 million euros in additional revenue in 2015, while the decrease DGF rises 12 million, it can not be said that his decision is constrained by lower provisions. (*Applause on the benches of the CBC group.*)

[Mr. Bernard Roman](#) . This is outrageous!

[Manuel Valls](#) , *Prime Minister*. And I could give many more examples ...

**Several deputies of the UMP**. And Lille?

[Manuel Valls](#) , *Prime Minister*. Moreover, I recall that the draft UMP diminishes overall public spending 150 billion euros, and that the president of the UMP, when he was running for president, proposed a further reduction of allocations of 10 billion euros.

[Mr. Jean-Charles Taugourdeau](#) . No!

[Manuel Valls](#) , *Prime Minister*. Be consistent! (*Loud protests on the benches of the UMP.*)

[Philippe Meunier](#) . Enough!

[Manuel Valls](#) , *Prime Minister*. Be brave! Assume the lie that you have committed, saying the French and the voters that you do not would increase taxes. (*Same movements.*)

[Philippe Cochet](#) . Be quiet!

[Manuel Valls](#) , *Prime Minister*. Yes, sir, you are right about schizophrenia ...

[Philippe Cochet](#) . Enough!

[Mr. President](#) . Mr Cochet, that is enough!

[Manuel Valls](#) , *Prime Minister*. ... And allow me to restore the truth, because this is a debate we need to have before the French (*Applause on the benches of the CBC group and several benches RRDP the group.*)

## Rurality

[Mr. President](#) . I call Mr. Jean-Pierre Vigier, for the Union for a Popular Movement group.

[Mr. Jean-Pierre Vigier](#) . Forgot Lille in your answer, Mr. Prime Minister!

[Mr. Claude Goasguen](#) . And Paris!

[Mr. Jean-Pierre Vigier](#) . State allocations greatly reduced just been notified to local authorities. The decrease of EUR 3.5 billion for 2015 and eleven billion over three years! The decline in public spending, but agree the right place through consultation! (*Exclamations on the benches of CBC group.*)

[Mr. Jean-Claude Perez](#) . But where? Where?

[Mr. Jean-Pierre Vigier](#) . The decrease in depreciation is very badly lived in our rural areas. You kill us slowly! Our operating budgets are already very tight and we have no room for maneuver to reduce them. So every euro paid less by the State, is less investment in the local economy and the measures relating to dressings compensation fund for VAT and the increase in the staffing of equipment rural areas will not eliminate evil! (*Applause on the benches of the UMP group.*) The rural world needs fair and appropriate measures to its realities, foremost among them the amplification of equalization. In addition, the breakdown of allocations must conduct a planning spirit of the territory. Our world is in transition: digital transition, ecological transition and many others.

[Yves Fromion](#) . Political transition!

[Mr. Jean-Pierre Vigier](#) . When will you, Mr. Prime Minister, the rural transition just, equitable, taking into account the budgeted and territorial realities?

*(Applause on the benches of the UMP.)*

[Mr. President](#) . I call the Prime Minister. I call on each other to make a little less noise. Some screams are unbearable in this Chamber.

[Manuel Valls](#) , *Prime Minister* . Rurality, Mr. Vigier, obviously is a real issue. I will mention the foundation of rurality, the measures outlined by Sylvia Pinel and myself in Laon there a few weeks and increased staffing for rural towns that I announced at the congress of mayors last fall . But it's your first point I answer, because it is interesting. Mr. President of the Finance Committee asked the clarity and transparency at a time when the Government presents its fiscal outlook before the European Commission. But as I have already had occasion to say, it is important in a democracy that the opposition has its cons-offers!

[Yves Durand](#) and [M. Bernard Roman](#) . There you go!

[Manuel Valls](#) , *Prime Minister* . You say, ladies and gentlemen of the opposition, in unison with the president of the UMP, the need to save money, to the tune of 150 billion euros. Therefore, the real debate that we must have, sincerely and transparently to the French, must answer the question: where do we do these savings? Where does one wear the effort?

[Mr. Jean-Claude Perez](#) . So? Respond!

[Yves Fromion](#) . To you to say!

[Manuel Valls](#) , *Prime Minister* . We must therefore engage in debate and follow you! For my part, I understand where you want to focus the effort and layer on what you did when you were in power!

[Yves Fromion](#) . It has nothing to do!

[Manuel Valls](#) , *Prime Minister* . You want to reduce the resources allocated to the police and the gendarmerie when we need security. You want to reduce the resources allocated to national education, as Nicolas Sarkozy has reiterated in an interview on Sunday, but you ask from the opposition benches more teaching positions for urban and rural areas! Where is schizophrenia? *(Applause on the*

*benches of the SRC and environmentalist groups.*) Where do you want to focus the effort? On pensions, the elderly and people with disabilities because you want to carve into what you call the assistantship so that it is solidarity policies that the French are asking! *(Same movements.)*

[Mr. Sébastien Denaja](#) . Congratulations!

[Manuel Valls](#) , *Prime Minister* . Yes, Mr. Vigier, we must discuss the effort because everyone must participate while we are succeeding not only to restore growth but to lower the country's debt in relation to the state in which we the found. It therefore clear, ladies and gentlemen of the opposition, and accept a real debate on your proposals so that the French can really choose! *(Applause on the benches and environmentalist groups CBC.)*

[Yves Fromion](#) . You will have!

## Health policy

[Mr. President](#) . The call Mrs Martine Lignières-Cassou, for the Socialist Group, Republican and citizen.

[Martine Lignières-Cassou](#) . My question is for Ms. Minister of Social Affairs, health and women's rights. We voted yesterday by a very large majority the modernization of our health system of law. Allow me, Madam Minister, to first commend the courage and determination that you have shown during the debate because you're up against all liberal health corporations. *(Applause few benches CRS group. )* The bill carries great social progress, the most emblematic is the generalization of paid third by 2017.

[Mr. Bernard Roman](#) . Very good!

[Martine Lignières-Cassou](#) . It proceeds from the conviction that health policy is not limited to care and also includes and can be first in the health promotion and prevention. The text also aims to increase the efficiency of our health system redesign its territorial organization and its strategic management. Finally, he said the eminently democratic nature of health issues. This is why it provides open data, the group action and your initiative because you have tabled amendments

to this effect, the fight against conflicts of interest. Also, can you detail to the French Minister, the measures passed in health democracy, in particular the provisions relating to transparency? (*Applause few benches CRS group.*)

[Mr. President](#) . Call the Foreign Minister of Social Affairs, health and women's rights.

[Ms. Marisol Touraine](#) , *Minister of Social Affairs, health and women's rights* .

Indeed, madam Martine Lignières-Cassou, the law of modernization of our health system is also about quality of care. It is important to give confidence to our citizens who, in some situations, have questions about the quality of their care and that the proposed products. Regularly, business arrive in front of the stage and raise questions about the impartiality of those who propose decisions and on possible links between health professionals and public decisions. That is why a number of decisions were taken. I set up last July the [transparence.sante.gouv.fr](http://transparence.sante.gouv.fr) website exposing the links between doctors and pharmaceutical companies. But we must go further. That is why the bill, which I must say it was voted with overwhelming support, provides a set of measures including the identification of contractual relations between professionals and laboratories. Now, the amount of money allocated to the professionals listed on the site "Transparency". For example, professionals working in health agencies will have to mention in their statement of interest. But it is not enough to declare, follow the reality of situations. A compliance officer will be appointed in each health agency on the situation in which it must issue an opinion. As you see, madam, the Government is mindful of the trust placed in the French health system. (*Applause few benches CRS group.*)

## Youth policy in favor

[Mr. President](#) . I call Mr. Daniel Gibbes for the Union for a Popular Movement group.

[Daniel Gibbes](#) . My question is for Mr. Prime Minister. A few hours before the deadline for motions of the Socialist Party, the Socialist president of the Young ...



[Mr. Jean-Claude Perez](#) . What I meddle?

[Daniel Gibbes](#) . ... Reminded the President of the Republic his campaign promises in favor of youth and urged your government to hear "the disappointment of young people". She deplored the lack of "major structural measures that are aimed at all" and abandoning the priority given to youth, speaking of "past promises by the wayside in favor of measures that were not announced.

"

Even as Hollande assured the young, in 2012, they were its top priority, it is clear that they do not finish to suffer from the crisis, and they seem to be out of the radar your government. This finding is supported by a recent report of the Economic, social and environmental, the EESC, which sets an alarming portrait of a youth who sees and precarious living conditions deteriorate. The situation is dramatic for some not . negligible this population in France, but also overseas, where it is even more sensitive in terms of employment, but also housing and health I remember to illustrate my few telling figures: one in five lives today under the poverty line, 34% of 15-29 year olds have a precarious job, one in three deny care for financial reasons. Youth also represent some 25% of emergency accommodation places; nearly 2 million of them are unemployed or training. Despite some progress Priority Plan your youth, the development of a youth policy worthy of the name is overdue. While the unemployment figures confirm they are the most affected, as is the government of President Hollande who said he wanted "to be judged on a single goal: do young people live better in 2017 than in 2012 "? (*Applause on the benches of UMP group.*)

[Mr. President](#) . The call Mrs Secretary of State for urban policy.

[Myriam El Khomri](#) , *Secretary of State for urban policy* . Mr. Chairman, ladies and gentlemen, sir Gibbes Daniel, let me first apologize to Mr. Patrick Kanner, Minister of town, youth and sports. I understand your questions and concerns but I can not let you say that youth is left out. It is a priority of President of the Republic and the Government, and not just in speeches, but in deeds. Since 2012, the resources devoted to young people, particularly those aged 16 to 25 years increased 85 billion are dedicated to our youth policies, an increase of 12% between 2012 and 2015 - that the right n has not done and what you, sir, do not! *(Exclamations on the benches of the UMP.)* To fight against insecurity, young warranty will cover nearly 70 territories and 50 000 young people at the end of the year. The target is 150 000 young people in 2017. More than a living allowance is also increased support to education and to employment. Supporting young people is also increasing the resources of Pôle Emploi to encourage their employment, including through future contracts. Following the inter-ministerial committee, which was held on March 6, we have also implemented a "starter" contract for young dropouts recruited in companies, who will receive as such enhanced assistance. Finally, the new business premium replaces the premium for employment and RSA activity. These new rights for young people. The report of the EESC in February 2015 on the professional integration of young ultramarine poses essential questions. On this point, Patrick Kanner works directly with George Pau-Langevin to take into account the specificity of the situation of young ultramarine. The Social Agenda overseas is in preparation; trust our youth and give them confidence is a priority. This requires more autonomy, and that is what guides the action of the Government. *(Applause on the benches of the CBC group.)*

## Sinking of a ship in the Mediterranean refugees

[Mr. President](#) . Call Danielle Auroi for the environmental group.

[Danielle Auroi](#) . Mr. Chairman, ladies and gentlemen, my question is for Mr. Bernard Cazeneuve. Minister, a new tragedy occurred in the Mediterranean, killing more than 400 people fleeing war and misery to reach the Europe. Already with the drama of Lampedusa, last year was illustrated by an appalling record: more than 3,500 died in these terrible shipwrecks put in appalling wreckers account. The Mediterranean has become the most dangerous migratory route to world and think only Europe close its borders! Is it worth it? The 2014 report by Amnesty International has shown, not the number of people fleeing conflict and instability has been as high; and these are neighboring countries that bear the greatest share of the reception of civilians. Turkey welcomed nearly a million Syrian refugees, when France responded to the call of the UN High Commissioner for Refugees - UNHCR - 2013 pledging to accommodate 500! The Council of Europe has also pinned our country, which is on the last place in Europe. Yet, vis-à-vis civilians trapped solidarity is a pillar of our security. The operation Rescue *Mare Nostrum* led by the Italians, helped save lives without creating air call. Proof of this is that since the end of the operation, the number of departures continues to rise. The difficulty of access to asylum procedures at external land borders of the European Union, including Hungary and Bulgaria, these drives desperate the dangerous Mediterranean crossing to try to find protection. We can not abandon neighboring countries like Italy, Greece and Spain leaving it alone. Minister, before these human dramas repeatedly, you

hear support from other Member States the establishment of a European operation of search and rescue in the Mediterranean? And what emergency support measures to neighboring countries can you engage? (*Applause on the benches of environmentalist groups and GDR and a few benches are CBC and RRDP group s.*)

[Mr. President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . Madam, I would first like you did just now, indignant of deaths yesterday, which follow the 3000 disappearances following shipwrecks identified during 2014. These dramas, these human tragedies are the result of cynical international organizations of human trafficking, who are willing to put migrants increasingly numerous and vulnerable on boats increasingly frail, ...

[Guy Geoffroy](#) . That's right!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... In conditions of increasingly random, having taken them a real death tax, given the number of those who lose their lives in the central Mediterranean. You ask me whether France is ready to act at European level. You are President of the European Affairs Committee of the National Assembly: . You know perfectly well that we not only act, but we inspire the policy of the European Union on several points First, we are determined to act, we act, to fight against irregular immigration channels in Europe and France, ...

[Alain Marsaud](#) . How successful!

[Mr. Bernard Cazeneuve](#) , *Minister* . ... By strengthening the cooperation between our police and intelligence services. In 2014, 226 additional channels of organized crime and trafficking in human beings have been dismantled in France; we recorded a 14% increase in the number of dismantled networks; in Calais, where these sectors are considerable damage on the human level, the increase is 30%. Then the asylum law should enable us to accommodate asylum seekers in France in more dignified conditions, for reasons of humanity. In this regard, I can only regret the decision of the Law Committee of the Senate to delay consideration of this text, which falls under the humanitarian emergency. This is an irresponsible decision.

[Mr. Jean-Claude Perez](#) . Absolutely!

[Mr. Bernard Cazeneuve](#) , *Minister* . Finally, we absolutely need to ensure that the external borders of the European Union are protected. Frontex, which replaces *Mare Nostrum* , also ensure compliance with the principles of the law of the sea and rescue of endangered populations. (*Applause on the benches of CBC groups and several benches of the environmental group.*)

## Drug shortages

[Mr. President](#) . I call Mr. Bernard Debré, to the Union for a Popular Movement group.

[Mr. Bernard Debré](#) . The minister of social affairs, health and women's rights, the drug situation is worrying. At the time I speak, in France, the shortage of certain drugs and vaccines is major. More than 200 drugs and many vaccines are impossible to find. I think BCG - vaccine against tuberculosis - or DT Polio for newborns. These vaccines are, however, required to enroll their child in a manger. They are no longer available for months because of the explosion in global demand. How can parents, therefore, register their child in a manger? I also think drug against Parkinson's disease, which are out of stock, but there are many others: I say, more 200 medications, the most useful, today missing. Madam Minister, our country depends on India and China, which are made of molecules, which are then transformed into Eastern Europe. France The only condition the exception of new molecules that are certainly effective - for some - but very expensive. India and China to produce lean and prefer to sell their products primarily in emerging countries, and more expensive. In France, the laboratories do not play the game.

[Mr. Jean-Paul Bacquet](#) . That's right!

[Mr. Bernard Debré](#) . Some prefer not to import the older drugs, too cheap to sell new, not necessarily better, but much more lucrative. Wholesalers, too, to make more money, sell 10% of stocks outside France. Faced with this worrying situation for the health and safety of our citizens, what practical and urgent action will you take? *(Applause on the benches of the UMP and several benches on the CBC group.)*

[Mr. Gaby Charroux](#) . Very good!

[Mr. President](#) . Call the Foreign Minister of Social Affairs, health and women's rights.

[Ms. Marisol Touraine](#) , *Minister of Social Affairs, health and women's rights* . Sir, it is true that there are tensions sometimes ruptures, regarding the supply of certain drugs. These tensions and ruptures, it must be said, are not unique to France; they affect many countries, especially European. That's why you have to hire a European approach, so we can define a concerted stock management policy. That is what we are doing already: when certain drugs are lacking in some countries, we help each other cope with the needs. Beyond - you know very well - we voted for in Article 36 the law passed yesterday a measure that deals specifically with major therapeutic drugs, which now requires laboratories to predict and suggest options when placing on the market to deal with supply disruptions. Thus the way the laboratories meet the rupture situations is a condition for the placing on the market. In fact - and I come to the issue of BCG -, many problems can be explained by reasons purely industrial. Regarding BCG, the problem encountered is from the industrial process and screwing caps onto the bottles. In France, we have taken measures to guide vaccine priority towards maternal and child protection and anti-tuberculosis centers. Why SMI? For the children to be vaccinated and access, of course, at school, as well as childcare places. We ensure guarantee to all children who need this vaccine, which is essential for community life. You see, sir, the government assumes its responsibilities, including the face of international issues.

## **Situation at Radio France**

[Mr. President](#) . Call Michèle Fournier-Armand, for the Socialist Group, Republican and citizen.

[Michèle Fournier-Armand](#) . Madam Minister of Culture, the French like radio. They have good reason, because it keeps media in our country richness, diversity and exceptional quality.

[Patrice Verchère](#) . It's expensive!

[Michèle Fournier-Armand](#) . This quality is also much to the left (*"Ah!" and exclamations on the benches of the UMP.*) which, since 1981, had released the corset in which the right had locked the French radio landscape. generalist Radios, music stations, youth radio, public radio, local radio stations: in France, there is something for everyone, for all ages and all styles. As individuals, let me say, I love France Bleu Vaucluse. (*"Ah!" from many benches.*) Madam Minister, for millions of French, the situation at Radio France is a concern. Our majority has obviously followed the evolution of the recent situation because it is committed to the preservation of this beautiful home. It is a concern because, as demonstrated by the Court of Auditors, serious mistakes were made during the previous period, particularly in the context of home improvement radio. This is a concern because of personal anxiety must be taken seriously. Madam Minister, you recently appointed a mediator, Dominique-Jean Chertier to resume dialogue and find a solution to the crisis. Yesterday, four out of five trade unions voted to stop the strike. Today morning have resumed. Madam Minister, my question is simple: can you share with us your assessment of the situation? (*applause from several benches and environmentalist groups CBC.*)



[Mr. President](#) . Call the Foreign Minister of Culture and Communication.

[Ms. Fleur Pellerin](#) , *minister of culture and communication* . Madam, the spirit of responsibility, you said, prevailed, and I welcome, but the conflict at Radio France and mediation led by Jean-Dominique Chertier reveal a deep malaise you the have pointed out in your question. Today he no longer must the comment or terminate in controversies purposes but, as you suggest, it should work in a spirit of public service. This is the text that presented the mediator and the explanations I have made to the unions that helped pave the way for the end of the conflict. It was the role of the state is to provide a method sincere, honest and straightforward. Given the unions, I recalled the need for reform, but I also wanted to raise some concerns. For example, I stressed the vital importance of the local network in the company's public service mission. How can I say it more clearly. Mutualisation in the production of programs is not and will not be the operating rule on the airwaves of France Bleu Throughout the three weeks of conflict, I acted responsibility, first by asking the president Gallet put his project on the table and pronouncing me immediately to know the position of the State, then by appointing Jean-Dominique Chertier as mediator - I want to salute his professionalism - finally putting every effort so that we can get out of this conflict and that finally opens the second part of the mission, which should help think about the future and develop the objectives and resources contract for the period 2015 to 2019. Today, our common goal must be to bring all employees of Radio France and build its future. Now let us get to the root causes of unrest, continue this work through the method that is born of the mediation, a method based on listening, social dialogue and the will to regain confidence.

[Philippe Meunier](#) . In 2017!

[Ms. Fleur Pellerin](#) , *Minister* . Certainly some would have wanted the crisis to be faster but I think the ten years during which nothing was done (*Exclamations on the benches of the UMP*) to think of the future of Radio France required that we take the time to lay the foundations of a renewed social dialogue. (*Applause several benches of the CBC group.*)

[Mr. Maurice Leroy](#) . So do, do, do!

## Local public investment

[Mr. President](#) . I call Mr Michel Piron, for the group of the Union of Democrats and Independents.

[Mr Michel Piron](#) . Mr. Prime Minister, you announced last week support measures to local public investment, including pre-financing at zero rate of VAT refunds to communities. This announcement does reveal an awareness of the serious problems they must deal? The collapse of the investment community - less than 14% for the municipalities and intermunicipal in 2014 - and fears for the coming years have already dramatic consequences for employment, particularly in the work area . Public In this situation, I see two main reasons: the first is the unprecedented reduction in allocations to communities, certainly constrained by the deterioration of the finances of the state, which explains some tax increases; the second, perhaps even more decisive is the major uncertainty of our territorial organization, both as regards the scope of the intermunicipal relationships combine to municipalities, which now controls the agenda day local elected officials. Far from illuminating the future of the regions and departments, intercommunal and municipalities, the reform sets up a real institutional disorder that paralyzes public initiative. Thus, visibility fault, many projects are stopped. Mr. Prime Minister, "it is no good wind for he who knows not where he goes,"

said Seneca. Today, politicians urgently need to know where you are going and where they go. When will you propose a clear perspective to local authorities and, more broadly, to all those and all those who care about public action?  
*(Applause on the benches of IDU group and some benches of the UMP.)*

[Mr. President](#) . Call the Foreign Minister of Decentralization and Public Service.  
[Ms. marylise lebranchu](#) , *Minister of Decentralization and Public Service* . Mr. MP Michel Piron, you have, indeed, participated in the discussions on the reform that you mention; I must nonetheless put a few things right. You argue that lower provisions endangers local investment. It should be remembered, because all of our citizens do not know, perhaps, that this decline corresponds exactly this year to 1.6% of actual operating revenues. Your statement therefore does not take, although this decline is difficult, and assumed, and reminded the Prime Minister. In addition, we have together discussed the organization of local governments and advanced on this issue structurally. An organization in thirteen regions will maintain the same level of per capita GDP; so we closed the gap between very rich and very poor areas regions, which was a disincentive to investment. Limousin is thus now able to invest with Aquitaine. In addition, we have decided to pool, pool resources, what is truly structural reform. Indeed, when we move forward together on inter, on a conference on local investment, we are moving towards a structural rationalization of resources, only answer to the contradictory injunction of our citizens who want to pay less local tax but wish alongside more public services. The Prime Minister has committed very strongly. Reimbursement under the Fund of the VAT compensation is not possible in the year  $n + 1$ , everyone agrees, we propose to pre-finance free loans without cash advance for communities. The state will also pay an additional EUR 600 million for the endowment capital of rural areas and 200 million euros in addition to the urban

solidarity grant. With all these envelopes, we can explain to our citizens that the fall spending will be seven times higher for the richest communities for others; euro effort to match these seven euros of effort to these. That is our goal. Justice, solidarity, rationality (*Applause. some benches on the CBC group*)

## Rail passenger

[Mr. President](#) . I call Mr Alain Gest, for the Union for a Popular Movement group. [Alain Gest](#) . Mr. Chairman, my question is to Mr. Secretary of State for Transport and I associate my colleague Eric Woerth. In recent months, every time we hear about rail passenger transport, which of the place, the news is disturbing and even despairing. In Normandy, it is the concern because of the action plan of Guillaume Pepy given to the committee chaired by our colleague Duron, because this would result in cuts of lines or the halving of the Paris-Rouen links -The Havre. In Dordogne, the daily journey of SNCF customers is a hassle due to the removal of trains or replaced by buses, delays, crowded cars; many of them have started a strike of the presentation of tickets. The Nord-Pas-de-Calais region has blocked payments to the SNCF to protest against the reduction of opening hours of ticket offices at stations. A recent survey showed that in ten years the users' satisfaction rate has continued to fall; least 19%. In Picardy, last week, an association helpfully offered to accompany travelers, captive customers of SNCF since taking the train to Paris to get to their workplace. The finding is cruel: a material in poor condition, very few high capacity trains, so a lack of places and

standing areas for over an hour down the oars that are slow to be repaired because maintenance services overloaded, trains canceled due to lack of drivers, unannounced transfers to cars during the trip, chronic delays since the introduction of the timing. Mr. Secretary of State, every day is hell, and daily plays a lot on morale and the ballot of our compatriots. In Picardy, particularly in Amiens, is the double jeopardy because the Creil-Roissy bar that should allow a TGV service from the regional capital is still not confirmed. Mr. Secretary of State, ye in power for three years and your friends who are still in power in the regions, what can you say to reassure outraged citizens? (*applause from several benches of the UMP.*)

[Mr. President](#) . I call Mr. Secretary of State for Transport, the sea and fishing.

[Mr. Alain Vidal](#) , *Secretary of State for Transport, the sea and fishing* . Mr.

Chairman, ladies and gentlemen, sir, the meeting was very interesting because we learn as and when, to reduce public spending, a goal I share, it must touch or to local authorities or to infrastructure; about where to find the 150 billion euros of savings you hear achieve, the mystery remains ... (*Applause few benches CRS group.*)

[Catherine Contello](#) . Very good!

[Éric Woerth](#) . All is well for users: is that what you mean?

[Mr. Alain Vidal](#) , *Secretary of State* . You are right, and that is the whole contradiction, to pose the question of rail infrastructure. I said when I took my position: the objective must be the safety, maintenance and trains daily. Let me point out to you that the aging of the ways you mentioned has not done in three years and accelerated the past three years. The long delay that we have taken is

a collective responsibility: other choices were made at some point, and we probably abandoned the management and safety culture and maintenance, admittedly. Today, so we are facing difficulties. I share your observation about including the Amiens line, one that posed the most problems, even though it has the processing of sensitive lines. I specifically asked SNCF to keep me informed of decisions made to address the concerns of users. Regarding the connection Roissy-Picardy, I want to reassure you and confirmed by the Prime Minister, all the necessary appropriations will be entered in the State-Region project contracts in both regions for its realization. Negotiations are underway between the SNCF and the regions about the service and funding, but at the end of it, the declaration of public utility shall be pronounced and the Government will be at the rendezvous; Picards can trust us. *(Applause several benches CRS group.)*

## Energy and territorial reform Transition

[Mr. President](#) . I call Mr. Francis Hillmeyer, for the group of the Union of Democrats and Independents.

[Mr. Francis Hillmeyer](#) . My question is for Ms. Minister of decentralization and public service. Madam Minister, France has shown its determination to lead his energy revolution by organizing the next international climate conference, COP 21, but also by his great law of energy transition. It is a desire and an ambition that we share. At the UDI, the Grenelle environment, territorial dynamics and the culture of results are essential, far from dogmatic incantations. Let me tell you though that this shared commitment is now carried by an energy policy worthy of the name or in the draft Energy Transition Act nor in the draft OuR law. In order for our country to take the train from the energy revolution, it must rely on its territories, regions, actors essential field of new energy. Now there is nothing. The new territorial organization, intended to arm the new regions face the challenges of XXI<sup>th</sup> century, was conducted in violation of territorial identities.

The container, that is to say the regions, was totally separate from the content, that is to say, their skills, without anyone cares different regional situations and without it being able all the stakes. You have thus artificially created new territorial entities before even thinking about their organization, and against the will of a large part of the population. This error method, believe me, will make them ineffective regional policies! This is true for Britain but also for Alsace, two precursors through their territories regional conference of energy and atmosphere and their . energy consultative committee , Minister, my question is simple: how do you reconcile these characteristics and these unique regional initiatives, which are real success stories, with the development plans provided for in OuR law? (*Applause on the benches of IDU group.*)

[Mr. President](#) . Call the Foreign Minister of Decentralization and Public Service.

[Ms. marylise lebranchu](#) , *Minister of Decentralization and Public Service* . This is an interesting question that we discussed on the sidelines of the discussion of the bill OuR. For this territorial reform is in accordance with its purpose, structural, we started together, with your participation, to remove different patterns - regional patterns of spatial planning, regional strategies for intermodal, regional energy air climate diagrams, plans Regional prevention and waste

management - to bring together in one diagram should give political guidelines. Embracing this collective commitment, intermunicipal may well meet the wishes of our citizens. I still hear your query. Indeed, the agreement of a majority of the committee concerned, regional patterns related to the environment in general have been excluded from the regional planning strategy and sustainable development. My colleague Segolene Royal and I are however very clear: if, at second reading, the first commission, the National Assembly and the Senate then, express the desire to integrate these environmental schemes, we did not oppose. You have indeed right to point: at a time when we give the regions the power to give impetus to specific policy, it would be interesting to integrate regional schemes such topics as the energy transition or climate, air and energy. I am open to discussion, as is Segolene Royal. If the Senate and the National Assembly point us in that direction, we have no problem. We are at your disposal to discuss upstream because if we want to succeed COP 21, we need our regions are copies!

## Housing construction in Île-de-France

[Mr. President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . My question is addressed to the Prime Minister, but he has obviously got scared and went away!

[Mr. President](#) . You frighten many people, Mr. Myard! *(Smiles.)*

[Mr. Jacques Myard](#) . I associate Valérie Pécresse and members of the Paris region. Loger our citizens is a legitimate objective which we all subscribe. But that does not mean we can do anything. Worse, sack - I say well rampage! . - Sites that are irreplaceable ecological heritage if he were not carried out any consultation, we learn through the press the appearance of thirty-three qualified



projects of "national interest transactions" - ISO - region Paris, of building, nay, to be concreted remarkable green sites, such as that of Mareil-Marly or as racetracks St. Cloud, Enghien, Rambouillet and Maisons-Laffitte - a scandal! All this contempt and violation of public rules that protect these sites, whether their classification as sites of the green casting SDRIF - blueprint of the Île-de-France region - or IRPP - flood risk prevention plans - which prohibit any construction in flood zones. That understanding of all this? You do not order these frustrated technocrats of AFTRP - land and technical agency in the Paris region - which vaticinent to justify their existence You who want to accommodate French, Mr. Prime Minister, you should know that there are hundreds of Thousands of vacant housing in the province. (*Laughter on the benches of the environmental group.*) Instead of excessively concreted the Paris region and make it unlivable because we can no longer pass through it, help companies to settle in the cities of province where there are vacancies, including social housing! ("*Very good!*" *several benches of the UMP. group*) When will you put in place a land use policy that does not trashing the Paris region and which enables the French to live in acceptable conditions? (*Applause on the benches of the UMP.*)

[Mr. President](#) . Call the Foreign Minister of Housing, Equality and territorial rurality.

[Ms. Sylvia Pinel](#) , *Minister of Housing, Equality and territories of rurality* . I would like to tell you exactly, sir, because many untruths have been supported on this.

[Yves Fromion](#) . Not by him, anyway!

[Ms. Sylvia Pinel](#) , *Minister* . First, the housing crisis raging in Île-de-France perhaps more than elsewhere. Parisians who have difficulty finding housing that meets their needs will appreciate your comments!

[Mr. Jean-Luc Laurent](#) . We must build the diverse housing in Maisons-Laffitte!

[Ms. Sylvia Pinel](#) , *Minister* . Yesterday, the Prime Minister met the interdepartmental committee of the Grand Paris for an update on the progress of the development component and the housing project. With 56,000 housing starts in the last twelve months, the trend is rising but we are still far from the 60,000 needed housing. So we have to continue and expand our efforts. At the interministerial committee in October 2014, thirty sites have been identified in two simple criteria, the potential for construction and transport connections. The services carried out an extensive study that results currently, in the workshops of the Grand Paris housing, in collusion with local politicians and developers. In no case do the projects are written down recorded. We work, I insist, in partnership with elected officials and developers to succeed the Grand Paris of development and housing. Two workshops have already been held. I hope the debate will continue in a constructive manner. The OIN are tools must be assessed case by case. The Crown will work with elected officials to a shared development project and the announcement of the selected sites will be done in September.

[Mr. Jacques Myard](#) . C'mon!

[Ms. Sylvia Pinel](#) , *Minister* . It is useless to argue about a subject as serious and as expected by the Parisians! (*Applause few benches CRS group.*)

[Mr. President](#) . Thank you, Minister, for not afraid Mr. Myard! (*Smiles.*)

[Mr. Jacques Myard](#) . Pardi!

[Mr. President](#) . We ended questions to the Government.

## ***Suspension and resumption of the meeting***

[Mr. President](#) . The meeting was suspended.

*(The House adjourned at 4:05 p.m. and resumed at 4:20 p.m., under the chairmanship of Mr. Marc Le Fur.)*

## Presidency of Mr. Marc Le Fur

### vice-president

[Mr. President](#) . The meeting resumed.

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## Information

### *Further discussion of a bill*

[Mr. President](#) . The agenda is the continuation of the discussion, after engagement of the accelerated procedure, the draft law on intelligence (n<sup>os</sup> 2669, 2697, 2691).

### Discussion items (*continued*)

[Mr. President](#) . Yesterday evening, the Assembly continued the discussion of the articles of the bill, stopping at the amendment n<sup>o</sup> 15 section 1<sup>st</sup> .

### Article 1<sup>st</sup> (*continued*)

[Mr. President](#) . I received two identical amendments, n<sup>os</sup> 15 and 157. I call Mr. Lionel Tardy, to support Amendment n<sup>o</sup> 15.

[Lionel Tardy](#) . Mr. Chairman, I also defend the amendment ° 13. To be effective, the National Control Commission technical intelligence, the CNCTR must be a genuine power-cons. From this point of view, the issue of its composition is crucial. Now we have on this very different opinions and various proposals, which are admissible. For my part, I hesitate between two options. Regarding the presence of parliamentarians, Mr. Rapporteur, I rallied to review: the task of CNCTR will be so colossal that I do not see how parliamentarians can sit on it. It is indeed a full-time job, if only because we unfortunately do not facilitate him looking for some information. Even if does not exercise the parliamentary mandate and the other would be placed availability, how will he perform both its mandate and its mission, even one day a week, in this commission? Two options are presented to us. Or, as provided for amendment ° 15, the commission does not include parliamentarian: it would then have five members. This restricted, in line with the recommendations of the Council of State, would give it greater efficiency. Or, and this is the sense of decline amendment ° 13, the commission includes a parliamentarian, and several of our colleagues wish, and only one, so that the quorum can be achieved. This parliamentary criteria should be a member from the opposition because it would be more likely to act as a power-cons face whoever authorizes interceptions, namely the Prime Minister, majority leader. I have nothing against the senators, but the parliamentary opposition is defined in the Assembly and is not necessarily the same in the Senate - it is also the case today.

[Mr. President](#) . I call Mr. Jacques Myard, to support the amendment ° 157.

[Mr. Jacques Myard](#) . The answer to this problem of the composition is not obvious and has been the subject of debates in all groups. In order for the National Control Commission intelligence techniques to be effective it has to work on twenty-four hours twenty-four three hundred sixty-five days per year and have the human resources - including specialists - and necessary equipment. The presence of parliamentarians in the committee can be justified politically, the political nature of their mandate enabling them to control the operation. We fear, however, they are busy with other tasks related to their mandate and that this prevents them from properly fulfilling their mission within the CNCTR. Our starting position was therefore that there was no expected the presence of parliamentarians within the CNCTR independent administrative authority. This would not prevent the parliamentary delegation on intelligence - DPR - to interview the members of the Commission and monitor its work. We might need to consider giving the DPR controlling power on site, although the jurisprudence of the Constitutional Council suggests that this power shall not extend to current operations. However, I understand that some colleagues and friends still can be of a different opinion. The debate should allow us to determine the best solution. The aim is that this commission can ensure continuously and effectively its intelligence gathering mission control.

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, Chairman and Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic, to give the opinion of the Committee on these identical amendments.

[Mr. Jean-Jacques Urvoas](#) , *Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic* . On the subject of the

composition of the CNCTR, all points of view can be heard and many of our colleagues have probably not yet made their position. I want to expose you my personal position, that of the Law Committee, the position of the parliamentary delegation on intelligence and even the one adopted by the National Assembly during a similar debate in the context of the review of the bill military programming. This new independent administrative authority will be responsible for monitoring the legality of the implementation of technical intelligence means that we define. It will control including the proportionality of the use of these tools in terms of the threat they are supposed to fight. The composition of the Committee understands that under control architecture that we put in place since the beginning of the legislature. For the first time since 1945, we take a step substantial to the rule of law: stone by stone ...

[Pierre Lellouche](#) . This is the Tom Thumb!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . ... We build a control architecture not only useful but quite comparable to that feature if all western democracies. In 2007, on the initiative of President Nicolas Sarkozy, we have created a parliamentary delegation on intelligence, common structure with two bedrooms, including four MPs and four senators. With a service activity monitoring power, it was for this reason access to what the law calls "relevant factors". In 2013, under the responsibility of Jean-Marc Ayrault, the planning law military expanded the powers of the Parliamentary Delegation for Intelligence, giving it the power to control public policy intelligence. In this regard, extending the authorization of the perimeter to any particular field, as some propose, would reduce the ability to control the delegation on intelligence matters. Since the beginning of the legislature, and Under a rule-wave - between the assembly and the senate and between the president of the Law Committee and of the Defence Committee -, the parliamentary delegation on intelligence was chaired by the Chairperson of the Committee the defense of the National Assembly, Patricia Adam, and his

counterpart in the Senate, Jean-Pierre Sueur. As chairman of the Law Committee of the National Assembly, I chaired last year. It was Jean-Pierre Raffarin, my counterpart in the Senate, who shall chair today. I want to emphasize that the parliamentary delegation on intelligence is only composed of parliamentarians. It does not exercise control of legality or proportionality and not more hierarchical control: it has control responsibility, to ensure that the activities of intelligence services is consistent with their vocation and means that the State provides them. The military planning law has significantly expanded its information capabilities that are now, in my view, exhaustive. Thus, for the first time last year, the Government provided the delegation with a classified document detailing all credits dedicated to intelligence. This is the first time that the Government shall make available to Parliament a summary of this nature, much more important, for completeness, a simple horizontal policy document. The observations of the delegation on this document are recorded in the report of the DPR, which I invite you to visit. This exercise will be repeated annually. Parliament also obtained that be available all evidence it deems useful: it is a real quantum leap compared to "elements of appreciation" which could have the parliamentary delegation on intelligence . the previous legislature Thus, we now have access to national guidance intelligence - the PNOR - a classified document prepared by the Government. Similarly, we wanted, and the Government has accepted that the national intelligence strategy is now made public, so that citizens can be informed of the activities of the intelligence services in this country. In this regard, I repeat with great energy these services are neither secret nor special. These are governments that exercise sovereign power on behalf of an authority; it is not the government "above ground" that would be led by thugs or mercenaries.

[Mr. Philippe Vitel](#) . Very good!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . They are public servants, civilian or military, animated, in the exercise of their profession, by design, the same ethics that all who serve the state, regardless of the administration to which they belong.

[Yves Fromion](#) . Congratulations!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . . That is the responsibility of control now exercised by Parliament through the Parliamentary Delegation for Intelligence In July 2014, the Government created a tool that was missing in the state: an inspection of the information, as there is a general inspection finance, general control armies or a general inspection of the national police. So far the state did not have hierarchical tool enabling it to ensure the proper functioning of the intelligence services. Inspection of information was created for this purpose. This is not an extra body, since these officials from different state control body, empowered to conduct audits and investigations in this field. The prime minister announced Monday that the first mission of the intelligence inspection had been launched and that it would make its work before the summer. Naturally, the parliamentary delegation on intelligence will have access once this work is completed. To complete the hierarchical control by inspecting intelligence and parliamentary control by the parliamentary delegation to intelligence, he lacked a final element: the control of legality , which verifies the proportionality of the use of information technologies by the various intelligence services. It is the role of



the national technical intelligence oversight commission. Its composition was the subject of a long debate within the parliamentary delegation on intelligence - involving Jacques Myard, Philip and Patricia Nauche for Adam National Assembly -. especially regarding the relationship between this new structure and the DPR We also had the example of a rather successful system, that of the National Control Commission security interceptions, created in 1991, CNCIS. The plenary assembly of the CNCIS consists of a magistrate, alternatively the Court of Cassation and the State Council - it is now Jean-Marie Delarue, from the State Council, which s' is abundantly expressed on this bill before the work of the commission - and two MPs. The Senate is now represented by François-Noël Buffet and I am privileged to represent the National Assembly during this legislature. Before me, Daniel Vaillant had sat in this structure, and before him Bernard Derosier Henri Cuq, Jean-Michel Boucheron. The Government considered that the composition of the new structure was to be inspired by this device while widening it. Personally, I consider that parliamentarians have no place in the new structure, precisely because we do already such power control via the parliamentary delegation on intelligence. However the amendment that I defended in that was rejected by the committee and I did not re-deposited. I have also filed almost no substantive amendment. It is because I believe that if the role of the reporter is to defend his convictions before the Commission, once the commission has ruled there is more rapporteur opinion: there is more than the opinion of the committee. The only amendments I have tabled are drafting amendments you could measure the semantic scope yesterday on issues punctuation or vocabulary. I have tabled two substantive amendments, one on whistle-blowers and the second on the right of communication between administrations, to remove the risk of interpretation *a contrario* of a provision adopted yesterday by the National Assembly. The Law Commission at my initiative has advised against the amendments of our colleagues Jacques Myard and Lionel Tardy and supported all proposals aimed at ensuring the presence of parliamentarians in the CNCTR. The parliamentary delegation also wants the

information CNCTR account of parliamentarians. The various amendments that you then look up a long catalog of proposals covering a very wide field. Sergio Coronado will propose to halve the number of parliamentarians to retain only a deputy and a senator, one of the two would naturally be of the opposition. Éric Ciotti will instead propose to strengthen the weight of parliamentary representation, passing six parliamentarians, three deputies and three senators, against four in the text of the Government. Pascal Cherki will propose us to go even further and provide a parliamentary political group for each of the National Assembly and the Senate. And if our Bompard colleague agrees to participate in our debates, it will propose replacing parliamentarians by two of the commanding officers of the three services and two counts of Staff of Armed - I do not see why they are thus in the same category as parliamentarians. Anyway, such a range of proposal should allow you to build your judgment.

[Mr. President](#) . I call the Minister of Interior to give the opinion of the Government.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . I will not repeat all the arguments that have been excellently developed at the moment by the rapporteur, to go to the essential: clear points of agreement between us on the question of control and the role of CNCTR. Our goal is to limit by law the activity of the intelligence services. So far the activity of these services was little framed, while the technical means at their disposal only increased - I say in response to all those who spoke about this recently, including Hervé Morin, who was defense minister in the previous administration. I hope for my part that all technical and all intelligence purposes are put on the table and that all this is controlled. This legislation must allow the rule of law to progress in governing the activity of the intelligence services of the great democracy of ours. That's why I hope that this matter should be the widest possible consensus among all the different political organizations represented in the Chamber. Larger will be the agreement between the groups, the more we show our common determination to ensure democratic balance in the functioning of the intelligence services. But the amendments coming under discussion include provisions completely orthogonal with respect to each other.

[Pascal Cherki](#) . Eh yes!

[Mr. Bernard Cazeneuve](#) , *Minister* . Although he came from an organization that has a great habit of synthesis (*Smiles.*) I'd be hard to achieve a balance between all these amendments as they are incompatible. There are those who no longer want all parliamentarians, who want them to be the majority, others who want their number is proportional to the qualified persons, in order of subtle balances. Let us first try to agree on the principles. What matters is to arrive to reconcile

two objectives. The first is the independence of control if we do not provide guarantees of independence, a permanent suspicion weigh on its effectiveness. Second is that the composition of this new body is sufficiently pluralistic that no one may think that the activities of intelligence services may be directed against this or that. Reconciling these two objectives assume that parliamentarians are represented in of this instance. Otherwise, we can not guarantee its plurality and politically prevent the trial politically tendentious control will continue to be educated. Do not that parliamentarians are the majority in the supervisory body, if we could say that political control policies, and that its independence, especially in legal terms, is not guaranteed. I suggest So that already was discarded and already the amendments that exclude totally the CNCTR parliamentarians, and that is why, as rapporteur, I am adverse to the amendments which have been presented. Regarding other amendments that come under discussion, I will propose an adjournment after which we will try to find an agreement reflecting the balance that I have proposed.

[Mr. President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . I would first like to thank you, Mr. Minister, to the openness you have shown: it should enable us to find a solution to the famous problem of control. Given the architecture you choose, its resolution depends largely - but not exclusively: they also talk about the role of the State Council - the composition of this committee. I also thank you, Mr. President commission of intellectual honesty with which you have exposed your personal position and history means that control of the security apparatus of our country. There is a disagreement between us on the famous parliamentary delegation to intelligence,

in which sit four of our colleagues: the chairmen of the laws and of the defense, as well as Messrs. Myard and Nauche. Not part of this delegation, I do not know the practice, but I'm a little lawyer, I went to see the text of the Act of 9 October 2007, that created this instance. You were talking about political control, Mr. Chairman Urvoas but the least that can be said is that the law is rather elliptic on the subject, even if you say that you are given occasionally classified documents. Indeed the text provides that "the mentioned ministers addressed the delegation information and budget related appraisal elements, general activity and organization of the intelligence services under their authority.

"

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This is no longer the current text.

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . The military planning law has completely changed!

[Pierre Lellouche](#) . Duly noted. So exercise effective control over the daily activities of services?

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . A posteriori.

[Pierre Lellouche](#) . Does the control is generally consistent with the spirit of the 2007 law, or not?

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, *rapporteur*.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We have, from my point of view, the ability to have access to what we ask, I do not know of any cases where we have been denied the elements that we would have requested. It also depends on what we ask: if we ask nothing, no one will give us anything. The only caveat is constitutional, and she is very old. It is linked to a decision of the Constitutional Council in 2001. At the initiative of the government of Lionel Jospin was created an audit committee special funds, the CVFs, composed of judges of the Court of

Auditors and Parliament. The senators had believed relevant to seize the Constitutional Council of this provision, arguing that the work of Parliament was not to control the special funds as they were a tool available to the State and that parliamentarians did not have to knowing capacity of the executive. The Constitutional Council has validated the audit commission of special funds, but said that parliamentarians did not have to intervene in the realization of "ongoing operations". But the Council, in its malignancy, has not seen fit to indicate what a current operation. The concept goes back actually to a circular Edouard Daladier of 4 October 1939, when Parliament had begun to care for the war credits and Daladier wished to reserve control of Parliament which was not . being I end about the CVFs because the issue is not trivial: in 2001, somewhat inadmissible, the Court of Auditors has refused to participate in the work of the magistrates of this instance.

[Pierre Lellouche](#) . As Mrs Taubira last night ... (*Exclamations several benches of the UMP.*)

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Colleagues, allow me to pursue a historical reminder that will enlighten everyone! The current First President of the Court of Auditors, that I met when I chaired the parliamentary delegation to intelligence, also refused to appoint judges to serve on this body, which always surprised me: the law is the law, even for the judges of the Court of Auditors! Noting that these judges were not involved, on order, the work of the Committee audit of special funds, the Parliament, as part of the military planning law and under the responsibility of Patricia Adam, who was the rapporteur of the National Assembly, has decided to exclude the Court of Auditors of the judges of the composition of the Commission and integrate it with the parliamentary delegation to the information that, as a result, controls the special funds. I have the privilege

of chairing the CVFs for 2015, after Philippe Nauche last year. The commission has already prepared reports.

[Pierre Lellouche](#) . With your permission, Mr. Chairman ...

[Mr. President](#) . I call Mr. Pierre Lellouche, for a brief intervention.

[Pierre Lellouche](#) . I want to finish my demonstration, Mr. Chairman, because everything revolves around this question.

[Mr. President](#) . Eight speakers have yet to speak, Mr. Lellouche.

[Pierre Lellouche](#) . The parliamentary delegation intelligence is she occupies or not, operational aspects, as argued Mr Myard and Mr. Tardy? Or operational control is already assured otherwise - in this case, it is not necessary that parliamentarians are members of the CNCTR -, or the delegation does not have the ability to control the information. Let me be clear, Mr. Reporter, since you fired argument for the existence of the delegation to say that in your opinion there was no need to appoint parliamentarians within the CNCTR.

[Mr. Claude Goasguen](#) . That's not what he said!

[Pierre Lellouche](#) . If! He said it was his personal opinion ...

[Mr. President](#) . Please conclude, Mr. Lellouche.

[Pierre Lellouche](#) . In my view, it is obviously necessary to ensure political control. Given the texts and explanations of the Rapporteur, the parliamentary delegation intelligence is not intended to control the proportionality of the measures implemented, which is still the key element of control over intelligence: let c is proportional to the desired objective, is exiting the rule of law. If this work is not done by the delegation, it must be that someone else takes care! It is then necessary to establish whether a fully technocratic control, ...

[Mr. President](#) . Thank you, Mr. Lellouche.

[Pierre Lellouche](#) . ... That makes use of former judges or qualified personalities or political control. With the exception of a few colleagues whose opinion we

respect the UMP group is inclined to think that we must increase the number of parliamentarians within the CNCTR.

[Mr. President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . The interventions of the Minister and the Chairman of the Committee include interesting elements. Without being convinced of the beneficial nature of this bill, I acknowledge that there are changes and that some provisions are positive. The ideal would have been to set up another system. A number of States are more advanced than us in this regard. In Israel, as stated by one of our colleagues, intelligence - and God knows it is important - is controlled by the Supreme Court.

[Guy Geoffroy](#) . Absolutely!

[Mr. Claude Goasguen](#) . With this text we are far from the intelligence surveillance system that fails us. Nevertheless, Mr. Minister, what you said is interesting. As you have seen, the UMP has extensively discussed this subject and the position of our group is more nuanced than has often arbitrary interpretation that was made by the press. An agreement from you, Mr. Minister, could be decisive, and thank you to propose an adjournment and let us find the conditions of this agreement. I am not convinced that the system is free of faults. I happened to teach law and be a lawyer and I checked again yesterday that in any case a decision of the Council of State has no authority of res judicata.

[Guillaume Larrivé](#) . Of course yes!

[Mr. Claude Goasguen](#) . No, she did not have the authority of res judicata. In case of trial before an investigating judge, you can imagine what may be the question of responsibility! It is true that this bill is not a text on terrorism, but on improving the functioning of "big ears", as we say in policing. Try anyway to give us some elements to convince us that a check may be guaranteed. I know that parliamentary control will not be the ultimate solution. Nevertheless, the presence



of parliamentarians in such a commission could at least give the appearance of political responsibility at parliamentary level, next to the Prime Minister's responsibility. This does not end all the difficulties but it will still be very important.

[Mr. President](#) . Thank you, sir Goasguen.

[Mr. Claude Goasguen](#) . That is why I advocate that parliamentary sit on this regulatory body. We can debate the numbers.

[Mr. President](#) . The call Mr Eric Ciotti.

[Mr. Éric Ciotti](#) . I wish to speak as speaker of the UMP group and on behalf of the president of the group. Mr. Minister, you mentioned, and I thank you, your wish for consensus on this essential point is for us the composition the CNCTR. This is an essential point, I said, because it should raise some doubts, some reserves, some prejudices. We have tabled an amendment n ° 265, co-signed by 194 members of the UMP group, which expresses almost unanimous position of our group on this important issue. As just said our colleague Claude Goasguen, we will be very vigilant, Mr. Minister. We have taken note of your position with great satisfaction because we want to reach a consensus. Many of our colleagues need to obtain guarantees. Concerns have been expressed: for my part, I do not share, but some deputies, especially on the benches of the majority groups have mentioned the risk of a political police. That is why I advocate the presence Parliamentarians - three representatives of the Senate and three representatives of the National Assembly - in the CNCTR. The appointment of three parliamentarians from each room and ensure the representation of the majority and the opposition: the National Assembly appoint two members of the majority and opposition member, and the Senate would do the same. This solution, which would ensure a balance between the majority and the opposition, would guarantee the optimality of control and traceability procedures that we want, and would be capable of overcoming suspicion, more or less founded, that have been expressed - each course has the opportunity to express in conscience reserves.

[Mr. President](#) . Thank you conclude, Mr. Ciotti.

[Mr. Éric Ciotti](#) . I ask you a few more seconds, Mr. Chairman, because the debate is global. I express what is the official position of president of the UMP and the 194 members of our group who have co-signed the amendment ° 265. This is for us an essential point in that it will have important consequences. All played in the ability to control the commission.

[Mr. President](#) . Thank you, Mr. Ciotti.

[Mr. Éric Ciotti](#) . You wanted, Mr. Minister, extend the scope of this control. For many of us, strengthening the representation of parliamentarians constitute an additional warranty.

[Mr. President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . On subjects of this nature, which are not classical but issues which fall within the higher interests of the state and the nation, I am convinced that we must adopt a republican positioning, bringing together all the formations and groups policies within the national representation. On these issues, we need to walk together until we found an agreement. If we tabled this bill, it is because we want to give a legal basis for the services business and submit them to a control that, until now, did not exist. It should not be that the Government, while it hopes to achieve this goal and establish safeguards that never existed until now, is suspected of wanting to develop "political police" devices - you do not used this term to your account, Mr Ciotti, but was used by two MPs of your group, Mr. Mayor and Mr. Marsaud, to me it seems. The consensus requires a collective effort in which everyone put in place of the other. So I want to reiterate that we give a legal basis and control capabilities to services that had not. When I hear some elected officials who exercised the most important responsibilities, in the most sovereign ministries, wondering publicly about the features we put in place, so that they never

proposed to Parliament to debate these issues when exercising those responsibilities, I think that the political compromise, which I hope and I call my wishes on such key issues requires a collective effort of responsibility.

[Mr. Jean-Yves Le Bouillonec](#) . Very good!

[Mr. Bernard Cazeneuve](#) , *Minister* . Thank you also, Mr. Ciotti, for your speech, which goes very much in that direction. I repeat: We give a legal basis for the activities of intelligence services, and we want them to be controlled and supervised Furthermore, an amendment of the UMP, presented at the time by Éric Ciotti, aims to increase the number of parliamentarians within the CNCTR. This amendment is worth discussing: we therefore ask for a recess and we'll see if we can find the agreement that I call my wishes. I would finally, ladies and gentlemen, your attention to two points. As part of the discussion of this text, we are constantly under pressure from contradictory injunctions from the commentators. The State Council, in its opinion on the composition of the CNCTR, felt, for reasons relating to the effectiveness of control, the number of representatives proposed by the Government was too large in relation to the objectives it proposed to achieve. We had proposed nine, he proposed five. Many other actors occupy the media space by explaining that most of the committee members will have less control will be effective. Now, in the name of efficiency of the control, we will offer to add other representatives. It can hold a reasoning quite opposite to that of the Council of State and some observers: there will be more people to exercise control, there will be more eyes on the activities of the intelligence services and the control will be effective.

[Mr. Jacques Myard](#) . And there will be more leaks!

[Guy Geoffroy](#) . This is what to do!

[Mr. Bernard Cazeneuve](#) , *Minister* . That said, if we want to find a balance between the independence of the control and political plurality, it should not become the parliamentary majority at this point within the supervisory body that it may appear to be less independent than it would be if it did not count parliamentarians within it.

[Guy Geoffroy](#) . Of course!

[Mr. Bernard Cazeneuve](#) , *Minister* . When you submit your amendment, Mr. Ciotti, I will ask for a recess and let us find a good deal on these issues.

[Mr. President](#) . I call Mr. Patrick Hetzel.

[Mr. Patrick Hetzel](#) . In my turn, I want to acknowledge the constructive remarks of the Minister on these issues. However, I note that the link between the new instance, the CNCTR and the parliamentary delegation on intelligence is a real issue. Regardless of what we can do here and now on this text, one point remains problematic because of the frame which was defined: we have already discussed yesterday the issue of balance between, on the one hand, the preservation of national security and the best interests of the nation, and also respect for freedoms public and individual freedoms. In view of the debate we have just had, I am more than ever convinced that we will have to discuss a little later, another text which will deal with a little more broadly the issue of operational control of our . Services Indeed, when we wondered how the parliamentary delegation worked in intelligence, we realized that his control could not extend to the operational aspect - and this is normal. Now this is where can nestle threats to public and individual freedoms. Ultimately, it will certainly provide another text, it is only a step. An additional legal framing will be necessary to preserve public and individual freedoms.

[Mr. President](#) . I call Mr Pascal Cherki.

[Pascal Cherki](#) . I would like bouncing on the minister, will bring a light shade. We said, intelligence is not an "above ground" activity: it is the fact of administrative institutions of the state and heirs Officials of a strong republican tradition. It must be remembered: it is not in any way of private pharmacies. Certainly, the methods can be sometimes clandestine, but people who act - except those that are not known for efficiency and safety of their actions - are primarily state officials, under the hierarchical control of their management and, ultimately, political power. What is most important in business intelligence, is the republican tradition. Take the example of the United States where parliamentary oversight of intelligence is quite significant, if only because the budgets involved are enormous and that the parliamentary committees, including the Senate, are often solicited. This does not prevent the excesses, which escape the parliamentarians.

[Mr. Jacques Myard](#) . There is no drift. It's legal!

[Pascal Cherki](#) . No senator had to approve the excesses of the huge US intelligence apparatus, revealed by Edward Snowden and others fed by intelligence techniques that showcases hyper technology and massive collection of data. But that's another debate.

What is important is that the republican tradition. Reference was made to the case of a country where control is performed by a supreme court. That did not stop to count within its device security state of thugs who "liquidated" physically political opponents - I think of the anti-terrorist liberation groups, LAGs, Spanish. This example shows that what counts are the republican traditions and how we develop a republican culture in intelligence and connection to intelligence

objectives. This raises another question, red thread of the bill and making it all interest. For the first time, the minister pointed out, we are codifying a very formal and organized way intelligence practices. We must find a balance between the absolute protection of freedoms and effectiveness of intelligence practices. If these practices have always been secret, it was precisely to be effective, and not to be contrary to the freedoms. Once the practice is codified, it should not be provided to services in difficulty. As these practices had no legal basis, when there were blunders, it became scandals.

[Mr. President](#) . Thank you to conclude.

[Pascal Cherki](#) . Let me conclude, Mr. President, especially as this will allow me not to present my amendment. The business became scandals, I said. Now we will give a legal basis for a number of practices, and it is on this subject that we must work. Since the Government is willing to work more in the sense of an increase as a restriction of the number of MPs present in the commission, I will withdraw my amendment. I expect the Government's proposal, but I have confidence.

[Mr. President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . The debate revolves around whether or not the presence of parliamentarians in the National Commission for Monitoring of Intelligence techniques. For my part, I was sympathetic to the argument raised by the availability of the rapporteur against that presence, even though we can imagine that the daily work of file processing will not happen in plenary. But besides the very just arguments of the minister, the parliamentary presence is justified by the fact that it is to control administrative police operations in the field of intelligence, prerogative of the Government. Or control of Government action is one of

parliamentary prerogatives. It is not incongruous that involved via this commission. Our group, on whose behalf I speak, considered that the benefits of the presence of parliamentarians in the CNCTR outweighed the disadvantages. We find that the Government's proposal is balanced, both from the point of view of the number of members on the ratio between the number of parliamentary and non-parliamentary one, plurality and parity - an amendment was tabled on this point. That is why we have not tabled any amendments. However, we are open to discussion proposed by the Minister. What concerns us most is to ensure the independence of those who will sit on the commission. If it is obvious for parliamentarians, we will present a series of amendments to guarantee the independence of non parliamentarians who sit in the CNCTR.

[Mr. President](#) . The call Mrs Sandrine Mazetier.

[Ms. Sandrine Mazetier](#) . I have, Mr. Chairman, introduced a series of amendments which I like to refer briefly in the context of this broader discussion. Thank you, Mr. Rapporteur, having recalled the history of this project. However, I am surprised that when discussing the military planning law, you refused that the Finance Committee is represented by its President and the General Rapporteur or finance within the parliamentary delegation on intelligence, which would offset the lack of participation of the Court of Auditors control special accounts relating to special operations. The role, essentially, on the CNCTR is to ensure the proportionality of the means used and the timeliness of . exploitation of data collected and the destruction of all the data for myself, I think it is normal, even essential that CNCTR guarantee political pluralism through the presence of two or four parliamentarians - the three figure does not ensure parity and I do not see the name of what the commission does not respect the parity goal. After hearing the arguments of the rapporteur on the issue of the availability of

parliamentarians twenty-four hours twenty-four, I proposed that fees  
parliamentarians can be members of the CNCTR.

[Guillaume Larrivé](#) . They are no longer MPs!

[Ms. Sandrine Mazetier](#) . If I do not wish that parliamentary or legal professionals are particularly protected, I wish, however, that the legal professionals - judges, lawyers - are represented by Presidents and former Presidents, appointed by the National Council of the bars.

[Pascal Cherki](#) . Very good!

[Mr. Claude Goasguen](#) . Article 40!

[Ms. Sandrine Mazetier](#) . For technical reasons, I have indicated that it would be a volunteer. However, they are sufficiently important functions for their exercise gives rise to compensation.

[Mr. Jacques Myard](#) . Article 40!

[Ms. Sandrine Mazetier](#) . But the limited nature of our parliamentary powers forbids us to file such amendments.

[Mr. President](#) . I call Mrs. President of the Committee on National Defence and armed forces.

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . If the Assembly today showed great maturity on the question of intelligence is due to the presence of parliamentarians in bodies such as the parliamentary delegation on intelligence, national security interceptions Control Commission which will become the National Commission for Monitoring of Intelligence techniques, or the Advisory Committee of the secrecy of national defense. The parliamentarians of the majority and the opposition, who served in



these bodies during several successive legislatures have acquired an expertise that allows us to examine this text concerning the information responsibly. This is why it is very important to my eyes that parliamentarians are represented in this type of instance. Nauche Philippe and Jean-Jacques Urvoas probably would not have the same degree of expertise if they had not part of these bodies. The parliamentary delegation including intelligence has established a relationship of trust and responsibility with the intelligence services, which is particularly appreciated. Another very important element, the intelligence services, who were suspicious of the presence of parliamentarians in welcome today and claim it. The relationship today between the intelligence services and parliamentary gives a good image of our democracy. Finally, the presence of parliamentarians in these instances is also a guarantee in the eyes of the European Court of Human Rights , claiming it.

[Mr. President](#) . I call Mr Philippe Nauche, draftsman of the Committee on National Defense and Armed Forces.

[Philippe Nauche](#) , *draftsman of the Committee on National Defense and Armed Forces* . We, my friends, in a construction phase. Patrick Hetzel was concerned earlier to the lack of operational control. The parliamentary delegation intelligence exercises control *post* on operational , which I think is quite normal. Similarly, within the Audit Commission of special funds, we have, with Jacques Myard, checked in 2014 the 2013 accounts, not the current accounts. The parliamentary delegation to intelligence, meanwhile, n ' only one year of existence in its new form and has not yet fully appropriate the new tools at its disposal: she must learn to use it to gradually enter into the details of what it needs to know to ensure well control responsibility, alongside the hierarchical control of the inspection of the intelligence services. The presence of parliamentarians, including the opposition, within the CNCTR seems a necessary guarantee of its independence . The CNCTR intervenes at three levels. First, it

sets the rules of the game, particularly in defining the criteria for authorization. Second, it provides operational permanently, a judge must be contacted twenty-four hours on twenty-four. Finally it ensures the daily monitoring through examining files, reporting of highly qualified services in technical and operational levels, so, like the CNIL, to be able to advise the Government. As the Law Committee, I support the presence of parliamentarians because it is a guarantee independence of the commission.

[Mr. President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . I want to say a word on the control of ongoing operations. From a constitutional point of view, such control is not possible. Indeed, in a 2001 decision, the Constitutional Council, referring to the constitutional principle of separation of powers, has forbidden that we proceed to the ongoing operations of control. This principle, strongly reminded by the Constitutional Council 2001 decision, was also an operational sense. Our nation is a great nation whose intelligence services are accountable, undertake the political responsibility of the executive, should be monitored *retrospectively* , and lead the operations for which we must, together, have a responsible attitude.

[Mr. President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . Following Eric Ciotti, who spoke as a speaker of the group, I will speak for myself as co-rapporteur of the Committee on Laws for the possible application of this text. We see although a position of equilibrium seems to be emerging. To summarize, I will say it holds in two points. In terms of the composition of the committee, we would like to strengthen the presence of

parliamentarians, by providing for the presence of three deputies and three senators, provided that these parliamentarians would be chosen to reflect the diversity of opinion of the two rooms. In order to prevent the composition of the commission to be unbalanced to the detriment of members from the reviewing courts, we would be in favor of increasing the number of members from the Council of State and Court of Cassation, which would also be increased to three for each of these institutions: the Commission would then comprise three members, three senators, three members of the Council of State and Court of Cassation, which s 'add a qualified person, a college of fifteen people. That's the first point. The second relates to the methods for choosing the president of the commission. At this point, the text of the bill provides that it is appointed by decree from among members of the commission from the Council of State and Court of Cassation. We think for our part it would be useful - and we have tabled amendments to this effect - that commissions of both assemblies laws can give their opinion and that, hypothetically, if these commissions were opposed by a vote of three fifths for the appointment of the President, it would be challenged. This mechanism, which applies to certain appointments at the discretion of the President of the Republic, could also be included here in a simple law, since that appointment is a decree of the Prime Minister, not the President of the Republic - . which case would apply Article 13 of the Constitution All this can perfectly find its place in an ordinary law. This would be a pretty useful balance point to strengthen the procedures to control while preserving the effectiveness of intelligence services.

[Dino Cinieri](#) . It would make more sense!

[Mr. President](#) . I call Mr. Yves Fromion.

[Yves Fromion](#) . If we want to move forward towards a compromise, perhaps should we avoid to add more, or we do not end up. Bring to three the number of parliamentarians from both chambers is a good idea, confirms Parliament's desire to fulfill its responsibilities. We could certainly have - and the rapporteur is, in this respect, not uninteresting - but exclude parliamentarians, since we want them to be part of this commission, they must weigh sufficient weight to that the statement of responsibility is clear. To go further, I would like that we mentioned the appointment of the chairman of this committee and I echo, in this regard, the comments of the previous speaker. It is abnormal that a parliamentary committee dominated not be chaired by a parliamentarian. Why we parliamentarians subordinate to a senior official, as brilliant as it is, *let alone* a retired official? There is a form of subordination or subjection. It is abnormal that the will of affirmation of parliamentary responsibility does not go to entrust a parliamentary chair this commission. Tell parliamentarians that they will be the orders of state councilors or retired by the Court of Cassation, as brilliant as they are, seem to me rather strange effect. There, too, material to deepen our thinking, because it is clear that Parliament seized a responsibility and truly wants to assume.

[Mr. President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . I understand the logic of your argument, Mr. Fromion, but it is a problem. There is indeed a parliamentary delegation on intelligence, which exercises control prerogatives which the rapporteur reminded the moment they had been considerably strengthened. The parliamentary

readability control lies in the parliamentary delegation on intelligence. If we accede to your proposal, we may find ourselves faced with another form of suspicion, of saying that political control policy, under the authority of the political . Indeed, an independent administrative authority - although I understand that the balance of its composition can be changed - is characterized by the fact that it is chaired by a sufficiently disconnected authority of political institutions to control it exerts on those exercising executive responsibility can not be suspected of lack of independence.

[Mr. President](#) . I call Mr. Alain Tourret.

[Alain Tourret](#) . The Government's proposal is already in itself balanced. We must achieve to combine balance, independence and responsibility. The balance is to sit on the board the same number of judges or former judges belonging to the administrative branch and the judiciary, as elected. Whatever people may say, this balance is not so bad. As for the presidency of this committee, I hear that, according to our colleague, we have to take responsibility, but I am sincerely convinced that the appointment of a member would have a disastrous effect on public opinion. It is absolutely essential that the independence of the commission says the eyes of all, and for that it must be chaired by a senior judge. As for integrating the commission a qualified person, I do not see objection, provided that such person can demonstrate competence in the matter. I noted that it was envisaged that former judges to be members of the commission. I will resume the argument of Ms Mazetier to defend the idea that former elected officials can also be members. Indeed, when President Urvoas says he is a full time job, I tend to believe, a reporter who rarely had such expert advice and to introduce ourselves as complete. If so it is a full time job, who among us could devote more than four hours a week? Nobody. - Have the courage to say Therefore, if we want the commission is working, it must be able to serve former senators and former members. With these proposals and those who will speak after the suspension, we are not far from the goal.

[Mr. President](#) . I call Mr. Alain Marsaud.

[Alain Marsaud](#) . In light of the 2001 decision of the Constitutional Council on the CVFs, I wonder, Mr. Chairman of the Law Committee, if you do not you're self-censoring. It was already operational control at issue since then was to avoid having to say that such loans were incurred to finance such an operation - for example in Libya. Now we leave here the scope of control exercised by the only CNCTR because it also involves that carried the parliamentary delegation on intelligence: can we not consider that it is now for Parliament to control not only the allocation of money, but the transactions entered, and should therefore be able to tell this committee that such a day, we set up an operation in Libya? One can understand that the Constitutional Council has been restrictive in this regard, but the commission must now decide urgently. Should we not therefore consider that it should not consider the provisions of the Constitutional Council and that we are now entering a new world, governed by legislation that has nothing to do - that famous Audit Commission n ' is even more -

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . He is right!

[Alain Marsaud](#) . My second question is for you, Mr. Rapporteur of the Committee on Defence. You mentioned just now the magistrates hotlines. The magistrates they will therefore only ones hotlines in this commission?

[Philippe Nauche](#) , *draftsman* . I think so.

[Alain Marsaud](#) . That is the question! Moreover, the Supreme Court counselors and State counselors in retirement they are more capable than parliamentarians to ensure permanence? *(Laughter.)*

[Mr. President](#) . I call Mr. Jacques Myard.

[Mr. Jacques Myard](#) . I will withdraw my amendment, because obviously it takes parliamentarians in this committee and that a majority of this House wants. I myself hesitated between the two options - there are arguments for and against. One could imagine that they be members of the DPR who sit in the CNTR, since they are used to work well with services and control their activities, as they do today. In terms of ongoing operations, as just mentioned Mr. Alain Marsaud I my only mention the decision of the Constitutional Council " if it is for Parliament to authorize the declaration of war " - that, however, we no longer because today we begin typing before examining what it is -" to vote for credits necessary for national defense and control the use made of it, it can not, however, on the matter, intervene in the implementation of ongoing operations. " The wording of the Constitutional Council is very broad and I fear in one case as in the other, we do butions to the fact that parliamentarians serving in that capacity within the CNCTR will decide on ongoing operations: the squared circle. However, I withdraw my amendment so the debate continues.

*(Amendment n ° 157 is removed.)*

[Mr. President](#) . I call Mr. Alain Rodet.

[Alain Rodet](#) . I wish to respond to the suggestion of our colleagues of the UMP group to increase the number of parliamentarians within the CNCTR equally shared between the National Assembly and the Senate. Our constitutional architecture she forces us to constantly monitor the parity between the National Assembly and the Senate? With all the respect I have for the assembly seat on

the other side of the boulevard Raspail, although it must be recognized, as a former minister of François Mitterrand, that "is not the Senate US wants"! At the Caisse des Dépôts et Consignations, there are three representatives of the National Assembly and one in the Senate.

[Mr. President](#) . The call Mr Jean-Jacques Candelier.

[Mr. Jean-Jacques Candelier](#) . In my humble opinion, the Board of Control should not be a "trick", a new "thing" with many member ultimately not serve anything. This commission will be definitely called to meet every week or even every day, so you have people available and would therefore support what we shall appoint parliamentarians and honorary judges. I am also opposed to the presence of members of the State Council within this commission, because it should not be judge and jury.

[Pierre Lellouche](#) . He is right!

[Mr. President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . I would like to comment on the issue of fees parliamentarians.

[Mr. Jacques Myard](#) . Attention we will be all one day!

[Mr. Bernard Cazeneuve](#) , *Minister* . We all owe the fees parliamentarians, as indeed to parliamentarians in office, immeasurable consideration. However, I hear from many benches and several days a discourse that says that the issue we are dealing deserves greater vigilance, greater attention and more control. Also, I keep hearing the same complaints that Parliament does not have enough power to control. But when confided in Parliament on subjects as serious and justifying the more control, control prerogatives, we are told that we have no time to exercise. (*"It's true!" and "He's right!" several benches of the UMP.*)

You have to choose the argument! In large democracies to which we often refer in this Chamber, including the American democracy, parliamentarians spend as much time to exercise their oversight powers to ensure their legislative mission, if not more. (*Applause from various quarters the UMP.*)



[Mr. Patrick Hetzel](#) . He is right!

[Guy Geoffroy](#) . Bravo, sir!

[Mr. Bernard Cazeneuve](#) , *Minister* . I am extremely surprised. It's been days we're told every precaution must be taken - on this, the Government is of the rest quite willing to move, since that is his wish and that is the purpose of this Bill . That is why we propose the participation of parliamentarians - on it is also our wish yours. But as soon as one considers the implementation modalities of this participation, it seems that one is too busy to make yet essential things of which we are told that they are vital for democracy: it is not my conception of Parliament!

[Mr. President](#) . I call Mr. Yves Fromion.

[Yves Fromion](#) . Thank you, Minister, for your note: I myself chaired the special funds Audit Commission for five years with Michel Sapin, which is a very busy man, as you know, and I think we have done our job correctly enough, which led us in extremely exotic locations, ...

[Mr. Bernard Cazeneuve](#) , *Minister* . Ah! (*Smiles.*)

[Yves Fromion](#) . ... Far from the city. So you're absolutely right, Mr. Minister, and you should follow me when I propose that a parliamentary commission chairs! Affirming that it is better rather than a parliamentary presiding magistrate, to avoid throwing suspicion on the integrity of parliamentarians, this means shoot ourselves in the foot a ball! The argument that only an official should be president because we could not be without being charged, is not acceptable!

[Mr. President](#) . I call Mrs. President of the Committee on National Defence and armed forces.

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . I thus finds implausible that we put into question the availability of parliamentarians. As a member of the parliamentary delegation on intelligence from the beginning of this legislature, I can testify to supplement the words of Yves Fromion that parliamentarians are seldom absent: they are diligent and

have a sense of responsibility that is theirs. I find it incredible to hear this type of purpose here in this Chamber!

**Several deputies of the UMP** . Very good! Congratulations!

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . No independent administrative authority is chaired by a parliamentarian, Mr. Fromion.

[Mr. Jacques Myard](#) . Indeed, it is not possible!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The only example was the CNIL, when Alex Türk presided, and the law was changed to prevent this from happening again. I have clarified the concept of operation in progress in response to the question of Pierre Lellouche, but it has no impact on our debate.

[Pierre Lellouche](#) . Absolutely! On the contrary, even!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . As part of its work, the CNCTR will somehow deal with ongoing operations as it will be called upon to advise on future operations.

[Patricia Adam](#) , *chairperson of the committee of national defense and the armed forces* . It's the same for the National Commission for Control of Security Interceptions!

[Alain Marsaud](#) . More reason: the Constitutional Council can therefore not censor!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This is certainly part of the debate, but it is not we who have the answer to that question. You said, Mr. Minister that the French parliamentary is somewhat reluctant to exercise control mission in comparison with what is happening in other parliaments. We have all the same specificity in France: we spend our time to delegate control to independent administrative authorities! The US Congress, he exercises control within its walls, not through independent administrative authorities. This may explain that we are not always met by the necessary ubiquity that characterizes these parliamentarians. Finally, Mr. Rodet, you say that it is not necessary to respect the parallelism between the two chambers. Having the desire to lead the joint

committee, I would prefer that we do not were entering that debate with the second chamber, each of which will be understood that the interest is as strong as ours!

[Mr. Jean-Yves Le Bouillonec](#) . It would be a declaration of war!

[Mr. President](#) . I call Mr. Patrick Hetzel.

[Mr. Patrick Hetzel](#) . In expressing myself earlier on operational control, Mr. Minister, I actually spoke of a control *post* : would arise if, as you just pointed out, the problem of ongoing operations. For clarity debate and to ensure that the break is as fruitful as possible, as our colleague Myard withdrew his amendment, we withdraw the amendments n<sup>os</sup> 15 and 13, so that the discussion can continue constructively.

*(Amendment n<sup>o</sup> 15 is removed.)*

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I would like to clarify at this point that the concept of "honorary parliamentary" does not exist.

[Ms. Sandrine Mazetier](#) . It does not matter: the point where we are, one has only to invent it!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . It exists for local elected officials and for the commercial courts. If we retain your proposal, madam, it will substitute the expression "former member".

[Mr. President](#) . I received several amendments, n<sup>os</sup> 13, 226, 265 and 397, which can be subject to joint discussion. Amendment<sup>o</sup> 13 is withdrawn, Mr. Hetzel?

[Mr. Patrick Hetzel](#) . Yes, it is removed.

*(Amendment n<sup>o</sup> 13 is withdrawn.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment<sup>o</sup> 226.

[Sergio Coronado](#) . It was predictable, given that the Law Commission had not ruled on this issue, the debate would be extremely long and rich enough, each

making proposals for the composition of the future CNCTR. I tried, on behalf of environmentalists to take into account the constraints and the wishes expressed by members of the Law Commission. You almost persuade me, Mr. Rapporteur, stressing that the presence of parliamentarians was not an absolute guarantee of the independence of the proceeding, it did not make this body more efficient and that n ' not on these criteria that it was appropriate to think. But I do not think parliamentarians have nothing to do there: they have a lot to do there instead, especially with regard to matters that are only slightly debated Parliament, such as intelligence. Since the Committee has expressed clear support for the presence of parliamentarians, I suggest that these are two in number. It was also hoped that the majority and the opposition should be represented: I propose that a member of the government majority and an opposition member sitting there. As the rapporteur, I also think that we should not upset our friends in the Senate if we do not want the composition of the CNCTR becomes the sea serpent of this text. We need a senator and a deputy, appointed respectively by the Senate President and the Speaker of the National Assembly. I think this is a compromise that could win support, while greatly increasing the number of Parliament would not respect the status of an independent administrative authority CNCTR.

[Mr. President](#) . The call Mr Eric Ciotti, to support the amendment ° 265.

[Mr. Éric Ciotti](#) . I have already defended this amendment. I simply clarifies our proposal, which is part of the will to find an optimal guarantee the exercise equilibrium point of its supervisory role by CNCTR six parliamentarians, three representatives of the National Assembly and three representatives of the Senate . You mentioned earlier in your statement, Minister, the need for parity

with the judges of the State Council and the Court of Cassation: we support it. The balance you have proposed, with a more qualified person, which would bring the composition of the CNCTR thirteen members - six parliamentarians, magistrates and six qualified personalities - we should at this stage.

[Guy Geoffroy](#) . This is good and what is readable!

[Mr. President](#) . I call Mr. Alain Tourret, to support the amendment ° 397.

[Alain Tourret](#) . The text provides for the presence of former advisers to the Court of Cassation and former councilors of state. Now, Mr. Minister, it is between 67 and 70 years you become a former adviser to the Supreme Court or a former member of the State Council, you will therefore constitute ourselves an institution whose members are in their seventies!

[Mr Michel Piron](#) . These are wise!

[Alain Tourret](#) . As dynamic model institution, it arises there! The deputies, at least, should not expect to reach the age of seventy years to become former members!

[Mr. President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . Rather than proposing to amend these proposals via sub-amendments, I ask you, Mr. Chairman, a recess for a few minutes so that we reach agreement on a wording, for clarification.

[Mr. President](#) . I will first ask the commission to give its opinion on these amendments, before moving on to Mr. Lellouche.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The commission has issued an opinion that all the amendments, to allow the writing of a synthesis amendment.

[Mr. President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . Mr. Minister, I call you to show a little modesty: it is because your text poses a suspected problem that we are currently reviewing the composition of the CNCTR. I would humbly suggest you retain the solution defended by our colleague Larrivé: to ensure political control, it is appropriate that the Chairman of the CNCTR is approved by the MPs of the Defence Committee, the Committee on Foreign Affairs and the Law Committee. This

validation will give this undeniable personality a real weight in the political oversight of intelligence operations in the country.

[Laure de La Raudière](#) . Very good!

[Pierre Lellouche](#) . I think that the involvement of Parliament in the appointment of the president would remove any risk of suspicion. You may oppose to me that it is the President of the Republic who, under your text, is supposed to appoint the president the CNCTR and that, in this case, an ordinary law would not suffice. Then I would reply that this is the only place where we find the President of the Republic, all the rest of the text affirming the role of the Prime Minister: there is a defect from the standpoint of parallelism. Since it is the Prime Minister who is responsible for authorizing the collection of information, it is he who shall appoint the chair of the CNCTR. Therefore, an ordinary law could involve Parliament in the appointment of the president.

[Pascal Popelin](#) . Precisely not! Intellectually, it does not at all!

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . If the text is the President of the Republic the appointing authority, it is because it goes well for all independent administrative authorities as well as for civil and military posts.

[Mr. Jean-Yves Le Bouillonec](#) . Of course!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . So I doubt that we are likely to change that.

[Mr. President](#) . I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . I ask for a recess.

## ***Suspension and resumption of the meeting***

[Mr. President](#) . The meeting was suspended.

*(The House adjourned at 5:45 p.m. and resumed at 6:15 p.m.).*

[Mr. President](#) . . The meeting resumed Colleagues, three new amendments, n<sup>os</sup> 438, 439 and 440 were deposited. joint debate with the above, they may be a

group presentation call Mr. Jean-Jacques Urvoas, rapporteur, to support them. I will then give the floor to Mr. Larrivé, co-signatory of the amendments.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We have taken advantage of the time of the break to try to reconcile points of view. We came in the spirit of what the minister had said, that is to say the desire to achieve a single proposal, on condition that all the colleagues who have tabled amendments on the composition of the CNCTR withdraw them. This is the first time since the beginning of the legislature, to me it seems that I co-signed an amendment with a member of the UMP. (*Exclamations on the benches of the UMP.*) No, my memory tells me that I have co-signed with Patrick Verchère on military planning law, but it was on the same subject. Legislate on services is a way to show national unity. synthesis Amendment ° 438 comes with two consequential amendments to the renewal of judges as well as the necessary quorum to make valid college deliberations. We you propose to increase the CNCTR thirteen members: three members of the National Assembly and three members of the Senate, three members of the State Council, three judges outside the hierarchy of the Court of Cassation and a qualified person. You will observe a change in the appointment of judges of the State Council: we removed the a former member and they are no longer called "the proposal of the Vice President," but "the vice president" of the Council of State. It is a way to affirm the independence of judges who will sit in the independent administrative authority. We have planned the same way three judges outside the hierarchy of the Court of Cassation, jointly appointed by the First President and the Attorney General . Again, we removed the a former member. Note that this amendment does not specify the qualified person, an issue not within our search for compromise. Nevertheless, I hope that we will remain on the proposal of a member of ARCEP, because we will not reopen the debate on the number of qualified individuals. By remaining thirteen members, there will be a qualified person. We can talk to who

calls it, but the rapporteur personal wish is that it be a member of ARCEP. Concerning the quorum, the amendment n ° 439 is from four to six the number of members present to that deliberation is valid. As for the amendment ° 440, it concerns the renewal of judges. It was expected they are renewed by half every three years. They will be by thirds every two years.

[Mr. President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . These amendments excellently presented by the President of the Law Commission are the fruit of a joint working group involving the UMP. We came to a mechanism that is both operationally and politically very balanced since it ensures the independence of the authority and effectiveness. We have not addressed, I might add, the question of choice of the President, to be appointed by a decree signed by the President of the Republic. Indeed, the matter can be dealt with by ordinary law. It would fall under the organic law if, as we hope on these benches, the appointment of the President of the CNCTR was



to be preceded by a notice of the competent committees of the National Assembly and the Senate. In exercising that constitutes the Writing ordinary law on intelligence, these are very useful amendments expected on all benches.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . I repeat what I said before these amendments are drafted by consensus by parliamentarians from different sensitivity: once again we are dealing with a subject on which nothing existed. We had no legal basis to control the use of information technologies by services whenever mobilize on behalf of a number of purposes. The issue of control is at the heart of the text and parliamentarians wanted the device is strengthened. I see no reason why the Government opposes what he himself desired, because what you are proposing is to strengthen what we have set in the heart of the text and oversaw the design of this text, after a parliamentary work. I also sincerely believe that on these issues, it is better good than bad compromise Republicans divisions.

[Pierre Lellouche](#) . Very good!

[Mr. Bernard Cazeneuve](#) , *Minister* . I am in favor of good Republicans compromise on sovereign issues that affect the higher interests of the nation and on which we need very strong democratic guarantees. These amendments, after an extremely useful dialogue process and good quality during which everyone could contribute, help to achieve the best balance. I therefore thank all the Members who have contributed to their drafting. The Government can not but welcome the legislative co-production work.

[Mr. President](#) . The call Mr Eric Ciotti.

[Mr. Éric Ciotti](#) . I welcome this balanced compromise has been reached. It largely meets the demands we have expressed through the amendment ° 265, filed by one hundred ninety-four members of the UMP group, which aimed at a more balanced composition of the CNCTR. We arrive at this important stage of the debate which conditions the review of all the other aspects of this bill which provides guarantees to all those who could feed concerns about the real or supposed objectives of this text. Thank you, Mr. Minister, to responding to our request for us to find all this balance. The text will be respectful of both the operational efficiency of the device as the protection of civil liberties. It is a balance which the UMP group is particularly attached.

[Mr. President](#) . The call Mr Guy Geoffroy.

[Guy Geoffroy](#) . I too would like to say how what just happened is positive and helpful. Our citizens need clarity. What we are doing will secure the work of our services but also to strengthen the defense of the rights and freedoms of everyone. In the words of the minister, we have no qualms about having our will to register in a labor control. It is the role of parliamentarians to oversee the executive. In an instance like the one we're creating, the fact that parliamentarians are equal in number to that of judges is only the translation of our mission must grow more and more: to control the executive . I would like, Mr. Minister, has come back to a point raised very briefly Guillaume Larrivé and which, in my opinion, can not be avoided for long. We vote an ordinary law; it is clear that it must come into force once it has been passed and that we should not complicate the legislative work by other provisions. But you know, the question remains of the appointment of the chairman of this body by the President of the Republic. I recall paragraph 5 of Article 13 of our Constitution: "An organic law determines the posts or positions, other than those mentioned in the third paragraph, for which, because of their importance for ensuring the rights and

freedoms or economic and social life of the nation, the President of the Republic appointing authority shall be exercised after public consultation with the relevant standing committee in each assembly.

"

We can not enter it in the law and we do not require it to be done now, because this falls of an organic law, but I insist: it will seize the first opportunity for in an organic text , for clarification of the conditions within which the appointment of the President of CNCTR. It would be an even more positive effect of the work we have just done.

[Mr. President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . In this moment of harmony ...

[Alain Marsaud](#) . Do not exaggerate!

[Pascal Popelin](#) . ... I too would like to commend the Government, which has once again demonstrated, in consideration of this text which is a law of protection of civil liberties, any listening which it intends to exercise in respect of the national representation, in its diversity. I would also like to salute the spirit of responsibility of each one, allowing us to search and, I hope, to find a consensus on that device. I said just now The SRC group carries two amendments on the composition of the CNCTR, designed to link the government to the choice of vice president of the State Council as well as that of the First President of the Court of Cassation and prosecutor General for the appointment of judges from those courts: it was for us an additional guarantee of independence CNCTR. These provisions were included in the amendment that I say "synthetic". I welcome and I therefore withdraw the amendments which I was a signatory with the entire SRC Group and are pleased by the new amendments. Our group obviously support the new device from the collective work.

[Mr. President](#) . This refers to two amendments n<sup>os</sup> 354 and 355.

*(Amendments n<sup>os</sup> 354 and 355 are removed.)*

[Mr. President](#) . I call Mr. Alain Tourret.

[Alain Tourret](#) . This is a good signal to reach a consensus involving all the political forces of the Assembly. It was basically a balance between policy makers and non-politicians: this is what was done and that's a good thing. It is not inappropriate to ask the Vice President of the State Council as the First President of the Supreme Court and the Attorney General to appoint judges and magistrates not old, even if they can possibly use made appoint former judges. Above all, make sure that it is a judge who presides CNCTR. It is inconceivable that an elected presiding such a commission: this would be a disastrous signal to the public.

[Mr. President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . . Madam, Ministers, I am also pleased that a solution has been found on the principles that should guide the control Earlier, the Minister has quite rightly listed and mentioned two criteria - independence and Pluralism - which are now accepted remains the method of appointing the President *via* an organic law, which seems to me essential as our colleagues and Guy Geoffroy Guillaume Larrivé have also recalled. I bet the Government will take commitments on this. I am pleased that in two or three days of hard work the tone of our debates has changed. Monday, during the presentation of the text, the Prime Minister considered that those who harbored reservations had not read or they were driven by fantasies and fears, words that have often been used.

Today, there is no question: we're seriously address a concern of our citizens. I have for my constantly emphasized the concept of control: once we confer significant powers our intelligence services - there is no dispute that this is necessary in the fight against terrorism - must simultaneously increase the level of political control that allows the arrangement that has just been found. An important point should be treated - we will do without probably later in our discussion: how to appeal to the State Council in the event of slippage. In view of these two points then, this advanced, of the Organic Law to come with regard to the appointment of the President, we can honestly say to the French that they are protected, as well as their freedoms. Critics and shortcomings are of course always possible - and he should verify the effectiveness of control by the Commission - but, as 'said Dr. Adam and other parliamentarians who sit there will have at heart to be true to our mission control at the service of citizens.

[Mr. President](#) . The call Mr Claude Goasguen.

[Mr. Claude Goasguen](#) . This law is an important step, Mr. Minister, because our system was not working, the abuses being in all directions. I'm not saying it will

be final because other problems will arise, not least also that 'due to the evolution of technology. The fact remains that the gesture that has been made we will ensure, if not control, at least our presence to ensure respect for individual freedoms. If this had not been the case, it would have sorely missed the commission. Of course I will vote this text. In practice, the commission will work with justice. Do not forget the anti-terrorism division, which has done much and who should not feel excluded by this Act "big ears" because it results in part from what he accomplished - the anti-terrorist judges pole indeed worked hand in hand and a very courteous and effectively with the police. I hope that this work will continue and then the law on "big ears" in the coming years, will be completed as to be definitive regarding the control of intelligence services.

[Mr. President](#) . I call Mr Michel Piron.

[Mr Michel Piron](#) . On behalf of the IDU, I consider that better than a good arrangement, we have reached a good compromise on the composition of the commission and on the designation of its members. We support him gladly.

[Mr. President](#) . Mr. Coronado, Amendment ° 226 is it removed?

[Sergio Coronado](#) . A few words, if I may. Earlier, we had the impression that our debate was limited to the composition of the commission and instead that parliamentarians should take it. I said that this was not my feeling and that argumentation of the Rapporteur had failed to convince me, considering indeed it might be worthwhile to focus on its diversification - this was the sense of the

amendments tabled by the environmentalist group proposing the appointment of a qualified personality, one by the CNIL, the other by the advocate. It seemed we widen the horizon of recruiting individuals serving on the CNCTR to promote a slightly different look and increase its independence. Tel No. is not the choice that has been made but it is true that the alliance of the Rapporteur with the opposition is formidable and can sometimes be victorious government! I do not venture to challenge it when she committed some damage in recent days. I do not approve the compromise that provided just been found but I do not think that debate should last indefinitely when a very large majority emerges. I withdraw my amendment n ° 226 regretting that this compromise has been achieved in a somewhat corporatist manner ...

[Pierre Lellouche](#) . Not at all!

[Sergio Coronado](#) . ... Although the place of parliamentarians is important, and only on the basis of their number, not on that of the diversity of the composition.

*(Amendment n ° 226 is removed.)*

[Mr. President](#) . The call Mr Eric Ciotti.

[Mr. Éric Ciotti](#) . I withdraw the amendment n ° 265.

*(Amendment n ° 265 is removed.)*

[Mr. President](#) . I call Mr. Alain Tourret.

[Alain Tourret](#) . I withdraw the amendment n ° 397.

*(Amendment n ° 397 is removed.)*

[Mr. President](#) . I call Mr. Alain Rodet.

[Alain Rodet](#) . Amendment n ° 438 written with our opposition colleagues giving a new role or a different role to the Vice President of the State Council he will ban the latter to appoint a master of requests?

[Mr. President](#) . The call Mrs Sandrine Mazetier.

[Ms. Sandrine Mazetier](#) . Several amendments that I tabled will fall because I do not doubt the adoption of amendments Urvoas-Larrivé ...

[Mr. President](#) . All do not fall, my dear colleague.

[Ms. Sandrine Mazetier](#) . ... I will take them anyway if I get an answer as to the presence of the Presidents within the CNCTR. This is a real issue. I can withdraw it in advance but on condition that we discuss this issue. I simply ask for a response.

[Mr. President](#) . Perhaps we will come back just now.

[Ms. Sandrine Mazetier](#) . Furthermore, I do not think it is necessary to amend sub-amendment ° 438 by providing that a decree of the State Council shall determine the conditions under which the composition of the Joint Commission will be. For if Excluding the presidency, so it will have twelve members and parity can be guaranteed. But it would be very difficult to do with Urvoas-Larrivé amendments. I therefore propose that the rapporteur provides this provision.

[Mr. President](#) . I call Ms Christiane Taubira, Minister of Justice, Minister of Justice.

[Ms. Christiane Taubira](#) , *Minister of Justice, Minister of Justice* . In writing this text, the Government was facilitated by a permanent concern: the means necessary for intelligence and determine the conditions for quality control, credible and effective. This led the CNCTR designed. The provisions which have been introduced to reinforce the principles from which it was designed. The first is that of democratic pluralism. The Government itself wished immediately the presence of personalities from different sensitivity of the two assemblies. This is



not enough to remove a question that comes up every time the representation of our assemblies is at stake: *what about* groups that are ? no majority or that are not very representative of the opposition Anyway, democratic pluralism is guaranteed. The second is that of independence, also guaranteed by the appointment methods - we must clearly debate . Third principle, finally: the expertise or the provision of a specific technical in this commission. These principles are preserved. The composition of the commission foreshadows the three levels of control that the Government was keen to ensure respectively at the administrative - can enter the CNCTR judicial review - judicial precisely and parliamentary - as I mentioned at the beginning of our discussions since it is important that the national representation can express these sensitive issues. We can therefore assume that the composition of the CNCTR is consistent with the principles that has posed the Government.

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . . I want to answer the three questions that were asked Mr Rodet, the answer is no. the level of recruitment is the councilor of state, not of master of requests Tourret Sir, yes, I refer you to paragraph 71 This article stating that the President of the CNCTR will come from judges of the State Council or the Court of Cassation. Mazetier Madam, I had not the principle of hostility to your amendment, but since the composition of the commission has been set at thirteen members and I wish the presence of a member of the Regulatory Authority for electronic communications and postal services, ARCEP, I'm sorry not to be favorable to the presence of Presidents.

*(Amendment n<sup>os</sup> 438 passed.)*

[Mr. President](#) . The call Mrs Sandrine Mazetier to support the amendment ° 402.

[Ms. Sandrine Mazetier](#) . It is removed.

*(Amendment n ° 402 is removed.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 57.

[Lionel Tardy](#) . It is removed.

*(Amendment n ° 57 is removed.)*

[Mr. President](#) . I call Mr. Alain Tourret, to support the amendment ° 398.

[Alain Tourret](#) . It is removed.

*(Amendment n ° 398 is removed.)*

[Mr. President](#) . The call Mrs Sandrine Mazetier to support the amendment ° 356.

[Ms. Sandrine Mazetier](#) . I am prepared to withdraw the amendment on parity but perhaps the rapporteur could answer the second part of my inquiry: how we will ensure equal access of women and men in CNCTR accordance with Article 1<sup>st</sup> of the Constitution, since colleges now have an odd number of members?

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Originally, I was obviously in favor of your amendment as only two personalities to be appointed by each assembly. With three personalities, I am not hostile but it implies that the National Assembly and the Senate agree as together the two assemblies will appoint six members. In principle, parity - - three men and three women - is possible. I therefore give a favorable opinion in principle - because I am sensitive to this - but it would still be easier if you agreed to withdraw the amendment.

[Mr. President](#) . The call Mrs Sandrine Mazetier.

[Ms. Sandrine Mazetier](#) . It is always possible to find solutions ...

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Yes!

[Ms. Sandrine Mazetier](#) . ... Even if one always tells us that it is very complicated. Solutions are always possible, but you must write them. When the quorum members is an even number, it is not useful to take to ensure parity but when one has, during the meeting, a College will include an odd number of members, it is necessary to specify the same time how the parity will be guaranteed. The solutions exist, but it's not for me to define!

[Mr. President](#) . Withdraw your amendment, Ms. Mazetier?

[Ms. Sandrine Mazetier](#) . Yes.

*(Amendment n ° 356 is removed.)*

[Mr. President](#) . Amendments n ° 210, 118, 211, 278 and 279 fall. I call Mr Lionel Tardy, to support Amendment n ° 16.

[Lionel Tardy](#) . It is forbidden.

*(Amendment n ° 16, rejected by the Commission and the Government is not adopted.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 220.

[Sergio Coronado](#) . I withdraw it.

*(Amendment n ° 220 is removed.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 221.

[Sergio Coronado](#) . I withdraw it.

*(Amendment n ° 221 is removed.)*

[Mr. President](#) . The call Mrs Sandrine Mazetier to support the amendment ° 401.

[Ms. Sandrine Mazetier](#) . I have already mentioned this amendment to the presence of the Presidents within the CNCTR.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Unfavorable.

[Mr. President](#) . The call Mrs Sandrine Mazetier.

[Ms. Sandrine Mazetier](#) . Appoint two Presidents would have been a way of recognizing that lawyers, who are officers of the court, are as capable as judges, including judges of the State Council, to verify the proportionality of the means employed and the actual destruction files, data and metadata. I regret that we did not and paid tribute to the Presidents and, through them, to the lawyers. That being said, of course I withdraw my amendment.

*(Amendment n ° 401 is removed.)*

[Mr. President](#) . I call Mr. Sébastien Denaja to support the amendment ° 260.

[Mr. Sébastien Denaja](#) . I wish, in my turn to say something about the issue of parity. Having been the rapporteur of the law on real equality between women and men, I mean, after Ms. Mazetier, that solutions exist. We managed to achieve the conditions of parity in all areas - sport, social, economic, institutional - and there is no reason that the Joint Committee escapes logic. It seems to me that the wording of this amendment is general enough that the decree which will set the precise terms permit the full and perfect realization of equality between women and men in this instance. I do not see, in any case, why this area would

escape the logic of parity between women and men, which has not been in default since May 6, 2012 in the House.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The Committee gave a favorable opinion on the amendment of Mr. and Mrs. Denaja Contello, since part of the proactive policy that leads the government in favor of a balanced representation of men and women in our institutions, and especially in the independent administrative authorities. By passing this amendment, we also will satisfy that of Ms Mazetier.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . The Government is also in favor of this amendment, and I want to take the time to say a sentence, not just a word. I want to pay tribute to Mrs. Vice-President of the National Assembly, Ms. Mazetier for his pugnacity. It reintroduces the debate with a regularity that never fails and that requires us to be vigilant. I would also like to thank Mr. and Mrs. Denaja Contello. Ms. Mazetier had the elegance to withdraw his amendment, but I know she is very committed to the issue of parity. And you have all right to say that there is always a solution, whatever the composition of these structures.

[Alain Marsaud](#) . In this case, it is also necessary parity at the DGSE!

[Mr. Jacques Myard](#) . What I want, me, these are talented people. Regardless of gender!

*(Amendment n ° 260 passed.)*

[Mr. President](#) . I am seized of four amendments, n<sup>os</sup> 159, 179, 241 and 262, which can be subject to joint discussion. I call Mr Alain Turret, to support Amendment n ° 159.

[Alain Turret](#) . It is removed.

*(Amendment n ° 159 is removed.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 179.

[Sergio Coronado](#) . My colleague William Larrivé tabled a similar amendment enough to mine, to the effect that the appointment of the future President of the

CNCTR more framed and better formalized. There has been much discussion of the role of Parliament and the role of parliamentarians within the CNCTR and we would, in the same spirit - even if I do not go so far to sign a joint amendment with Mr Larrivé - his president be heard by the commissions laws of both Houses of Parliament and that they emit a notice to three positive fifths.

[Mr. President](#) . The call Mr Guillaume Larrivé to support the amendment ° 241.

[Guillaume Larrivé](#) . I will withdraw this amendment, but I would like to clarify things well, the Government agrees to accept an amendment to the organic law, when the opportunity arises, for the President of the CNCTR appointed by decree the President of the Republic, or after the competent committees of the National Assembly and the Senate have been put in a position to give an opinion on the appointment, to ensure perfectly transpartisan and pluralistic character of this appointment.

*(Amendment n ° 241 is removed.)*

[Mr. President](#) . The call Mr Eric Ciotti, to support the amendment ° 262.

[Mr. Éric Ciotti](#) . It is removed.

*(Amendment n ° 262 is removed.)*

[Mr. President](#) . What is the opinion of the committee on Amendment n ° 179?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The commission advised against the amendment of Mr. Sergio Coronado, not because of its goal, of course, but for feasibility questions. This amendment, in fact, implies to amend Article 13 of the Constitution, or it can only be changed by a project or a proposed organic law.

[Sergio Coronado](#) . This is an amendment to call!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . It is an amendment of Appeal, in fact, and this call, I answer negatively. I still adhere to the intent. It seems indeed logical to expand, as we have done each time we have had the opportunity since the beginning of this legislature, the scope of Article 13 - one comes, I seem to do so for the French Agency for biodiversity. By law committee, we have also brought the lie to the argument, often mentioned in the previous legislature, in which the majority to prevent appointment was difficult to achieve. There is now a

precedent, since a member of the High Judicial Council did not enjoy the support of the Law Committee. I therefore give an unfavorable opinion, although I think, personally - and I imagine that the Government will go in the same direction - it will, in time, when the opportunity will be offered us, amend the organic law, that commissions are consulted laws.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . The Government also issues an opinion that your amendment, while being sensitive to your concern, Mr. Coronado. You know that in the draft constitutional law on the reform of the Higher Judicial Council, the Government had already shown favorable to the transition to three-fifths positive because it ensures more democratic strength. Nevertheless, given the complexity of the procedure, I'm not sure that we should engage in it now.

[Mr. President](#) . Mr. Coronado, is the amendment maintained?

[Sergio Coronado](#) . I withdraw it.

*(Amendment n ° 179 is removed.)*

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur, to support the amendment ° 318.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . It is Editorial.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Favourable.

[Mr. President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . We will say that I am still suspicious, but I would like the Government agrees that Article 13 of the Constitution be amended and that the appointment of the President of the CNCTR is properly validated by the competent committees. I understand that we can not do that today by amendment, as we look at a regular bill. I would still have this guarantee from the government, because this seems to me crucial to ensure the credibility of what

we are trying to build, namely a control commission, with a real political weight to control the executive. I would like to hear a clear commitment from the Government on this issue, or I did not hear, nor from the mouth of the Minister of the Interior, nor yours, Madam Keeper. So I want you to take that commitment.

[Mr. President](#) . The call Mrs custody of the seals.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Mr. Minister, I just tell you that the Government considers that validation by three-fifths of the parliamentary assemblies provides for appointments at the head of these authorities greater democratic strength. But I am surprised that you ask the Government to engage on a draft organic law, whose outcome would depend on the two houses of Parliament. I tell you very clearly, on behalf of the Government: we consider that in all circumstances, and particularly on these sensitive matters, there is more democratic strength if members are appointed on the basis of three-fifths positive. For Otherwise, this falls, you said yourself, a draft organic law. Now you know under what conditions the organic bills are adopted - it is the constitutional conditions. The Government said that there is favorable, but it would be demagogic to say you will be expected to implement the National Control Commission intelligence techniques, an organic law had changed the conditions of designation its president. Claiming that would be neither reasonable nor respectful towards you. I have explained the Government's principled position on this issue. But, as regards the CNCTR, it is not possible to first make a change in the Constitution. Moreover, it would be contradictory with the choice that was made to use the accelerated procedure, and that bothers everybody, you know perfectly. It is inconceivable to condition the implementation of the CNCTR to a change in the organic law.



[Mr. President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . That's not why I asked you, Madam Minister of Justice, and I heard not question your good faith. There is urgency, you asked for the expedited procedure, we conduct a war against terrorism and we will set up this commission. We'll set up on the basis of the composition we decided together this afternoon and without the National Assembly approves the appointment of its president. What I would like to hear from you is that you agree to adopt the organic law needed promptly.

[Pascal Popelin](#) . It is us who will vote, not the government!

[Pierre Lellouche](#) . But for now, I have not heard.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . You may not have heard, because I did not say.

[Pierre Lellouche](#) . You say that you support this idea but you do not commit to implement. Or you give a good signal by passing this personality before the national representation, by passing in front of the Defence Committee, the Foreign Affairs Committee, the Finance Committee and the Law Committee: this would strengthen the capacity control Assembly on the intelligence work of the executive. This is not a detail! Besides, it seemed to me that this was part of our agreement this afternoon, or I did not hear you go actually take action.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I have not negotiated at all, me!

[Pierre Lellouche](#) . I would like you to tell me how you intend to do.

[Mr. President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . I would like, Madam Keeper, legally clarify the purpose of the request made by the UMP. We do not call to amend the Constitution and in this case, the last paragraph of Article 13, asking the three-fifths positive - it comes in the Constitution, three fifths negative. We are not saying that we want a constitutional amendment.

[Pascal Popelin](#) . It is you who have made this arrangement vote!

[Guillaume Larrivé](#) . What we say however, is that we seem appropriate that a draft organic law or, if necessary, an organic law proposal accepted by the

Government, at constant Constitution provides, among jobs subject to the appointment of the President of the Republic subject to a passage before the relevant committees of the assemblies, include the new jobs, we create in this law, President of the National Control Commission intelligence techniques. That's all we ask in the continuity of the debates that we have had a few hours now.

[Pierre Lellouche](#) . Thank you, colleague, to have clearly set things up!

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I have a relationship I think clear enough with the Government, and when, a while ago, we discussed this issue during the break, I thought, and just confirmed the Keeper that the Government was not opposed to the idea. The last two organic changes on this article, sir, have had as a source of proposals of organic law. The last came from President Jean-Paul Chanteguet, and I myself have had the opportunity to file a on a financial topic or related to SNCF. What I propose is that I lay in my capacity as Chairman of the Law Committee, a proposed organic law, which may well be co-signed by the members of the Law Commission.

[Guillaume Larrivé](#) . This is perfect!

[Pascal Popelin](#) . Very good!

*(Amendment n ° 318 passed.)*

[Mr. President](#) . The call Mr Patrice Verchère to support the amendment ° 87.

[Patrice Verchère](#) . It is removed.

*(Amendment n ° 87 is removed.)*

[Mr. President](#) . I am seized by the rapporteur of an editorial amendment, n ° 319.

*(Amendment n ° 319 passed.)*

[Mr. President](#) . I am seized by Jean-Jacques Urvoas, rapporteur of an amendment accordingly, n ° 440. I remind you that this is one of the amendments co-signed with Mr. Larrivé during the break.

*(Amendment n ° 440, accepted by the Government and passed.)*

[Mr. President](#) . I am seized by the rapporteur of an editorial amendment, n ° 320.

*(Amendment n ° 320, accepted by the Government and passed.)*

[Mr. President](#) . I am seized by the rapporteur of an amendment n ° 439, another consequential amendment to the amendment ° 438.

*(Amendment n ° 439, accepted by the Government and passed.)*

[Mr. President](#) . I am seized by the rapporteur of an editorial amendment, n ° 322.

*(Amendment n ° 322, accepted by the Government and passed.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 17.

[Lionel Tardy](#) . A sentence, which appeared in the initial version of the bill, "jumped" by Law Committee, which I regret. This phrase was: "Officers of the Commission's services are chosen especially because of their legal, economic and technical for electronic communications and personal data protection. "

I think she is not at all superfluous. Certainly, it will be the rules of the CNCTR to fix its staff recruitment procedures, but such principles is necessary and does not impinge on the same rules.

[Pascal Popelin](#) . Of course, we will recruit incompetent! That's the talkative and unnecessary law!

[Lionel Tardy](#) . Indeed, agent skills are as important as the quality of the Commissioners. Again, this is to strengthen the control of CNCTR power. If such powers were enshrined in law, the Commission could, hopefully, have the most scrupulous people as possible, but also very keyed in terms of techniques. For the verification of devices, it will, believe me, top-flight engineers: this is the meaning of this amendment.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . It is unfavorable: when creating an independent administrative authority, allowed to hire who she wants. I have the same opinion on the composition of public reports. If the authority is independent, it then has the power to recruit its personnel, and to draft amendments, or reports as it sees fit. In this case, I can state, with regard to national security interceptions Control Commission, the CNCIS, for which the law provides absolutely no provision on the quality of its employees. and it happens that the

last three employees it has recruited is precisely the level targeted by the amendment of Mr. Tardy.

*(Amendment n° 17, rejected by the Government, was not adopted.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 58.

[Lionel Tardy](#) . I hope that the CNCTR be informed in real time of the Implementing Rules of the permits issued. In other words, I hope that it has information over water, not on request. We have had this debate last night.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This is a subject that we have already mentioned yesterday, in fact. The Committee requests the withdrawal of the amendment. Otherwise, its opinion is unfavorable, since it considered, during its work, that this type of amendment, if adopted, might drown in a flood CNCTR information. It was even brought up the idea that it could be done knowingly, so the failure to achieve a real working control over the elements it could judge it essential. The Commission also held that was much more useful to include in the law that were at his disposal the items they wanted, and no one could refuse them. This amendment contributes to more complex work, and its added value is not evident. The Committee therefore wishes to withdrawal. Otherwise, its opinion concerning would be unfavorable.

*(Amendment n° 58, rejected by the Government, was not adopted.)*

[Mr. President](#) . I call Mr. Denys Robiliard to support the amendment ° 280.

[Mr. Denys Robiliard](#) . It is Editorial.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . It seems more than editorial, while Mr. MP considers it only as such. But its adoption would have consequences beyond those of a simple drafting amendment. The result would be indeed that CNCTR could seek the Prime Minister, pursuant to paragraph 99, as amended, "the reports of the inspection of the intelligence services as well as the reports of

the general inspection services of ministries dealing with services under their jurisdiction, in connection with the tasks of the commission. "And not" all or part "of these reports. This is therefore a more substantial change than a simple drafting change. The Government's view is unfavorable.

[Mr. President](#) . I call Mr. Denys Robiliard.

[Mr. Denys Robiliard](#) . It seemed as if the CNCTR could request all reports, it could also apply for a part. By providing everything it can solicit, she allowed him to do request that part. It is for this reason that I qualified this amendment editorial. I maintain, because it seems that my analysis is not incorrect and that I have not heard the rapporteur or the Foreign Minister refute.

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . For the Commission, this is not an editorial amendment. Again, we only emulate what exists in the military program law on documents to which the parliamentary delegation to intelligence, the DPR. Writing you suggest, sir Robiliard would prevent the CNCTR benefit from these reports. Account must be taken of the practice that we have already, that is to say the Government may refuse to give communication of all a report, whereas it should nevertheless have given a favorable opinion on the communication than half of that same report. Rather than having nothing at all, we prefer to have a little.

[Mr. President](#) . I call Mr. Denys Robiliard.

[Mr. Denys Robiliard](#) . Given these explanations, I withdraw my amendment.

*(Amendment n ° 280 is removed.)*

[Mr. President](#) . The call Mr Eric Ciotti, to support the amendment ° 263.

[Mr. Éric Ciotti](#) . This amendment of the UMP is to ensure that, on the occasion of the presentation of its annual report, the CNCTR be heard by the DPR to address the concern that has been mentioned just now, and we have useful and extensive discussion, strengthening parliamentary control. This amendment is

consistent with this approach, since we want the DPR can have this annual appointment with the CNCTR.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . It is formally unfavorable because the amendment would have the effect of restricting in fact the DPR organizational capacity. His powers allow it to audition the CNCIS as managers and authorities want to hear it as the Advisory Commission of the secrecy of national defense, CCSDN. It will be the same tomorrow for the CNCTR: providing a compulsory hearing at the presentation of the report seem to restrict organizational capacities of the DPR as well as its model and its work program.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Same opinion as the Government also believes that this amendment would limit the possibilities offered by the law to the Parliamentary Delegation for Intelligence.

*(Amendment n ° 263 is removed.)*

[Mr. President](#) . I received two amendments, n<sup>os</sup> 18 and 323, 2<sup>e</sup> rectification, can be subject to joint discussion. I call Mr Lionel Tardy, to support the amendment ° 18.

[Lionel Tardy](#) . At the initiative of the Commission, the contents of the report of the public CNCTR was expanded. The aim of this amendment is to provide statistical information: this is a matter of transparency. This would allow us as parliamentarians to exercise a right of control. Included in this report are already the number of authorizations requested, recommendations, complaints, and cases where the opinion of the Committee was not followed. But as things go at the end, to observe the implementation of this text. This amendment seeks to add one hand the number of opinions issued by the Commission, distinguishing those made by its President alone, and those who, after the commission had convened, delivered by all its members. This is an important distinction because it will measure the real power of the president. Furthermore, this amendment seeks to add the number of renewals of permits requested, because if we forget

them and that we confine ourselves to the simple initial opinion it misses the real extent of the use of techniques.

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur, to support the amendment ° 323, second rectification.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . On this amendment, I propose that the report incorporates a notion: that the number of authorizations. That is the only wish that I issue, and I will give an unfavorable opinion on the other amendments relating to this report. But this notion-there seems important because it will allow to calculate the ratios of the rate of acceptance or refusal of authorizations. Mr. Tardy The amendment concerns only the reviews: or reviews are not authorizations, which are they, interesting. I would prefer that Mr. Tardy withdrew his amendment in favor of Amendment ° 323, 2<sup>e</sup> rectification.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . The Government made the same proposal to withdraw the benefit indeed of amendment ° 323, second correction, the rapporteur.

*(Amendment n ° 18 is removed.)*

*(Amendment n ° 323, second rectification, is adopted.)*

[Mr. President](#) . The call Mrs custody of the seals, to support the amendment ° 427.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This is a coordination amendment.

*(Amendment n ° 427, accepted by the committee, was adopted.)*

[Mr. President](#) . The call Mr Patrice Verchère to support the amendment ° 234 rectified.

[Patrice Verchère](#) . It seems essential that the DPR, as part of its comprehensive information and mission control can be systematically addressed comments received from the CNCTR the Prime Minister. Indeed, I recall that, in the report I made with Jean-Jacques Urvoas we had advocated to extend the powers of

hearing and communication pieces related to the activity of our intelligence services. I prefer this communication is made compulsory.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . It is unfavorable, and I will explain to Patrice Verchère why. First, because I ask her to trust parliamentarians who are members of the DPR to demonstrate pugnacity. We have in the past, including last year, had a fairly sustained discussion with the Government on our hearing ability. We have reached a satisfactory configuration for the DPR. Mr. Verchère, what you are suggesting, according to the interpretation that I make, can be analyzed as an injunction. And I fear that we can not give any instruction to the executive. I therefore ask you to withdraw your amendment. Otherwise, the opinion of the Committee would be unfavorable.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I just add that the parliamentary delegation on intelligence being an emanation of Parliament, Parliament is supposed to have no knowledge of current operations. This is a constitutional jurisprudence element that opposes the layout you suggesting, Mr. Verchère to introduce in the text. The Government's view is unfavorable.

[Mr. President](#) . The call Mr Patrice Verchère.

[Patrice Verchère](#) . I'm more inclined to follow the unfavorable position of the rapporteur that of the minister. I withdraw the amendment.

*(Amendment n ° 234 rectified withdrawn.)*

[Mr. President](#) . The call Mr Patrice Verchère to support the amendment ° 235.

[Patrice Verchère](#) . When the CNCTR receives requests for advice of the Prime Minister, presidents of parliamentary assemblies and the DPR, it responds to these requests in a systematic way to ensure among other things the best possible information of the parliamentary assemblies.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee on this amendment a very favorable opinion, as it aims to strengthen the capacity of the DPR to be



able to explain and account for its activity. We were extremely sensitive to what our British colleagues told us during a trip to the House of Commons, when we were received by the *Intelligence and Security Committee of Parliament*, or ISC: they are extremely satisfied with his activity control of the British services. But when we met the Law Committee of the House of Commons, its members have stated we have little knowledge of the activities of the parliamentary members of the SAI. Therefore, the higher the DPR can speak the presidents of the assemblies, and its other partners to enhance the work being done her name, plus our satisfaction will be. Your amendment increases the contrary, the legitimacy of DPR. The opinion of the Committee is favorable.

*(Amendment n ° 235, accepted by the Government and passed.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 19.

[Lionel Tardy](#) . Paragraph 107 provides that the CNCTR may consult the Authority for regulating electronic communications and postal., ARCEP, probably on technical matters relating to electronic communications. It seems logical to me that it can do the same with the CNIL on personal data issues, since these data will also be processing. Again, this is to put the protection of personal data at the heart of text. In any case, it seems important to strengthen the bridges between the different independent administrative authorities will be involved in all these issues.

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable.

[Lionel Tardy](#) . Why?

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . It is also unfavorable.

[Mr. President](#) . I call Mr Lionel Tardy.

[Lionel Tardy](#) . I am quite surprised: why can the CNCTR check with ART and not the CNIL? As we said, the first is in charge of electronic communications, and the second personal data. This text deals with personal data: it is necessary that the CNIL may also be consulted by the CNCTR.

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . There is a difference between the two authorities: ARCEP first contributes to the composition of the CNCTR, since it means a qualified person. The Government and the Law Committee share the feeling that the relations between ARCEP, which has a network control capability and CNCTR whose vocation is restricted to intelligence techniques will be useful. That is why we proposed this amendment. Moreover, personally, I was not very supportive of this writing. It is a wish, since I consider that, in the silence of the law, an administrative authority may consult other governments.

[Lionel Tardy](#) . So put it!

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This is also what Jean-Marie Delarue practice regularly with CNCIS. But in order to avoid not multiply other administrative authorities, the Commission gave an unfavorable opinion on the amendment. Otherwise, we would have been bombarded with questions: Why did CNCTR she speaks with Human Rights Defender? Or with the AMF? Or with the Higher Council of Audiovisual? In short, we would have been forced to put into law a list which necessarily forget some authorities. So I prefer in this case, the silence of the law.

*(Amendment n ° 19 is not adopted.)*

[Mr. President](#) . The call Mrs custody of the seals, to support the amendment ° 379.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . This amendment seeks to complete paragraph 107 with the following words: "or meet the demands of it." The text already includes the ability to check CNCTR ARCEP, which we just discussed. So this is to allow for symmetry CNCTR to meet the demands of ARCEP, particularly in the context of its mission Verification of permanence

obligations, quality, availability, security and integrity of networks and electronic communications services.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Favorable opinion by consistency: having foreseen the direction of go, it is logical to provide that home.

*(Amendment n ° 379 passed.)*

[Mr. President](#) . I am seized with a coordinating amendment ° 325, which is defended by the Rapporteur.

*(Amendment n ° 325, accepted by the Government and passed.)*

[Mr. President](#) . I call Mr. Denys Robiliard to support the amendment ° 281.

[Mr. Denys Robiliard](#) . This time, it is a purely editorial amendment.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I confirm: favorable opinion.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . Agrees.

*(Amendment n ° 281 passed.)*

[Mr. President](#) . I call Mr. Denys Robiliard to support the amendment ° 282.

[Mr. Denys Robiliard](#) . He defends himself by the same arguments as the previous one.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . He is satisfied by an amendment of the Government.

*(Amendment n ° 282 is removed.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 183 rectified.

[Sergio Coronado](#) . This amendment relates to a question that briefly occupied us in committee and which, to me it seems, will be the subject of an amendment by the Rapporteur. It aims to ensure the protection of whistleblowers. I recalls that the Snowden affair has highlighted the need to protect those who testify the dangerousness of certain intelligence techniques. This amendment is similar to

Article 6 *ter* A of Law n° 83-634 of 13 July 1983 concerning the rights and obligations of civil servants adopted by the law of fight against fraud in 2013.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I suggest, sir, to withdraw the amendment in favor of my amendment n° 388 that covers the same subject.

[Mr. President](#) . I call Mr. Jean-Yves le Drian, Defence Minister, for giving notice of the government.

[Mr. Jean-Yves Le Drian](#) , *minister of defense* . This question is legitimate from the Snowden affair, but the proposed mechanism perplexing. First, the discussions we have just had and the votes to which the Assembly has just completed show that the true whistleblower, with its prerogatives and its means of control, is the CNCTR.

[Isabelle Attard](#) . Not exaggerate still not!

[Mr. Jean-Yves Le Drian](#) , *Minister* . It is even more than it is able to capture an authorized judge in secret. On the other hand, the application of this amendment could be a encouraging denunciation or non-compliance of the hierarchy in the context of actions - often clandestine - conducted by service agents. It therefore seems inappropriate. That is why the Government is opposed because of the perplexity aroused his writing, although we understand that it reflects the concern - I have also indicated that the role of pitcher alert was primarily exercised by the CNCTR. However, the Government will oppose the amendment by the Rapporteur defend after article 3 *bis* , the purpose is to allow the CNCTR to fully play its role without contain a formulation that could *ultimately* encourage denunciation, is nevertheless acting with activities for which the chain of command is absolutely essential.

[Mr. President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . I perfectly understand your concern not to embarrass the officers in office, Mr. Minister. However, you invoke the defense of a subsequent amendment: could we have more elements that allow us to move the debate

forward? On this subject, indeed, particularly since the Snowden case consciences mobilized to protect the citizens. However, intelligence agents utilities are also citizens - even if they have a special status - not when they denounce the serious violations to the proper functioning of their service as such because it is within the hierarchy Internal - which means - . but on fundamental freedoms, respect for privacy or any other item that they believe in conscience and good faith that must be said and known way, we could probably move if you provide us an alternative wording to that proposed in this amendment.

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Since Mr. Coronado, which is behind the amendment, agrees, I suggest that we have this debate on whistleblowers when we discuss the amendment ° 388. Thus, we do not entraverons walking to the committee: the Government will give effect to an otherwise favorable opinion, anyway wisdom.

[Mr. Jean-Yves Le Drian](#) , *Minister* . Notice of wisdom, indeed.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . However, we must discuss this amendment. So we will avoid having two of the same debate.

[Mr. President](#) . I call Mr. Eduardo Rihan Cypel.

[Eduardo Rihan Cypel](#) . I would not expect the debate on a subsequent amendment seize the occasion of the presentation of it to recall that the question of whistleblowers is of course important, and I am sensitive as others. However, I am also very sensitive to the issue of the services business, particularly when acting in hiding. It seems important that we can also protect their work they do on behalf of national sovereignty to protect French and our country. I also remember that agents will also have the option to denounce things they consider with the illegal CNCTR, which aims to collect their observations. It is therefore not necessary to adopt additional measures. I hope the debate on the amendment of the Rapporteur will clarify this situation and find a solution.

[Mr. President](#) . I call Mr Sergio Coronado.

[Sergio Coronado](#) . I will not be on the intervention of the Minister, according to which the future CNCTR is a whistleblower: we have this debate for several years. As much as I understand that it is critical for the drafting of an amendment, as it does not seem to me that confuse an independent administrative authority with a whistleblower is a very good way to start the debate. We want to protect whistleblowers. The commission heard that concern, on which the rapporteur has made a commitment. Contrary to what Mr Rihan Cypel, I note that the Commission has established a protection that could be almost as criminal impunity for officials acting abroad, but has left the issue aside whistleblowers. I am delighted that the rapporteur takes full the promise he made in committee and that his amendment to allow whistleblowers to receive a sufficiently protective framework. So there will be a modification of the device to the rapporteur's initiative, Mr Rihan Cypel; Now, as I know you disciplined, I know that you too will vote this amendment.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Very good!

*(Amendment n ° 183 ground is removed.)*

[Mr. President](#) . I received three amendments, n<sup>os</sup> 41 corrected, rectified 182 and 306, which can be subject to joint discussion. I call Mr Sergio Coronado, to support Amendment n ° 41 rectified.

[Sergio Coronado](#) . This is an important discussion that we have begun before the submission of the amendments. This amendment seeks to ensure that certain occupations and elected officials are particularly protected, as is currently required in the criminal procedure code for security interceptions. Once this code provides a number of precautions and safeguards, it would appear anomalous that they are excluded in intelligence. That is why we propose this amendment by a double care: assent of CNCTR for parliamentarians, judges, lawyers and

journalists, and information of the presidents of the assemblies, the first Presidents, Attorneys General and Presidents concerned. In its opinion, the advocate said that the Court of Justice of the European Union in its judgment of 8 April 2014, criticized the directive of 15 March 2006 on electronic communications provide no exception as regards the scope of application, so that it applied even to persons whose communications were submitted, under the rules of national law, to professional secrecy.

[Mr. President](#) . I take that amendment ° 182 ground defended by the same token, sir?

[Sergio Coronado](#) . He is.

[Mr. President](#) . I call Ms Aurélie Filippetti, to support the amendment ° 306.

[Ms. Aurélie Filippetti](#) . The amendment raises the issue of protected professions, which we have already had the opportunity to debate. In fact, the bill does not seem respectful enough of confidentiality for lawyers and journalists. As for the lawyers, first, it is clear that we must protect the conversations they have with their customers. This requires that authorizations granted by the Prime Minister can not apply to lawyers in the exercise of their professional relationship with their clients. As journalists, I recall once again that I still have not got in answer to the question I posed to know when would be on the agenda of the National Assembly discussing the draft law on the protection of sources, which will improve the 2010 law which we had at the time noted the many shortcomings. It seems to me that the protection of journalists' sources, we must now go further. Otherwise, in the current state of the law, journalists may be subject to special monitoring because of their relationship with persons suspected of illegal activities, even though they are just doing their job. For example, I noted within seven goals of the bill are specified in Article I include in particular the issue of business, the economic sphere and the economic interests of the nation. Thus, a reporter investigating a particular French business could be subject to a form of

espionage when he made his investigative work. This product is unfortunately too many cases in the past, including in the recent past - I think naturally to journalists of the daily *Le Monde* - that we may not be particularly vigilant on this issue.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Regarding the amendments tabled by Mr Coronado, affecting protected professions, we have had this debate. I suggest him to remove them, since they seem to me already met by the amendment ° 386 of the Government which establishes a triple protection - but it is unnecessary to repeat the debate. Absence of withdrawal, the Committee therefore delivers a negative opinion, as well as for the amendment ° 306.

[Mr. President](#) . What is the Government's view?

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . I would say to Mr. and Mrs. Coronado Filippetti we share their concern and are convinced of the need to supervise the implementation of information technologies when they target protected professions, but has already been integrated into the text through the amendment ° 386 we adopted yesterday and aims professions concerned with the respect of confidentiality - confidentiality of sources, professional secrecy and all the secrets that protect democracy as the secrecy of the investigation , education, the deliberation. The Assembly is familiar with this device since the law of January 2014 on the protection of the confidentiality of sources. I remember that safeguards have been introduced, including the exclusion of recourse to the emergency procedure, the requirement that the board Control issue an express opinion, to sit on collegiate lines, bringing together all its



members, and the requirement to provide the transcripts in order to verify the proportionality of the interference with the secrets. Your concern, Ms. MP, sir, is therefore satisfied.

[Mr. President](#) . The call Mr Pouria Amirshahi.

[Mr. Pouria Amirshahi](#) . Thank you for your answer, Minister, but in the meantime that the text be submitted to deliberation and adopted, perhaps we could get rapporteur, also chairman of the Law Committee, a less terse answer. Everyone, in a democracy, is aware of the need to protect those who are responsible for the information, those carrying out preliminary investigations with their own, but also those who are custodians of a number of information and secrets personnel, such as doctors and lawyers. They must be protected by laws, and you were right to call him during the preparatory discussions for discussion in the Chamber. It remains important to note that these professions are protected and that the republican law provides them with certainty the free exercise without hindrance their function. It may, however, occur very complex situations. We will not study now, but when, in the evening or tomorrow, we will examine the consequences of massive data recordings, regardless of the technologies used, we will see that one can be brought to intercept communications that concern Occupations in this kind - journalists, lawyers, doctors - as they work connected with potentially suspicious individuals. It was then that the problem actually lay. Is it or not, and how, without impeding the investigation or research services protect these professions? I remember that they deserve to be protected because they ensure essential way and fundamental privacy, respect for lawyers and doctors, the maintenance of law and defense, as regards lawyers, and Finally, the right information regarding journalists. In these areas - the defense minister did not contradict me - it is difficult for journalists to go in search of information. Often they have to knock on doors official, if only to obtain authorization, which is always difficult in the field of the fight against terrorism. They also use their own

means of investigation, research and understanding. It is not just for journalists, to provide information to the public but to enlighten him on the issues of terrorism, on the fertile ground for its development, based on what the radicalism in prison or elsewhere. For this, they must enter in some circles to know the actors and their motives. I understand that certain services are asked to make arrangements under the supervision or spinning, other professions, such as journalists are forced to resort to immersion to get in contact with people in order to understand what in a particular social or cultural ecosystem environment, promotes the spread of radicalism.

[Mr. President](#) . Are your amendments retained, Mr. Coronado?

[Sergio Coronado](#) . The only difference is that we offer the information of the chamber presidents and the Presidents. The device presented by the Government suits us, as we said yesterday. In fact, we were surprised that you did not ask us to withdraw these amendments. Anyway, I withdraw them.

*(Amendments n<sup>os</sup> 41 rectified and rectified 182 are removed.)*

[Mr. President](#) . Yours is he maintained Madame Filippetti?

[Ms. Aurélie Filippetti](#) . It is maintained.

*(Amendment n<sup>o</sup> 306 is not passed.)*

*(Clause 1<sup>st</sup> , amended and passed.)*

## After Article 1<sup>st</sup>

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur, to support the amendment ° 389 with additional article after Article 1<sup>st</sup> .

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This amendment, behind a presentation somewhat arid, aims to toughen financial sanctions against hackers, such as those who attacked TV5 Monde this week. It plans to double the fines applicable in case of fraudulent maneuvers against an automated data processing system, and triple when hackers attack a system of automated treatment of personal data implemented by the state.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . This amendment has already been introduced and passed by your assembly in the preliminary debates with the Act of 13 November 2014 strengthened provisions on the fight against terrorism. However, these provisions had not been adopted by the Parliament because of the hostility of the Senate, for whom this very significant increase in fines broke the usual scale of penalties and the consistency between the ceilings and fine incurred imprisonment. We can also observe that the fines are already particularly severe when the facts change the data processing implemented by the state - the fine shall be 100 000 euros - or when such acts are committed by gang organized and run counter to the processing implemented by the State. - it rises to 150,000 euros . I also recalls that these provisions are not related to intelligence For all these reasons, the Government issues a unfavorable opinion.

[Mr. President](#) . I call Mr Lionel Tardy.

[Lionel Tardy](#) . To inform our discussions, I would ask the rapporteur and the Minister: what do we do when the attack comes from abroad? Again, we are

legislating to the Franco-French scale, but we know that many attacks come from abroad. That is why this amendment, even if it is of interest is null and void.

*(Amendment n° 389 passed.)*

[Mr. President](#) . The call Mr Eric Ciotti, to support the amendment ° 63.

[Mr. Éric Ciotti](#) . This amendment aims to prohibit the return of jihadi fighters who have left the country to go to theaters of war by withdrawing their passports.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Our colleague will not be surprised by the negative opinion of the Committee for its amendment is *a minimum* outside the scope of the bill under consideration. I had also indicated in my speech during the general discussion that any amendment that would move away from the heart of the matter, that is to say intelligence, would receive an unfavorable opinion in principle. Basically, I ' also hereby issue an unfavorable opinion, for reasons which we have had the opportunity to discuss in committee since the purpose of this amendment was included in a bill that the National Assembly has rejected.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . The Government shares the rapporteur, especially as the provisions of this amendment is contrary to the international commitments of France, and specifically in paragraph 2 of Article 3 of Protocol n° 4 to the European Convention on Human Rights and Fundamental Freedoms, which provides that "No one shall be deprived of the right to enter the state territory of which he is a national." Against.

[Mr. President](#) . The call Mr Eric Ciotti.

[Mr. Éric Ciotti](#) . The withdrawal for a period of six months from the national identity card and passport for people who, having traveled abroad in theaters of war, wish to return to the national territory, applies to binational and not to French nationals. I do not necessarily have the same interpretation as you regarding binational but the debate is open, at least legally. Basically, I consider it necessary to introduce this provision, just as the to the British. We must break

with any form of naivety. These people, estimated the number at just over two hundred today represent an extremely bright danger to our country because they are so many suicide bombers who threaten us. Faced with this threat, it would be better to forbid them to return to the national territory during a period fixed by law.

*(Amendment n ° 63 is not adopted.)*

[Mr. President](#) . The call Mr Guillaume Larrivé to support the amendment ° 242.

[Guillaume Larrivé](#) . This amendment concerns a sensitive issue which we really discussed in committee: this is the definition of the scope of the intelligence community, firstly, and secondly non-specialized services, which belong to a second circle. It is a matter of both substance and form. In the bill we are looking at, this is a decree of the State Council, which defines the second perimeter, while the first perimeter defined by a simple decree made under the order of 1958 parliamentary assemblies. As follower of French gardens, I think it would have been welcome to provide that a decree of the State Council and not a decree simply revise the scope of the intelligence community, even as the Government will have to present to the Council of State decree defining the second perimeter. Beyond the formal debate, there is a perfectly legitimate reflection on borders the two perimeters. The first encompasses six specialized services, the second includes services under the authority of Interior Ministers, Defence, Economy and Finance and Justice as well as we beat yesterday's amendment Mrs Taubira to exclude his own ministry the second perimeter of the intelligence services, as you remember, dear colleagues!

[Pascal Popelin](#) . It is the parliamentary debate!

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We had this debate twice, in committee and in plenary yesterday about an amendment introduced by William Larrivé. One proposed here is an amendment to ensure consistency with the previous one, we have grown back. For consistency, the committee rejected the second amendment.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Agrees.

*(Amendment n ° 242 is not passed.)*

[Mr. President](#) . Call Isabelle Attard, to support the amendment ° 200 rectified.

[Isabelle Attard](#) . Before defending the amendment and no disrespect to anyone or argue, I ask you, Mr. Chairman, how to contact you to take part in the discussion, if not by raising their hand.

[Mr. President](#) . In the case you are probably thinking, the amendment was withdrawn by its first signatory is, dear colleague.

[Isabelle Attard](#) . I do not speak at all but withdrew the amendment under discussion for another twenty minutes.

[Mr. President](#) . I must say that I had not seen your hand up.

[Isabelle Attard](#) . That said, Amendment ° 200 ground plans, as proposed by our colleagues in the IDU group and ourselves in committee, to organize oversight of the intelligence files and CNCTR by the CNIL. All files, intelligence files are most likely to affect the privacy of citizens. However, no control is currently planned. We are, to me it seems at odds with European law. According to the European Court of Human Rights, domestic law must provide for "the nature of safeguards to effectively protect personal data recorded against them unsuitable uses." This control could be carried out under specific conditions by the CNIL, in connection with the CNCTR appropriate. In its opinion on this bill, the CNIL underlines the need to organize such control.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This amendment seeks to involve the CNCTR to control by the CNIL data processing resulting from the implementation

of information technology. It is confusing because it mixes genres by combining two independent administrative authorities whose missions are distinct. The CNCTR control the legality of the implementation of a technical operation but not the intelligence services are likely to make, as everyone now understands. As for the CNIL, everyone knows their action, otherwise exemplary. It is responsible for monitoring compliance with the provisions of the Data Protection Act with regard to data processing of use. Regarding the files related to state security, the rights of citizens guaranteed by the procedure of indirect access right exercised by some members of the CNIL on which section 11 of the bill provides yet more guarantees for the administrative judge will now have access in case of appeal to all parts before ruling. Therefore, the committee rejected the amendment n° 200 rectified.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Agrees for the same reasons.

*(Amendment n° 200 ground is not adopted.)*

## Article 2

[Mr. President](#) . Several speakers on Article 2. The call Mr Lionel Tardy.

[Lionel Tardy](#) . Article 2 takes us into the heart of the matter, that is to say the techniques authorized itself. Two minutes is not enough to evoke but we will have the opportunity to come back when the amendments. I repeat that I am in favor of the legal framework of intelligence, as we all me it seems. If we give out a legal framework for the techniques already used, as I have heard, it means they were used illegally, I can not believe. We will extend the scope of techniques and opportunities for intelligence services. Therefore, one should be very sparing on two points. The choices we make, which are Franco-French, will affect our businesses, especially the black boxes. This is true for Internet service providers and especially for the hosts with global competitors will boast of being exempt. Secondly, let us be attentive to their impact on people who have nothing

to do with it. I do not think the famous slogan of the American neoconservatives that "if you have nothing to hide, you have nothing to fear." I rather think that everyone is entitled to respect for his private life and that the State has no particular look right on its citizens. Let's clear the guarantees on this point are not satisfactory. I therefore propose several avenues to further frame the new techniques that will be the subject of the amendments that I will present.

[Mr. President](#) . The call Mr Jean-Jacques Candelier.

[Mr. Jean-Jacques Candelier](#) . Article 2 defines special techniques of intelligence gathering whose implementation is subject to authorization. This technology is particularly decried the IMSI-Catcher. This technical device nearby, which is like a suitcase, collects certain connection data. Some models even capture conversations within a defined area. Some activists defending human rights argue that the actual content of the conversations will be recorded. Is it true? Anyway, this tool is a real problem in terms of respect for privacy. Anyone found in the perimeter of the *tracker* is concerned with interceptions. It is no longer just to access useful data about an identified individual but to collect indiscriminately large amounts of data on people quite foreign to the mission of intelligence. An amendment submitted by M . supervise the reporter came this information tool, including offering to centralize information collected by a service attached to the Prime Minister. But according to the minister of the interior, the warranty is illusory because the transmission to the Prime Minister would be technically impossible. In other words, the proposed safeguard in law commission in an amendment defended by the Rapporteur would not be operational in the current state of technology, which is very worrying. We need to be enlightened on this point in order to legislate calmly. Can we learn more about the control of the IMSI-Catcher?

[Mr. President](#) . Call Isabelle Attard.

[Isabelle Attard](#) . As my colleague Lionel Tardy, it seems important to pause before beginning the study of Article 2 on the famous black boxes and on the



Internet widespread surveillance that will result. The black boxes will be ineffective, draconian and economically damaging. They will be ineffective because anyone who uses encryption, which terrorists will be invisible. They will be draconian because it is not because we live in a society where we share a lot of information, especially on social networks, we have nothing to hide. I have things to hide that I share with people that I have chosen. This is my private life and I care, like all French. Knowing that we are all watched, our behavior will change, psychological studies and the book of Michel Foucault *Discipline and Punish* appeared in 1975 attest. Finally, they will be economically harmful because the French companies in the digital, that have signed the appeal "Neither pigeons or spies" which I recommend you all to read, will see their foreign customers deserting because they will not trust the French systems. The French hosts délocaliseront their *data centers* as they are now experiencing double-digit growth of 30%. Is it significant to you, Mr. Minister? Personally I am not a fanatic of the word "growth" but when she is there, I do not spit.

[Mr. Éric Ciotti](#) . You prefer the decay!

[Guillaume Larrivé](#) . Recession!

[Isabelle Attard](#) . Finally, always economically speaking, since we are here to talk about numbers and economic consequences to the point of whether individual freedoms still have meaning, I will quote the example of the consequences of the revelation of the matter to the PRISM United States. In this country that promotes widespread surveillance, the climate is not to trust and discourages foreign investors. The losses suffered by the US economy from 2014 to 2016 due to revelations of the PRISM case are estimated at twenty-one billion in low estimate. I do not think we visions such a result! Like our colleagues, we are capable of defending the proposals of the text relating to the functioning of the intelligence services that are fair, justified and timely. But the black boxes and algorithms, we will develop systematically against us.

[Mr. President](#) . I call Ms Laure de La Raudière.

[Laure de La Raudière](#) . Article 2 of the draft law promotes information relating to a real lifting of shields so many people with very different profiles. It sets up surveillance which you say, Mr. Minister, it's a fantasy and not what you envision. But Article 1<sup>st</sup> opened a wide field to the field of intervention of the intelligence services, which is in itself a political mass surveillance. Article 2 in the context of the fight against terrorism, implements techniques that collect massive data well beyond those with the idea of becoming jihadists. Your speech is inconsistent with the text. In order to calibrate the searches using the algorithm, we must necessarily look for suspicious patterns in a very large database. Do not listen to the conversations nor read the contents, you said stressing this point, but according to all the experts metadata such as connection data analyzed to identify jihadists profiles perfectly describe individuals and are all too intrusive. Can you explain how work the black boxes? One has the impression, reading the text, they will analyze all the data. I also have some technical questions in order to know exactly what data you want to collect, minister . Can you tell us where the probe will be placed on telecommunication networks? In short, there are two possibilities. They can be placed in the network end, which implies intervene on tens of thousands of devices. I do not think you will opt for this solution. So you will be involved in the core networks or the interconnection routers.

[Lionel Tardy](#) . Good luck! These are not cans but cabinets!

[Laure de La Raudière](#) . Therefore, either you will collect only the connection data, that is to say, the destination IP address and timestamp, and then the device will be redundant with existing ones for security interceptions, or as I think, because we do not see the point of writing a text redundant with what already exists, you will collect metadata that includes navigation as network addresses and does not keep them, you must add an equipment!

[Lionel Tardy](#) . Of course!

[Laure de La Raudière](#) . This equipment is the *Deep packet inspection* qualified by the minister of the interior during the consideration of the Bill strengthened provisions on the fight against terrorism "very intrusive disposition"!

[Lionel Tardy](#) . The circle is complete!

[Laure de La Raudière](#) . Can you, Mr. Minister, specify what you will do, where the probe will be placed, what the data collected and with what equipment? These are very important questions! I'll ask when considering amendments several questions on the algorithm itself.

[Mr. President](#) . I call Mr. Christian Paul.

[Mr. Christian Paul](#) . We arrive at the examination of Article 2, which will no doubt raise abundant debates. At this stage of the discussion, I will address just a few questions to the Government and the Rapporteur. Then we will share in the discussion of the amendments about how we should treat this article. I would like to say unambiguously that like many of my colleagues in the majority, and probably of the opposition, I do not doubt that it takes a law to regulate intelligence activities. It was necessary and urgent, and we asked for. I do not doubt that this text represents progress in framing against new techniques, nor that this government - ours - has at heart every day preservation of public and individual freedoms. I do not doubt either, finally, that the threats and terrorist uses of digital networks are constantly changing. That being said, I would ask the government and expose some serious reservations. I do not just do it as individuals, but as Chairman of the Committee of reflection and proposals created by our Assembly on the right and freedoms in the digital age, which issued unanimously all groups a recommendation expressing reservations and questioning the use of these algorithmic probes. I will not use the term "black box": it has a fantastical connotation that it is not useful to import in this meeting. However Talking more specifically of the probes - and I'll stick to the examination of the facts. The use of probes and treatment algorithm of large volumes of call data are indeed a model change. I therefore regret - and I say to the members of Government present here - as a subject of this importance, this complete change

of model or paradigm of information gathering occurs from an impact study that down to twenty lines. This is an important question, Mr. Chairman. In the ambience of the Snowden affair like the one that followed the attacks of January, she deserves more than a few minutes before adjournment.

[Mr. President](#) . We have all the Article 2 to speak, colleague.

[Mr. Christian Paul](#) . Allow me nonetheless to question the Government. How it works Does it really? This has not been explained, at least not in the impact study.

[Laure de La Raudière](#) . Very good!

[Mr. Christian Paul](#) . Y is there a collection? The impact study says incidentally: Yes, because if we want to compare the type of profiles and information, it must be done in time, and to intervene in time, it is necessary collection. Thus raise the problem of the collection and the storage of such data. Laure de La Raudière has already asked the question, does this fact the heart of the network or the entry of major platforms? When it is called Google, it is obviously billions of data collected. It is therefore a good collection, and it is massive, hence our concern on behalf of freedoms as the name of the digital economy.

[Mr. President](#) . Thank you conclude, my dear colleague.

[Mr. Christian Paul](#) . Before beginning the examination of numerous amendments to article 2, so we do not just want clarification, but a precise description of these elements by the Government.

[Mr. President](#) . I call Ms Aurélie Filippetti, last speaker inscribed on the article.

[Ms. Aurélie Filippetti](#) . I must say that this "black box" is sort of Pandora's box of this bill on intelligence. Unfortunately the text foresees no possibility of real control we have no assurance of the ability to control the algorithm or the functioning of the services that will use this secret algorithm. We are there in extremely complex mathematical systems and advanced computing devices, only these services - in this case the DGSE - can use and know how to use. The presence of a single engineer ARCEP within the CNCTR and lack of insurance on the means that will be given to the CNCTR in terms of technical expertise are obviously not reassuring us. We are told that Overall, mass, pentaoctets data that will transit on the networks will not be content of discussions and exchanges between citizens, but only metadata. But all the researchers know, metadata actually contain more information about the privacy of our citizens an identity card. So these are very valuable resources that will thus be assigned to our services, through the filter of this "black box" on which we have no control, so any democratic transparency. We are told that this is not serious, since the data collected will be anonymous. But CNIL itself noted that there was a paradox as to say that this data will be anonymous when they will allow to identify, if any, terrorists or potential criminals. Who will ensure that laws will be respected in fundamental mathematics and suites created by intelligence services used to exercising clandestinely outside the national territory, this time to act on the national territory, since - it is ARCEP who says - it is almost impossible to determine whether an electronic communication is located on national territory or abroad? Here we have real technical difficulties, on which we need guarantees.

[Mr. President](#) . The following discussion is referred to the next meeting.

3

## Agenda of the next sitting

[Mr. President](#) . Next meeting tonight at twenty-thirty: after the bill on intelligence.

The meeting is adjourned.

*(The House adjourned at 8:05 p.m.).*

*The Director of the service account report of the sitting*

*of the National Assembly*

*Catherine Joly*

## **Cryptome**

6 May 2015

Part 6 of 7. National Assembly debate of France Spy Bill approved 5 May 2015

<http://cryptome.org/2015/05/fr-spy-bill-text-en.pdf>

Original French source:

<http://www.assemblee-nationale.fr/14/cri/2014-2015/20150217.asp>

Google translation.

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## **National Assembly**

**XIV<sup>th</sup> legislature**

**Ordinary Session 2014-2015**

**Record**

**integral**

# **Second meeting of Wednesday, 15 April 2015**

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**[2. Agenda of the next sitting](#)**



Presidency of Mr. David Habib

vice-president

[Mr. President](#) . The meeting was called.  
(The meeting opened at nine-thirty.)

1

## Information

### *Further discussion of a bill*

[Mr. President](#) . The agenda is the continuation of the discussion, after engagement of the accelerated procedure, the draft law on intelligence (Nos 2669, 2697, 2691).

### Discussion items (*continued*)

[Mr. President](#) . This afternoon, the Assembly began to hear the speakers in Article 2.

### Article 2 (*continued*)

[Mr. President](#) . I call Mr Sergio Coronado, last speaker on the article.

[Sergio Coronado](#) . I would put this article in the overall economy of the text. I said during the debate, this bill essentially two major components. The first is to define the scope of the intelligence community, the purposes and supervisory bodies. We debated. Adaptations, were opened, the Government has taken into account some of the amendments of parliamentarians. Everyone will have the opportunity to assess whether these steps are sufficient.

The second part, which we are now entering the exam with Article 2 authorizes the use of data collection techniques devices very large, if not mass. These provisions are not entirely of the same nature. As much as it seems to me that the first part is general and aims to be sustainable, as the technical problems related to monitoring or control, are part of a different nature.

I recall that Article 2 allows for all the aims pursued by the intelligence activities, administrative geolocation in real time of a person, vehicle or object and the current use of operation of mobile devices near direct uptake of certain metadata. It also allows, for the sole purpose of the prevention of terrorism, the real-time collection on the networks of operators of electronic communications people connection data previously identified as a threat or, exceptionally, the use of IMSI-catchers directly from device to intercept the content of the correspondence. Finally, it allows for purposes of preventing terrorism, exploitation by electronic communications operators and service providers of information and documents handled by their network, in order to reveal, on the sole basis of automated processing of anonymous elements , a terrorist threat.

I would like everything to be clear, because many ideas pollute our debates. The first we saw yesterday at the time of rejection of the amendment of the Government, is that radicalization takes place in prison. We do not really have data on it, and the Minister of Justice yesterday gave the elements showing that this was not entirely true. Another misconception that also seems extremely dangerous is to say that the collection of metadata poses no risk because they are completely anonymous. Some colleagues may be skeptical of the merits of my critics, but they must know that if I had tonight access to their data connection, I probably know more about their privacy after five years in the rub on these benches. I know more about their behavior, their food habits, their sexual orientation, about people they attend, not to mention, as did yesterday Isabelle Attard, their hobbies after dark!

[Mr. President](#) . We come to the consideration of amendments to Article 2.

I call Mr Sergio Coronado, to support Amendment <sup>No.</sup> 42 rectified.

[Sergio Coronado](#) . We wish, through this amendment, review the definition of connection data given in the new Article L. 851-1 of the Code of internal security, which is derived from Article 20 of the law on military programming. We do not wish to delete this article 20, which had given rise to a large highly controversial debate at the time, especially because it is very vague. But we propose to harmonize the wording of Article L. 851-1 with that provided to new Article L351-7, which covers technical devices nearby. We had already proposed during the debates on the draft law on geolocation. The rapporteur asked us to withdraw our amendment pending Bill on Intelligence. Here we are.

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, Chairman and Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic, to give the opinion of the Committee.

[Mr. Jean-Jacques Urvoas](#) , *Rapporteur of the Committee on Constitutional laws, legislation and general administration of the Republic*. The committee rejected the amendment, and not just because he is back on the debate on article 20 of the law on military programming! He hears indeed supervise the collection of login data *via* a technical device called "proximity". However, in committee, this device has lost its qualification of "proximity" and, especially, has been strict regulation in paragraphs 23 and 24 of this Article and taking into account the concern here.

[Mr. President](#) . I call the Minister of Defence to give notice of the Government.

[Mr. Jean-Yves Le Drian](#) , *minister of defense*. The Government is against the amendment, which aims to limit the connection data of the field accessible to services. As I said, the perimeter of connection data is known and accessible precisely determined by regulations since the Act of 23 January 2006. It includes data identifying the user of the terminal and those related to equipment, but also dates, times and durations of communications, or those that identify the

recipients of these communications. Now, these are obviously extremely critical to information services. He is not going back on their accessibility.

[Mr. President](#) . I call Ms Laure de La Raudière.

[Laure de La Raudière](#) . I would remind the explanation request had Christian Paul to the Government at the end of the session of the afternoon. Others of us had also asked many questions that have no answers.

Key issues, ministers are to know where in the telecommunications network you hear asking the probes. If it is in the heart of the network or router interconnect, this requires the use of additional equipment if you want to go beyond the existing law. If you want to gather additional metadata that the connection data, you will have to develop heart in network equipment, '*deep packet inspection*' is it your intention or not? This equipment, you know, are extremely intrusive as they analyze all data passing over a telecommunications network. They are clearly a sign of mass surveillance, for which, moreover, you said we do not want.

It seems essential today, before we go any further in the discussion of all the amendments to Article 2, that you enlighten us as to how you will technically proceed to set up your probes. Then we'll have more questions about the algorithms. I wanted to remind this request, very wise, Christian Paul.

[Mr. President](#) . I recall that we have finished with the discussion on article ...  
(*Amendment No. 42 is not rectified passed.*)

[Mr. President](#) . I call Mr Lionel Tardy, to support Amendment <sup>No.</sup> 20.

[Lionel Tardy](#) . This amendment, as well as <sup>Nos</sup> 21 and 22 that will soon regarding a problem I had already identified in the military planning law and on which you put a layer. This is Article L. 246-1 of the Code of internal security, which becomes Article L. 851-1.

In the list that I quoted to you just now, there were only data - and I mean the data - which can be gathered from operators. So a year and a half has passed, I

do not understand why it is always about gathering information and documents. What are these documents you persist in referring? When the law does authorize the collection of documents from the operators? I do not see answer. So I think we just need to remove this reference because there is a suspicion that I want to raise, as I imagine you, Ministers. The CNIL made the same inquiry and believes that the perimeter is unclear. She recommends clarifying the wording so that only the connection data - data! - Can be collected. This is the meaning of my amendments <sup>Nos</sup> 20-22.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur*. The committee rejected the amendment because we had this debate on Article 20 of the draft law on military programming. Mr. Tardy had already expressed a number of uncertainties and anxieties. But since the decree of 24 December 2014 concerning the administrative access to connection data, codified in Articles R. 246-1 and following of the code of internal security, allayed any fears that had been made. We therefore consider that the amendment was not relevant.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *minister*. Agrees.

*(Amendment <sup>No.</sup> 20 is rejected.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support Amendment <sup>No.</sup> 59.

[Lionel Tardy](#) . I assure you, I have no intention of reopening the debate that we had during the consideration of the draft law on military programming. That said, you bring yourself changes to the articles relating to access to administrative data connection. It is therefore the opportunity to revisit two issues that are still, in my view, unresolved.

Indeed, the list of data that can be collected is not exhaustive. There is talk of "collection of elements", but with "including" that does not close the door to the collection of other things not mentioned in the law. I quote this list: technical data related to the identification of subscription numbers or connections to electronic

communication services, data relating to the census of all the subscription numbers or connection of a designated person, data on the location of terminal equipment used, data related to a subscriber's communications on the list of numbers called and callers, duration and timing of communications. I propose to close the list. Administrative access concerns data that I mentioned, but there is no guarantee that it does not concern other, without which it is known. This is rather contradictory, Ministers, your will to define a legal framework.

*(Amendment <sup>No.</sup> 59, rejected by the Commission and the Government is not adopted.)*

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur, to support Amendment <sup>No.</sup> 283 rectified.

[Mr. Jean-Jacques Urvoas](#) , rapporteur. I take this amendment into effect in the absence of its signatories, as we find appropriate. It is a measure of consistency with an editorial amendment adopted earlier, which aims to remove the word "properly".

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , minister. Favourable.

*(Amendment <sup>No.</sup> 283 rectified and passed.)*

[Mr. President](#) . Mr. Tardy, if I mistake not, you have already defended the amendment <sup>No.</sup> 21.

[Lionel Tardy](#) . Yes, Mr. Chairman.

*(Amendment <sup>No.</sup> 21, rejected by the Commission and the Government is not adopted.)*

[Mr. President](#) . I received two identical amendments, <sup>Nos</sup> 184 and 103 rectified.

I call Mr Sergio Coronado, to support Amendment <sup>No.</sup> 184.

[Sergio Coronado](#) . Paragraphs 10 to 16 introduce two very important innovations: the real-time collection of data on operators' networks and, above all, the ability to implement algorithms with the new Article 851-4 of the Code of internal security, which is a disputed provision by a very large number of citizens and the

digital actors. You know the principle as it was explained during the proceedings of the committee: it derives all traffic for a web host that centralizes billions of data to a black box, is applied to this data algorithms that will previously parameterized and we observe what goes this great catch.

Some have compared to the method of fishing by trawl or driftnet; still it involves the collection of a large number of data and that, contrary to what we heard in committee, it relates to all traffic. The algorithms allow by definition, even in nature, mass surveillance, since it is all of our data which is caught in the net and screened from the analysis.

I also recall, I said to the Prime Minister during questions to the Government on Tuesday that all the French hosts were concerned about these devices, especially their economic impact. According to the rapporteur, the algorithm on which nobody will have visibility Moreover, given its classification, operate solely on the basis of metadata. Considering that metadata is the navigation data, the only way to get them from a service provider, who does not see them pass in the clear, is to put in place, as recalled Ms. La Raudière here a few moments, type of traffic analysis features *deep packet inspection*, or DPI, which are to analyze the content of each IP packet passing through a device on which an analysis device is operating. Consequently, when this device is installed at a major network equipment such as a heart, it allows to operate a general monitoring of the entire subscriber traffic.

I will remember to conclude that, a few months ago, as part of the review of legislation to strengthen the provisions relating to the fight against terrorism, you tried, Mr. Minister, that such a solution was particularly intrusive, ...

[Laure de La Raudière](#) . Can you not do otherwise, Mr. Minister?

[Sergio Coronado](#) . ... It presented significant risks to network security given the lack of visibility of operators and was particularly expensive: around € 150 million

per year, based on the elements that you had yourself included. I refer you to the minutes of these debates.

[Mr. President](#) . I call Ms Laure de La Raudière, to support Amendment <sup>No.</sup> 103 rectified.

[Laure de La Raudière](#) . It is identical. I still do not rest when my questions about probes, Minister, but we would really get an answer, lighting your part. We expect you to reassure us about the fact that you will not use the DPI. But if you do not use such a technique, you have deemed too intrusive, what will it be for the probes?

To stay in these famous algorithms that will detect potential jihadists, are you quite certain that they are effective? For my part, I doubt it: the researchers in artificial intelligence and expert of this kind of algorithms, this tool would not be effective. Moreover, regardless of the type of algorithm selected, monitoring will be massive. This method is to detect rare cases a very large database, that is to say, a needle in a haystack. It is particularly difficult to identify real suspects. With this method, you will recognize many "false positives" and ask and the lifting of the anonymity and the surveillance of many completely innocent people.

What kind of algorithms will you use? How will you proceed? What results do you hope to achieve?

[Mr. President](#) . What is the opinion of the Committee on these two identical amendments?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur*. These amendments propose to delete the two innovative devices of this article. Because they will be followed by several others on the subject, I suggest to the minister that we take the time to stop it, to give most of our arguments so that our colleagues are fully informed and can thus progress in their thinking.

In strictly technical terms, Mr. Coronado, Article L. 851-3 is not of the Judicial



Police. There is therefore no need to make comparisons with the judicial means, as you do in the presentation summary of your amendment as the article refers to an administrative police activity.

As regards Article L. 851-4, on the famous algorithm, the willingness expressed by the Government is not that of a massive collection of a generalized data processing, since there uptake that in the case where a threat is detected. And, if I understand correctly, monitoring is strengthened.

The judgment of the Court of Justice of the European Union of 8 April 2014 is mentioned seems to me irrelevant either. We will return later to this famous stop *Digital Rights Ireland*. On the one hand, it concerns not the states but private operators, and I'm not sure that we should immediately draw the consequences for the state, and secondly it is not relevant to s' can refer here since Article L. 851-4 does not offer a mass surveillance.

Finally, Mr. Coronado advanced in its summary the illusory nature of the anonymity of the connection data. This is why the notion of anonymity emergence was deleted from the text adopted by the committee, in favor of that identification, used only in well-circumscribed cases. The president of the National Commission on Informatics and Liberties - CNIL - we were convinced.

The Commission has therefore issued a negative opinion on the two amendments.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *minister*. As just noted the rapporteur, we enter the debate on most of the techniques used. I will develop my feeling on the matter at some length, to illuminate a result of our discussions.

The amendments which have been defended aim to remove two important

measures of the bill: enhanced surveillance of individuals of particular terrorist threat and the detection of such threats with set of algorithms for revealing the behavior of suspects communication two provisions to which the Government is necessarily favorable. But allow me to return to enlighten our views on the amendments which then come under discussion and clarify the debate.

The first access to the connection mechanism data while following a logic of individual targeting, is on the extent of data collected and the immediacy of access.

[Lionel Tardy](#) . No! This is not possible!

[Mr. Jean-Yves Le Drian](#) , *minister*. Article L. 851-3 provides services and continuous access to all the connection data of a number of people identified as possibly involved in terrorist networks or projects. Surveillance is exercised in real time and cover the completeness connection data. However, it is good connection data, not content.

[Isabelle Attard](#) . It's worse!

[Mr. Jean-Yves Le Drian](#) , *minister*. The authorization procedure for each of the monitored person is that of common law: the Prime Minister's authorization after consultation with the National Control Commission intelligence techniques. Control is said: it is for the CNCTR, and judge if it is entered. The purpose is solely the prevention of terrorism.

I turn now to the algorithms, subject you allow me to be a little longer. This mechanism meets, as noted by the observers, with a new logic: monitoring is not about previously identified targets and by name, but proceeds targeted - targeted, I insist - the monitoring of specific modes of communication used by terrorists. It is essential to identify the networks that we do not know before they act.

Article L. 851-4 allows the Prime Minister to impose on operators and service

providers to install on their networks, and thus the connection of data streams they treat, automated processes, also qualified algorithms, which not locate pre-identified persons but suspects communication behaviors in terms of terrorist risk.

[Lionel Tardy](#) . It does not work!

[Mr. Jean-Yves Le Drian](#) , *minister*. These treatments allow in a second time, and after a second authorization, identify people to watch. There is therefore no question of mass surveillance or capture and storage of all data transmitted over the network. It is rather a target, wearing not on individuals but on modes of communication that the services have been identified as characteristic of the activity of those involved in terrorist action.

Indeed, they do not really exchange or by mail or phone about their projects: they use to communicate clandestine methods relying on the internet, on specific tools or diverted from their original use. Moreover, they frequently are changing their modes of communication. It is these processes that, once identified, allow the design of algorithms for detecting persons likely to be involved in terrorism.

It is also in a second time, if necessary, and always under control CNCTR, services will have access to the identity of persons and detected.

I'll give you a significant example, which has already been cited in committee if Daech launches a beheading video to known jihadist websites and connects to other sites to ensure proper receipt and good quality images and the message, the latter activity is expressed by connections at certain times, from certain places at certain sites. An algorithm can anonymously sort connections and thus identify a characteristic traffic.

[Lionel Tardy](#) . If I am to see a video of Daech, so I'm concerned?

[Mr. Jean-Yves Le Drian](#) , *minister*. I could cite cases that I myself followed as minister of defense, and that demonstrate the importance of this device.

Know also that the text brings major guarantees, since the results of these treatments will be subject to the interdepartmental group control - ICG, Prime Minister of service that aims to centralize under the authority of the latter; they will not directly transmitted to the service concerned, which is essential. The method of implementation of treatments will also be negotiated with operators or service providers involved in different situations and needs.

The guarantees provided by the text are as follows. First, only the purpose of preventing terrorism justifies the use of these devices, and that is that CNCTR valid. Second, operations cover only connection data. Third, they are carried out under the guidance and control of the ICG. Fourth, the method used for the detection and the scope of research networks will be developed and submitted to the Commission beforehand. Any transaction collection and any change to the algorithm will be approved on a case by case basis. Fifth, the Commission will continuously monitor the device, its developments, treatments carried out and the results obtained. Sixth, only the data needed to detect alerts will be collected. Seventh, the services can access data other than the treatment outcome. They will therefore have direct access to operators or data banks or their overall flows. Eighth, they will have access to the identity of persons possibly concerned that on a second express permission of the Prime Minister after taking the opinion of the CNCTR.

The amendments adopted in committee on the initiative of President rapporteur helped clarify, to explain all of these guarantees and the Government thank him.

The Government was also sensitive to the concerns expressed by the hosts, to which reference was made earlier. They made their comments on the text in a recent letter to the Prime Minister. This morning, the Minister of the Interior, the Minister of Economy and the State Secretary met with their representatives

digital.

An important agreement seems to have been found, and Minister of Interior may usefully complement my remarks shortly. It first of all concerns the understanding of the objectives of the Government, I have listed, then the method to be followed in the implementation of the provisions of Article L. 851-4, and finally on the elements to strengthen in the writing of this article. The Government will table a number of amendments to that end.

These amendments, which will come just now under discussion, bring new guarantees. First, they point out that the principle of proportionality applies. Second, in direct application of this principle, they require the Prime Minister to indicate the scope of the connection data on which the algorithm will be applied. Third, they ensure that operators that are their own agents that install on their networks the devices provided for in Article L. 242-9 of the Code of internal security, which becomes Article L. 861-3. Fourth, they exclude any recourse to the emergency plan for this technique. Finally, they limit to four months renewable duration of authorization of the Prime Minister and, as announced by the latter in its presentation of the text, also limit the life of the new technique on 31 December 2018, its renewal being subject to the findings of the evaluation that will be made in terms of usefulness and proportionality.

These are the elements guarantee and clarity that we want to bring about this technology. If we wish to implement is that it is essential to protect us against terrorist threats that are getting organized, I could give many examples.

[Mr. President](#) . Call Isabelle Attard.

[Isabelle Attard](#) . Let me yield to the mode of "true-false" that seems rampant in the government on this bill.

You tell us, minister of defense, that the connection data are less important, or at

least specific cases, the content itself. Not true! And unfortunately for you, we are not the only ones to say. Anyone who knows a little computer could tell you.

[Lionel Tardy](#) . Obviously!

[Isabelle Attard](#) . As I demonstrated yesterday, the information obtained is richer when accompanied by metadata and data connection, since it is then possible to know who the person is related to so many times daily or week how long the conversation, what are the conversations conducted and subsequently consulted sites. Thus, the data are even more precious. That is why they are central to the concerns of global computer giants. You will then say these famous algorithms can detect suspicious behavior. It is still wrong! The behaviors are different to each terrorist attack!

[Lionel Tardy](#) . Of course!

[Isabelle Attard](#) . Therefore, that you put in the algorithm? Not to mention it's not a magic formula spawned by a computer: they are human that create and run these algorithms. At any time, they are human that give instructions and enter keywords. Terrorists behavior therefore constantly changing.

[Mr. Jean-Yves Le Drian](#) , *Minister* . Exactly!

[Lionel Tardy](#) . What do you do when terrorists encrypt their data, Mr. Minister?

[Isabelle Attard](#) . These are not the towers that was attacked in January, but an essay. Technically, therefore, how would you take? I await your response. Do not worry, we still have all evening. (*Exclamations on the benches of the CBC group.*) Dear colleagues, I believe that the subject is important enough that we discussed!

[Mr. President](#) . Ms Attard, you have exhausted your time in a few seconds ...

[Isabelle Attard](#) . You finally say that we do not about mass surveillance. For once, you're right: it's not about mass surveillance, there is widespread surveillance. It's much worse! I hope so, dear colleagues, you may have read during the break the excellent article by Andrea Fradin in *L'Observateur*, which explains how the algorithms will be useless.

[Mr. President](#) . The call Mr Guillaume Larrivé.

[Guillaume Larrivé](#) . Ministers, ladies and gentlemen, what are we talking about? In war, one we declared a radical Islamist enemy, armed, who wants to destroy the most barbaric terror our democratic societies. In whose name are we talking about? We speak on behalf of the French people. Our duty, forgive me to say a little serious and solemn manner, is to strive to define a kind of digital shield to better protect the French. Y will we? I hope so. In any case, we have a duty to work there. The more we advance in the debate and I listen to the arguments of some deputies who defend these amendments suppression, the more I am convinced of the imperative need to vote on the proposed device by the executive authorities. Yes, for a unique and precisely defined purpose, that of the fight against terrorism, we must give these major public services that are the intelligence services of the new technological means, in this case an algorithm that will identify behaviors constituting genuine national threat. And we do it by having pegged to the body, heart and mind the need to exercise some democratic controls. We spent part of the afternoon to strengthen the organization by consensus, the skills and methods of intervention of the National Commission for Monitoring of Intelligence techniques. Will it have jurisdiction to review the algorithm? Yes, full and reinforced! Manner Furthermore, the device enters into force, if we vote, for three years, after which period the national representation will conduct the evaluation. This device, I will vote, and I confess I do not understand why some still insist on fighting.

[Mr. President](#) . I call Ms Laure de La Raudière.

[Laure de La Raudière](#) . Rest assured, sir Larrivé: I do not fight, I just want to get answers to my questions. This system is it effective or not he is? What are the assessments made about it, knowing that there is nothing in the impact study? It leads or not to a massive surveillance?

[Lionel Tardy](#) . I would add: what does it cost?

[Laure de La Raudière](#) . On all these points, I am not enlightened. But our role as MPs is to inform the French people on these major issues. After your presentation, Minister of Defence, I still do not understand how things will go in practice. I'm really sorry to get into the technical aspects, but it is the only way to know whether it will or not of a widespread uptake data. When speaking of digital tools, we can overcome this transition by technology. Minister, will he use of IPRs in network heart? If this is not the case is that you will proceed differently: using what techniques? Will he capture data at the ends, for example only in the accommodation? Thank you to inform us! We really want to move forward in the debate. We need to understand what you are going to do, we precisely determine the vote of this article.

[Mr. President](#) . I call Mr Lionel Tardy.

[Lionel Tardy](#) . Let's do some technique. Outside my member of parliament, it turns out that it's my job, so I took the opportunity! Again, everything you say is perfectly defensible, minister of defense. It must indeed find solutions. Alas, we buttons on technique. This has already been the case for the HADOPI law we all know that this text has absolutely nothing given. Among those who were engaged in illegal downloading, many have set up VPN, virtual private networks: now HADOPI can always chasing! We must therefore talk technique, I'm sorry. You can do whatever you want on the political level, the issue will remain technique.



[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . You're not the only one to master, Mr. Tardy, do not worry!

[Lionel Tardy](#) . We will talk all evening technique, Mr. Minister. I do not care: I repeat, it turns out that it's my job. We saw him yesterday, you justify your mass surveillance program by an analogy with the analysis of business data, pretending in passing to forget that the state authorities are equipped with far more intrusive powers than to send targeted advertisements that populate our boxes *spam*. When one uses data analysis to identify cases of identity theft or bank fraud in the credit card, it is based on models built annually from thousands of known examples. But terrorism does not present similar statistical indices. In other words, the phenomenon does not present the required frequency to extract a significant model. How to build an algorithm from that? Especially that there is very little chance that the attacks of tomorrow have the same operating methods as those of yesterday. While automated preventive detection methods proceed, for their treatment of the future, by induction from a known past, the principle of these shares is asymmetrical instead surprise, non-reproduction of the listed scenarios. As summarized by the American lawyer Jeffrey Rosen, so wanting to "finding a needle in a haystack while the color and shape of the needle keep changing." Even assuming the present terrorism identifiable signatures by data analysis, which is somewhat hazardous, such a system will generate a plethora of suspects, including an overwhelming majority of false leads, and this by the millions. In short, I wish you good luck to analyze these data and to prove validity of your information.

[Mr. President](#) . I call Mr Pascal Popelin.

[Pascal Popelin](#) . I confess humbly that the technique is not my job. But I try to do with logic. I have listened carefully to the examples that Ms. Attard has produced us last night to show how metadata could be telling. But for that they should be, we must cross check and interpret. If the services were all gathering - assuming they have the means - they would lose their time. In addition, they have a poor algorithm, since it is specified that the analyzed data are only those related to the fight against terrorism. The example of the swingers club made by Ms Attard really does it fit in? If the services were to enter such data in the algorithm, it could legitimately think that they are very bad, and also doubt that CNCTR validates the process! And, as in all other cases cited by our colleague, they would place anyway illegally because their action would be contrary to the purposes of the law. There is no mass surveillance, first because it is humanly impossible, then because it is inefficient in terms of what motivates the use of this type of tool, last but not least because it is contrary to the text. This is also what gives it its strength from the perspective of individual freedoms.

[Mr. President](#) . The call Mr Eric Ciotti.

[Mr. Éric Ciotti](#) . We are facing a technical debate, we say experts. Of course.

[Laure de La Raudière](#) . But no, this is not it!

[Mr. Éric Ciotti](#) . However, the honor of our meeting is also to express our commitment to the values and fight a battle for democracy, the republic, the protection of freedoms that, based on political convictions. The debate must be technical, certainly, but it must also be political, which brings us back to the very purpose of this bill. The fight against terrorism With several colleagues, I visited this morning the place Beauvau ' Coordination Unit of combating terrorism, the UCLAT and its telephone platform for reporting calls to jihad. The head of this

unit has given us on this occasion a document in English, virtually free access on the internet, which lists "best practices" of the terrorist in the West. I'm not an expert, I willingly concede to those who are. Nevertheless, I think we need to provide us with technical tools to protect against terrorism, and I trust the experts of our services, whose expertise is recognized, to put them in place. Some invoke various risks or threats which the device we expose. I do not share their views. We are here in the heart of the fight against terrorism. Whether we keep saying that this is technically ineffective: even if we do happen to detect a single risk behavior, to avoid a single attack, we would have done useful work! Support the device and therefore stop lifting threats constantly! Not these techniques that threaten the freedoms, it is those who brandish the weapon of terrorism against freedom.

[Guillaume Larrivé](#) . Very good!

[Mr. President](#) . I now give the floor to Mr. Christian Paul, who requested it. The Minister and the rapporteur both stressed the importance of these two amendments, which is why I have departed leaving the settlement involving multiple speakers. But after this intervention and the response of the Minister of the Interior, we vote.

[Mr. Christian Paul](#) . It is necessary and desirable effect that this exchange takes place, especially as we could not discuss end of the session just now and get answers before proceeding to consideration of amendments. We are facing a matter of the utmost importance. It is rare that the *New York Times* devoted an editorial to France, and the last time it was on this text! This alone without judging the content of the article, called a thorough discussion within our Chamber. As others have said before me, we are strictly in our role as parliamentarians. We

are not trying to raise fears and irrational behavior, as could do Mr. Larrivé with his usual crusading spirit, or as Mr. Ciotti employed there permanently.

[Guillaume Larrivé](#) . Head of the sling, you're arbiter of elegance!

[Mr. Christian Paul](#) . We must look at the facts! Mr. the defense minister has engaged in a major effort to explain, what was important in this debate. As often, two objectives that we all share, the security of French and the preservation of their freedom, come into tension. We need to find how to manage this tension, particularly acute about the text. To advance the debate, I wish to share with you two questions. Mr. Defense Minister, you spoke of the capture - the choice of terms is not easy and maybe he should talk instead of collecting, processing - in real time completeness of connection data .

[Mr. President](#) . Sir, it is time to conclude.

[Mr. Christian Paul](#) . Mr. Chairman, I have not abused my time on the previous amendments. The capture of these data it is comprehensive when it comes to treatment that does not fall in time and does not require storage? In this case, it should be clear. This brings me to a second point: I am convinced from the beginning of the debate in the Committee on Laws, the only part that we have wanted to give is the purpose operations - the fight against terrorism - and, of course, the passage through the Control Commission, on which he will have to return.

[Mr. President](#) . Please enter.

[Mr. Christian Paul](#) . We do not have enough normatively framed the nature of the documents concerned and processing activities. We must do more, otherwise the breach that has been practiced on the occasion of this text will be considerable.

[Mr. President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . I want to thank all players, whatever their position. I'll try to give them some answers with regard to the

ministry which I have responsibility, in addition to what has just told excellently minister of defense. First, there is, in public debate, much hypocrisy. Internet operators hold our personal data and I am convinced that many of them use extraordinarily intrusive techniques with regard to our own lives. Thus M. Facebook asks if you are willing to be friends with lots of people you've never said it you knew. I wonder how Mr. Facebook manages to find out! You can shake your head, Ms. Attard, strong your skill and your insurance, but company officials have told me when I visited in Silicon Valley, they used these techniques. They will be in Paris on April 20 because we have a relationship of trust in order to build together a smart policy of prevention of terrorism. In short, operators have access to our personal data, and no one in this Chamber knows that they make. But this unworthy person. This poses no problem when it comes to major international trusts, which I hasten to say that some have moved their tax bases, strong and organized enough to be able to convince parliamentarians to intervene on a number of topics - they also feed on their technical knowledge, explaining that there are those who know and those who do not know. But when a State intends to prevent terrorism on the internet it is necessarily suspect pursue objectives unworthy! Well I do not agree with that. (*Applause from many benches CRS group and the UMP.*)

[Mr. Sébastien Denaja](#) . Very good!

[Mr. Bernard Cazeneuve](#) , *Minister* . There, in this presentation of things, a form submission, at least of weakness against large groups for my part I do not accept. I am a Republican and I believe that when a State proposes to mobilize resources in the fight against terrorism, it does not have to be suspected, particularly by the same people who consider it perfectly normal and logical that these groups use our personal data without any control - control that, moreover,

no one claims. I do not have the same approach. There is another point I want to stress: we can not repeat in emulation false things, nor consider, Ms. Attard, on the pretext that it's written in the newspaper, it's true. I learned at school not to believe what is there in the newspapers or in books, to exercise my critical mind and use my free conscience rather than blandly swallow blissfully and what the press says. Me, what there is in the articles, in principle I do not think so. I am a free and independent spirit, and I intend to remain so. In short, it was perhaps in *the Obs* , or in the *Petit Bessin illustrated*, but by nature and essence, I do not believe it. Finally, Mr. Tardy, you keep saying that there will be mass surveillance, we will enter the data and in conversations, it will be *Big Brother* . Well I am creating a hashtag: #NiBigNiBrother! I am quite legitimate to do and I'll tell you why. We explained the operation of two techniques that you challenge and purpose.

[Laure de La Raudière](#) . This is not true!

[Mr. Bernard Cazeneuve](#) , *Minister* . Yes. And you, Mr. Tardy, you deny the head even before we answer you. You take the floor to explain that the subject is sufficiently technical to warrant a response from the Government, and when we give it to you, accurately and honestly, you look at all this with an immeasurable contempt. This behavior is unjustifiable! Two techniques are involved: the continuous monitoring and detection of terrorist anonymous data. They are extraordinarily intrusive and do you allow to collect mass data.

This is false.Mr. Le Drian, we explained why many times; I'm going to use again. The first technique is to try to get the connection data on pre-established lists of people: this is the opposite of mass data collection. These people are known to have a particularly high risk of terrorism. Do you think the fact of proceeding by

administrative police measures on a defined list of people, the prevention of the commission of a terrorist act he falls for a mass surveillance? These devices are placed under the control of the CNCTR, the administrative judge and possibly criminal judge, if they are mobilized in contravention of the rules of the law! At any time, the CNCTR can verify that there has conformity between the technical and targeted individuals who are considered to pose a major terrorist risk!

Although these explanations have been given, in Parliament and before public opinion, it is parliamentarians who continue to consider that it is better to do nothing, and allow these terrorists to act, rather than mobilize these techniques. Under the pretext that only the judicial judge is competent to deal with these issues, it is better to intervene when acts committed in the context of legal proceedings! This is by no means the approach of the interior minister, responsible for the protection of the French. As for the detection of anonymous data, I would like to cite some very concrete cases that I faced in my Interior Minister functions - because the fight against terrorism also brings experience, skill, an experience. My intelligence services were able, through exchange of information that terrorists were carrying on the darknet to encrypted communications giving specific details on their intention to commit terrorist acts. Moreover, we know that, and this was the case in the attacks of January, terrorists use to post videos calling for terrorism and by advertising terrorist acts they have committed a multitude IP addresses are masked each other, from different posts from boxes located around the world. As interior minister, thus responsible for preventing the occurrence of acts of terrorism, when my services, including high competence, Mr. Tardy, is recognized of those who, in Parliament and the executive, are responsible to control or ensure the leadership, told me that it was possible, using algorithms to detect behaviors and to identify individuals likely to take action, well yes, I ' I wanted to use these techniques seamlessly! He's not mass sampling techniques, no, this is wrong! Instead, it is targeting techniques. It is precisely because we do not want this levy mass, we we forbid, we do light on these techniques. We use these mathematical formulas

to only take what we need on the stream. In this case, it is not the content of the conversations that interests us, but the connection data. If we are driven to want to have the content of the conversations, we have to pass before the CNCTR. If it considers that we are not legitimate to do so, it may appeal to the administrative court. If the administrative judge considers that, having done so, we have committed a criminal offense, he may apply to the courts. It is untrue to say that these techniques aim to massively collect data. It is false to say that this is done without control. It is false to say that the judge does not intervene. But I see that in the face of powerful lobbies, which have the ability to broadcast multiple messages on the internet, a truth may be, for a time, weaker than a conglomeration of lies. Facing terrorism, the risk that represents the truth implies that we are rigorous and that we explain what we do, and under your control, that of CNCTR and the judge. Given the threat to the country, the severity of which can happen, I am exasperated to see that on such a serious subject, about which we strive to bring in the greatest of sincerity, the maximum information, there may be as many amalgams, many approximations and sometimes such arrogance! *(Applause from many benches groups CBC and UMP.)*



*(Amendments identical n<sup>os</sup> 184 and 103 ground are not adopted.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 94.

[Lionel Tardy](#) . It is forbidden.

*(Amendment n ° 94, rejected by the Commission and the Government is not adopted.)*

[Mr. President](#) . The call Mr Jean-Jacques Candelier, to support the amendment ° 145.

[Mr. Jean-Jacques Candelier](#) . The new Article L. 851-3 of the Code of internal security allows, regarding sole purpose of combating terrorism, and for some people at risk for terrorism, instant access to real-time data connection, that is to say to the networks of operators. While the content of such exchanges is excluded: only a security interceptor will access. However, the scope of data that can be collected is very broad. This is indeed, according to the letter of Article L. 851-1 of the future code "of information or documents processed or preserved by their electronic communications networks or services, including technical data on the numbers of the identification subscription or connection to electronic communications services, the census of all the designated subscription numbers or a person of connection, location of terminal equipment used as well as communications with a subscriber on the list of numbers called and callers, duration and timing of communications.

"

However, as perfectly underlines the Union of Magistrates, the slip solicitation *retrospectively* from the operators to direct puncture on networks is particularly worrying that the criteria are somewhat restrictive. It is indeed required no imminent risk of terrorist action to implement this exemption modality collection.

That is why we propose this amendment limiting device this derogation to cases of imminent terrorist threat.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the amendment, which would make the device inoperative.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Unfavorable.

*(Amendment n ° 145, pushed by the Government is not adopted.)*

[Mr. President](#) . I call Ms Laure de La Raudière to support the amendment ° 105 rectified.

[Laure de La Raudière](#) . It makes it clear that those are the login data you want to recover, Mr. Minister. I'm sorry if I seem to tell lies, because it is not my goal. However, I would be reassured if you me clarify the method by which you will proceed. Will you use the technique of *deep packet inspection* to collect data? Tell us simply would reassure us. Tell us just that. I really do not want to lie, the subject is far too serious, and you have every reason to try to mobilize all means to fight against terrorism. But also acknowledge that we have the right, knowing some intrusive technologies, ask you questions. Questions that for now, have not received a response.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . For me to keep strictly to the amendment of Madame de La Raudière, it comes almost editorial manner but actually tends to undermine the letter of Article 20 of the law on military programming. Against.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Madame de La Raudière, we have already exchanged views on this issue, I do not know if you remember.

[Laure de La Raudière](#) . Oh yes!

[Mr. Bernard Cazeneuve](#) , *Minister* . When we discussed the Act of 13 November 2014 that we mentioned the issue of administrative blocking sites you've already asked me if we used the technique of PGD. I was then told the National Assembly that he was out of the question to use this technique, and I confirm it.

[Laure de La Raudière](#) . It was for the internet filtering, this is not the same.

[Mr. Bernard Cazeneuve](#) , *Minister* . I confirm what I said about tirelessly for days and weeks - but hardly the answer is that it is forgotten, and we must return; it's not that I intended in this case, Ms. La Raudière, but rather the media hubbub and uproar. We will not use this technique. It is very clear. I have already said in November and I repeat it today. We have a highly regulated process that involves taking the connection data of a target group, hence the use of anonymous data on detection. If we want to go into communications, the procedure requires us to reapply for permission to CNCTR, and this request must be highly motivated. We'll use this technique in any case of PGD.

[Mr. President](#) . Call Isabelle Attard.

[Isabelle Attard](#) . Mr. Minister, know that it is extremely shocking to be considered non-Republican, as you said, simply because I try to be constructive and to say, as we did with La Laure Raudière on Bill terrorism, what will work or will not work. Be aware, and I have repeated many times since Monday night, we are all involved in the fight against terrorism. We seek to find solutions that work and commit financial and human resources of our country in ways that will yield results. Even today, the head of the NSA admitted under oath that the generalized plays had allowed not outsmart one attack, and again. At first, he had announced a figure of percent, but under oath, he confessed that it concerned only one attack.

[Mr. Sébastien Denaja](#) . It's bad!

[Isabelle Attard](#) . Sorry to go back to that, Mr. Minister, you have challenged me on the personal data collected ...

[Mr. President](#) . Thank you to conclude, Ms Attard.

[Isabelle Attard](#) . I'll be quick, but when one is qualified non-Republican while one tries to defend individual liberties while effective, is extremely annoying. I did not make a point of order, but I could easily have. (*Exclamations on the benches of the CBC group.*)

[Sylvie Tolmont](#) . Non-Republican has not said, but arrogant!

[Isabelle Attard](#) . So you're talking, Mr. Minister, of personal data used by Facebook: I hope everyone understands that Facebook is a service, and it has access to all the data from its service! If I do not want to put my data on Facebook, I do not put them. And many French are not on social networks for this reason. It is a choice on their part. There is no widespread monitoring by Facebook, this is a choice to go! You tell us that this collection does not move anyone, but it moves many people. I submitted written questions, we talked, I asked oral questions to the Government on Amazon. And I was alone to do it. Minister, if the national police union Alliance today denounced the bill, it is because it requires resources. He begs for some cars, so the territorial information to do their job of detecting risky behavior on our territory!

[Mr. Sébastien Denaja](#) . Vote the budget with us then!

[Mr. President](#) . Ms Attard ...

[Isabelle Attard](#) . The fight against terrorism is perhaps 60,000 agents and more financial means!

[Mr. President](#) . Thank you Ms Attard. I let you go well beyond the time that was allotted to you. I call the Minister.

[Mr. Bernard Cazeneuve](#) , *Minister* . Ms Attard, I'm sorry, but it seems you are hardly aware of the debate on the Ministry of Interior budget - perhaps it was not in *Le Nouvel Observateur* ? If you were involved, you would know what was voted. It is infuriating to hear you say things that, once again, do not correspond to reality. I will bring you the proof that what you say is very far from reality. We

decided, with the Prime Minister, to significantly increase the means of territorial intelligence and the police. We created 432 jobs since the beginning of the quinquennium in the general direction of internal security. We have increased the budget of 12 million euros per year. The Prime Minister has decided to create 500 jobs in three years in the territorial intelligence. In Budget 2014, for the first time in years, we allocate 4,000 vehicles to police, a budget of € 40 million a force during the years 2014 and 2015 which was voted by the representation National. We create nearly 100 positions in the central management of the judicial police in the fight against terrorism and the operation of the Pharos platform. We create 500 in the general direction of internal security, in addition to the 432 that I already mentioned. We also create 100 more jobs within the intelligence branch of the Paris police headquarters. So when you go on topics that obviously you do not know, as I have to make the demonstration, do it at least without arrogance. Seems to have fun, but it is not funny police, no more than when you intend to theorize length of time the police violence. Believe me, given the violence they themselves are victims, that the unworthy. So let me tell you that this speech and this is unacceptable demagoguery on subjects as serious. *(Applause several benches groups CBC and UMP.)*

*(Amendment n ° 105 ground is not adopted.)*

[Mr. President](#) . Mr. Tardy, it strikes me that you have already submitted the amendment ° 22.

[Lionel Tardy](#) . Yes, Mr. Chairman.

*(Amendment n ° 22, rejected by the Commission and the Government is not adopted.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 23.

[Lionel Tardy](#) . We will probably to focus on black boxes in the following amendments, but do not overlook other authorized techniques, which are just as deserving to be studied under the microscope. Here it is question of the

collection in real time over the network. I had wondered about the concept of network stress during the discussion of the military planning law: I did not understand what that meant. In fact, this obviously means that one is seeking operators to collect data. Today, I regret this notion disappears text you are proposing. Indeed, this is a major development, as noted by the CNIL, as intelligence services, so the state can suck data directly over the network. That does not reassure me at all, especially since I read in the opinion of the CNIL - not *Le Nouvel Observateur* - that it is "likely to enable the massive and direct extraction of data by agents (...), through the laying of probes.

"

This is a real novelty and real risks of intrusion. The only guarantee, and I welcome, is that only the struggle against terrorism can justify that. But we will see that in the text, there are still six other subjects that are very different. However, I think we should restore the principle of subsidiarity and spending by operators, if only for philosophical reasons relating the role of the State, and technical reasons. It is essential to restore the principle of solicitation operators. This is a small guarantee, but necessary. This amendment therefore aims to add this real-time collection is done via the operators. The formulation is probably not optimal, but you have fully understood the purpose of this amendment which seeks to avoid a direct and massive aspiration by the State that may well not apply to terrorists, far from it.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I'm sorry but the committee rejected this amendment. First, he has not much to do with the principle of subsidiarity, contrary to what is written in his summary. Above all, the proposed statement

might seem underestimate the role that the Prime Minister should take in the organization of the device.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Unfavorable.

*(Amendment n ° 23, rejected by the Government, was not adopted.)*

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas to support the amendment ° 321.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This is a precision amendment.

*(Amendment n ° 321, accepted by the Government and passed.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 24.

[Lionel Tardy](#) . This is a simple precision amendment. We were assumed that any implementation was done with the permission of the Prime Minister. Here, the words are "under the control of the Prime Minister", which is not quite the same. To be completely clear, so I think we have to write that this is an authorization scheme.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Against. This amendment is satisfied on the merits, since the authorization is mentioned in paragraph 12 necessarily refers to a decision of the Prime Minister, who is in charge of all authorizations of this Act. In addition, by removing the word "control", the adoption of this amendment could paradoxically diminish the role of Prime Minister in the implementation of planned arrangements.

*(Amendment n ° 24, rejected by the Government, was not adopted.)*

[Mr. President](#) . I received five identical amendments, n<sup>os</sup> 25, 146, 185, 228 and 259. I call Mr. Lionel Tardy, to support Amendment n ° 25.

[Lionel Tardy](#) . With the black boxes, we arrive at one of the points ... black text. Frankly, I do not know where to start, and I shall probably not quite two minutes. I will make a list of reasons that lead me to request their removal. First, they pose a philosophical problem. As emphasized by the National Digital Council - it would listen occasionally - rely on an algorithm is a choice of dubious company. This may be appropriate to seek his vacation, but I do not see the point to target

terrorists. Then we do not know the location of these probes: will they be the core networks or interconnection points that do not see pass all traffic? It would be inefficient for traffic exchanged locally between terrorist cells. Or will they be as close as end-customers? In this case, this would imply to go reconfigure more than 50,000 devices. It is also unknown the perimeter metadata. Only IP addresses will they be involved, also the content of the addresses? This is a real issue, as recent, most relevant without doubt, are not included in the metadata processed by ISPs. The national and Community law forbids them to carry out the treatment and preservation of traffic data. The only way to get them is to set up IPR type of traffic analysis devices, very intrusive. However, the interior minister was not at all for such a solution when considering the law on terrorism because it actually engender widespread surveillance. Fourth, the impact study is very light, even silent on these points, but also the cost of all these measures - will be back just now - and intermediate compensation arrangements. Finally, again, even if only the fight against terrorism is concerned, the potentially intrusive nature of these provisions remains particularly high. I know you offer a renewable term of four months. However, the problem is not the duration, but the technique and its control. For all the reasons I have mentioned and that I have just detailed, adoption of this device would interfere with individual freedoms and digital actors. Perhaps, Mr. Minister, can you recall the IPR terms of use.



[Mr. President](#) . The call Mr Jean-Jacques Candelier, to support the amendment ° 146.

[Mr. Jean-Jacques Candelier](#) . Defended.

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 185.

[Sergio Coronado](#) . I wish to respond to the tone that have suddenly made our debates. Sometimes observed on the part of parliamentarians, including myself, blunders, abuses or even postures. But hear, when parliamentary contests certain provisions of the bill, he is not a patriot, he is not republican, he demonstrated demagogy ... This is not a way to lead the debate! We can discuss calmly, even when there is disagreement. When we ask questions as often during the evening, try to answer them. I do not pretend to be a technician, and I refuse to be elsewhere: we are parliamentarians, we are legislating for the people, in the general interest and the questions we ask are legitimate ...

[Laure de La Raudière](#) . Of course!

[Sergio Coronado](#) . ... Even when they may appear beasts. prof Son, I know that pedagogy is to repeat, repeat and repeat again, always wanting to explain and convince. You also know, Mr. Minister - one does not become minister without being able to show pedagogy at any time, even when you're a little irritated. It should find the tone which was that our debates prior to this incident, so our discussions until one in the morning and remain appeased argued. As a number of our colleagues so we suggest deleting paragraphs 14-16 . As I said earlier, Article L. 851-4 of the Code of Homeland Security opens the possibility, for the purpose of preventing terrorism, a major collection - I don ' not use the words that annoy as "massive" or "widespread." - and a data processing The fact that initially focuses on monitoring data does not allow the identification of a person, automatically processed and algorithmic, can not be a sufficient guarantee: this is the meaning of the notice has made the commission of reflection and proposals on the right and freedoms in the digital age, to which some of us, delegates by their group belong. This argument is also traditionally advanced in support of generalized surveillance, which uses algorithms that read and operate massive

data volumes.

[Mr. President](#) . I call Mr. Christian Paul, to support the amendment ° 228.

[Mr. Christian Paul](#) . On this subject, there is no good reason without passion. If there is passion, it is because the terrorist threat exists, it is extremely worrying and repeated. The fact remains that this text was conceived before the most recent attacks, as we have said many times: it is built into a long-term reflection. If there is the Passion is also because, on these issues, a great democracy has failed. The revelations that one a little quickly connects to the Snowden case, but some of which occurred before or after, have shown that a great democracy could fail. It is not ours, but it is a democracy that has a long history, a long tradition and that has lawyers, controls, regulations and parliament. At one time, this democracy has probably allowed to deploy a number of practices that have been denounced for happily. As for major platforms, minister of the interior, we're not in balance any account. Fortunately, a regulation on personal data is being prepared by the European Commission, as the issue of loyalty platforms like Google or Facebook is essential. We have not finished with the giants of informational capitalism: it is not even the beginning. It will put in place a regulation - this is another topic, but I want to mention because it is important to have in mind. The amendment I present, with several of my colleagues from the Group SRC including Patrick Bloche ...

[Lionel Tardy](#) . We do not often hear!

[Mr. Christian Paul](#) . ... And Martine Martinel, here, is to delete paragraphs 14 to 16. At this point of the debate, I feel that a number of questions were asked. I repeat what I said earlier: the completeness of the data processed ...

[Mr. President](#) . Thank you conclude, Mr. Paul ...

[Mr. Christian Paul](#) . This is an essential question, Mr. President!

[Mr. President](#) . Mr. Paul, you express you for two and a half minutes!

[Mr. Christian Paul](#) . I will, but on an issue like this ...

[Mr. President](#) . It's not up to you, Mr. Paul.

[Mr. Christian Paul](#) . In this case, Mr. Chairman, I'll stop there! I do not motiverai more my amendment!

[Mr. President](#) . Excuse me you remembered, but there was a settlement and my responsibility is to implement it.

[Mr. Christian Paul](#) . It is unbearable!

[Mr. President](#) . I call Mr Philippe Nogues, to support the amendment ° 259.

[Philippe Nogues](#) . I will try to take over: the devices Christian Paul spoke, similar to surveillance techniques that were illegally employed by the NSA, in fact legalize untargeted surveillance practice, using hardware and software operating on the basis of algorithms to filter all data flowing over networks. Article 2 opens the possibility to analyze all electronic communications in a network or server and therefore to implement a massive processing of personal data of all citizens without any reason precise. As regards the conditions of use of this surveillance technique, the CNCTR will merely an opinion to give for it to be allowed for a period of thirty days, renewable without limitation. Prevention against terrorism is a recurring mission of the intelligence services, this measure can be used almost permanently. In addition, the guarantee of anonymity is absolutely not guaranteed. Certainly, the text specifies that only the prime minister can waive anonymity in case of an established threat, but the Internet professionals point out that the combination of a small number of data sufficient to identify individuals, demonstrating the illusory nature of this protection.

[Mr. President](#) . What is the opinion of the Committee on these identical amendments?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Naturally, the committee rejected all amendments to delete clauses concerned, for two main reasons. We are legislating now taking inspiration from the 1991 Act, which was written, as has already been said, at a when no internet or mobile phones existed. However, this law is still applied and makes the services that each is recognized him. If this law was strong, it's because it was not written in accordance with a purpose. It is important that law provides the procedures for monitoring mechanisms invented it. Now the Law Commission has been scrupulous to strengthen control mechanisms everywhere. When the Government proposed this algorithm, it was not framed as seriously as we wanted: with the agreement of the Government, so we adopted amendments to ensure that the CNCTR, we spent a lot of time this afternoon -Midi to strengthen the composition and which is now consensus in the National Assembly, have permanent access to this algorithm. If the latter were to evolve, the CNCTR would know. This is what gives permissions. It is obvious that the responsibility lies with public authorities, and particularly by the Prime Minister. It can not be otherwise: since it is a tool of the state, the state must take responsibility as ministers continue to say it. Because we believe that the conditions for a effective control are met, both vis-à-vis the existing tool of possible changes, the Committee wishes that Article 2 of the bill contains clauses 14 to 16. Accordingly, the committee is against all amendments to delete them.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . In order to ensure the serenity of our debate, I want to respond to Mr. Coronado before he left - it is not so natural that seat right in this Chamber!

[Mr. Éric Ciotti](#) . We granted him asylum! (*Smiles.*)

[Sergio Coronado](#) . I was expecting just your answer, Mr. Minister!

[Mr. Bernard Cazeneuve](#) , *Minister* . There is indeed no reason to consider that those who do not think like us are not Republicans. Therefore, you also have every reason to think that there is not, on the one hand, conscious of parliamentary human rights and on the other, a government and intelligence services who want all day challenge them. You also have reason to believe that politics is an art of teaching. But to participate in debates sometimes complicated, I know that politics share this with bad faith, which, to be effective, must also be constantly repeated and repeated. I want to repeat to all parliamentarians who say that the technique we is mobilizing a mass of technical, as Mr. Nogués at the moment, I brought no ten minutes of extremely precise answers on the subject. I explained how it was not the case, how the device was targeted and what the monitoring tools. If we have not been clear enough, we can re-explain things. In any case, we have made these explanations and designed these provisions with the utmost sincerity. We can consider it in good faith, at least among us, if we take as much time to explain a measure that applies only to the fight against terrorism, it is simply because we are committed to it n 'there is not the slightest gap between the provisions of the law, the spirit in which it was written, the Government's intentions and facts that will follow the implementation of the law, that is to say the development policy implemented by the Government in this area.

[Mr. President](#) . Call Isabelle Attard.

[Isabelle Attard](#) . Mr. Minister, if we want that paragraphs 14 to 16 are deleted, because they contain provisions that we reject this bill. Anything else we should, with some adjustments - the commission has also greatly improved the text. Why do you consider then, Mr. Minister, I'm arrogant? This is not arrogance, but anxiety, and fierce desire to fight with you, by all means to thwart attacks in preparation. I commend not question the intelligence services.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Really?

[Isabelle Attard](#) . On the contrary, I want them to have the greatest possible effective means to fight against terrorism.

[Mr. Jean-Yves Le Drian](#) , *Minister* . Well here!

[Isabelle Attard](#) . That's what we're talking about: effective means helpful, the operation does not call into question the most fundamental freedoms, including the right to respect for private life. Lionel Tardy spoke earlier of detect a needle in a haystack. To find what they need, algorithms and black boxes that you are about to implement much needed to look at everything, before targeting. It is not by enlarging the size of the haystack that we will help the intelligence services. The algorithms, those famous formulas, these recipes, operate according to criteria defined by humans and on the basis of previous bombings data, so as to thwart the attacks in preparation. But they are never the same! To use the image of Mr Tardy, this is not the color of the needle that will change in the haystack, since all the attacks are different and that the processes and methods will always be different, but the form even the object that you are looking for. Today is a needle: tomorrow will be a chameleon, and after tomorrow a fork.

[Mr. President](#) . I call Mr Lionel Tardy.

[Lionel Tardy](#) . Mr. Minister, I would like you to enlighten us a little more about these black boxes.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* and [Mr Jean-Yves Le Drian](#) , *Minister* . They are not called "black boxes"!

[Lionel Tardy](#) . One has the impression that the black box is a small equipment. Or, on the side of the hosts and operators, if one wants to analyze in real time with no effect on their speed flow, are complete wardrobes, very sophisticated equipment it will install! From a technical point of view, require that outsiders can intervene in the operators: you can tell me how it goes in terms of safety. Typically, *data centers* are among the most secure equipment currently ... How will we allow an outsider access to those famous black boxes, these black cabinets? This raises real questions. These black boxes will listen at any time to all traffic for a web host or an internet service provider in order to seek potential terrorists. As I said before, for me it is a futile measure because the affected people know how to use anonymous networks like Tor or VPN to encrypt their connections and to lead elsewhere. They also know how to use - they are not stupid. - Encryption algorithms, such as PGP, likely to be considered secure. Actually, it will return to intercept digital soup, illegible! People who want to hide on the Internet networks know how to do: they do not expect, I assure you! All these questions remain unanswered. Especially as your law will be public, which means that users with terrorist aims spend elsewhere - another country, another network - in addition to the encrypted manner. You inform them that you will watch what they do. The really motivated people who want to commit an offense and who know that there is a policeman who uses a particular technique, will use the back door. All you will be capturing is the digital soup, as with the Hadopi law, but officials there did not get stuck.

[Mr. President](#) . I call Mr. Pierre Lellouche.

[Pierre Lellouche](#) . We're getting into an area that falls of future technologies, exceedingly difficult to comprehend by the legislature.

[Laure de La Raudière](#) . Indeed.

[Pierre Lellouche](#) . Whether prohibit frequency when it is manipulated by terrorists, be they regulate the world of the internet, it is always very difficult because the technology is still evolving faster than law. Several thoughts come to mind. First, I think we need to evaluate the device in time, see what he gives to use. This afternoon, we made together an effort to increase the level of control. This is a very important step forward from a universe that raises a lot of concerns among both operators and Internet users. Then we have to ask whether the Commission is effective in controlling these algorithms systems, are very complex. I wish the Government tells us how, in concrete terms, the Commission will be able to work. Will it with her expert who will be able to enlighten?

[Lionel Tardy](#) . The question was already asked.

[Pierre Lellouche](#) . This is to provide parliamentarians and judges, but by definition, we are far from experts in control flow encrypted on the Internet. In short, we have increased the level of control. Let us, therefore, that it works. Another note: foreign states that have implemented such systems have not been spared and have nevertheless suffered attacks, including the United States.

[Lionel Tardy](#) . Of course.

[Pierre Lellouche](#) . The effectiveness of surveillance systems is extraordinarily low. In short, it would be desirable to provide some sort of device review clause to assess the effectiveness of control and see if it serves a purpose. I suspect, minister of defense, that this complex and costly system will not help you in any way.

[Mr. President](#) . Mr. Lellouche ...



[Pierre Lellouche](#) . I conclude, Mr. Chairman, repeating that all terrorist attacks we have suffered in our land or that occurred in neighboring countries were committed by people already identified.

[Lionel Tardy](#) . Of course.

[Mr. President](#) . The call Mr Eric Ciotti.

[Mr. Éric Ciotti](#) . Ms Attard said that the police union Alliance was opposed to this text. As I like to check the information, I met with the deputy secretary general of the union ...

[Pascal Popelin](#) . Through a direct line! (*Smiles.*)

[Mr. Éric Ciotti](#) . ... That allows me also to indicate the position of this union training, the first in the national police. He said the text would better secure police work. Ms Attard, you have delivered a few technical demonstrations. If they are as relevant as your political stances, it is doubtful your argument.

[Mr. President](#) . I call Mr. Charles La Verpillière.

[Charles La Verpillière](#) . For my part, I will not vote these identical amendments. I understand that the process we are talking about is a profiling which, by crossing several criteria to detect suspicious behavior. This profiling or device seems effective. If it can detect even just one threat, its effectiveness is proved. Secondly, this process seems sufficiently attended by safeguards, of course with the intervention of the National Control Commission, but above in this case, the fact that there are two levels of decision chronologically: First, the decision to use the device, which must be able to detect the threat, then a new decision to proceed with the identification of responsible for the threats. Last point: Éric Ciotti and Guillaume Larrivé have clearly demonstrated, we are facing a very serious terrorist threat akin against us to a state of war. In a war, when several categories with an arsenal of weapons, it can not be deprived of any of them. That is why I will not vote these amendments.

[Mr. President](#) . The call Mr Patrick Bloche.

[Mr. Patrick Bloche](#) . I have one question, which reflects my concern, shared by a number of parliamentarians here tonight. That could become the provisions of Articles 14 to 16, concerning the black boxes in the hands of a government that would not be as republican as concerned civil liberties and personal data protection as that responsibilities in France today?

[Mr. Christian Paul](#) . Good question.

[Mr. President](#) . I call the Minister.

[Mr. Jean-Yves Le Drian](#) , *Minister* . On the issue of algorithms, I exposed all the guarantees proposed to bring the Government, accompanied by additional elements related to the discussions we had with the hosts and operators today, which will be the subject to amendment. Mr Lellouche, the device will be evaluated in three years, including verifying the proper operation of the CNCTR well as evaluation and monitoring algorithms running. Mr. Bloche I established earlier a list of eight safeguards to avoid condemnable political adventure as you dread.

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Mr. Bloche, technology exists, we do not invent. We try to create a standard to protect the rule of law in the use of these techniques. By strengthening the legal framework that we avoid the diverting techniques that exist.

*(Identical amendments n<sup>os</sup> 25, 146, 185, 228 and 259 are not adopted.)*

[Mr. President](#) . Colleagues, you require dispassionate and useful debates. I freed the Regulation to allow many speakers to speak on this series of amendments, instead of only two interventions, one for and one against. Given the importance of this text and the involvement of each of you, it was my duty to do so but I do not wish that every following amendment is the subject of ten interventions, which sometimes have to moreover nothing to do with the subject. I invite you to

streamline your operations, otherwise I will return to the strict application of the regulation. I call Ms Laure de La Raudière, to support Amendment n ° 104.

[Laure de La Raudière](#) . This amendment is of the same nature as the previous and for the deletion of the device "black boxes". We still have some questions to ask you, Mr. Minister. You quoted profiling algorithms that exist in Internet giants. I hope this is not the algorithms of this nature you used, because we are all aware that they are not very efficient: it offers friends who do not necessarily match your profile! It offers many of you, so there inevitably has errors! The algorithms available for profiling are not sufficiently efficient compared to the material you're targeting, that is to say the fight against terrorism. It is not to buy shoes or clothes! The comparison that you established earlier would therefore seem to me very appropriate. It would therefore be useful for you to clarify what type of algorithm you will use to have more efficient algorithms than those that can buy the giants of Internet. While the latter could better target the deals they offer, they would not hesitate to do so! And, as you know, these are the most powerful capital-intensive companies in the world that are able to afford the best engineering database analysis ... The effectiveness of the algorithms is a real question. We have concerns in this regard in relation to the infringement of individual liberties. If these algorithms are not effective, it does not worth to talk about in the law and raise many questions among the public.

[Pierre Lellouche](#) . Very good.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the amendment. Madame de La Raudière explained that she was against the algorithm. I have no other argument than to say that we are opposed to the principle of this

amendment to the extent that the National Assembly has just refused to remove the algorithm.

*(Amendment n° 104, pushed by the Government is not adopted.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 26.

[Lionel Tardy](#) . Amendment downturn. Given the potentially intrusive nature of the black boxes have to get out the big guns and go through the assent of CNCTR for identification. This would mean that the prime minister could override a negative opinion. If there is a good device for which this assent is required is one. That would reassure a minimum. This is the meaning of my amendment.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the amendment. We spent an hour on this Monday, and one hour on Tuesday. This is perhaps not worth board an hour to say that we are against the fact that the administrative authority has the power to decide. It is the prerogative of the executive.

*(Amendment n° 26, rejected by the Government, was not adopted.)*

[Mr. President](#) . I call the Minister to support the amendment ° 382.

[Mr. Jean-Yves Le Drian](#) , *Minister* . This amendment aims to dispel concerns that might still exist in relation to this device after all the explanations we've made there a moment, the interior minister and myself. As in the ordinary the use of information technology, the Prime Minister's authorization is granted for four months. The device may not be reused until the review and assessment of its usefulness. More generally, the Government will deposit endnotes an amendment to a fixed term until the end of 2018, in the detection device algorithm . This will ensure that it is a useful device that does not bear a disproportionate infringement of civil liberties as has been heard in several interventions and publications. I confirms what I said earlier in my opening remarks about the algorithms.

*(Amendment n ° 382, accepted by the committee, was adopted.)*

[Mr. President](#) . I have Amendment n ° 437 which is the subject of several sub-amendments, our 443, 441 and 442. I call the Minister of Interior, to support the amendment.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . As I have already indicated, we received, with Mr. and Mrs. Emmanuel Macron Axelle Lemaire, representatives of leading French hosting of websites, which have shared their concerns on certain aspects of the bill on intelligence . The Government, as you know, is particularly committed to supporting the competitiveness of a growing sector, which creates jobs in our country. Nothing in this project hinders the development of these strategic companies and we do not wish in any way degrade the strong confidence that their credit the customers. The hosts, which we explained what the spirit of this law and the provisions that Specifically we were taking to manage activity of the intelligence services and technical - for such is the primary objective of this legislation - indicated what their concerns at the end of what we wanted to propose an amendment that allows . to further strengthen the guarantees offered by this text to ensure control of the activity of the intelligence services , this amendment provides an additional guarantee - we have already given a lot and still give as much as necessary to reassure each on the fact that there is no mass surveillance, but only highly targeted devices that apply the rest to the fight against terrorism. The amendment basically states three points. First, the technique will be subject to the principle of proportionality and necessity, which is already in the law. Supervision on anonymous data will be made only on the processing of data strictly necessary for the detection of terrorist threats. This is already in the text, but the amendment clarifies, strengthens it and repeat. Secondly, operators who wish may themselves, as they have requested, separate the metadata content, to ensure themselves that the contents will not be subject to this detection mode. Emergency procedures will not apply this technique intelligence. These guarantees are additional to those already set out by the text. The use of the device will be, I repeat, strictly limited to the purpose

of the prevention of terrorism, as explicitly provided for, from the beginning, the initial draft of the Government. In addition, other amendments provide that the Government the device will be the subject of an experiment until 2018, after which time it will be Parliament, on the basis of a concrete assessment of this system, maintain it or not, as announced Monday the Prime Minister.

Authorization to use an algorithm will be valid for a renewable four months, which will provide the CNCTR the opportunity to comment regularly on the proportionality of the device to its counter-terrorism purposes. Third, the CNCTR may be seized by ARCEP, particularly if there are questions about the effect of the device on the operation of networks. Moreover, the devices will be implemented in consultation with all operators - and I stress this -, As is already the case in the judicial context or, for example, for security interceptions As already indicated just now Mr Le Drian, this text aims to better protect the French, secure legally intelligence services practices and exercise them in the mobilization framework techniques, a very powerful control, both administrative, judicial and parliamentary. This amendment is likely to further strengthen the power of the control system that we put in place.

[Mr. President](#) . I call Mr Sergio Coronado, to support the sub-amendment ° 443.  
Mr. Coronado, you can defend your sub-amendment ° 442.

[Sergio Coronado](#) . I'll start with my sub-amendment ° 442. Article L. 861-3 is derived from Article L. 242-9 of the Code of Homeland Security, which states:  
"The physical operations necessary for the establishment interceptions in premises and facilities of departments or agencies under the authority or the authority of the Minister responsible for electronic communications networks or operators or telecommunications service providers can only be carried out by order of the Minister responsible for electronic communications or especially by order of the person delegated by him, by qualified agents of these services, organizations, operators and suppliers in their respective facilities.

"

It focuses only on the development of treatments, while in the summary statement of the Government's amendment states that "Operators have the opportunity and the precise reference to Article L. 861-3 of the Code internal security, to ensure themselves that the content data will be excluded from the implementation of these treatments. "It is therefore to harmonize the amendments with his summary.

[Mr. President](#) . I call Mr Lionel Tardy, to support the sub-amendment ° 441.

[Lionel Tardy](#) . Mr. Chairman, I wish also to express myself on the amendment of the Government.

[Mr. President](#) . I propose to present your amendment. You can also discuss the amendment of the Government.

[Lionel Tardy](#) . Let us try to find solutions now, otherwise you will have to meet again at Bercy hosts. This is to ensure that only the metadata will be collected, especially not content or navigation data. The sub-amendment is to explicitly define the limits of metadata - connection, location, terminal identification - referring, in addition to what is provided in Article L. 34-1 of the code of postal and electronic communications. Note that I am referring to VI of this article, which is not specified in the amendment, because it is an administrative procedure and the right of communication is based on express reference to the article. This reference is useful because the article in question states that these data "can not in any way relate to the content of the exchanged correspondences or information accessed in any form whatsoever, in the course of these communications" and that " The operators take all measures to prevent the use of these data for purposes other than those provided in this section. "This is exactly what you want and what it takes. Only the adoption of these sub-amendments and all these cumulative criteria will ensure that the content data are excluded.

[Mr. President](#) . The sub-amendment n ° 442 has already been defended. What is the opinion of the Committee on the amendment of the Government and on all three sub-amendments?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The Commission has, of course, unable to examine the amendment of the Government, which was filed in the day - although we understand the reasons because it proceeds from a meeting held today between the Government and hosts, so therefore it was physically impossible for the commission to analyze it. Given the arguments of the Minister, the rapporteur gives a favorable opinion, as this amendment was intended that indicate that the Prime Minister will guarantee a particular technical field, as operators will be able to ensure themselves that the content data will be excluded and that the emergency procedure does not apply. I do not see why we would oppose this amendment. However I issue a negative opinion on the sub-



amendment n<sup>o</sup> 442, because we must not transform the roles in monitoring. In this bill, in fact, the control is the CNCTR: ask whether they are operators and people who can monitor the implementation of treatment is contrary to the spirit of the text. The other two sub amendments n<sup>os</sup> 443 and 441, which have the same object, their appreciation does not seem obvious. Unfavorable opinion, then.

[Mr. President](#) . What is the opinion of the Government on the three sub-amendments? Who, of the minister of the interior or Ms. Keeper gives this advice?

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior* . Against.

[Mr. President](#) . I call Mr Lionel Tardy.

[Lionel Tardy](#) . Amendment n<sup>o</sup> 437 of the Government is surreal. In committee, you had been alerted to the problems of the black boxes, which I just mentioned.

[Mr. Jean-Yves Le Drian](#) , *Minister* . There are no black boxes!

[Lionel Tardy](#) . Then it took a petition on the Internet and hosts threaten to relocate to whether received in emergency today at Bercy and you agree to make a move. Mr. Minister, I welcome this move, but I sincerely doubt of its reality and I will now endeavor to decrypt your amendment. On what you present as three developments, one is real: that the procedure for absolute urgency - which requires no notice of CNCTR - is not applicable to the device, nor the operational urgency, which we will discuss shortly. For the other two, you say that the Prime Minister's authorization respect the principle of proportionality and specify the technical field. That does not say much, and furthermore, these are just words. Your rapporteur, while you said in section 1<sup>st</sup> as proportionality flowed naturally, you mention again here. Furthermore, the black boxes were already limited to the fight against terrorism: nothing new, then, about that. I pass

on the second sentence, which was already included in the original text. Then you say that operators can ensure themselves of proportionality. Pardon my frankness, but it is totally wrong: the future Article L. 861-3 absolutely did not say that, but the installation must be made by agents authorized by the Prime Minister. To pretend anything else would be a lie. . Here again, therefore, nothing new I'm sorry, but apart from the removal of urgency - which I welcome, but that is only a minor not - all problems remain. These provisions remain in Franco-French bonds. The best guarantee would assent of CNCTR, as I have suggested. This amendment can not reasonably reassuring one - neither hosts nor I - on the device. I am therefore opposed.

[Mr. President](#) . Call Isabelle Attard.

[Isabelle Attard](#) . With this amendment n ° 437 of the Government, who has just arrived, it's almost worse than before, since you ask, in short, that the hosts themselves install this device, thus becoming - stop me if you can I understand it - Auxiliary intelligence, while still having no control of the algorithm. The argument that there is no violation of privacy, also used by the NSA, is wrong. Then I would like you to answer a very specific question: by introducing the mechanism of black boxes and algorithms How do you make sure that in the very near future, these black boxes will not be pirated? Indeed I fear that this piracy takes place. This is fine to ask in protecting our privacy and individual freedoms,

as you have done, along with other ministers, for several days, but if there is piracy - perhaps I should say instead: "when there is piracy" - these data, which should only be used by benevolent people of the CNCTR or our intelligence services, who know how their work one day fall into the hands of people who, themselves, will not be benevolent. Perhaps you already work your services on this issue. How do you avoid future hacking these black boxes?

*(Subamendments n<sup>os</sup> 443, 441 and 442, successively put to the vote, are not adopted.)*

*(Amendment n<sup>o</sup> 437 passed.)*

[Mr. President](#) . The call Mr Jean-Jacques Candelier, to support the amendment n<sup>o</sup> 147.

[Mr. Jean-Jacques Candelier](#) . This is a decline of amendment, which follows our amendment n<sup>o</sup> 146 of deletion of new article L. 851-4. The mechanism provided for this article is an affront to individual freedoms of many people, indiscriminately and simultaneously. However, as rightly stresses the Union of Magistrates, provided that such measures are doomed to maintain surveillance of suspected terrorists, the opening of a judicial inquiry is necessary. This is particularly the case when a terrorist threat is revealed. At the risk of attracting the ministerial wrath, I will go to the end, we propose to add to the legal framework establishing a control by the judiciary.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unsurprisingly, the commission advised against the amendment because, from the beginning, we said that we are in the area of administrative police and therefore should avoid confusion with the judicial police.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *minister of defense* . Agrees.

*(Amendment n<sup>o</sup> 147 is not passed.)*

[Mr. President](#) . I call Mr. Denys Robiliard to support the amendment ° 284.

[Mr. Denys Robiliard](#) . If I may, Mr. Chairman, I will defend at the same time the amendment 285, because the two are related. I'll start with an explanation - but you can contradict me, Mr. Minister, if I do not have understand the system -: reading the three paragraphs of Article L. 851-4, which we are discussing, I understand, by analogy with the operation of the water treatment plant in my town, there has a filter. In Blois, Loire water first passes through a filter containing bacteria and then, in case of abnormal pollution, luminescence appears and the plant stops. I do not develop following treatment because that would advertise for wine! The algorithm, which operates minimal processing on a set of communications, acts as a filter. People are not identified; only the elements for identifying a potential terrorist are detected. The massive data processing on operators not, however, allows intelligence services to access the system. I would like this to be confirmed: do we understand or not? Only in a second time if a threat is revealed, that the prime minister is the opinion of the National Control Commission technical intelligence . At first, the filter is general; then, in case of emergency, we will look for the data. That's how at least I understand the first and second paragraphs. I admit that I question the timing is seeking the opinion of the National Control Commission. I feel that this notice is not prior since, when Prime Minister - or one of the persons delegated by him - decided to use the technique, it may, after consulting the Committee, the impose on operators and implementation. It is only when the Commission has time, as I understand it, she advises and makes recommendations. Does prior or not? I just want a clarification on the operation of this relatively complex system, including the way it is presented in this article. Depending on your answer, I will show you whether or not I maintain my amendment.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Both amendments n<sup>os</sup> 284 and 285 were beyond the questions posed by Denys Robiliard on the assent. On this point, the opinion of the committee is against. As to when the notice comes from the point of view of the Committee, the notice being previously, it intervenes before the device is imposed.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . The rapporteur has brought the explanations, I will be brief: the control and reference to CNCTR occur before, during and after. We can not be clearer! If an algorithm changes the meantime, it is resubmitted to the CNCTR for advice before being implemented and before the Prime Minister makes a decision. I have already given all the necessary explanations about it just now. I would add that, in the words of one and the other, a phrase keeps coming: from the "black box". But there is no "black box"! There is greater transparency by web hosts and by operators in the implementation of the devices that we have voted there for a moment.

[Lionel Tardy](#) . It is known that there is in the black box!

[Mr. President](#) . I call Mr. Denys Robiliard.

[Mr. Denys Robiliard](#) . I explained at length yesterday: so I will not go back on it, not intending that it spends an hour. Assent - to request compliance makes sense since the opinion is pre - seemed useful and protective. The system I have described seems to me not contradicted by what you said. Also, I never talked about "black box"! I just spoke with a filter.

[Mr. Jean-Yves Le Drian](#) , *Minister* . I did not say it for you!

[Mr. Denys Robiliard](#) . I maintain that in terms of security for each of the people likely to use the internet, the system assent seems better, more protective of liberties; I add that if the notice is preliminary and needs to be consistent, I'm sure that the necessary resources will, in time, be made available to the CNCTR. I'm afraid if we do not give him all necessary means to these controls.

[Lionel Tardy](#) . Very much so!

*(Amendment n ° 284 is not passed.)*

[Mr. President](#) . Mr. Robiliard, you already defended the amendment ° 285. Did you withdraw?

[Mr. Denys Robiliard](#) . It is removed.

*(Amendment n ° 285 is removed.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 27.

[Lionel Tardy](#) . The amendment aims to provide a solution to a very difficult but very interesting problem, raised by Jean-Marie Delarue. It provides in substance that the CNCTR also has access to the device once it is running. The CNCTR could in principle observe and control the operation. But it is dependent on information provided by the services of such a mechanism and that it works. It therefore has no view of the device, the "black box" itself: its control is therefore only partial. This flaw was corrected in part by Law Committee, I greet: the CNCTR have permanent access to the device and will issue an opinion on him as well as the criteria of the files. This is a first step but an aspect has been forgotten: if the device is modified along the way, the CNCTR certainly has a permanent, but it can not issue an opinion. Amendment ° 27 proposes that the assent procedure is worth while creating but also at each modification of the device and automatic processing criteria to detect potential terrorists.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I do not understand the amendment tabled by our colleague Tardy and I fear that his explanation did come again confuse his own text. According to the second sentence of paragraph 16, the Commission "has permanent access to them, is informed of any change made

and can make recommendations. "I do not see what you offer more I fear that you have read the text in the version prior to the amendment made by the Law Commission. The opinion is unfavorable.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Agrees.

*(Amendment n ° 27 is not adopted.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 413.

[Lionel Tardy](#) . This is a new dark spot on the collection of information by the special equipment. Much has been made of the IMSI-catchers, these false antennae for sensing data related to terminals; but in fact, this part applies to all devices for recording, capture. It's very subtle because the IMSI-catcher 3G or 4G can not collect much, except the references of terminals. In fact, it is even much broader than that: unless I am mistaken, the Article 226-3 of the Criminal Code to which reference is made refer to various devices to intercept correspondence, conversation recordings and computer data records. You see that all this is not just about terminals and IMSI-catchers; this is one of the few points on which the original text was more protective. I did not understand the reasons for the extension, given the intrusive nature of the devices in question. This amendment proposes to return to the initial text by stipulating that only the connection can be collected technical data strictly necessary for the identification a terminal equipment or subscriber number of the user, and the technical data relating to the location of the terminal equipment used. Indeed, this limitation of the data is beneficial because it also limits the list of devices that can be used through this particular article.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable opinion since the committee discussed at length this tool - we also disagree on this aspect with the Government, which intends to raise this point again just now. We have indeed

considered Article to establish such provisions had no place to be, precisely because the law was likely to be struck fairly quickly lapse due to technological change. It seemed more interesting to deal with these devices to the purposes they develop. We have therefore reinstated items each time the purpose was concerned. In terms of security interceptions, both made using an IMSI-catcher or any other tool, what interests us, it is the security interceptions. It is the same in terms of collecting data connection: no matter the tool, it is the purpose that matters. Similarly, access to content, regardless of the tool, it is the purpose that counts. That's why we removed the device: we have re-introduced whenever necessary, because we legislate according to the goals and not technological advances. Negative opinion on your amendment.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Mr. Tardy actually proposes to restore the original version of the text of the Government. But the Government is keen to co-produce this text with Parliament; or a device was found in the committee, which the government decided to rally.

*(Amendment n ° 413 is not passed.)*

[Mr. President](#) . I received two amendments, n<sup>os</sup> 186 and 28, may be subject to a joint discussion. I call Mr Sergio Coronado, to support Amendment n ° 186.

[Sergio Coronado](#) . We will focus on the text resulting from the work of the commission. In the mind instantly recalled by the rapporteur, it is to circumscribe the authorization of certain intelligence gathering techniques, the most intrusive in any case certain purposes. On the model of what has been done in committee, this amendment proposes that the techniques of the most intrusive intelligence gathering meet perfectly circumscribed purposes. They are: national



independence; territorial integrity and national defense; the prevention of terrorism; the prevention of crime and organized crime and the prevention of proliferation of weapons of mass destruction. The relevant techniques would be the use of the IMSI-catcher and technical devices nearby, geolocation and interception of electronic correspondence . These intelligence techniques are highly intrusive: even the minister acknowledged. It is therefore legitimate that they are used for specific purposes that I mentioned.

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 28.

[Lionel Tardy](#) . With these devices, we are dealing with very intrusive tools, especially since it will be very difficult not to embark together people from the data that is suspected of anything. For other intrusive devices, namely the black boxes and the real-time collection, you took care to specify that only the struggle against terrorism was concerned. We must do the same here: it will be a lesser evil, and if, as you claim, this targeting of reasons is really effective, the risk of intrusion will be limited - more than what you offer here. The meaning of my amendment is to limit the fight against terrorism.

[Mr. President](#) . What is the opinion of the Committee on these two amendments in a joint debate?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We have absolute discrepancy with the two amendments which have been defended: we offer globally frame the devices to the purposes. Once we have a strict framework, extremely protective - in contrast to what had been written before; we discussed at length on this point - there is no reason to restrict the purposes. We must allow our services flexibility in use since the control is guaranteed.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendments n<sup>os</sup> 186 and 28, successively put to the vote, are not adopted.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 29.

[Lionel Tardy](#) . Regarding the collection on the network, I could not see what document we could talk; but now I see even less! You continue to talk about "documents": this is very strange! If one reads well, the technical features mentioned in point 1 of Article 226-3 of the Criminal Code concern only the fact to intercept, divert, use or disclosure of correspondence sent, transmitted or received electronically; the fact of receiving, recording or transmitting, without the consent of their author, the words spoken in a private or confidential; By accessing anywhere to computer data, save them, preserve and transmit them as they are displayed on a screen. Again, where are the documents? I only see the data. In addition, I repeat, because this happened relatively unnoticed, IMSI-catchers that are not only concerned the list is much broader. In principle, only data connections are concerned. It is anticipated that the initial text, but you get lost. Any concern is that the data list is not exhaustive set, and I said just now. We must therefore regulate this collection to the fullest and eliminate what can be, namely documents.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Mr. Tardy offered us four times the same amendment we have postponed four times and we will push the fifth time since we consider that the Decree of December 24, 2014, made under the law on military programming, lifted all who had any fears could then be formulated.

[Lionel Tardy](#) . We still have no answer!

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 29 is not adopted.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 187.

[Sergio Coronado](#) . This amendment proposes that the IMSI-catchers are subject to prior approval of the CNCTR before being used by the services. You know, a wide variety of devices exist, some of which can be particularly intrusive or detrimental to the privacy of citizens. The purpose of this amendment is twofold: first, to ensure that the devices used are not more detrimental to secrecy of correspondence as necessary and then ensure that traceability functions are well deployed on these devices to monitor the captured data.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfortunately, the Commission gave an unfavorable opinion, since the precision seems unnecessary: a commission exists, that provided for in Article L. 226-2 of the penal code, which is responsible for all matters of this type. There is no need to create a new one.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 187 is not passed.)*

[Mr. President](#) . I received three amendments, n<sup>os</sup> 357, 30 and 188, can be subject to joint discussion. Amendments n<sup>os</sup> 30 and 188 are identical. I call Mr Pascal Popelin, to support Amendment n ° 357 .

[Pascal Popelin](#) . We had not gone after the discussion of timing issues during consideration of the text in committee. That is why we adopted last night from a suggestion from CBC group that I have had the honor to present an amendment on the time of retention of information collected as part of devices in the Article 1<sup>st</sup> . This amendment aims to harmonize the time to allow intelligence services to discriminate the data collected by means of a safety device, passing from 30 to 90 days. I said that the time limit is one the lowest in Europe: in Germany, where all this already exists, the legislation sets the deadline to six months. I also want to indicate that duplication of data, since part in question the services are not

allowed to collect as connection technical data and do not have access to content, the overlap, I said, is time. Furthermore, in the context of complex spinning of individuals trained in against-spinning techniques, it is impossible to make a quick cross without exposing agents or reveal the surveillance. Finally, I recall that the use of these techniques is strictly regulated, President Urvoas just recalled, to ensure the integrity of their use. We also propose to strengthen this framework in an amendment that will be called right after them.

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 30.

[Lionel Tardy](#) . You certainly will not be surprised, I think the opposite: the big risk is that interceptions involve people who have nothing to do with intelligence purposes. Or the text specifies that the information collected will be destroyed once it appears that they are not related to the implementation of authorization within 30 days. I'm sorry for me, 30 days c ' is too long. It's the same shelf life as for security intercepts which themselves relate to targeted individuals. We must therefore reduce the shelf life and that destruction is the fastest possible. My amendment is to reduce the period from 30 to 10 day period.

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 188.

[Sergio Coronado](#) . We had this debate in committee, and had again yesterday. We are opposed to the extension of deadlines. As our colleague Tardy, we find that a 30-day shelf life is extremely long and we want to reduce it to 10. But I

guess after longer delays voted yesterday, the Assembly will do the same tonight

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The commission was more sensitive to the arguments of Pascal Popelin as those of Lionel Tardy or Sergio Coronado. So we gave a favorable opinion on the amendment n° 357.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n° 357 is adopted. Therefore, the amendments n°s 30 and 188 fell.)*

[Mr. President](#) . I received two identical amendments, n°s 358 and 395. The call Mr Pascal Popelin, to support Amendment n° 358.

[Pascal Popelin](#) . As much must Intelligence techniques can be used effectively, so their use must be perfectly framed. To strengthen that framework, my amendment provides that nearby devices, in addition to being entered in a special register controlled by CNCTR, are subject to a quota limiting their simultaneous, in the image of what is practice security interception.

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment n° 395.

[Sergio Coronado](#) . I welcome the work of the environmental group sometimes inspires the CBC group. I will not repeat the defense that was brilliantly done and I guess Mr. Popelin having a greater power of conviction that we, as recalled by the rapporteur, the two amendments will receive a favorable opinion.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I do not know who inspired whom, but as shown by the sequence numbers, the amendment of the SRC group arrived before that of the environmentalist group. But in this case, intelligence is mutual and shared profits, since the Commission gave a favorable opinion on two amendments.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Identical amendments n<sup>os</sup> 8 and 35 395 were approved.)*

[Mr. President](#) . I have Amendment n<sup>o</sup> 380 second correction which is the subject of a sub-amendment n<sup>o</sup> 412. I call the Minister to support the amendment.

[Mr. Bernard Cazeneuve](#) , *Minister* . We had several discussions on this subject. To put it simply, this amendment seeks to restore the operational urgency. You remember that there was a discussion on this subject with the rapporteur, who proposed to provide only one emergency system by merging the extreme urgency and operational emergency. Last night I had the opportunity to say why it was necessary to distinguish one from the other and why we need a special device to operational urgency. Therefore this amendment, in the continuity of discussions we had yesterday, helps to redress this regime.

[Mr. President](#) . I call Mr Lionel Tardy, to support the sub-amendment n<sup>o</sup> 412.

[Lionel Tardy](#) . Here is the second emergency regime, the worst in my eyes: the operational urgency. It's strange, but an emergency is more urgent than the other! I say it is the worst of both systems, not only because it zaps the opinion of the CNCTR but also the Prime Minister's authorization . If I understand correctly, the officers decide alone: the entire architecture of the procedure is upset. It is under imminent threat, to prevent risks, but guarantees are possible. Here is what Mr. Delarue to the news agency AEF this emergency plan, a perspective that I share completely ...

[Pascal Popelin](#) . Mr. Tardy is not able to think for himself!

[Lionel Tardy](#) . There are specialists! I do not read *L'Observateur* , I listen to the experts. And Mr. Delarue is not anyone. This is what he said: "Certainly, the technique should be regularized within forty-eight hours, but in the investigation, is a lot. It may well be that a service puts a tag removes it within forty-eight and not even demand regularization. I am in favor of giving wide latitude to work the intelligence services, but if a service can carry out acts of investigation alone,

without reference to anyone for some time, we are no longer in the desired balance. The text makes it possible for services to be for a specific time that they want, including the knowledge of their own minister. So even if you offer to spend forty-eight to twenty-four hours is good but the problem remains and it is not for nothing that the rapporteur had deleted the emergency commission.

"

*At the very least*, to answer questions from Mr Delarue, I propose once again to add that the transcripts of the data collected under this Article are transmitted to the CNCTR, which ensures necessary and proportionate use of the scheme emergency. Just as twenty-four hours, would an advanced light but necessary.

[Mr. President](#) . What is the opinion of the Government on the sub-amendment?

[Mr. Bernard Cazeneuve](#) , *Minister* . What the text says is not what Mr. Delarue.

Now we discuss the text and not to what Mr. Delarue person also quite respectable - and I want the fullest account of what he said.

[Eduardo Rihan Cypel](#) . Very good. There are material to a *tweet* ...

[Mr. Bernard Cazeneuve](#) , *Minister* . But we do not vote the comments of Mr.

Delarue: we vote a text. What does this? When we are in an operational emergency, the service immediately inform the Prime Minister and the CNCTR. This is not because the CNCTR is not in a position to decide immediately that it is not informed. First answer: when you are in an emergency situation and it is not possible CNCTR to react, it is informed immediately, as the Government, the use of such a technique. Since you said that everything would be done in the back of the Prime Minister, know that it can at any time request the interruption of use of this technique. Furthermore, the service is obliged to pass within twenty-four one very specific document on how it mobilized and the elements that led to action. We therefore find ourselves in a situation where the CNCTR and Prime Minister are notified immediately, where Prime Minister may discontinue at any time the use of this technique and where, within twenty-four hours after its

implementation, the service is obliged to transmit very detailed evidence the CNCTR.

[Mr. President](#) . What is the opinion of the Committee on the amendment of the Government and on the sub-amendment?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The sub-amendment of Mr. Tardy received an unfavorable opinion of the CNCTR ...

[Pascal Popelin](#) . You see already the chair! (*Smiles.*)

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . ... Of the Committee, I apologize, because the transcription of the data collected did not seem to us a very clear concept. Indeed, we consider that the article is about geolocation in real time or by tag. Concretely, that realization did not appear prominently in the commission gave an unfavorable opinion. However, the amendment of the Government was accepted by the committee. It defines what will be tomorrow operational emergency that will be the implementation of geolocation in real time by connecting data, including through technical means as provided for in Article 226-3 of the Criminal Code, and geolocation tag.

*(Subamendment n ° 412 is not passed.)*

*(Amendment n ° 380 second correction adopted.)*

[Mr. President](#) . The call Mr Jean-Jacques Candelier, to support the amendment ° 148.

[Mr. Jean-Jacques Candelier](#) . Article L. 852-1 of the Code of Homeland Security provides the possibility to intercept correspondence transmitted electronically and may reveal information entering the aims mentioned in Article L. 811-3. The field Security interceptions, governed by the 1991 Act which refers to "public interest" listed in the new Article L. 811-3, has expanded considerably. Moreover, as



rightly said Mr. Jean-Marie Delarue, President of the National Security interceptions Control Commission, the 1991 Act provides that the use of this technique can be made only "exceptionally". Now these words are not in the bill. Security interceptions therefore fall within the normal framework of an administrative police investigation. For me, this is not acceptable. That is why we propose this amendment to include in the text the exceptional nature of security interceptions, in accordance with the 1991 Act.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Against.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Against.

*(Amendment n ° 148 is not passed.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 43.

[Sergio Coronado](#) . I will defend it, in fact, and I regret that my colleague did in Popelin is not inspired, because we had also tabled in committee, Mr. Reporter ... This amendment clarifies that security interceptions are possible when the information can not be collected by other means, legally authorized. The withdrawal of the subsidiarity principle enshrined in the 1991 law seems to be an important setback.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I have already had occasion to say, we do not want the CNCTR be the judge of subsidiarity, which was not explicitly provided for in the 1991 Act The amendment was rejected by the commission.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Against.

*(Amendment n ° 43 is not adopted.)*

[Mr. President](#) . The call Mr Jean-Jacques Candelier, to support the amendment ° 149.

[Mr. Jean-Jacques Candelier](#) . The new Article L. 852-1 of the Code of Homeland Security conducts a dangerous extension of "targets" interception of correspondence transmitted by electronic communication. This article provides the ability to track people belonging to the entourage of a person affected by the measure which, intentionally or not, are likely to play an intermediary role on behalf of the latter. The terms "owned entourage "and" likely to play an intermediary role "are particularly vague and extensive. This is to allow placement on listening to a person close to the ground, for example, that they could use his phone. This device thus trivializes the monitoring of people who have nothing to do with the investigation. Note that the CNIL, in its opinion of 5 March, expressed reservations on this point and the President of the CNCIS, meanwhile he emphasized the risk of overextension of the population covered by these techniques. This monitoring, particularly intrusive, seeks to circumvent the law of the CNCIS which requires that there is a direct link between the person placed on listening and interest to be protected. For all these reasons, we propose deleting the second sentence of paragraph 35.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . All our interlocutors, in the long list of those we interviewed, ensured understand the need for intelligence services to have means of intervention but, over the talks, limited the opportunities that might be available to them. We always end up not reaching this question: you want the services to be effective, but what means give them exactly do you want? A spot however was unanimous: the extension of security intercepts the entourage possibility that Mr. Candelier proposes to delete. The Commission therefore gave

an unfavorable opinion on the amendment. I would add that the 1991 law allowed to listen to the entourage. It is thanks to this that the jurisprudence of the CNCIS evolved. Considering the increasing number of phones, it defined the target not associating it with a number, but as the owner of the equipment. Today, when a person who is a threat has ten phones a single authorization issued - which explains that in 2014, when the quota of 2,190 security interceptions had been reached, they are actually 6,600 people who have been targeted. The jurisprudence of the CNCIS has tightened gradually as today limiting interceptions to an individual and removing the direct link yet planned in the 1991 law text allows an evolution which seems quite beneficial. This point has been the one to make consensus at hearings we gave an opinion that the adoption of the amendment of Mr. Candelier.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

[Mr. President](#) . I call Mr. Denys Robiliard.

[Mr. Denys Robiliard](#) . I understand the words of the rapporteur, a sentence of article L.852-1 referred by Mr. Candelier breaks a "jurisprudence" - if one can use that term - the CNCIS.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Indeed.

[Mr. Denys Robiliard](#) . In other words, in the present state of law, this text overrides the judgment of the guardian of freedoms, the institution of the CNCIS, according to which a person described but not around him. At the same time, it

ensures that this project strengthens freedoms while goalkeeper freedoms had forged over the years case law to the test of facts considering that we should not go beyond the individual. I think the experience of CNCIS must be taken into account. Since we know its case today, which is very faithfully revealed to us by the rapporteur, I propose the following amendment of voting Mr. Candelier.

[Mr. President](#) . I call the Rapporteur.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I fear that this argument sounds a little peculiar way under what was shown the case of Kouachi brothers, where listening enclosures was forbidden. I propose to postpone the amendment of Mr. Candelier but I 'émettrai a favorable opinion on the amendment ° 44 ahead of Mr. Coronado that meets widely, if not in the letter at least in spirit, to the concerns of Mr. Robilliard.

*(Amendment n ° 149 is not passed.)*

[Mr. President](#) . I received three amendments, n<sup>os</sup> 44, 45 and 46 of Mr. Sergio Coronado. You could perhaps we present them in groups, Mr. Coronado.

[Sergio Coronado](#) . I withdraw the amendments n ° 45 and n ° 46 that the Commission has not accepted the amendment ° 44 also constituting a significant advance. The rapporteur said earlier he did not want that CNCTR, judge of subsidiarity. Or, as often recalls the jurisprudence of the CNCIS, I wish for myself to remind him that in its last report, it noted that its decisions are based on the principles of legality, proportionality and subsidiarity . So there was a little unfortunate development. Regarding the amendment ° 44, it seems important to frame what builds suspicion. Currently, the bill provides that persons likely to play an intermediary role, even involuntary, may be subject to security interceptions. However, a very large number of people can be suspected involuntary intermediaries. Given the damage to privacy posed by security interceptions, it seems necessary to clarify this concept. With this amendment, we supervise the

suspicion of being an unwitting intermediary because it covers too many people. It will take clues to whether based. We therefore propose to limit monitoring to people who play this intermediary role by adding to the second sentence of paragraph 35, after the word "When" the words "there are serious reasons to believe that" .

*(Amendments n<sup>os</sup> 45 and 46 are removed.)*

[Mr. President](#) . What is the opinion of the committee on the amendment ° 44?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . I have indicated in advance that the committee agrees.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n<sup>o</sup> 44 passed.)*

[Mr. President](#) . I call Mr Philippe Folliot to support the amendment ° 122.

[Philippe Folliot](#) . The drafting of the new Article L. 852-1 is used to authorize interceptions of correspondence exchanged by people belonging to the entourage of the person when they are likely to play an intermediary role, voluntary or not, for his account, or to provide information in respect of the purpose covered by the authorization. Considering the particularly intrusive nature of such monitoring, specific safeguards should be provided. This amendment proposes to limit this possibility to the environment may play a voluntary intermediary on behalf of the person and therefore to delete the words "or not" in the second sentence of paragraph 35. However, when it comes to preventing an act of terrorism, the volunteer role of the entourage is not required.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the amendment of Mr. Morin, co-signed by Mr Folliot that comes to defend it, because it may result in bureaucracy at the expense of operability of our services.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 122 is not passed.)*

[Mr. President](#) . Call Isabelle Attard, to support the amendment ° 189.

[Isabelle Attard](#) . This amendment seeks to ensure that the interception of centralization rules are defined only after the opinion of the CNCTR. To ensure effective control, it is indeed essential that the CNCTR can give its opinion on the centralization arrangements. Real access to transcripts and data is a cornerstone of effective control, as repeatedly reminded the President of the CNCIS.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The Committee gave a favorable opinion on the adoption of the amendment of Mr. Coronado as it allows to clarify the situation. Although without its adoption, CNCTR could make recommendations to the Prime Minister explicitly clarifies probably formulate the text.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 189 passed.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 414.

[Lionel Tardy](#) . When I say that this law is labyrinthine, we have again a glaring example. In fact, we again enter through the window IMSI-catchers and associated devices, which is very subtle and even, forgive me, pernicious. Let me explain. A few paragraphs earlier, we authorized the technical arrangements referred to in Article L. 226-3 of the penal code: Correspondence interceptions, capture conversations, computer data recording. After these, that authorization was valid only for connections to data referred to in Article L. 851-1 future. Here we discover the turning of a paragraph on data centralization as connections can also be intercepted by these technical devices which we all know about the

intrusiveness. This will certainly be exceptionally but not enough for me. I therefore propose to remove the possibility of interception of correspondence in this way because we have reached a point where, I believe, the licensing scheme and the objectives of these devices are no longer clear at all. It does not seem that we have explicitly authorized this before.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable opinion by consistency.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 414 is not passed.)*

[Mr. President](#) . Call Isabelle Attard, to support the amendment ° 190.

[Isabelle Attard](#) . Using the IMSI-catcher to intercept correspondence seriously undermine individual liberties because of its extremely intrusive and completely non-discriminating regarding persons monitored, it is essential to limit the prevention of acts of terrorism. This is also expected that the initial text of the Government.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable opinion for the reasons I explained earlier, especially given the framework provided by the Law Committee that equates the use of a technical device interception of matches at a safe interception. The so granted guarantee level allows not to limit this use to this one purpose. The committee rejected the amendment.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Wisdom, the amendment proposing to return to an initial concern of the Government, which was not followed by the commission.

*(Amendment n ° 190 is not passed.)*

[Mr. President](#) . Call Isabelle Attard, to support the amendment ° 191.

[Isabelle Attard](#) . In the same logic, we hope that the use of the IMSI-catcher to intercept correspondence can be effective only on the assent of the CNCTR - I will present just now a decline of amendment n° 192. Mr. the rapporteur, the IMSI-catcher for capturing all communications within a specific perimeter, how can you be certain that it will intercept the communications referred as intercept and record everything that happen in range?

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Against. Once again, this amendment is a way to ensure that the opinions of the CNCTR comply, which does not match the perspective of the Law Committee. However, in this case, that reference fits after a sentence stating that the Prime Minister defines the terms of the centralization of correspondence interceptions. Therefore, we do not understand very well how the Speaker of the CNCTR referenced. In any event, the tool should be used in accordance with the authorization. Against.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n° 191 is not passed.)*

[Mr. President](#) . On Article 2, I am seized by the environmental group with a public demand for a poll. The poll was announced in the chamber of the National Assembly. I call Ms Isabelle Attard, to support Amendment n° 192.

[Isabelle Attard](#) . Using the IMSI-catcher to intercept correspondence being extremely intrusive technical individual freedoms - and I remind pounds, but it does not matter - by its extremely intrusive and totally non-discriminatory, it is essential it is expressly authorized, as is also provided for the original bill.

[Mr. President](#) . What is the opinion of the Committee?



[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The wording of Article L.852-1 of the Code of internal security in the text of the Commission does not distinguish between conventional security interception and interception of correspondence carried by a device in terms of the licensing scheme. We therefore believe that the amendment is satisfied. It was rejected by the commission.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 192 is not passed.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment ° 61.

[Lionel Tardy](#) . This fallback amendment proposes that the correspondence intercepted in this way and not related to the investigation are destroyed immediately, on the spot. The risk is too great to allow that one inaccuracy. I think this is the direction of the current wording, but it must be said more explicitly: destruction must be immediate.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This amendment was rejected by the committee because we believe that the drafting paradoxically lead to the so prevents the destruction of incident data that is captured by a technical device.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 61 is not passed.)*

[Mr. President](#) . The call Mr Eric Ciotti, to support the amendment ° 69.

[Mr. Éric Ciotti](#) . This amendment does not limit quotas by the number of permits issued by the Prime Minister - quotas that already exist today for security interceptions authorized by the Prime Minister after consulting the CNCIS. This is thus to provide more flexibility and discretion to the Prime Minister. It is true that it has discretion to increase quotas by orders, and it already does today in the framework defined by the 1991 Act, but I would like, given the emergency and danger situations which we face, the prime minister can intervene with more

flexibility and it is not forced to return permanently on these quotas, which can be binding and sometimes even paralyze action in services.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the amendment, because it considers that on the contrary the existence of a quota is an element of control, given the intrusive nature of a security interception. Moreover, the existence of this quota has never prevented anything, since it was raised five times since 1991. The government is also trying to raise it again, 2150 or 2190 to 2500, to to meet the additional needs. No operational emergency has so far prevented the implementation of the provisions of the law.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 69 is not adopted.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 193.

[Sergio Coronado](#) . It is removed.

*(Amendment n ° 193 is removed.)*

[Mr. President](#) . The vote Article 2.

*(It is in the voting process.)*

The result of the vote:

Number of Voters 30

Number of votes cast 30

Absolute majority 16

For adoption 25

against 5

*(Clause 2, as amended, is adopted.)*

## Article 3

[Mr. President](#) . I call Mr Lionel Tardy, first speaker on Article 3. I remind all speakers, even if it will not increase my popularity, I'll cut them a voice after two minutes. *(Smiles .)*

[Lionel Tardy](#) . Article 3 has two parts: the first dealing with the sound and image capture - I will return through amendments - and the second on international monitoring measures. I would like to stop a moment on this second part, which concerns the measures for monitoring and control of communications issued or received abroad. I think control is lower here than on the rest of the text - far too low. Contrary to previous articles, everything is here referred to a decree of the State Council after consulting the CNCTR, which will not be published. It is light, too light! And thus removes many issues related to electronic communications interception control procedures sent or received from abroad. There are many complaints procedures, but there is also a large hole, and this lack of predictability control poses a problem. I hope that our discussions will clear up these serious concerns.

[Mr. President](#) . The call Mr Jean-Jacques Candelier.

[Mr. Jean-Jacques Candelier](#) . The examination of this article comes as revelations are made on the mass surveillance exist - I use the conditional - at present in France. When I read the press, I take and I leave, like many of you, but I would still like an answer to my questions. The national platform encryption and décryptement - PNCD - installed mainly in the buildings of the headquarters of the DGSE in Paris, would have the most powerful computers in France and intercept, then would store billions of French and foreign data. I used the conditional until now, Mr. Chairman, you see, but the Government can not simply deny. The framework of this bill in no way addresses the PNCD. If the text stays as is, this platform will remain illegal and without democratic control, not even *retrospectively* ! To the extent that we can no longer table amendments, a government amendment must urgently submit PNCD the control of the Control Commission of the intelligence techniques. Madam Minister of Justice, Ministers of the Interior and defense, what do you do to limit the leak of information on French citizens abroad? Do you limit the amount of data collected and analyzed

daily by the PNCD? Will you submit to the control of the independent commission of this activity encryption platform and décryptement?

[Mr. President](#) . Call Isabelle Attard.

[Isabelle Attard](#) . Mr. Interior Minister, you said that you were sure of the constitutionality of the law under discussion. We all know here that only judges may declare the law, and that only the Constitutional Council can declare that law conforms to the Constitution of our Republic. When Pouria Amirshahi suggested that you yourself would undo the law on intelligence to the Constitutional Council he had no answer. That, at least, evidence of the fragility of your certainties. Personally, I support a referral to the Constitutional Council on the draft law on intelligence - Article 1<sup>st</sup> , by itself, is enough to justify it. I hope other colleagues will also show them positive. I remember that on the military planning law, this referral had failed for base reasons of politicking. I therefore take this debate to announce good news: thanks to the diligence of some enlightened citizens, the Constitutional Council was seized on Tuesday a priority question of constitutionality concerning the draconian provisions of the law on military programming. So be assured, dear colleagues: if by misfortune or carelessness, you had to vote in this law provisions of the infringing our civil liberties and violate our Constitution, citizens will use all means at their disposal to correct your mistakes. As recalled recently by the lawyer Maître Eolas, which I recommend reading, Article 2 of the Declaration of Human Rights and the Citizen of 1789 explicitly provides that the state function is the conservation of natural rights and imprescriptible rights, namely freedom, property, security and resistance to oppression.

[Mr. President](#) . I call Mr Philippe Folliot.

[Philippe Folliot](#) . We approach, with this article 3, an important point of this text. Our dear colleague Isabelle Attard just asked the question of the constitutionality of the text. Each and every one has the liberty to ask a priority question of constitutionality, but the parallel you do with the military planning law seems a bit limited, and I wanted to say. We are looking for a balance between need to ensure the protection of society and citizens and ensure that a number of freedoms, including the preservation of privacy. This is the great challenge of this text, and that is why the UDI will propose a series of amendments that aim, without harming the effectiveness of services to better guarantee these freedoms, which our fellow citizens are very attached .

[Mr. President](#) . I call Mr. Jean Lassalle. I remind my colleague Bearn that for him too, time is limited to two minutes - although I know he could speak two hours.

[Jean Lassalle](#) . To finally win your trust, Mr. Chairman, I will talk a minute and fifty-eight seconds. *(Smiles.)*

I advise our colleagues not to expect too much of the Constitutional Council, as there is, so to speak - and I made the same demonstration yesterday about the State Council. And all this is not by chance: we have traded away our state services, one of the best countries in the world, over the last forty years to become euro-compatible. At the same time, for ten years, we have dismantled the organization of our territory, there is nothing left. As for me, I agree with this policy of strengthening intelligence. I know what to do, but I have more confidence. Watch the prefects are repolitisés as there fifty years.

This is incredible! And those who are not do not believe in anything. Only the police and health services, to a lesser extent, continue to enjoy the support of the Prime Minister. The rest is obsolete. That is why I am cautious: it would rebuild the state before going further. I talked a fifty eight minute, Mr. President!

[Mr. President](#) . You even talked less. And as the prefect of the Pyrenees-Atlantiques has not yet determined the cities that are eligible for capital allocation for rural areas, for my part, I will take his defense, Mr. Member of the fourth district. As I believe that its decisions must intervene within fifteen days, I will give him the minutes of the session to read out our respective declarations. *(Smiles.)*

[Mr. Éric Ciotti](#) . That is influence peddling!

[Mr. President](#) . I call Mr. Eduardo Rihan Cypel.

[Eduardo Rihan Cypel](#) . Mr. Chairman, ladies and gentlemen, Article 3 makes legal, while giving them clear boundaries, a number of techniques that may be used by the intelligence services in the administrative framework. These techniques existed in the judiciary; they probably existed, but without legal framework, administratively. We enable the use of certain techniques for intruding - tags, PA ... private places - that are fundamental to the services business, especially to anticipate certain events and identify targets which would harm the interests of the nation or the interests of France. It is important that we give our intelligence services these legal and technical means, by legalizing and giving them a legal framework, where until now there was that a legal vacuum. This article helps to fill this gap, while securing the work of agents and setting, in the law, that intelligence services can do and what they can not do technically to carry out the tasks are theirs.

[Mr. President](#) . I call the Minister of Defence.

[Mr. Jean-Yves Le Drian](#) , *Minister* . I would just make two points on the monitoring of international communications, to meet the speeches I have just heard. We will perhaps have the opportunity to come back when the amendments. First, Mr. Candelier, regarding the PNCD, do not fantasize too much on the subject. His real name is: National cryptanalysis Pole and décryptement Dedicated to decryption, that is to say, the treatment of figures, it was established in 1999. It is not a platform and information Data about it are wrong. The existence of these decryption capabilities or "décryptement" is implicit in Article L. 822-2 of the Code of internal security as a result of this

project. I wanted to bring you these details to remove any ambiguity. I repeat, this is not a platform but a tool that already exists for some time and which is necessary to master the monitoring of international communications. Furthermore, this legislation will implement a legal framework that does not exist so far as the 1991 law had totally ruled out a legal framework for the surveillance of international communications. This legal framework will be taken as a conventional decree in Council of State, on the conditions and the applicable procedures and another that will not be published but will be subject to the prior opinion of the CNCTR and the Council of State and communicated to the parliamentary delegation on intelligence. It will not be published for not revealing our opponents our technical capabilities. Common sense is needed in this area. I wanted to bring these two clarifications to avoid ambiguity.

[Mr. President](#) . We come to the amendments. I call Mr Jean-Jacques Candelier, to support Amendment n ° 152.

[Mr. Jean-Jacques Candelier](#) . The new Article L. 853-1 provides intelligence services the possibility to add sound to certain places and vehicles, and capture images and computer data. It is thus possible to listen to and record conversations, take pictures, even in private places, and capture consultations websites. The fixed text only prerequisite for using these techniques authorization: information related to the purposes set out in Article L. 811-3 shall not be collected by another legally authorized means. This condition effectively frames the use of such highly intrusive methods. It remains that under the very wide field of possible areas of application of these techniques in the absence of a

real diligence, this provision seems insufficient. This amendment therefore aims to strengthen the rules of this device allowing its authorization only in exceptional cases.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The committee rejected the amendment because the exceptional results of the subsidiarity principle set out explicitly in the paragraph in question. Insert the words "exception" would only increase the editors.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 152 is not passed.)*

[Mr. President](#) . I received three amendments, n<sup>os</sup> 126, 127 and 194, which can be subject to joint discussion. I call Mr Philippe Folliot to support the amendments n<sup>os</sup> 126 and 127.

[Philippe Folliot](#) . Article 3 allows intelligence agencies to use new information collection techniques previously only assigned to the judicial police services: the capture, fixation, transmission and recording of words spoken privately or confidentially or images in a private place; capture, transmission and storage of computer data transmitted by an automated system or data contained in such a system. If it is necessary to provide the intelligence techniques similar to those enjoyed by the judicial police, should be subject to the possibility of guarantees and ensure that the use of these techniques does not cover too broad. Amendment n ° 126 is designed to limit their use to the only purpose under 4 ° Article L. 811-3, or the prevention of terrorism. As for the amendment ° 127, it aims to limit its use to the purposes set out in 1, 4 and 6 of Article L. 811-3, or national independence, territorial integrity and national defense, the prevention of terrorism, the prevention of crime and organized crime.



[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 194.

[Sergio Coronado](#) . We tabled a similar amendment to Article 2, which gave rise to the same debate. I withdraw this amendment because we closed the discussion by voting.

*(Amendment n ° 194 is removed.)*

[Mr. President](#) . What is the opinion of the Committee on the two amendments still under discussion?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . For the same reasons that lead to Mr. Coronado show consistency by withdrawing his amendment, the committee delivered a negative opinion: why exclude on principle these techniques for purposes other than terrorism, such as interest-related foreign policy that can cover respect for certain prohibition agreements? To the extent that it may be necessary to use these tools, this restriction would be harmful to an operational plan.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

[Mr. President](#) . Mr. Folliot, withdraw your amendments?

[Philippe Folliot](#) . I only withdrew Amendment n ° 126.

*(Amendment n ° 126 is removed.)*

*(Amendment n ° 127 is not passed.)*

[Mr. President](#) . I call Mr Philippe Folliot to support the amendment ° 128.

[Philippe Folliot](#) . It is forbidden.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Against.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 128 is not passed.)*

[Mr. President](#) . I received two amendments, n<sup>os</sup> 47 and 129, can be subject to joint discussion. I call Mr Sergio Coronado, to support Amendment n<sup>o</sup> 47.

[Sergio Coronado](#) . The amendment seeks to specify the computer data capture capabilities. Writing currently provided goes beyond the possibilities offered by Article L. 706-102-1 of the Code of Criminal Procedure, as it emerged from the Act of 13 November 2014 strengthened provisions on the fight against terrorism. It seems to me inconsistent to allow the use of more intrusive devices than those authorized today under criminal investigation. This amendment therefore aims to harmonize the two versions.

[Mr. President](#) . I call Mr Philippe Folliot to support the amendment n<sup>o</sup> 129.

[Philippe Folliot](#) . It is forbidden.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The commission has made, again, an unfavorable opinion on these amendments, which aim to harmonize the criminal procedure code and the Internal Security code, which does not seem appropriate for precisely those who are responsible for implementing the code of procedure Criminal deem too restrictive.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendments n<sup>os</sup> 47 and 129, successively put to the vote, are not adopted.)*

[Mr. President](#) . The call Mr Eric Ciotti, to support the amendment n<sup>o</sup> 70.

[Mr. Éric Ciotti](#) . It is forbidden.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Unfavorable.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n<sup>o</sup> 70 is not passed.)*

[Mr. President](#) . I call Mr Philippe Folliot to support the amendment n<sup>o</sup> 137.

[Philippe Folliot](#) . This amendment aims to better manage the renewal of the use of IMSI-catchers and said proximity devices. The bill provides that the authorization will be issued for a maximum period of two months, renewable under the same conditions of form and duration than the initial authorization. This amendment seeks to reduce the time of renewal of two to a month.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . We looked last night an almost identical amendment, defended by Mr. Morin and that the Assembly has rejected. For consistency, we propose to reject it as well.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 137 is not passed.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 195.

[Sergio Coronado](#) . This amendment clarifies that the renewal of the authorization to capture and sound is only possible after the assent of the CNCTR.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Against. We do not want the decision has CNCTR opinion.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 195 is not passed.)*

[Mr. President](#) . I call Mr Philippe Folliot to support the amendment ° 132.

[Philippe Folliot](#) . This amendment aims to harden the conditions for renewal of the use of IMSI-catchers and nearby devices. The application for renewal of the authorization at the end of two months, should be accompanied by a review of the use of these techniques and the results obtained to allow a more informed opinion of the CNCTR.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Against. The amendment is largely satisfied because Article L. 822-1 already provides a record of each

implementation of technical intelligence collection is established, specifying the nature of the collected information. This collection is available to the CNCTR which can be accessed at any time. Similarly, Article L. 822-4 provides that transcripts and extractions will be statements made available to the CNCTR. These provisions are precise, adding you offer does not seem appropriate while creating an unnecessary burden on services.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 132 is not passed.)*

[Mr. President](#) . I call the Rapporteur, to support Amendment n ° 351 rectified.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This amendment seeks to make applicable to the words received in a private place the retention period specified in a) of I of Article L. 822-2.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Favorable opinion.

*(Amendment n ° 351 rectified and passed.)*

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, rapporteur, to support the amendment n ° 350.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . It is Editorial.

*(Amendment n ° 350, accepted by the Government and passed.)*

[Mr. President](#) . I call Mr Lionel Tardy, to support the amendment n ° 32.

[Lionel Tardy](#) . This amendment is consistent with Article 1<sup>st</sup> from the work of the commission is to ensure that the Prime Minister give its reasons when disregards an unfavorable opinion of the Committee.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Adverse opinion because the amendment is satisfied by Article L. 821-4.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(The amendment n ° 32 is not passed.)*

[Mr. President](#) . The call Mr Eric Ciotti, to support the amendment ° 71.

[Mr. Éric Ciotti](#) . Defended.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Against.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 71 is not passed.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment ° 196.

[Sergio Coronado](#) . This amendment clarifies that the renewal of an authorization of the introduction into a data system can be made only after the assent of the CNCTR. I think we will get the same response as the previous amendment.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The constancy of Sergio Coronado equaled the determination of the commission not to change its position. The decision is taken by the political authority and not by the administrative authority.

[Mr. President](#) . What is the Government's view?

[Mr. Bernard Cazeneuve](#) , *Minister* . Agrees.

*(Amendment n ° 196 is not passed.)*

[Mr. President](#) . I received three amendments, n °s 341, 365 and 342, which can be a group presentation. The speaker is Mr. Jean-Jacques Urvoas, *rapporteur*, to support them.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . All three are editorial.

*(Amendments n °s 341, 365 and 342, accepted by the Government, are successively adopted.)*

[Mr. President](#) . The call Mrs custody of the Seals, Minister of Justice, to support the amendment ° 421

[Ms. Christiane Taubira](#) , *Minister of Justice, Minister of Justice* . This is a kind of pre-coordinating amendment. We will, in paragraph 8 of Article 4, modify the conditions of judicial review but since yesterday we have to review certain provisions to reflect this change which will occur later, which is uncomfortable.

This amendment therefore to delete the reference to a specialized bench of the Council of State and replaced by the very mention of the State Council to sit in special training, which I will detail earlier composition and procedure.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The commission did not consider this amendment but trust, I support personally.

*(Amendment n ° 421 passed.)*

[Mr. President](#) . I call Mr. Denys Robiliard to support the amendment ° 286.

[Mr. Denys Robiliard](#) . The adopted amendment to article 1<sup>st</sup> on professional secrecy he applies techniques under Article 3? If this is the case, I will withdraw this amendment for consistency because there is no reason to provide a different regime for the protection of professional secrecy under section which is over.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . The answer to your question, Mr. Robiliard, is yes.

[Mr. President](#) . I call Mr. Denys Robiliard.

[Mr. Denys Robiliard](#) . Therefore I withdraw the amendment.

*(Amendment n ° 286 is removed.)*

[Mr. President](#) . I call Mr. Jean-Jacques Urvoas, *rapporteur*, to support the amendment ° 327.

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . It is Editorial.

*(Amendment n ° 327, accepted by the Government and passed.)*

[Mr. President](#) . I call Mr Philippe Folliot to support the amendment ° 123.

[Philippe Folliot](#) . Article 1<sup>st</sup> of the bill lists exhaustively the grounds of public interest which may be authorized for intelligence gathering by special techniques required by law. These objectives were included in the original bill of the Government "the essential interests of foreign policy and the implementation of international commitments of France." In reviewing the text Law Commission, that objective has been changed to become "the major interests of foreign policy and the prevention of all forms of foreign interference." This focus exclusively on

foreign policy, an amendment to article 1<sup>st</sup> aimed to remove it from the list of common objectives for all intelligence services in order to move. This amendment to include this objective in Article 3 so that it applies only to in Article L. 854-1 of the Code of internal security governing international monitoring.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . This amendment has no place to be, dear colleague: it is consistent with one of the amendments that you defended in section 1<sup>st</sup> and we have rejected. So there is no sort of reason to adopt it; I urge you to remove it, otherwise I'll be unfavorable.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Agrees.

*(Amendment n<sup>o</sup> 123 is removed.)*

[Mr. President](#) . I call Mr Sergio Coronado, to support the amendment<sup>o</sup> 48.

[Sergio Coronado](#) . The last sentence of paragraph 25 provides that the shelf life of the intercepted correspondence runs from the date of first use and not the date of collection. There is no place in my life for a derogation conservation for correspondence exchanged abroad, especially since no limit is foreseen. It is therefore proposed to return to the common law system in compliance with the principles upheld by the Council of State, which ruled "necessary that this period begins as now from the collection of correspondence and not their first operation".

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Insofar as the Assembly adopted the amendment that Mr. Popelin defended in section 1<sup>st</sup> on time, Mr. speaks Coronado gold: favorable opinion.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Agrees.

*(Amendment n ° 48 passed.)*

[Mr. President](#) . I have Amendment n ° 197 which is the subject of a sub-amendment ° 383. The call Mr Sergio Coronado, to support the amendment.

[Sergio Coronado](#) . Among the safeguards in the text of the appeal before the Council of State if the CNCTR would see an irregularity in the implementation of information technology. However, this essential guarantee disappears when it comes to international surveillance measures, as we have said in committee. The supervision of these surveillance measures is however very small; In addition, communications may relate to persons in France, and agents will benefit from enhanced immunity by this bill. In our view, if it finds an irregularity, the CNCTR must not only submit a monitoring report Prime Minister but also be able, where appropriate, to the Council of State on the terms defined in Article L. 821-6 of the Code of internal security.

[Mr. President](#) . The call Mrs custody of the seals, to support the sub-amendment ° 383.

[Ms. Christiane Taubira](#) , *Keeper of the Seals* . The Government is sensitive to the additional guarantee that you propose to introduce, sir. However, as far as you would expect such as to confer too broad a scope of possible remedies. The Government therefore proposes to subamend your amendment limiting this new guarantee to the case of correspondence sent or received from the national territory and their associated connection data. If you accept the sub-amendment, the Government will issue a favorable opinion on your amendment.

*(Subamendment n ° 383, accepted by the committee, was adopted.)*

*(Amendment n ° 197, as amended, accepted by the committee, was adopted.)*

[Mr. President](#) . I call Mr. Denys Robiliard to support the amendment ° 287.

[Mr. Denys Robiliard](#) . I withdraw it.

*(Amendment n ° 287 is removed.)*

*(Article 3 amended, is adopted.)*



## After Article 3

[Mr. President](#) . I call Mr Philippe Nauche, draftsman of the Committee on National Defense and the Armed Forces to support the amendment ° 314.

[Philippe Nauche](#) , *draftsman of the Committee on National Defense and Armed Forces* . The amendment seeks to supplement Article L. 226-3 of the penal code which prohibits the use and promotion of computer data capture appliances by adding the reference to Article L. 853-1 of the Code of Homeland Security that this bill has created.

[Mr. President](#) . What is the opinion of the Committee?

[Mr. Jean-Jacques Urvoas](#) , *rapporteur* . Favorable opinion. This amendment helps to secure the so-called "administrative Trojan horses" and to protect information systems and the freedoms of our citizens. It will submit these "administrative Trojan horses" to the same prior authorization procedure as "judicial Trojans." Indeed, the use of Trojans by the judicial authority pursuant to article L. 706-102-1 of the Code of Criminal Procedure is subject to the prior approval of the Prime Minister taken on the basis of Article L. 226-3 of the Criminal Code after notice of an interministerial committee chaired by the National Security Information Systems Agency. On this occasion, it ensures the reliability and security of the device and verifies that the tools were good for only functions as those described by the legislature.

[Mr. President](#) . What is the Government's view?

[Mr. Jean-Yves Le Drian](#) , *Minister* . Agrees.

*(Amendment n ° 314 passed.)*

[Mr. President](#) . The following discussion is referred to the next meeting.

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## Agenda of the next sitting

[Mr. President](#) . Next meeting this morning at half past nine: Discussion, simplified examination procedure, the bill authorizing the ratification of the Agreement between the French Republic and the European Union to the application, with respect the community of St. Bartholomew, the legislation of the European Union on the taxation of savings and administrative cooperation in the field of taxation; Discussion, simplified examination procedure, the bill authorizing the ratification of the extradition treaty between the French Republic and the People's Republic of China; Discussion of the bill authorizing the ratification of the Association Agreement between the European Union and the European Atomic Energy Community and its Member States on the one hand, and the Republic of Moldova, on the other; Further discussion of the bill on intelligence.

The meeting is adjourned.

*(The House adjourned, Wednesday, April 16 2015, at zero hour and fifty.)*

*The Director of the service account report of the sitting*

*of the National Assembly*

*Catherine Joly*

## **Cryptome**

6 May 2015

Part 7 of 7. National Assembly debate of France Spy Bill approved 5 May 2015  
<http://cryptome.org/2015/05/fr-spy-bill-text-en.pdf>

Original French source:

<http://www.assemblee-nationale.fr/14/cri/2014-2015/20150221.asp>

Google translation.

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## **National Assembly**

**XIV<sup>th</sup> legislature**

**Ordinary Session 2014-2015**

**Record**

**integral**

**Second meeting of Tuesday, May 5,  
2015**

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Mr. Meyer Habib

Ms. Annick Girardin, Secretary of State

Sergio Coronado

Ms. Annick Girardin, Secretary of State

Gilda Hobert

Ms. Annick Girardin, Secretary of State

Mr. André Chassaigne

Ms. Annick Girardin, Secretary of State

Mr. Jean-Pierre Dufau

Ms. Annick Girardin, Secretary of State

Mr. Pierre-Yves Le BORGNE

Ms. Annick Girardin, Secretary of State

**4. Agenda of the next sitting**

**Chairmanship of Mr. Claude Bartolone**

**Mr. President** . The meeting was called.

*(The meeting was called to fifteen hours.)*

[Mr. President](#) . The next item is questions to the Government.

## Asylum

[Mr. President](#) . I call Mr Christian Estrosi, for the Union for a Popular Movement group.

**A member of the CBC group.** It starts badly!

[Mr. Christian Estrosi](#) . Mr. Prime Minister, record explosion of asylum applications - 44% on a year - tripling of illegal immigration in 2014, up 50% over the first quarter 2015: this is what is facing our country. There is no control at the Col de l'Arche, gateway between the Alpes-de-Haute-Provence and Italy. Why have removed thirty positions in the border police in the Alpes-Maritimes, staging of these unfortunate north of France? And the interior minister last night in Calais, encouraged migrants to make asylum applications to better stay home. I find this intolerable situation.

I asked for reinforcements, Mr. Prime Minister, but the request went unanswered. Yet you know for weeks that there is a pressure of nearly a million candidates from Africa. The responsibility should fall largely on the mobilization of the European Union not to leave Italy, and therefore France, faced with this situation, but the decisions are derisory. Therefore, it is your responsibility to take initiatives to stop this widespread sieve system.

To dry up the problem at the source, here are three suggestions: Schengen reform, even out; mobilize at European level and a naval fleet on the South coast; hit the traffickers and the networks where they are, even the empty boats to sink before they leave.

I await your proposals, Mr. Prime Minister, that traffickers can no longer suggest that France is an Eldorado for all African immigrants. (*Applause from many benches of the UMP.*)

[Mr. President](#) . I call the Minister of Interior.

[Mr. Bernard Cazeneuve](#) , *Minister of the Interior*. Mr Estrosi, you rightly mention the difficulty of the situation in the central Mediterranean and call on the Government to clarify its position.

First, as you know, applications for asylum rose sharply in France between 2007 and 2012: they have tripled. As for 2014, they decreased by 2.64%, but it is true that since the beginning of 2015, they experience an increase for reasons related to the situation in the central Mediterranean. What are we doing to address it?

First, we are increasing very significantly the resources of the police and air borders: while 13,000 jobs were cut in the police and the gendarmerie between 2007 and 2012, we recreate in number of positions in services Police, particularly in the air and border police, to deal with this new situation and set up the PNR - *passenger name record*.

I have also given instructions to Ventimiglia, that is to say the borders of your department, there is very significant reinforcements, as was the case last year. I want to give you specific figures: there two weeks with these reinforcements, 890 illegal migrants were deported, and 390 have been last week. The device is effective and works.

Secondly, France has made proposals to the European Council, that it has taken: working with the countries of origin - I will be in Niger next week, so we can consider the migrants from the countries of origin - ; implement protection of the external borders of the European Union policy; apply within the European Union on sharing of asylum seekers so that our country is not the only one facing this growing demand. (*Applause few benches CRS group.*)

## **Pointing of students in Béziers**



[Mr. President](#) . I call Mr Christophe Borgel, for the Socialist Group, Republican and Citizen (*Uproar on the benches of the UMP.*) I ask you, dear colleagues, to please keep it down. This is very unpleasant for speakers.

[Christophe Borgel](#) . Mr. Prime Minister, when we know that this mandate means in terms of civic responsibility, words fail when it is discovered that a mayor, that of Béziers in this case, decided to file because they were children Muslims. He said bluntly on public television: "Sorry to tell you the names say confessions. If your name is Mohammed ... ". But in the secular republic, a surname, a name, an origin do not refer to a belief.

Should we remind Mr. Ménard, who certainly stands out in practice an unlimited racism, Article 1 of our Constitution? "France is an indivisible, secular, democratic and social. It ensures equality before the law for all citizens without distinction of origin, race or religion. It respects all beliefs. "This is particularly true for children of the Republic.

The scandal comes at a sickening climate, where we see a real competition Lépine of the formula that will brand as our Muslim compatriots, "fifth column", "questioning of French nationality" (*Exclamations from various quarters of the UMP*) "the French paper that invade us." Do not add more!

Mr. Prime Minister, in speech, acclaimed, made in tribute to the victims of the attacks before this assembly on 13 January 2015, you indicated: "Islam is the second religion of France. It has its place in France. "Can you guarantee national representation that the Government will stand firm against the actions of a mayor who has dishonored its function? (*Applause on the benches of CBC groups, environmentalist, RRDP and GDRs.*)

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister*. Sir, the facts you mention are indeed extremely serious. They can only shock to the highest point, as evidenced by statements

from all the benches that meeting.

That mayor, elected citizens who have entrusted great responsibilities, including the management of their schools, establishing files, classification, statistics on students in our schools based on religion supposedly, inferring from a first name or a surname religious conviction. This practice is not only illegal; you said, it is contrary to the values of the Republic. It shames the mandate entrusted to this elected.

Sir, you are right: France does not distinguish between first name, last name, skin color, religion. France, the Republic is the ideal of citizens who find themselves around the same values.

If we had a demonstration of what the management of a local authority by the extreme right, the National Front, here made. At a time when one would like to mix everything, confuse everything, where we would blur the lines, the reality of the extreme right, there it is! The extreme right has not changed, it has nothing disowned its past nor its practices. When you are a Republican, you must fight unambiguously, hesitation, these companies against making our unity and cohesion, and particularly our most valuable asset: the school.

So yes, it must be condemned, but we must also act: such facts can not remain without consequences. That is why the Minister of Education, Najat Vallaud-Belkacem, asked the rector of Montpellier to enter the public prosecutor to protect the students of this town and to immediately put an end to this practice. (*Applause on the benches of CBC groups, environmentalist, RRDP and GDRs.*)

When it comes to the essential, that is to say of the Republic, our values, the future of our children, of harmony, of how to live together, the elect of the Republic shall be exemplary. I say to everyone here, once again: we have a duty

of vigilance. The Republic did not defend only in words, she also defends every day: you have to be intransigent, let nothing pass. The Government is adamant he will not let anything pass. It is now the mayor of Beziers answer for his actions before the courts. (*Applause on the benches of CBC groups, environmentalist, RRDP and GDRs.*)

## Remuneration of the CAC 40 bosses

[Mr. President](#) . I call Mr Jérôme Lambert, for the radical group, republican, democrat and progressive.

[Mr Jérôme Lambert](#) . My question relates to three current events that relate to the business life of our country.

We just learned that the leaders of the largest French companies, the CAC 40 saw their income increase by over 10% during the past year. This represents a total a staggering \$ 153 million!

Every year we discuss this situation because the leaders of our companies persist in this behavior despite the massive reprobation it arouses, especially among us, almost, and within the Government, which is expressed by the past shocked by the increases granted to officers whose employment policy aggravated the unemployment in our country. According to the formula, we are better served than by oneself. Another formula talks about privatization of profits and socialization of losses - loss of jobs, ie.

Yet the policies in place for three years - Tax Credit for competitiveness and employment, the pact of responsibility and solidarity, not to mention the code of conduct - aimed at other results. These policies seem not bear the fruit: stagnating investments, pay increases injustice and, worst of all, unemployment continues to rise.

[Charles La Verpillière](#) . Eh yes!

[Mr Jérôme Lambert](#) . At the same time, the Government announced the creation of a commission to consider measures to allow companies to derogate from the rules of the labor code. Government's role would it not rather to ensure that laws are respected? I recall that it is Parliament, or social negotiation, which it is to change the regulations.

These three elements - increased revenue officers, that of unemployment and willingness to depart from the rules of labor protection - do they find consistency in government action? If not, what do you propose to restore confidence to the French? (*Applause on the benches of RRDP group.*)

[Michèle Bonneton](#) . Very good!

[Mr. President](#) . The call Mrs Secretary of State for the digital.

[Ms Axelle Lemaire](#) , *Secretary of State for the digital*. Sir, a boss who decides to reduce its compensation to increase that of its employees: is it science fiction? Well, no: this is what happened recently in a listed start-up on the New York Stock Exchange. But we must recognize that we are not far from the science fiction! The reality is actually a steady increase in the remuneration of top executives in the CAC 40.

This raises questions about the social, ethical, moral, but also economic, where such remuneration is totally disconnected from business performance. That is why the Government decided in 2012 to oversee the situations that exceed the limits of what is acceptable and our people have reason not to accept.

It is first the public sector's responsibility to be exemplary. Revenues leaders are now capped it to 450,000 euros gross per year, and wages included in a scale of one to twenty.

But at a time when general meetings are held, it is mainly the private sector we are talking about. In private companies, the practice of *say on pay* was

widespread by the new AFEP-MEDEF. Several advances have strengthened the applicable device to ensure all the necessary transparency to public debate and enable shareholders to challenge the outrageous salaries.

This is what has been done; Macron the law will go further, particularly with regard to corporate officers.

## Location Vallourec

[Mr. President](#) . I call Mr Alain Bocquet, for the group of the Democratic and Republican Left.

[Alain Bocquet](#) . Mr. Prime Minister, the ax has just fallen. Vallourec removes 2,000 jobs, half in France, 10% of the workforce, including 750 in its two northern mills, in addition to 200 cuts of February. With indirect jobs, more than 3 000 jobs are threatened in our country. The unemployment curve will still be drawn up.

We must say stop this massacre! The over-unemployment already heavily hit these territories as Valenciennes who refuses to revive the black decades of liquidation of the steel industry.

Will you reject this cynical plan CEO Philippe Crouzet, which takes excess production capacity as a pretext for stateless adventures to short-termist profitability expensive locations in Brazil, the US and the Middle East, stressing that these overcapacities we come back like a boomerang! Unless you want to demonstrate impotence of state, your role may be to support the plan of liquidation of performing industrial tools, which will throw employees into the street and into despair. Grab rather unanimous conclusions of the parliamentary inquiry in July 2013: "Iron and steel: a struggle for economic sovereignty." Mr. Macron last week denounced the speculation that led to the industrial suicide. *Hic Rhodus, hic salta!* It's time to show what you are capable with Vallourec. *(Applause on the benches of the GDR group.)*

[Mr. President](#) . I call Mr. Minister of Labour, employment, vocational training and social dialogue. (*"And unemployment!" On the benches of the UMP.*)

[Mr. François Rebsamen](#) , *Minister of Labour, employment, vocational training and social dialogue*. Sir, the situation of the Vallourec Group is tricky because, in fact, like it or not, its two main markets, oil and gas, have been greatly reduced as a result of lower oil prices . For example, the United States, oil well drilling decreased by 50% compared to 2013.

The group's management has decided to react to this situation. Therefore the restructuring plan that was announced - a plan, as I recall, at group level, not just on the French scale. It is for the group to present this reorganization to staff representatives and provide all necessary explanations and justifications.

The State and the Government will ensure that the alternatives proposed to reduce the number of positions eliminated, and that they are seriously considered. It should also ensure the outlook given to the French industrial base of the group, but you mentioned.

Regarding specifically the Saint-Saulve steel mill, about which management Vallourec announced that it was seeking a majority partner, the state will ensure that Vallourec is a solution that allows ensure the sustainability of the industrial site. The question of overcapacity in steel production Vallourec in Europe can not be resolved at the expense of French production sites, especially the Saint-Saulve. In this regard, Mr. Emmanuel Macron, which is currently in the Senate meet tomorrow morning northern politicians, already mobilized to safeguard this industrial site.

As Minister of Labour, I will be vigilant about the content of measures to be proposed as part of the European social plan to minimize the number of forced departures and offer solutions to each employee.

## From reserves of universities and colleges

[Mr. President](#) . The call Mr Xavier Bertrand, to the Union for a Popular Movement group.

[Xavier Bertrand](#) . Mr. Prime Minister, youth had to be one of the great challenges of the quinquennium of the President of the Republic. But today, the anniversary looming is bitter for her.

**One member of the UMP.** That's for sure!

[Xavier Bertrand](#) . Never has there been so many young people without a future and without a job. Never learning has fallen as much in our country.

**One member of the UMP.** Eh yes!

[Xavier Bertrand](#) . As for the reform of college and programs, it is unanimously against it.

One last bad shot just worn. On April 24, Minister of Education, you announced that € 100 million would be taken from the reserves of fifty universities and colleges in our country. It is irresponsible in terms of management, ...

[Daniel Fasquelle](#) . This is outrageous!

[Catherine Vautrin](#) . Ashamed!

[Xavier Bertrand](#) . ... Because, ultimately, you collect ... sorry, you turn away, you steal 100 million euros to institutions that were virtuous and had made reservations. *(Applause on the benches of the UMP and IDU groups.)* True manage knowledge is not a Socialist specialty, I grant you, but until you take the reserves of these establishments, simply to provide operational expenses. Similarly, you suggested that by 2016 the same operation could be extended. How do you bring everybody into a virtuous circle when the state acts in this way? *(Applause from several benches of the UMP.)*

It is irresponsible in terms of management. It is irresponsible for the regions, foremost among them the Nord-Pas-de-Calais and Picardy, which provides the

greatest effort. This is the hardest hit by unemployment area and it is the one you most penalizing, Minister!

Finally, it is irresponsible for the nation. You break university autonomy because we had set up. But this autonomy, we need it. *(Applause several benches of the UMP.)*

You do not respect the universities. So I ask you: when will you understand that your responsibility is to build the future of youth and certainly not to betray it and break what works in our country *(Loud pplaudissements has on benches? es s UMP group and IDUs.)*

[Mr. President](#) . Call the Foreign Minister of National Education, Higher Education and Research.

[Ms. Najat Vallaud-Belkacem](#) , *Minister of National Education, Higher Education and Research*. Sir, it is unfortunate that the violence of your words and the absurdity of what you discredit what you say to us. *(Protest ations on the benches of the group UMP.)*

However, I will answer in detail. True, on 27 April we presented the allocations to higher education institutions to the legitimate authority, namely the National Council for Higher Education and Research - CNESER. Yes, we decided to mobilize working university funds, which I recall here that the total amount is 1.5 billion euros. Of this, we have decided to mobilize € 100 million, not to save money but to redistribute to all of higher education, particularly to finance the jobs we're committed to creating and indeed who see the day 3 000 jobs were created with higher education institutions from 2012 and 2000 have yet to be created by 2017.

This sample was taken extremely objectively *(Exclamations on the benches of the UMP)*, watching the working capital of universities and ensuring to take only



what was not mobilized through investments. In other words, it is just dormant reserves of Universities (*Whoops several benches of the UMP group*), we reused and distributed differently. This has involved eleven universities in France, twenty-five schools and ten large establishments. This in no way calls into question the budgetary and financial health of these institutions since they can continue to operate exactly the same way and that, like all higher education courses, they also benefit, since 2012, of an increase of 300 million euros from the university budget. In fact much were you when you were responsibilities? Add to that, since you speak of youth, over 450 million of grants we have distributed since we're here. Mr. Bertrand, you will admit that you do not have to lecture. (*Applause on the benches of CBC groups, environmentalist and RRDP and some benches of the GDR group.*)

## College Reform

[Mr. President](#) . I call Mr Olivier Faure, for the Socialist Group, Republican and citizen.

[Mr. Olivier Faure](#) . My question is for Ms. Minister of Education.

Madam Minister, obviously, national education is not a subject among others: that is the priority of this majority. It is logical that the spotlight is on every reform concerning education, because it is the future of our children, because the transmitted values and knowledge taught in school can touch the idea that everyone is religion, history, science, civilization, and because the school is the institutional foundation of the Republic.

[Bernard Accoyer](#) . And the college massacre?

[Mr. Olivier Faure](#) . Therefore each measure is examined under a microscope. However, by dint of focusing on the issues, certainly legitimate but secondary range, or search the controversy, we risk losing the thread of the necessary overhaul of the school.

What challenge are we - are you - face? In conclusion, established notably by the PISA program, which France is the most unequal country in the OECD in educational matters.

[Mrs. Claude Greff](#) . And it will not work out!

[Mr. Olivier Faure](#) . Despite the professionalism and personal commitment of teachers, school still too often reinforces the inequalities of birth or territory. This required a comprehensive reform if we wanted to end the two-tier school.

[Bernard Accoyer](#) . The massacre of the college, you call that a comprehensive reform? This is outrageous! What ideological violence!

[Mr. Olivier Faure](#) . You have a lot undertaken since 2012. teachers shape again, we recruit thousands. Now the means are concentrated in the most disadvantaged schools, the fight against school dropout is engaged, schooling for three years develops. It is made available more masters classes in primary and pace have been adapted to the rhythms of acquisition. *(Exclamations several benches of the UMP.)*

Now you hitch up to the urgent reform of college.

**Several deputies of the UMP.** Hello! Hello!

[Mr. Olivier Faure](#) . Minister, can you, the elect of the Republic we are, return the direction of the school's refoundation in which you are engaged and that makes our collective pride? *("Hello! Hello!" And exclamations on the benches of the UMP.)*

[Gérald Darmanin](#) . Three out of twenty!

[Mr. President](#) . Call the Foreign Minister of National Education, Higher Education and Research.

[Ms. Najat Vallaud-Belkacem](#) , *Minister of National Education, Higher Education and Research.* Sir, when he was elected, there are nearly three years, the President of the Republic said that he would make education and youth priority on which he wanted to be judged at the end of his five years . *(Exclamations on the benches of the UMP.)*

**Several deputies of the UMP.** No, it was unemployment!

[Mrs. Claude Greff](#) . It shows!

[Ms. Najat Vallaud-Belkacem](#) , *minister*. This promise is now fully respected: just look at the budget of the Education, once again the first budget of the Nation.

[Patrice Verchère](#) . How successful!

[Ms. Najat Vallaud-Belkacem](#) , *minister*. These are indeed 65 billion euros are spent on students, which until now were more accustomed to job losses in the tens of thousands and thousands classes closures. The same right was, by a strange decision removes the training of teachers responsible for transmitting their fundamental lessons that now demands from certain quarters. (*Protests on the benches of the UMP.*)

[Philippe Cochet](#) . Lie! This is outrageous!

[Ms. Najat Vallaud-Belkacem](#) , *minister*. I repeat: we have made education our priority, restoring the initial teacher training, giving priority to the primary, allowing pre-schooling of children before the age of three years, especially in the neighborhoods greater difficulty for start in better conditions.

[Yves Censi](#) . And what are you doing college?

[Ms. Najat Vallaud-Belkacem](#) , *minister*. Yes, we have increased the number of faculty positions, and attracted more and more candidates in the competitions of education. (*Same movements.*)

[Philippe Meunier](#) . Still not enough!

[Mrs. Claude Greff](#) and [Mrs. Berengere Poletti](#) . There are not enough!

[Ms. Najat Vallaud-Belkacem](#) , *minister*. We now approach the delicate turning point, important, essential to the reform of college. If this reform is necessary is because the results of the college are only degrade decade. We can not be satisfied so that in four students colleague without mastering basic French, mathematics and history! (*Applause benches SRC Group. - Protests on the benches of the UMP group.*) Those who are we the lesson today is in any attention!

[Mr. President](#) . Please, a little quiet! I know that this is the recovery, but still!

[Marc Le Fur](#) . No: the school!

[Ms. Najat Vallaud-Belkacem](#) , *Minister* . We create 4000 additional posts in favor of a reform that puts the individual support of children at the heart of the system, which multiplies the ways of learning to enable children to appropriate the knowledge, ...

[Philippe Meunier](#) . You are the gravediggers of the teaching of the history of France!

[Ms. Najat Vallaud-Belkacem](#) , *Minister* . ... Advancing the learning of modern languages in the interest of all college students. (*Applause on the benches of CBC groups ecologist and RRDP. - Protests on the benches of the UMP.*)

[Mr. President](#) . I ask you to show a minimum of calm! It is in the image of our meeting.

## Economic policy

[Mr. President](#) . The call Mr Eric Woerth, to the Union for a Popular Movement group.

[Éric Woerth](#) . Mr. Prime Minister, the economic and social assessment of Francois Hollande is disastrous. The anniversary of his election will not be celebrated: it is true that the French are not at the party. The path of the disasters is often paved with good intentions; your balance sheet, he is paved with bad results.

[Philippe Cochet](#) . Eh yes!

[Éric Woerth](#) . Let us draw together an objective finding. You want there to be less unemployment in France: there is more unemployment in France over youth unemployment, more unemployment of older workers, more precarious. Worse, without crisis, unemployment is rising faster than under under François Hollande Nicolas Sarkozy. Your result is 600,000 more unemployed in three years! You wanted to less than 3% public deficit: the deficit counter is stuck at 4%.

[Pascal Popelin](#) . And you? You are the Minister of the 7% deficit!

[Éric Woerth](#) . They fell a little more than one point in three years, three times more slowly than crisis between 2009 and 2011. You wanted more growth: you have managed the feat of sustained growth off . in France by massive tax increases, suffocating the purchasing power of households and business investment you wanted simplicity: you created the arduous gas plant. You say now: "All is better. Our policy is succeeding. We were right early. "It is once again carry the wool over our eyes! The performance of a country, like that of an athlete, is not absolute, but relative: it must be compared to that of other countries. The reality is that at the international level, France wins in three years.

[Guy Geoffroy](#) . Eh yes!

[Éric Woerth](#) . Growth is two times lower than elsewhere, the deficit is reduced to a turtle speed, slower than elsewhere. When most of our partners are creating jobs, we continue month after month to create unemployment. That is the situation. Of course, the stars are favorable to us; oil, interest rates, monetary policy of the European Central Bank, all combine to boost growth in France and in Europe, but these external factors will serve us nothing without the internal reforms that you have bravely chosen not do. You have to present to Europe a stability program which does in fact reflect that the instability of your program. Mr. Prime Minister, will you stop this stall that we suffer for three years? (*Applause on the benches of the UMP and IDU groups.*)

[Mr. President](#) . I call the Minister of Finance and Public Accounts.

[Mr. Michel Sapin](#) , *Minister for Finance and Public Accounts* . Sir ...

[Guy Geoffroy](#) . The Minister!

[Mr. Michel Sapin](#) , *Minister* . I should say, in fact, Mr. Minister, for you were the Minister a little over three years, from 2007 to 2010, three years you greet your fiery diatribe. Yet during those three years, growth has declined and the GDP of France fell; and you ask us increase growth! (*Loud exclamations on the benches of the UMP and IDU groups.*)

[Mrs. Claude Greff](#) . Anything!

[Mr. Sébastien Huyghe](#) . Liar!

[Mr. Michel Sapin](#) , *Minister* . During these three years, unemployment has increased from 8% to 9.4%, or 600,000 more unemployed. During these three years, the deficit exploded from 2.7% to 7.1%. Mr Woerth, in this area, I ask you, to you as to others, to show a little modesty and weighting! (*Protests on the benches of the UMP.*)

Find more growth: c ' is a real issue, and that's the battle we are fighting. I would prefer you to make me proposals in this area, rather than force me to remember the disaster that was the action of your government and your own. (*Applause several benches of the CBC group.*)

Make proposals to reduce as quickly as we do the public deficit of France - because we, we decreased the deficit! Do not just assert arbitrarily to do 140 billion euros in additional savings, while at the same time, Mr. Bertrand has just blame us € 100 million of savings ...

[Mme Valérie Pécresse](#) and [Catherine Vautrin](#) . These are not savings!

[Mr. Michel Sapin](#) , *Minister* . ... On the reserves of universities that have funded additional teachers jobs in these same universities. (*Loud protests on the benches of UMP and IDU groups.*)

If you have ideas to reduce unemployment, Mr Woerth, you had better submit

them to us: it would enable France to advance the democratic debate and to be better than the year to which you just deliver. (*persistent Protests on the benches of the UMP and IDU groups - Slams desks.*)

[Mrs. Berengere Poletti](#) . Incredible!

## College Reform

[Mr. President](#) . The call Mr Rudy Salles, for the group of the Union of Democrats and Independents.

[Mr. Rudy Salles](#) . Madam Minister of National Education, Higher Education and Research, despite your claims and your use of the Coue method, your college reform met opposition every day more and more vivid. Teachers are worried; the parents are worried; All the republican school advocates are worried. (*Applause on the benches of U DI group.*) And for good reason: you plan to remove the teaching of Latin, European classes and bilangues classes that enabled German to remain the third modern language taught in France, because you feel too elitist. (*Same movements.*)

Worse, you are about to weaken the teaching of history with unbalanced programs that will book a secondary place at all what makes the greatness of France, which brings us into a national and European community of fate. Under the guise of equality, this reform abandons the idea of excellence and weakens the republican elitism. You will thus make a real race to the bottom and it is children from disadvantaged families as you go penalize (*Applause on the benches of the UMP and IDU groups*) because, Minister, you will deny them the right to have the same opportunities to access knowledge and thus to overcome their condition through work and merit, this right to the very foundation of our republican pact!

[Mrs. Berengere Poletti](#) . Very good!

[Mr. Rudy Salles](#) . Madam Minister, my question is simple: are you going to abandon this harmful draft reform and finally bring real answers to the inequalities of our school system, pushing 150,000 young people each year leave without a diploma? (*Applause on the benches of the UDI group and UMP.*)

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister* . Sir, the Minister of Education has already had the opportunity to answer two questions on reform of college and programs, and I have no doubt it will come back in a moment. But I want to tell you precisely because youth is our priority, because school is the priority of this five-year and I can not stand against the truths of the opposition on this reform. (*Exclamations on the benches of . UMP*)

That is our priority for the reasons given by the Minister of Education: First, the school has again become the first national budget; Secondly, we decided to recruit 60,000 teachers during this five-year, when you have deleted thousands (*on the benches of the UMP "Untruths!"*) ; above all - this is a key point that says that I can not find me in your words, sir - the republican elitism is to fight against inequality. Unfortunately, however, the school continues to reproduce inequalities in years.

We want to respond first to the anguish of families, middle class and popular strata who are now in failure because the previous majority has not only called into question the fundamental priority is school and deleted thousands of positions but also trashed - I use that word deliberately - the training of teachers, we have restored. (*Protests on the benches of the UMP -.. Applause from the benches of the CBC group*)

[Philippe Cochet](#) . This is starting to do well!

[Philippe Meunier](#) . Gravediggers!



[Manuel Valls](#) , *Prime Minister* . Sir, you should always look things in the face. To restore the republican elitism that you call your vows, you have not only means, but also a fundamental overhaul of teaching: this is the meaning of the reform of colleges. Stop those against-truths. Nor German, neither Latin nor Greek will not be deleted ( *Exclamations on the benches of the UMP* )

As to the reform program, the Minister of Education has said very clearly, it is now in consultation. ("Ah!" *on the benches of the UMP group.*) It is a nostalgia that you are trying to defend, the nostalgia of a France of the past. (*Exclamations on benches of the UMP.*)

[Philippe Meunier](#) . Gravediggers!

[Manuel Valls](#) , *Prime Minister* . We want to look to the future. This reform, on which teachers will be consulted in particular for another month, will have to review our national novel, not that of nostalgia, but one that reflects the reality of today's world, that weapon youth and college students for the XXI<sup>th</sup> century. Get out of nostalgia, look at the reality of what you did when you were in power and support a reform which the country and its youth need! (*Applause on the benches of SRC.- group Whoops on the benches of the UMP.* )

## College Reform

[Mr. President](#) . I call Ms Marie-Jo Zimmermann, for the Union for a Popular Movement group.

[Ms Marie-Jo Zimmermann](#) . Mr. Prime Minister, in a letter to the Minister of Education, former Prime Minister Jean-Marc Ayrault, has expressed concern about the teaching of the German language, battered by reform colleges. This concern is shared by our colleague Pierre-Yves Le BORGNE', chairman of the friendship group France-Germany, as well as all those for whom the Franco-German entente still makes sense. More broadly, it is the whole Franco-German community that is concerned about this reform. In Germany, it arouses great emotion and all our colleagues who have close contact with our German friends

as Pierre Lequiller, can attest. Even the ambassador from Germany to France has expressed its concern over the weakening of learning German in France. With this reform, it may undermine the Franco-German couple that your predecessors have not built not in the last seventy years and has declined in our territories by a series of actions both educationally - with European classes, classes and bilangues AbiBac sections - as economically - with academic exchanges or schools. Rather than challenging these actions would require the contrary encourage the development of bilangues classes throughout the country, as is the case, among others, in the Nancy-Metz and academies Strasbourg. Mr. Prime Minister, this reform is both a political error, a lack economic and cultural fault. *(Applause on the benches of the UMP.)*

This is the opposite to do. This is another example of leveling politics from below. Mr. Prime Minister, the National Education is the future of our country; policy must be ambitious and must give our young people the necessary means to succeed. This is why you must give up this part of the reform, as the entire reform. *(Applause on the benches of the UMP.)*

[Guy Geoffroy](#) . Very good!

[Mr. President](#) . Call the Foreign Minister of National Education, Higher Education and Research.

[Ms. Najat Vallaud-Belkacem](#) , *Minister of National Education, Higher Education and Research* . Madam, you know the respect and esteem I have for you. I will not make you the affront here to accuse you of bad faith (. *Exclamations on the benches of the UMP*)

And yet you base your analysis on rumors and falsehoods against and I can only urge you, as I did with many of you, to read once and for all the text of the reform of college. In fact, this reform ahead of a year, from the fourth to the fifth, learning the foreign language 2, which will encourage all 2 modern languages including German: 25% of overtime will be offered to college students for that language 2. Living For those who have chosen as the first foreign language preparation course another language than English, eg German, it will be possible to learn English as early as the sixth grade: it is a way of promote diversity in the choice of modern languages in primary school 1.

[Guy Geoffroy](#) . It makes no sense!

[Celeste M. Lett](#) . And European classes?

[Mr. Claude Goasguen](#) . This is not the subject!

[Ms. Najat Vallaud-Belkacem](#) , *Minister* . To ensure the reality of that choice, the Ministry of Education will race for the first time an academic language map to ensure the presence on the entire territory of school teachers could learn from other foreign languages than English from the first grade class to the end of primary school, English can be taught in sixth: it is a real incentive to choose these other languages. Finally, madam , since I know you are reasonable, I remind you that the next school year, we will open 515 positions German teachers in the competition, against 200 in 2010. Why would we do if we wanted to kill German? (*Exclamations on the benches of the UMP.*) Let's be honest and admit therefore that this reform is going in the right direction! (*Applause on the benches of the CBC group.*)

[Guy Geoffroy](#) . Very bad!

## **Growth forecasts of the European Commission**

[Mr. President](#) . I call Ms Anne-Christine Lang, for the Socialist Group, Republican and citizen.

[Anne-Christine Lang](#) . Minister for Finance and Public Accounts, after three years in opposition, the UMP, preferring partisan controversy truth and amnesia an objective examination of past mistakes, has decided to turn into donor lessons. The French, however, do not have short memories. They remember the 1,850 billion of public debt, which generated 650 under the single five-year term of Nicolas Sarkozy. The French understand that the Left has chosen the seriousness and constancy ... (*Shouts and laughter on the benches of the UMP.*) ... only able to straighten our productive apparatus while preserving our social model. It is no coincidence that we are the first majority to lower each year the level of public deficit. We do not play with public money, because it is the money of the French, any more than they play with the destiny of future generations who will have to bear our deficits today.

[Mr. Christian Jacob](#) . It has already read, that page!

[Anne-Christine Lang](#) . That is why we have undertaken to consolidate public accounts and, Mr. Minister, we did well to hold on, because today our efforts are paying.

**Several deputies of the UMP** . Ah?

[Anne-Christine Lang](#) . The European Commission, dreaded by our predecessors, welcomes our policy.

[Mr. Bernard Deflesselles](#) . This is really the Coue method!

[Anne-Christine Lang](#) . As proof, she has raised its growth forecast for 2015 to more than 1%, and 1.7% for 2016, thus showing more optimistic than ourselves. Accordingly, the Commission confirms our forecast of a deficit of 3.8% for 2015, while the estimated 4,1% a few months.

[Julien Aubert](#) . And you are happy!

[Anne-Christine Lang](#) . Better yet, it provides a stabilization in unemployment in 2015 and a drop of it in 2016. Mr. Minister, that re-growth is not the result of chance. Nothing falls from the sky. There certainly was a favorable context, notably because of lower oil prices, but there is also what we have built together: the reorientation of European policy with the decline of the euro and the Juncker

plan and, above all, support for investment in our country, through the pact of responsibility and competitiveness.

[Mr. President](#) . I call the Minister of Finance and Public Accounts, which listens in silence.

[Mr. Bernard Deflesselles](#) . But what was the question?

[Mr. Michel Sapin](#) , *Minister for Finance and Public Accounts* . Madam, you point out that that morning Similarly, the Commission expressed its forecasts for 2015 and beyond, both in terms of Europe and of France. You were right to say that for the first time in many years there is a convergence between the forecasts that the Government has submitted to Parliament and those carried out by the Commission. Where there were only differences, confrontations or sanction threats, which is always detestable when it comes to Europe, today there convergence between the vision of the Commission and that, sovereign, France. Yes, the activity resumes, while such as growth, which this year will, we believe, by 1% and in the Commission's 1.1%. For next year, while we expect 1.5%, the European Commission forecasts 1.7%.

[Mr. Frédéric Barbier](#) . This is of extra-lucidity!

[Mr. Michel Sapin](#) , *Minister* . Whatever the accuracy of these figures, they indicate the evolution is the same. This additional growth does not come from nowhere, but from the European reorientation and decisions made here to support the activity, business and investment. You've also said, the Commission plans, which may -being the most important, a stabilization of unemployment this year, and a decrease next year.

**Several deputies of the UMP** . What a victory!

[Mr. Antoine Herth](#) . What a success!

[Mr. Michel Sapin](#) , *Minister* . Madam, I am among those who believe that the expectations are not reality: we must continue our work in continuity and

consistency. It is this continuity and coherence that will yield tangible and sustainable results. Growth and falling unemployment are the fruits of the policy we lead today. (*Applause few benches CRS group.*)

## Pointing of students in Béziers

[Mr. President](#) . The call Mrs Cécile Duflot, for the environmental group.

**Several deputies of the UMP** . Ah!

[Cécile Duflot](#) . Prime Minister yesterday on France 2, Robert Ménard, mayor of the city of Béziers, said establishing a register of religious backgrounds of students in his city by their first name. He even claimed to know so illegally, is launching a heinous challenge to our republican conception of living together. Everyone must understand what is at stake in this process. In the city of Béziers, our fellow Muslims, or supposed, are in the sights. Beyond it is the millions of Muslims in our country that are targeted unfairly. The assigned identity, which amounts to arbitrarily stick a name on a religious label is in fact anti-Republican, offensive, exclusionary and discriminatory. These are values that are trampled by a right-wing elected official who has obviously decided to engage in a tug-of-war with the rule of law. This illegal profiling opens the door to all the abuses and the Republic must respond with the utmost firmness. Today, the extreme right does not respect the laws of our country, nor in Beziers in Paris, where, during the last speech of Ms Le Pen, the National Front of stewards behaved as a militia, entering a private place to arrest activists, thus substituting the police, the exclusive right to carry out this type of operation. Mr. Prime Minister, the law allows you to suspend a mayor to terminate whose behavior has proven particularly serious. There are precedents. Therefore, Mr. Prime Minister, we would like to know what action you will give these facts. Will you hang the mayor of Béziers its functions in relation to the seriousness of acts he claims?

[Mr. President](#) . Call the Foreign Minister of National Education, Higher Education and Research.

[Ms. Najat Vallaud-Belkacem](#) , *Minister of National Education, Higher Education and Research* . Madam, secularism, constitutional principle at the foundation of our Republic, allows - I want to stress here because it is often misguided - everyone to live according to his beliefs, religious or otherwise, and organizes the state's indifference of public power vis-à-vis religious, which fall under the freedom of every citizen. And now a mayor, Mr. Ménard, claiming an extreme right for years continues to call for secularism to better mislead by the instrumentalising against a specific religion, admits now file its common students according to their religious affiliation, itself derived from their name. In doing so, Mr. Ménard deliberately violated the law, ignoring his state representative function in his commune. Beyond this illegality, it places its action outside the Republican field, demonstrating once again that the extreme right has learned nothing from the lessons of history. Mr. Ménard is the anti-Republican times and unworthy of his elective mandate, which requires law enforcement by all citizens, and first of all by respecting yourself. The law is not variable geometry: it is why, beyond the political condemnation that deserves such an attitude, I asked the rector of Montpellier to enter the public prosecutor, on the basis of Article 40 of the Code of Criminal Procedure to protect the students of this town and to immediately end such practices that dishonor their author. *(Applause few benches and SRC environmentalist groups.)* I recall here that all officials, including local government officials, are obliged to respect the law and report any offense of which they are aware. Ladies and gentlemen, the best response to these provocations, which aim only to undermine the republican pact, is unity around our principles, including secularism. *(Applause on the benches of environmentalist groups, CBC and some benches RRDP group.)*

## Budgetary problems common

[Mr. President](#) . I call Mr. Sylvain Berrios for the Union for a Popular Movement group.

[Mr. Sylvain Berrios](#) . Mr. Prime Minister, you have eliminated funding for music learning in the regional radiation conservatories. For reasons of liability, mayors have taken this decision. You have imposed mayors school four-day week and a half. Not funded, it costs each year 500 million euros to the municipalities, and adds nothing either to families or children. For reasons of liability, mayors have assumed. You have removed 3 billion in grants to municipalities overnight. We took our responsibilities and adopted municipal budgets in balance, according to the law. All this was possible through a combination of savings and taxation, we assume for you, Mr. Prime Minister. At the same time Your government, which claims to give lessons of good management, presented to the nation an insincere budget, amounting to EUR 4 billion. State reform is stalled. Worse, the savings are returned to 2017, that is to say, to your successors, even as you have already raised more than 80 billion euros in additional taxes since 2012. The mayors are angry because you ask municipalities to do what you are unable to achieve. *(Applause on the benches of the UMP group.)* The mayors are angry because you unload on them by asking them to create crèche places, retirement homes, social housing while cutting investment support. Mayors are angry because you reject them on your inability to rehabilitate the country and to end gabegies. *(Applause from many benches of the UMP.)* Mr. Prime Minister When



will you stop taking the mayors as a variable adjustment of your fiscal policy? If for we heard, our town halls must close, do not worry, we will close them!  
(Applause on the benches of the UMP and some benches of IDU group.)

[Mr. President](#) . I call Mr. Secretary of State for the Budget.

[Christian Eckert](#) , *Secretary of State for the Budget* . I think it is useless, sir, to contrast the different actors of public spending. At a time when the whole country seems that France is one of the champions of public spending, we try to lead to a reduction of the expense. You say, incorrectly, that the efforts of the State are not comparable to those communities. Between 2013 and 2014, the state has reduced its spending by 3.3 billion euros. These are not predictions, these are findings.

[Mr. Sylvain Berrios](#) . What percentage does it make?

[Christian Eckert](#) , *secretary of state* . Meanwhile, local authorities have increased their spending, sometimes for good reasons - you mentioned some of them - on the order of 3%. There is no comparison to be made and no opposition to point to. We have proposed a reduction in allocations to local authorities, which represents about 1.5% of their revenues. (*Exclamations several benches of the UMP.*) At a time when the reduction of public spending is indispensable, such a decline, also often offset by natural increases in taxation - I recall that the Parliament has increased the tax base 0.9% all taxpayers - seems tenable. We are also in focus, you know, with all the associations of elected officials to review the conditions for payment of the DGF, including the heterogeneity and, j ' dare say, injustice should be the first mayors anger factor. (*Applause several benches of the CBC group.*)

## Fight against pedophilia

[Mr. President](#) . The call Mrs Martine Martinel, for the Socialist Group, Republican and citizen.

[Martine Martinel](#) . Madam Minister of Justice, France has recently been shocked by serious cases of child molestation at school. Despite the obligation to transmit information, emphasized in a circular from the Ministry of Justice in November 2001, whose signature Latest for yourself date March, members of the educational community have not been reporting object. Teachers, known to police and sentenced for watching videos and images of child pornography, have continued to exercise their profession in contact with children they have abused or violated. If such facts were made possible, is that the 2001 circular is not sufficient for the counter. Madam Minister, the Government, which has shown its full support to the victims and their families, pledged that such acts do not recur no. That is why, with the Minister of Education, you wished speedy discussed and adopted a law introducing the reporting obligation. This text will impose

transmit past convictions or current teachers and supervisors as well as any form of prosecution. It should concern not only national education, but all professions inducing contact with children. It is necessary, next September, new rules apply, that administrations are better informed, the flow of information and where staff are better trained to respond better. Can you detail the steps you are going to implement? (*applause from several benches CRS group.*)

[Mr. President](#) . The call Mrs custody of the Seals, Minister of Justice.

[Ms. Christiane Taubira](#) , *Minister of Justice, Minister of Justice* . The facts you mention, madam, are absolutely despicable. Sexual assaults already are unbearable, they were for children, with no regard for their innocence, their fragility, their future. We must do everything possible, and that is what the minister is working Education, to provide quality support to these children, who are suffering, but also to their parents, who are angry with reason and who are also suffering. We demonstrate empathy and responsibility, assuming that is our responsibility. That is why, with the Minister of National Education, we responded, transparent and diligent: transparency because we have not been covering these facts and their severity; diligently because from the day after their revelation, we ordered a joint inspection of Education and judicial services and requested a preliminary report by the end of April, and we are committed to parents to their present the findings. We were yesterday in Villefontaine and parents, despite their suffering, were of great dignity. We hired a series of actions. On 8 April, we gathered the presidents and attorneys general. After this meeting, we set up a working group under the authority of the criminal administration and graces and started the drafting of a methodological guide.

From the 1<sup>st</sup> of June, we will secure the information transmission process by legislating both currently in the process where reporting is to be made, the agents are concerned, all those who, well beyond Education, are in contact with children, as well as relevant offenses. And, with the Interior Ministry, we are working to change the forms and the database of justice. (*Applause several benches CRS group.*)

## College Reform

[Mr. President](#) . I call Mr. Xavier Breton, for the Union for a Popular Movement group.

[Xavier Breton](#) . Madam Minister of Education, your college's proposed reform is increasingly contested. It is challenged by teachers, by parents and, more broadly, all those and all those who do not recognize in your egalitarian conception of the school. This takes you to impose a race to the bottom . Race to the bottom, removing bilangues classes and the weakening of learning German; race to the bottom, the harm to the teaching of Latin and Greek, which are no longer recognized as fully fledged subjects but who would now be taught through interdisciplinary workshops providing an inevitably superficial education. Madam Minister, by not providing schedule, no specific program for ancient languages, condemns your reform. Under the guise of education reform, you are destroying the heritage of the past. It is this same logic that inspired the writing of new programs, including those of history. Here we find the obsession of those who, for over thirty years, persist in wanting to eradicate the transmission of our cultural heritage. This is evident in the new history curriculum, which is based on a biased reading and guilt of our nation, ...

[Mr. Nicolas Dhuicq](#) . Very good!

[Xavier Breton](#) . ... Deliberately ignoring our roots and obscuring the great figures who have marked and embodied the history of our country. (*Applause on the benches of the UMP.*)

Madam Minister, behind those low blows to the teaching of German, Latin or history, this is the same model of our republican school you want to question. (*Same movements.*) As in Peillon law, effort and merit values are dramatically absent from your college reform. That's why we ask you to give it up. (*Applause on the benches of the UMP.*)

[Mr. President](#) . Call the Foreign Minister of National Education, Higher Education and Research.

[Ms. Najat Vallaud-Belkacem](#) , *Minister of National Education, Higher Education and Research* . Mr. Breton MP, since the Latin formulas are fashionable, I myself will remind you of one: "No one is entitled to his own turpitude. " (*Applause on the benches of the SRC Group. - Protests on the benches of the UMP.*)

**Several deputies of the UMP** . In Latin! In Latin!

[Ms. Najat Vallaud-Belkacem](#) , *Minister* . Mr. Breton, what is the government that, in five years, closed 9000 classes, so that in three years, we have recreated the same? Mr. Breton, what is the government that suppressed the initial teacher training, while we have restored soon arrived responsibilities? (*Exclamations on the benches of the UMP.*)

[Gérald Darmanin](#) . We want the Latin, not sweet talk!

**One member of the UMP** . Without Latin, without the Latin Mass us ...

[Mr. President](#) . Colleagues, some quiet, please!

[Ms. Najat Vallaud-Belkacem](#) , *Minister* . You now been praising the humanities, Mr. Breton, but is not it one of yours who bore to public obloquy *The Princess of Cleves* , considering that this was too intellectual work for the popular classes?

*(Applause on the benches SRC Group - Exclamations on the benches of the UMP).* Let's be serious two minutes and agree together that you do not have to lecture us! The school reform has two ambitions perfectly assumed: the first is to succeed each schoolboy devoting to this business the necessary facilities; the second is to end a two-tier college disclaims with it the failure of the majority by not offering options to some. Mr. Breton, Latin and Greek you seem absolutely fundamental: they are for us too, and that's why we offer to all college students, not just 20% of them. Mr. Breton, you bilingualism is imperative in today's world: you are right, and that's why, rather than reserving the teaching of two foreign languages to 15% of college students, we open ourselves to 100% of them, in the fifth class. *(Exclamations on the benches of the UMP.)* Moreover, the new college will allow children to benefit from personalized support of three hours per week in the sixth, the ability to work in small groups ...

[Mr. Nicolas Dhuicq](#) . It does not work!

[Ms. Najat Vallaud-Belkacem](#) , *Minister* . ... To deepen their knowledge, classes duplication, interdisciplinarity, the fluency in oral and success! *(Applause on the benches of CBC group.)*

## **Register on special electoral lists New Caledonia**

[Mr. President](#) . I call Mr Philippe Gomes, for the group of the Union of Democrats and Independents.

[Mr Philippe Gomes](#) . Mr. Prime Minister, the Caledonians suspect. They doubt the respect of equidistance between independence and non-independence that your government has erected in the alpha and omega of his Caledonian policy. The event held recently on the occasion of the arrival of the President of the

National Assembly in New Caledonia has shown. The Caledonians doubt because, contrary to the conclusions of the last committee of the signatories, the draft organic law which will be reviewed shortly by our assembly is discriminatory. Except for Caledonians who voted during the Nouméa Accord referendum, the bill provides only the automatic registration of customary status Caledonians, and not that of natives from other communities. How can we therefore speak of common destiny in the framework of the Nouméa Accord? Caledonians doubt, because the question of the cancellation of those who arrived before 1998 is still not addressed the merits. The literal interpretation of texts by the Supreme Court, you recalled in a previous answer, is not at all consistent with the spirit of the legislator constituent. All interventions, whether undertaken from the right or from the left, during the debate on this subject in Parliament, testify. My question is twofold. For one, these two major issues for the future of our country they will be enrolled in the agenda of the Extraordinary Committee signatories to be held at the end of the month or early June? On the other hand, you solemnly commit yourself to the national representation to ensure that the policy of your government in New Caledonia does not promote sensitivity at the expense of another? (*Applause on the benches of IDU group.*)

[Jean Lassalle](#) . Very good!

[Mr. President](#) . I call the Prime Minister.

[Manuel Valls](#) , *Prime Minister* . Sir, the definition of the electorate for the consultation on the accession of New Caledonia to full sovereignty, which will occur no later than the second half of 2018 ...

[Guy Geoffroy](#) . If it comes in!

[Mr. Nicolas Dhuicq](#) . It is the Caledonians to decide!

[Manuel Valls](#) , *Prime Minister* . ... Is a central issue, as I have already had occasion to say here. The event, held in Noumea on 24 April, to which you referred, attests to the high sensitivity, which you get the echo of the Caledonians about it. The president Claude Bartolone did useful work by visiting at the head of a parliamentary delegation involving members of the majority and the opposition, which included in particular the chairman of the Law Committee, Jean-Jacques Urvoas, and I thank him. He told me of the discussions he had at that time - I do not betray a secret saying that he even called Noumea. With regard to the conditions and registration information on the list Special election to the consultation, all partners want this inscription is as easy as possible for persons to participate in the election. At the same time, we must ensure that all legal requirements for compliance with the Nouméa Accord, constitutional status, are met. The Government has tabled a draft organic law to be discussed in the Senate at the end of next June. The Congress of New Caledonia issued in this context a very interesting opinion in which it proposes a series of amendments. The Government has already announced that he would show opened in respect of some of these proposals. The time between now and the exam session should allow us to work together on these topics in serenity and confidence. For this, the Government proposes that, following discussions that took place in the presence of the President of the National Assembly, a meeting was held in Paris in the first days of June, as a special committee of signatories, whose agenda has yet to be discussed. I also asked the High Commissioner to prepare this meeting, so that it is the most successful possible. The New Caledonia - and I know you share this belief - should not become a party political issue and even less a reason to tear here nor there. I therefore call on all stakeholders to rise up to the challenges. The State and the Government will respect strictly the spirit of the Nouméa Accord and promote dialogue each time for us to find together - I stress this point - the right solution for the future of New Caledonia: No. not doubt for one moment, sir. (*Applause on the benches of the CBC group.*)



[Mr. President](#) . We ended questions to the Government.

## ***Suspension and resumption of the meeting***

[Mr. President](#) . The meeting was suspended.

*(The House adjourned at 4:10 p.m. and resumed at 4:20 p.m.).*

[Mr. President](#) . The meeting resumed.

2

## **Information**

### ***Solemn vote***

[Mr. President](#) . The next item is the explanations of vote on behalf of groups and voting by open vote on the entire bill relating to intelligence (n<sup>os</sup> 2669, 2697, 2691).

## **Explanations of vote**

[Mr. President](#) . I call Mr. André Chassaigne for the group of the Democratic and Republican Left.

[Mr. André Chassaigne](#) . Mr. Prime Minister, Minister of Interior, Mr. Rapporteur, dear colleagues, this bill comes at a heavy and exceptional context that each

measure. Faced with threats both international and domestic, our determination to fight terrorism is unwavering. Members of the Left Front have always said that terrorism in all its forms, wherever it occurs and whatever its leaders, should be firmly resisted. We therefore are not opposed to the strengthening of intelligence policy. On the contrary, we fully share the commitment of the Government to provide a general legal framework for the activities of intelligence services that allow to know and to prevent threats to our country and its population. But precisely because the issue is serious, it should refuse to rush. We deplore the use of the accelerated procedure, even though it is by definition take measures detrimental to individual liberties and overriding law common. This emergency procedure is not up to the challenge. Especially, we refuse to give in to temptation at all safe and we are very vigilant regarding respect for individual freedoms. That is why we have, during the discussion at the meeting, explained our concerns and suggested amendments seeking to regulate the use of highly intrusive intelligence techniques to extensive and often unclear reasons, in areas that go far beyond the fight against terrorism.

[Mr. Nicolas Dhuicq](#) . Very good!

[Mr. André Chassaigne](#) . These concerns are widely shared. CNIL national digital board, through the Chairman of the National Commission on Security interceptions control - CNCIS - Jean-Marie Delarue, the union of the judiciary to the Bar of Paris via the anti-terrorist judge Marc Trevidic, La Quadrature du Net Amnesty International denounced all a worrying extension of surveillance. Until Commissioner for Human Rights of the Council of Europe, who is moved to a "safe approach exclusively." Unfortunately, the discussion of the text at the meeting failed to address these concerns. Few improvements were made and all our amendments were rejected while the main provisions were maintained. Thus,

the text still planning to strengthen the arsenal of intelligence services by legalizing existing illegal practices without strengthen control of their activities. - laying of GPS beacons to track vehicles, intrusion in private places, using sophisticated equipment such as spyware and IMSI-catchers It also tends to extend the field of intelligence that goes beyond largely the field of the fight against terrorism. New causes of action and a more extensive drafting former missions lead to a worrying widening of area of intervention of the intelligence services. It also organizes a massive surveillance of Internet traffic, analyzed by a defense secret algorithm. He places the device in the hands of the executive, avoiding control by the judicial court action yet seriously prejudicial to individual freedoms. Finally, the control systems put in place is insufficient for the establishment of a national commission for oversight of intelligence techniques, CNCTR, supposed to take over from the National Commission on Security interceptions control, is that a decoy. By the admission of Jean-Marie Delarue, President of CNCIS current, this new commission will be unable to control effectively, even retrospectively, secret services. Ultimately, we believe that after examining this text, the balance between strengthening the intelligence policy and strict respect for individual freedoms is not reached. As emphasized by François-Bernard Huyghe, research director at the Institute of International and Strategic Relations, "The problem is not to be for so much of freedom and security: the aim of any prevention and repression is to ensure our freedoms against those who exercise real violence. If they are against-productive by providing arguments to the enemies of our democracies.

"

Also, Mr. Prime Minister, Minister, dear colleagues, we refute all about operating a Manichean dichotomy between "those who have a sense of the state and those who sometimes do not have." The MPs Left Front have "the sense of the State", "the sense of the rule of law." So they will vote against this text which carries serious violations of individual freedoms. I know that this vote will be shared by many other members on the different benches, especially those from the left.  
*(Applause on the benches of the GDR group.)*

[Mr. President](#) . I call Mr Pascal Popelin, for the Socialist Group, Republican and citizen.

[Pascal Popelin](#) . When we vote on this bill relating to intelligence, many of us have in mind the famous words of Benjamin Franklin that "a people ready to sacrifice a little freedom for a little security deserves neither the one nor the other and ends up losing both. " Those who have thought, designed, developed and then discussed and amended the text, were fully impregnated with this spirit. Our right needed a law dealing with the issue of intelligence. Few dispute that, because the existence of clear rules is a guarantee of freedom in this matter as in many others, because our country is one of the last to do not have. From this delay, we Efforts were made to an asset: since we are among the last great nations to legislate intelligence, we were able to borrow what was more solid in foreign legislation, placing us in the top standard in protection of freedoms, take inspiration from the now consistent case law of the European Court of Human Rights on the subject. Legislating is to bring the rule of law where the fantasies least expect. listening techniques, public address, geolocation, algorithms and other Imsi-catchers exist. Their use is widespread, by states, democratic or not, friends or not, but unfortunately through key individuals from distant motivation of the general interest, that their intentions are merely commercial, economic or

criminal dramatically. Who can reasonably imagine a world without these practices, even if they are prohibited by all possible steps imaginable? Our aim, through this legislation, is to set the framework for a republic such as France, to defend its interests, protect the French, so for reasons specific general interest, can resort to such techniques, supervised manner, controlled and sanctioned in case of breach of this body of rules. That was the whole purpose of the long parliamentary debate took place in committee and then in session, from a government project matured long and already itself very largely inspired by the philosophy of protecting freedom. Thus we have clarified the objectives of the policy intelligence so as to leave no room for too broad interpretations and therefore potentially abusive. All the concepts in the law now have a clear scope, the work of the current National Commission on Security interceptions control - CNCIS - contributed to calibrate since 1991. So we have strengthened the control devices , including by extending the prerogatives of the future National Control Commission intelligence techniques - CNCTR - both in its advisory role to the Government in its reporting function possible breaches rules issued. From this point of view, will definitely CNCTR more powers than the current CNCIS. Where the law of 1991 was extremely stingy in terms of prerogatives, the text is rather verbose. So we clarified referral procedures of the State Council and strengthened the ethical rules, in particular through the creation a whistleblower status for any agent of the intelligence services. Due to the preliminary ruling, defense secrecy will no longer be an obstacle to the administrative court, or to the civil or criminal courts. Other steps will certainly improve the bill before its final adoption. For the avoidance of doubt before its entry into force, the President of the Republic has committed itself to seize the Constitutional Council before enacting it. On behalf of the Socialist Group, Republican and citizen, I therefore appeal all of the national representation to vote in favor of the necessary text which, despite all the comments which it is subject, marks real progress for our rule of law. *(Applause on the benches of the CBC group.)*

[Mr. President](#) . I call Mr. Éric Ciotti for the Union for a Popular Movement group.

[Mr. Éric Ciotti](#) . Mr. President, Mr. Prime Minister, Madam Minister of Justice, Minister of Interior, Mr. Rapporteur, dear colleagues, the vote of the draft law relating to information comes at a time when our country is facing a terrorist threat of unprecedented magnitude and intensity. France is a target, perhaps the first in the world. Islamist terrorists are attacking and attacked frontally the fundamental values of our Republic and basic symbols of our country. Yesterday, the threat was external. Today, it also comes from within our borders, people socialized and educated in France. The number of terrorist apprentices unfortunately growing. Several thousand people - Mr. Prime Minister cited the five thousand people - are currently engaged in some way in the terrorist movement and a threat to our country. Time of Afghan or Pakistani channels, a few dozen people - fifty at the most - to be monitored each year by our

intelligence services. Today, I repeat, are thousands of people who are involved, directly or indirectly, in the terrorist movement. Our intelligence and our police services do a remarkable job that I want to salute and which helped thwart several dozen attacks since September 11, 2001, when our world changed - although since then, I note that 102 French perished victims of terrorism, in France and abroad. However, the legal framework, technical and logistic activity of these services is now unsuitable or exceeded. Colleagues, it is our duty and our responsibility to protect our country and adapt our legislative arsenal in terrorist activities constantly changing. This text usefully contribute. That is why he deserves neither excessive honor nor excess of indignity. This bill is necessary, even if it is not enough. It is insufficient because France, Mr. Prime Minister, would have required a true framework law and a real struggle programming law against terrorism, which would include a budgetary component content and a judicial aspect which is sorely lacking here. So, this text does not address the issue of returning jihadists on our territory, so they pose a clear risk to the safety of our citizens. So you still refuse the creation of actual detention centers and a compulsory placement device. If this text is not sufficient, it is nevertheless necessary because it acquires a legal framework existing intelligence activities. This bill will indeed relevant tools and claimed long ago by the intelligence services: Security interceptions, administrative access to connection data capture, transmission and recording sounds or images. In addition, discussions Committee and in the Chamber helped to substantially improve the content. I think at the disposal of including the Ministry of Justice and the prison administration in the scope of the collection of intelligence, that proposed our colleague William Larrivé. Throughout the debates, however, some speakers expressed concern concerning the protection of individual freedoms. It must hear and respond. We have made improvements; others will have to be even. The text provides a strict framework for intelligence techniques to achieve a balance. The National Control Commission intelligence techniques, CNCTR, will have a very clear control and judicial review will be entrusted to the State

Council. Mr Prime Minister, colleagues, we always thought that the war against terrorism required overcome political divisions.

[Mr. Maurice Leroy](#) . Very good!

[Mr. Éric Ciotti](#) . We will never have the same attitude unworthy than some in the Merah case, do not forget!

[Pascal Popelin](#) . Fortunately!

[Mr. Éric Ciotti](#) . We believe however that it is our duty to politicians to better protect our country. It goes without saying that zero risk does not exist, but the safety of our citizens requires strong determination to minimize the level of risk. This is why the UMP group at the invitation of his President Christian Jacob, will take its responsibilities overwhelmingly supporting this bill. (*Applause on the benches of the UMP.*)



[Mr. President](#) . On the whole bill, the vote shall be announced in the chamber of the National Assembly. I call Mr Michel Zumkeller, for the group of the Union of Democrats and Independents.

[Mr. Michel Zumkeller](#) . Mr. President, Mr. Prime Minister, Minister, Minister, Mr. Rapporteur, dear colleagues, our company experienced in twenty years of major technological developments. However, since the Act of 10 July 1991, our legislation has been amended only the margin. Criminals, terrorists, foreign intelligence services and private agencies have means of communication and technologies incommensurate with what the current legislation provides to counteract them. Intelligence is an act of sovereignty par excellence. The establishment of a new legal and regulatory framework is necessary if we want to legally sit methods and practices already implemented. However, we do not legislate for six months or even two years, not only in reaction to the attacks in January. When these provisions will be enshrined in our law, they will abide beyond the waves. As such, my dear colleagues, we must remain cautious and vigilant. The challenge of this text lies in the balance between management of the activity of services, means that we intend to give them to guarantee our security and the preservation of individual liberties. The protection of freedom has become a subject all the more sensitive that technical progress and are increasingly invasive. The public session debate allowed to enter - at our initiative, including - protection of personal data in the text. We welcome this, but it is not enough to enact principles. The use of information technologies must be strictly regulated, with the necessary safeguards and control mechanisms, upstream and downstream. Can we, at the end of this first reading, talking a balanced text? First, the scope of public interests to use the intelligence remains too wide. We are talking about major interests in foreign policy, collective violence and, once again, for the prevention of crime and organized crime - all terms which cover more or less the field of national life. Before the immensity of this field, the Commission must actually be able to control the activity of services. Second, the urgent procedure, if it has changed several times, always away at

this stage prior notice of the commission. We regret, because this situation will leave the Prime Minister the sole judge of the implementation of interceptions. The text could establish an on-call system ensuring the control of the Commission. It is a proposal that actually seemed achievable. With regard to algorithms, which are a particularly intrusive intelligence technique having rightly occupied an important part of the debate, the guarantees have been made: the authorization may only be issued for a renewable period of four months, the technical scope of the implementation of the measure is limited to what is strictly necessary to the detection of terrorist threats, the provision will apply only until 2018 and it will not be possible to apply the emergency procedure. Finally, on the crucial question of controlling the use of these techniques, we had two main proposals: firstly, open to the CNIL access to all files of the police and, second, collecting the data in one place so that the Committee can carry out its supervisory work in the best conditions. If we have not been heard on these points, it must be recognized that control was nevertheless improved over the debates. Through the adoption of an amendment UDI, the commission will have permanent access to permissions, statements, records, data collected, transcripts and extractions. It will control further traceability of the collected information devices implemented by each service, and all premises where exerted centralization of collected information. Two other developments are also noteworthy. First, the composition of the Committee was modified: the presence of six parliamentarians strengthens the democratic control of the use of these techniques. On the other hand, a specific procedure will be applicable to judges, lawyers, parliamentarians and journalists. This also corresponds to a request from the IDU group. Dear colleagues, arguing that sufficient safeguards have been established in order to reconcile the preservation of liberties with the supervision of intelligence activities, the IDU group largely vote in favor of this text. *(Applause on the benches of IDU group.)*

[Mr. President](#) . I call Mr. Alain Turret for the radical group, republican, democrat and progressive.

[Manuel Valls](#) , *Prime Minister* . This is Clemenceau who mounted the platform!

[Mr. Jean-Luc Laurent](#) . Would it not rather Robespierre?

[Alain Turret](#) . Mr. President, Mr. Prime Minister, Minister, Minister, Chair of the Commission, ladies and gentlemen, France has rarely enjoyed his police. She always ignored the information and services. In the UK, relations with MI5 are a matter of *gentlemen* ; in France, it is called spooks hovering over which the shadows of Joseph Fouche and Charles Pasqua. (*Murmurs on the benches of the UMP group.*)

The information would therefore be an octopus that attacks all our freedoms: that of going and next, that of having an inviolable home, that of holding a secret

conversation. Each phone at any time of the day without even knowing if he is or will be located, if he is or will be identified!

[François Fillon](#) . This is Defferre ...

[Alain Tourret](#) . Intellectuals and lawyers, journalists and actresses, all our elite intelligence vomit! Just to be convinced to read the interview given by the president of the Bar of Paris, which speaks of a state lies and a tote in which dominates the arbitrary - no less, for someone which is nonetheless still one of my colleagues! The reserves of the National Consultative Committee on Human Rights are paradoxically supported by figures from the extreme right, ...

[Mr. Claude Goasguen](#) . Is the president of the Bar of Paris so far right?

[Alain Tourret](#) . ... To the far left and even of the extreme center! They are also supported by the National Front, too happy, like a frightened Venus, playing the defender of freedom after trying to be a champion of secularism! One would dream, Mr. Prime Minister, hearing Ms Le Pen mention draconian law! It can certainly listen to different positions; it is also and above all recognize and accept the fact that the Republic is under threat and that security is certainly the first freedom. One can also expect to find a broad consensus thanks to a rich text with amendments that strengthened the national guaranteed control intelligence techniques. The principle of proportionality between the dangers to society and attacks on individual freedom was strong rightly respected, Mr. rapporteur. At strengthened powers, reinforced checks! This is what have repeatedly reminded the prime minister, the interior minister and the chairman of the Law Committee but also, I must say, the UMP leaders. They are right! While this law applies not only terrorism.

[Mr. Claude Goasguen](#) . Really?

[Alain Tourret](#) . It also applies to organized crime and economic and industrial piracy of our companies. We must protect our businesses, including our best allies against, whether German or American. The battle for jobs also means the law on intelligence! It is further necessary that France - it's you, Mr. Prime Minister, who are arrested - applies to itself what it is asking its allies and other nations need to book the President of the Republic the right to seize the Constitutional Council - which is not the Council of State and has no advice to give since it can *ultimately* canceling any part of the bill? It will probably timely, and I say to the President of the National Assembly that the deputies seized all the Constitutional Council, failing which we will support only the Presidential Executive protects fundamental freedoms ... Or fundamental freedoms are first Lot and freedom darling of Deputies!

[Mr. Antoine Herth](#) . Congratulations!

[Alain Tourret](#) . The RRDP group, the radicals and their allies will vote unanimously timely and indispensable text that reinforces the security of the French when the latter is seriously threatened. They are convinced that this text - which should, Mr. Prime Minister, subject to a procedure revoyure - Household freedom in a troubled time, protects our economic, interest and above all, my dear colleagues, ensures peace of the Republic. (*Applause from various quarters.*)

[Mr. President](#) . I call Mr Sergio Coronado, to the environmental group.

[Sergio Coronado](#) . Mr. President, Mr. Prime Minister, Madam Minister of Justice, Mr. Minister, Mr. Chairman and dear rapporteur of the Committee on Laws, we all in this Chamber, experienced the same sharp and deep emotion during attacks January. Nevertheless this emotion can not be our only compass when we legislate. The need for supervision of the activities of intelligence services is not disputed in this assembly. France is lagging indeed a significant delay compared to other western democracies. Our intelligence services have fragmented legal

means, from a slow sedimentation of legislation without a frame. The need for legislation is therefore a reality. Put an end to illegal practices, provide operational and normative framework respectful of freedoms: this is our mission. But this necessity does not justify the use of the accelerated procedure. Why prefer the great citizen and parliamentary debate a discussion and a vote at the charge? A quality legislative work presupposes, as has so often reminded the President of the Law Commission to devote to the development of a law sufficient time for a constructive dialogue with the national representatives, with all components of society. This is inform public policy to come and work in peace, away from the grip of emotion and without haste. It was only a few months after the entry into force of the 2014 Act strengthened provisions on the fight against terrorism, consecutive to Nemmouche deal, and shortly after two other laws of 2012 and 2013, consecutive to the Merah case, we discussed the text on intelligence. "It s' is to supervise intelligence activities, "insisted the Government," and legalize illegal practices but quite common "- without bothering to assess the effectiveness of these practices or to present, in a brief impact study and manifest poverty, any encryption setting up the technical modalities of intelligence gathering; without questioning the economic consequences of the proposed provisions on the digital industry; without finally analyze malfunctions and failures of the intelligence services in the fight against terrorism. This text raises debates, concerns and criticisms in this Chamber and in society. We can scan a simple wave of the hand by the simple invocation of security concerns. Because this text is as much about our security that our fundamental freedoms, even our privacy. It affects very large areas of social, economic and political, and to the French presence in the world. It borders - albeit insufficiently - and also allows the intrusion monitoring, personal data collection, too broadly and not only in order to prevent the terrorist threat. It goes far beyond as it allows intelligence services the use of collection of technical information both extensive and highly intrusive for the defense and promotion of economic, industrial and scientific country. To prevent damage to the republican form of institutions, it allows other

services as the intelligence to use these same techniques. It assigns to the prison administration, against the will of the Government, the missions were foreign to him until now. It sets up the National Control Commission technical intelligence, whose opinion is only advisory and that can be bypassed in an emergency without the emergency itself is defined. The use for all citizen wishing to challenge surveillance operations which he is the victim is at least virtual and virtually disappears when it comes to communications with foreign countries. The text authorizes the use of techniques - sensors, algorithms, IMSI-catchers - allowing the collection of data from a very large extent on communication networks, since it is all traffic that will be concerned: "It s 'is to allow to collect systematically, widespread and indiscriminate large amounts of data, which may, if appropriate, be related to completely strangers to the mission of intelligence. " Intelligence services can use intrusive techniques retrieve connection technical data, exceptionally, be defined without the exception, without any special precautions, but not limited to the only terrorist threat; correspondence may also be collected. Nobody accuses you here, Mr. Prime Minister, to want to set up a mass surveillance, but this text authorizes techniques that allow monitoring of all social activities. Article 10 introduces a form of criminal immunity quite questionable for agents operating abroad. Furthermore extension in the text without justification the data retention period. It creates a "terrorist file" the provisions of which have been known to parliamentarians that the night before its adoption. Imagine for a moment, Mr. Prime Minister, what another government as yours could make this so much power that today gives the text. For the reasons I have just presented, the vast majority of Members of the environmental group decided to vote against this bill. The debate within our group was not opposed to a chipoteurs side and on the other illiberal, unconscious against patriots. It brought together parliamentarians aware of their responsibility to ensure both the safety of our citizens, defending their fundamental freedoms and the protection of privacy with respect for the rule of law. *(Applause on the benches of the environmental group.)*

**Vote on the entire**



[Mr. President](#) . The vote is the entire bill.

*(It is in the voting process.)*

The result of the vote:

Number of Voters 566

Number of votes cast 524

Absolute majority 263

For adoption 438

against 86

*(The bill passed.)*

## ***Suspension and resumption of the meeting***

[Mr. President](#) . The meeting was suspended.

*(The House adjourned at 4:55 p.m. and resumed at 5:05 p.m., under the chairmanship of Mr. David Habib.)*

## **Presidency of Mr. David Habib Vice President**

[Mr. President](#) . The meeting resumed.

3

## **Debate on the report of the evaluation committee and control of public policies on the evaluation of the cultural network of France abroad**

[Mr. President](#) . The agenda is the debate on the report of the evaluation committee and control of public policies on the evaluation of the cultural network of France abroad. The Conference of Presidents has organized this debate in two phases. First we hear the speakers of the groups and the Government and then proceed to a question and answer session. In the general discussion, I call

Mr Jérôme Lambert, for the radical group, republican, democrat and progressive.

[Mr Jérôme Lambert](#) . Mr. Chairman, Madam Secretary of State, ladies and gentlemen, France is in the world a unique place. While it has some seventy-five million inhabitants, less than 1% of the world population, our country is among the most economically powerful nations. What do we need this? Undoubtedly the strength of our businesses, their ability to adapt to the European and global environment and innovation demonstrated by our centers of public and private research, but we also owe to the singular position occupied still in the world of French culture, that is to say radiation ideas promoted by France during its history. Without this fact that comes to support the French language, France does not occupy such a place in the world. That is why we must pay particular attention to policies implemented so that this situation continues and even grows in the world of tomorrow. This aspect of the foreign policy of France is the subject of a very interesting report of the evaluation committee and control of public policies on the evaluation of the cultural network of France abroad. It was at the request of RRDP group that we examine in public session the conclusions to ensure, given the fundamental nature of the issues that the Government will take all the means at implementing today and tomorrow keep to France, through its cultural diplomacy, its intellectual influence and enhancement of expertise. Recall briefly the French system in the field. Four departments are concerned, foreign affairs, national education, higher education and research and culture and communication, without forgetting the secretariats of state associated with them at the forefront of which face yours, Madam Secretary State Girardin, because everyone knows the attention you pay to it. Ultimately, many political actors are responsible for this important topic. They are responsible for the management of several national sectoral agencies such as the French Institute, Campus France, France international expertise and the Agency for French Teaching Abroad. But all this would be nothing or almost over and the contribution of local public and

private networks that constitute the 161 service for cooperation and cultural action of all our embassies because our diplomatic network remains the world's third just after those of United States and China. These services, including a hundred have the status of establishment financial autonomy, are complemented by twenty-seven French research institutes abroad. The private network is also very important and plays an essential complementary role through the French Alliances represented in 136 countries. This influence which France may base all kinds of relations with third countries is now increasingly challenged by several nations having understood the interest in this field of action. Our competitors are traditionally the United States, which largely spread their intellectual and cultural influence, but also Germany as part of the 149 Goethe Institute it owns in the world and of course Britain which has 191 offices spread in 110 countries. Besides these traditional competitors, new countries are showing a great ability to develop their cultural policy in the world, especially China which in just ten years, has established 435 Confucius Institutes on every continent. This is the general context in which our country must fulfill its cultural policy abroad, focused mainly by appropriations from the budget program "Cultural diplomacy and influence" which we see and deplore unfortunately, given the stakes, that they are in decline since 2013, though 2015 appears to be a plateau in the reduction. Is it because we have reached the bottom? I hope in any case that the means to influence policy, essential to the presence of our country, find the strength and the faster the better! Note to congratulate ourselves that the number of foreign students enrolled in master's or doctorate is increasing since 2012 to reach 133,000 this year, placing France in the matter in third place in the host countries of foreign students . The share devoted to the financing of French education is very important as essential. Nearly 300 million people are francophones, distributed in thirty states on five continents. French is one of the few languages to be taught in almost all education systems in the world. His international language status officially recognized in the United Nations, the Olympic Committee and all international organizations gives him an important place. This

is why the efforts of France for the development of the teaching of French represent 57% of allocations to cultural cooperation, the international attractiveness and research. In recent years, as a result of the reform initiated by the Law of 27 July 2010, a rationalization of tools used to carry out these policies was undertaken. In practice, the results are modest. The number of operators to which the visibility of the action of France declined somewhat and decided by the law of operators grouping experiments were interrupted because of the uncertainty of the expected benefits and the importance of cost their implementation. This is why the assessment report is timely. It is structured around seven main points, first and foremost the need to adapt the geographic action according to targeted audiences and tools mobilized to prevent plating on separate situations similar policies against-productive. Follows the need to strengthen the attractiveness of the French education system to make it a better tool of influence again. The report also recommends the development of scientific and technical cooperation in the countries that are a challenge for ours and stresses the need to rationalize the cultural offer because France participates every year to some 50,000 cultural events in the world, five times the Goethe Institute and twenty times more than the British Council. Avoid as much as possible while maintaining a sprinkling often very welcome presence and work better at inter-ministerial level to strengthen the strategic management and improve its implementation. Finally, we need to find ever more means to develop local synergies around French actors and partners, especially the French Alliances, under the guidance of French influence gathered around our ambassadors. These are some of the approaches suggested by the report which I measure the relevance hoping it will stay by unheeded, as was largely the Law of 27 July 2010. This is the great challenge we up because France will always be France as it will retain an important role in the world knowing enjoy cultural synergies! *(Applause on the benches of RRDP group.)*

[Mr. Jean-Luc Laurent](#) . Excellent!

[Mr. Jean-Pierre Dufau](#) . Very good!

[Mr. President](#) . I call Mr Sergio Coronado.

[Sergio Coronado](#) . Mr. Chairman, Madam Secretary of State, dear colleagues, I greet first of all the work of my colleagues François Loncle and Claudine Schmid, authors of the information report on the evaluation of the cultural network in France abroad as part of the evaluation committee and control of public policies. It should be noted at the outset that we sometimes tend, at a time of economic diplomacy, to forget that the French presence abroad is essentially based on two main pillars, the French education system that has about 500 institutions worldwide and the network of French Alliances with more than a thousand institutions and is the heart of our cultural presence and influence abroad. France must certainly remain a power of influence for the economic recovery of our countries but France must above all be fully aware of the importance of culture in its influence diplomacy. Defend and promote the French language and culture should be the heart of this policy. His influence diplomacy must be at the service of European diplomacy to promote the emergence of a more united Europe and work for better governance the planet with the climate challenge to prioritize time hosting the COP21. Or the French system, which has several branches spread between a public network and the private network of French Alliances, remains

complex, dispersed and poorly coordinated. Sometimes it is the result of failed or inabouties reforms as is unfortunately the case of the French Institute. It is equally regrettable that reform and restructuring accumulate without being proposed substantive changes as funding declined steadily. Budget reductions are applied to the entire network, so that all stakeholders denounce a stricken budget. The Finance Bill for 2015 provides for a budget of 2.8 billion euros for external action the state, but it still lags after a slight decrease from 2014. The French model nevertheless retains pragmatic goals. It aims to adapt to the new global challenges, not only by redefining the missions of the various organizations, but also their distribution. The mission 'External action of the State "and includes four programs, two of which are lagging budget down, and a new, in anticipation of the Paris Climate Conference 2015. In this information and assessment mission, the rapporteurs advocate a redefinition of priorities to strengthen the leverage of actions, but also better organization of budget cuts. For my part, I note that the information report clearly states that "the teaching of French is more than ever a priority. " French courses and certifications represent 75% of own resources of the network, and they remain the primary mode of action of the cultural network abroad. But I want to stress that the budget of the AEFÉ manages 488 establishments - 75 directly managed, contracted 156 institutions and 257 partner institutions - has been declining steadily for several years, creating strong tensions between French schools in foreign and local partners, be they parents associations or foundations that are the real managers. I also note that the report proposes to reconcile the two missions abroad education network : the reception of French children and the spread of culture. However, I question the measures recommended in the matter, since it calls for redeployments in priority countries, actively seeking sponsors and better management of human resources. I fear that this proposal is a harbinger of budget cuts that lead to a particular rundown, closures of cultural centers or virtually systematic search for co-financing cultural activities. We can only regret the closure of many cultural institutes in recent years . 19 centers have been

closed in Western Europe between 2000 and 2006. Recall that in late 2013, the Quai d'Orsay had decided to move the French Institute in Berlin for budgetary reasons, and that it is only price a citizen mobilization that decision was dropped. My dear colleagues, as we close, other countries imitate our system with its China Confucius centers, which are installed all over the world, but also with Spain Cervantes centers, even if the network remains less important than ours. For my part, the French representative of Latin America and the Caribbean, I measure every day the influence of French Alliances of this unique cultural network in the world, but also the power of the educational network. At a time of economic diplomacy, do not forget that the French presence is essentially based on these two pillars. For many years the French cultural network abroad suffers from budgetary rigor of successive governments. But the attraction for international represents an opportunity for our countries in the context of globalization. Let us not turn off the influence of French households that relate much to our country in tourism terms and in terms of political influence and cultural influence.

[Mr. François Loncle](#) . Very good!

[Mr. President](#) . I call Mr Francois Asensi, for the group of the Democratic and Republican Left.

[Mr. Francois Asensi](#) . Mr. President, Madam Secretary of State, dear colleagues, with more than 1,500 offices, public and private status, France has a unique tool to promote our language and our works at the service of diversity cultural. Today I welcome our debate on this network, at the initiative of RRDP group, following the remarkable report published in December 2013 by our colleagues François Loncle and Claudine Schmid. For members of the Left Front, this debate is necessary for several reasons. First, let me say a word about the recent overall disappointing and unfinished reforms. As part of the RGPP, a first step started in 2009 saw the merger of services Cooperation and Cultural Action, the SCAC and institutions to financial autonomy, FAE, with an undeniable gain in terms of readability and control, although it has caused difficulties for agents and if it is part of a downward target of spending. Regarding the law on the external action of 2010, our group regretted a missed appointment. The experimental attachment to the French Institute was doomed to failure, with the confusion of the missions, the loss of the tax exemption and the cost of reform. Today the French Institute calls for a redefinition of its missions. Interesting paths are proposed by the Court of Auditors, such as strengthening cultural seasons and actions with several network stations. However, I think many of us agree that, after these many reforms and sometimes not consistent, the Time to stability. Let us now improve vision and control. I fully support the idea of strengthening the inter-ministerial steering. I turn to the hungry budget dedicated to this network. The Foreign Ministry has suffered more than other real budgetary bloodletting since the 1990s This is even Most damning for the cultural network, with 7% of



operating funds in less since 2007 and a 25% drop in intervention credits. Echoing the alarm raised by Bernard de Montferrand in 2010, the effort of France slumped to 190 million euros, against 288 million for the Goethe Institute and 242 million for the British Council. How not collect a form of inconsistency between the ambitions at the highest level and means increasingly limited? It is not possible to go further in these budgetary restrictions, except to renounce the universality of our network or to our cultural antennae simple sales desks at a purely market vision service of our culture. The rationalization which called the Court of Auditors report is only the other side of this policy austerity that threatens our network. I regret that the report merely defending the *status quo* budget when we should identify new ways. Finally, I regret the lack of vision of our cultural policy abroad. The foreign policy of France has always been related to the distribution of its arts and ideas across borders. It was our way of influencing the conduct of world affairs. This cultural and political ambition, which in history was sometimes alienating, sometimes emancipatory, what remains today? In the name of a poorly consolidated doctrine of "influence diplomacy", culture is seen lowered to a mere vehicle of the economic interests of our multinationals. Many of the recommendations discussed today are impregnated with this vision and short-termist utilitarian economic competition of all against all, which however led to the current crisis of financial capitalism. As a result of this vision, the network's public service mission culture will erode as it will appeal to private funding sources to offset the withdrawal of the state. We are equally concerned about the prospects of closing the cultural network of antennas. That we must adapt to the emergence of new powers, it is obvious, but this should not lead to sacrificing the Francophonie. We do not want Africa to be abandoned on the grounds of its low level of economic development, because this continent, the cradle of humanity, is also its future. For the Communist deputies and the Left Front, the French cultural network, rich dedication and professionalism of its staff, has to contribute to a multipolar world and create the conditions for dialogue between cultures, in the service of a project of peace and progress.



[Mr. President](#) . I call Mr. François Loncle, for the Socialist Group, Republican and citizen.

[Mr. François Loncle](#) . Mr. Chairman, Madam Secretary of State, ladies and gentlemen, the report that my colleague Ms. Schmid and I have achieved is based on the particularly instructive study of the Court of Auditors, which helped to dispose of a precise inventory. First, I want to remind that the two main vectors of the image of France abroad are business and culture, including the educational system. However, culture is often , at least since 1994 and the late Mitterrand, a budgetary adjustment variable. Faced with the constraints it experiences for many years, the French cultural network abroad has shown great resilience and adaptability. Nevertheless, reforms are necessary if France wants to maintain its influence and energize, maintain and increase its influence and attractiveness. To this end, we make seven major proposals. First, to give stability to our cultural action and our cultural network . Our cultural presence abroad must be part of the long term.

[Mr. Jean-Luc Laurent](#) . Very just!

[Mr. François Loncle](#) . We must stop constantly changing names and should be simplified structures, often too numerous and ill-defined. It is appropriate to establish multi-year policy guidelines, set a final end to the reform and to reassure staff on contract duration and career opportunities. Second, cultivate and strengthen the links established with foreign - students, scholars, auditors , viewers, lecturers, teachers, artists, trainees, internet users. It is imperative to maintain contact with all foreigners who attended a French institution, whatever it is. It should, for example, multiply the alumni associations or alumni. The UK and Germany are very active in this field. Third, identify priority geographical areas. France must undoubtedly continue to maintain historical relations with certain countries, particularly in Africa. It must certainly focus on emerging countries, but it should not neglect some promising areas, particularly Latin America. To achieve the twin objectives of cultural diplomacy and economic diplomacy, that is to say a real influence diplomacy, we must also clearly be a greater effort towards non-Francophone countries. Fourth, increase our presence online and on air. This is a key issue. It should promote the creation and dissemination of internet education programs, promote and accelerate the development of databases and virtual libraries. Fifth, enhance the excellence of French sectors. It should ensure the promotion of certain areas where France is particularly innovative shows, like music, cartoons, video games, but also biotechnology, robotics, etc. We must highlight artists, scientists, writers, which largely contribute to the international reputation of our country. Sixth, investigate the image of France. Must be undertaken with the help of particular embassies, French institutes, French Alliances and French Research Institutes Abroad, an extensive survey in the world, to understand how our country is perceived and what should deepen or correct, to know what are the expectations of foreign for him. - which are likely to evolve Seventh and last proposal, actively participate in international university competition. France must do more to attract foreign students in French universities; it is lagging behind in this area compared to

Australia and the UK, which is surprising, because the fees are very high in these countries, while France has undeniable advantages. Thank you your compliments and your support regarding this report, my colleagues. These few proposals will in my opinion to France to live and to stimulate a dense and diverse cultural network. *(Applause on the benches of CBC groups RRDP and IDUs.)*

[Mr. Jean-Luc Laurent](#) . And indispensable!

[Mr. President](#) . The call Mrs Dominique Nachury for the Union for a Popular Movement group.

[Dominique Nachury](#) . Mr. Chairman, Madam Secretary of State, ladies and gentlemen, the information report we are debating today is a new opportunity to show our commitment to the cultural prestige of France in the world. As recalled our fellow rapporteurs, Claudine Schmid and François Loncle, the historically pioneering position of France with regard to radiation explains the wealth of its cultural external network. But although we can be proud of this position, it is necessary to be lucid face new challenges that our nation faces in a context of

budget constraints and increased competition from foreign powers. More on that in a second time. Let me first pay tribute to those who, by their action, allow France to remain in the forefront. I am thinking of ministries but also to national agencies sector as the French Institute or Campus France, the network of 161 services Cooperation and Cultural Action, the 27 French research institutes abroad or the French Alliances, present in 136 countries. While it is important to be aware of the changes that we must make to our network, we must not forget that it works primarily through the involvement of men and women. Their commitment to the cultural influence of France is to be welcomed. However, it is clear that our network is now facing a turning point. Loss of speed of the Francophonie, remoteness influential circles of France from major emerging countries, difficulties in France to impose its image certain sectors such as advanced economy, or need to adjust influence diplomacy and economic diplomacy, are challenges that we must meet. Furthermore, these challenges are part of a difficult environment, marked by a greater global competition against new players such as eg China, Brazil or India. Finally, we must keep in mind that stretched national budgetary context is a strong constraint. In the previous parliamentary term, we reaffirmed our commitment to restructure the cultural network. The merger of the cooperation and cultural action services and centers and cultural facilities within financial autonomy to institutions, as part of the 2008 RGPP, was a first step towards rationalization. In the same vein, Law of 27 July 2010 was intended to renew the framework of the external action of the State in three areas: higher education, research and student mobility; technical assistance and the French international expertise abroad; the promotion of French culture. It is true, however, that this reform has not had all the desired effects and that now need to make adjustments. As such, we can only welcome the proposals made by our colleagues. These, after a long process of study, propose to make a shift in our network around two main axes are, on one hand, better prioritization of cultural action and modernization tools, and, secondly, strengthening the management of the cultural network by adapting its means and

developing new synergies. The proposals in the report are good, and we support them. Colleagues, the greatness of France through its cultural influence internationally, and it is our duty to do everything possible for it is the largest possible.

[Mr. President](#) . I call Mr. Meyer Habib, for the group of the Union of Democrats and Independents.

[Mr. Meyer Habib](#) . Mr. Chairman, Madam State Secretary, Mr. Rapporteur, dear colleagues, culture lies at the heart of political identity of France. For centuries, our state contributes to the development and promotion of intellectual works with a universal vocation. The international influence of our culture, the appeal of the French model over the years and borders is proof. Today, France has the largest cultural network abroad in the world. It is a great pride for us all. Our country spends considerable budget of around € 1.3 billion a year on foreign cultural activities. This network is a considerable asset to conduct a policy of influence in a world of increasingly globalized and interconnected. The excellent information report Claudine Schmid of our colleagues François Loncle and draws up an inventory of our cultural network and sets strategic areas to defend and strengthen the influence of France on the international stage, because the world has changed. The context in which our cultural network unfolds has undergone profound changes in recent years. I will mention only a few major changes: the assertion of new major players, both customers and competitors of France - I think naturally emerging countries - the intensification of cultural competition between powers, Internet, obviously, that revolutionized the cultural practices, and finally, internally, a budget context of tension. Today it is to do better with fewer resources at the service of a renewed global influence of diplomacy. This report highlights four key challenges. A strategic challenge: what cultural strategy for our country in the world in about five, ten, twenty years? What priorities? What resources? An organizational challenge: what structure for the cultural network of France abroad? A human challenge: what human resources management to maximize the long term human capital of the French cultural network? Finally, a European challenge, of course, because *ultimately* , European integration will only succeed through rapprochement between peoples. The first challenge is the strategic challenge. This fundamental question is to ask how to use the asset of culture and hence cultural network at the service of our diplomacy of influence. This report defines a major challenge: to redeploy the resources of our cultural network towards growth poles in emerging countries.



This is a considerable challenge. In this regard, I would like to mention the case of French schools abroad. These institutions, often of excellence, play an important role not only in structuring the French communities established around the world, but also in the cultural influence of our country. There are a few weeks, I visited the Stendhal high schools of Milan and Turin Jean Giono, and I salute the remarkable work accomplished by these institutions and to pay tribute to both teaching teams as parents. These schools are a credit to France. But today these French schools abroad face two major challenges. In terms of planning, they need visibility into their resources to support their growth; they must redefine their business model through greater use of external funding or local contracts. Regarding attractiveness, evaluations should be implemented to ensure that the network of French schools abroad continues to attract national elites, as is still often the case. Then there is the issue of global diplomacy. Cultural activities must link up with other fields, such as tourism promotion. For example, in promoting tourism, more systematic cooperation between Atout France and the French Institute are to be found. The second challenge is organizational. The structure of the cultural network and operating processes must be consistent with the cultural strategy of France. Two priorities are essential: continue refocusing steering and strengthen multiannual programming to accompany the strategic alignment of network players. At the local level, the management process should also be revisited to optimize network potential. To this end, two working tracks stand out. Firstly, cooperation and cultural action services must mobilize to promote synergies and complementarities, especially between French institutions and the network of French Alliances, which play a major role in the French-language education. Furthermore, complementarities should be sought with foreign cultural services, especially Europeans: I learned, for example, the French Institute of Athens had recently co-produced a "night of Philosophy" in partnership with Goethe Institute. Third challenge: Human resources management. There was first the question of the management of jobs and skills within the cultural network. Then, strengthened efforts should be made in terms

of staff training. The Cooperation Advisor business is changing: the part of the project management occupies a place increasingly important in its missions, at a time when he is led to partnerships with local players, that Whether it's research centers, educational institutions, philanthropic or cultural industries. Finally, the fourth challenge: the European challenge, which the report devotes, alas, only limited developments. Within the European Union, perhaps more than elsewhere, the cultural network France must naturally be exploited to influence the elite of tomorrow. But another major issue deserves to be at the heart of priorities: the full use of culture to cement the European space. European integration is far from certain and Europe remains at the heart of our political project XXI<sup>th</sup> century. In these troubled times, not to say terrible, that our planet lives, the cultural network has a crucial role to play in strengthening links between the peoples and, first, the border regions, in order to establish cross-border areas, employment areas, activity pools. It is not conceivable that, on both sides of the Franco-Italian border, French-Spanish or Franco-German, we communicate in English or, worse, that we may be unable to communicate. Much remains to be done in this area. To talk about places I know, fluency in French is declining in northern Italy, which slows down integration with the PACA and Rhône-Alpes-Auvergne regions. In this area, local authorities have a key role Plan to play through decentralized cooperation. I wish, in this respect, to welcome the great initiative of the town of Menton in the Alpes-Maritimes - and thus congratulate my colleague and friend Jean-Claude Guibal, deputy mayor of this city - which allowed the the opening of a kindergarten and elementary public in the town of Ventimiglia, Italy. France, for its culture, by its cultural network has considerable assets to make its mark on the XXI<sup>th</sup> century. Undertake the necessary actions to make the most of our potential. (*Applause on the benches of RRDP group.*)

[Mr. President](#) . The call Mrs Secretary of State for Development and Francophonie.

[Ms. Annick Girardin](#) , *Secretary of State for Development and Francophonie* . Mr. Chairman, ladies and gentlemen, thank you for your invitation to debate today the Parliamentary Information Report on cultural heritage of France abroad. I commend the two rapporteurs, Mr François Loncle and Claudine Schmid, and congratulate them on the report of the highest quality, fed by numerous hearings and rich trips teachings which usefully supplements, as has been mentioned, the work of the Court of Auditors. These are not in any thanks the expression of any sycophancy. This report does not go as often, top shelf of the archives of the

Ministry. His concrete and operational nature allowed for careful study; all proposals of the rapporteurs have been a detailed response from the department, sent to your meeting on March 28, 2014. A number of you have emphasized that we should be very quickly operational. I can tell you that we have already implemented an action on several points. I welcome this joint work, consistent with the idea that I'm getting the relations between the executive and legislative branches. Your report rightly highlights the pioneering position of France in international radiation. But the 2014 figures also illustrate the intensity of his activity. Our French teaching overseas network consists of more than 500 establishments in 135 countries for 330,000 school students, an increase of the workforce by 50% in twenty years. More than 15,000 French government scholarships were awarded last year. In the more strictly cultural, 29,000 cultural events were organized in 2014 by the network and affected 24 million viewers; 42 million hours of language classes were provided to students. We need more awareness of these figures. For convenience, I will resume today in our discussions, the term "cultural network". But I want to remember that, if this is one of its essential tasks, this network is not just cultural. It is also a network of cooperation, development and international solidarity. In addition, this network is very involved in the reach and influence of France, and this includes in particular the Francophonie. This precision refers to a political reality: that of a global diplomacy, which crosses all our levers to strengthen the influence and attractiveness of France, on all levels. This is the goal set by the President of the Republic and the Minister of Foreign Affairs and International Development. In an evolutionary context and forces, that your rapporteurs have analyzed well, the ministry constantly adapts its means and actions to priorities in the context of that global diplomacy. In this spirit, our network is the subject of strengthening its management and its instruments, increased complementarity with the French Alliances and modernization of its means of action to increase its self-financing. The objective global diplomacy involves improving interdepartmental coordination on the ground, under the authority of heads of post. The overall requirement of

our external action, including cultural diplomacy and cooperation is an essential dimension, was raised in the cultural action strategy validated by Laurent Fabius in 2013. The ambassadors are now invited to meet with systematically to their counsel in charge of the influence and attractiveness. This council aims influence the link between all the dimensions of the diplomatic action of France: cultural, diplomatic, economic, visa policy, promotion of tourism, university cooperation, development aid. This way of thinking in common, comprehensive and complementary manner is important. We have to say more. I have often seen on the ground: it is imperative that the ambassadors are the leaders of this team France. The latter must advance the field by being more visible. This way of thinking of our common, comprehensive and complementary tool doubles as another will. that strengthen partnerships and cooperation between economic players I want to mention Business this respect France, chambers of commerce and industry and business, the role is also very important in the field, and the French Institute and the French Alliance. I have seen during my visits Tunisia, which dates back to the last few days, when the France team is working with a common will and coherence of action, the result is more effective, more efficient. The other significant development that attaches to this global diplomacy, it is the choice of an increasing use of operators that implement the various aspects of our work. Traditional operators like the AFD, the French Development Agency, the AEFÉ, the Agency for French Teaching Abroad, or IRD, Institut de recherche pour le développement, came s' add the operators from the 2010 Law, the French Institute and Campus France. Finally, a new generation of operators was born in the last month: Atout France, now attached to our ministry, and more recently France and Business Expertise France. Again, both figures show the scale of the action: operators on which the department exercises guardianship, exclusive or shared, represent a turnover of 1 billion euros and employ 11,000 agents today. Each of these operators corresponds to a specific function, allowing it to deploy a generator specialization efficiency on its own business. We focus more on controlling this device and its interaction with the diplomatic

network as a further rationalization whose relevance is not proven. It is necessary at the local level, I mentioned a moment ago, but it is also needed in the management of these operators here in Paris. We absolutely must strengthen this policy, notably by referring designation managers in their field. Then, to strengthen our political influence, the complementarity between the public network of French Institutes and the associative network of French Alliances is also decisive. The network of 400 French Alliances implanted worldwide is a real asset for our action and radiation, all of you have mentioned, ladies and gentlemen. In many cases, as in Latin America, China, India or in Russia, the French Alliances truly embody our presence. The distribution of the respective settlements of French Institutes and French Alliances in each country is the result of a historical sedimentation that must be respected. However, we are mindful of the overall coherence of this network: duplicates were removed in most capital cities - it was important to do it - and a permanent dialogue is conducted on the implementation of different structures. This effort of coherence and complementarity of the networks is to be welcomed and, importantly, continued. In order to make our action more effective, it is essential to better identify both the countries and priority groups. The mapping of the cultural network of job changes according to these requirements. In 2014 and 2015, the redeployments were made in favor of emerging countries in the Mediterranean and the Sahel. They were targeted to certain themes, such as economic diplomacy, innovation or climate. Regarding audiences, our ambition is clear: further open our cultural institutions, our cooperation, our ideas of the debates youth, middle class and civil society, as is currently the case on issues related to the Paris Climate Conference 2015. At the same time, we must respond to the appeal of the French language, both in emerging or pre-emerging in some so-called Francophone countries. I am often traveling in Africa, I could measure the success refresher courses offered in French including in countries where public education is supposed to be done in French. So we reach new audiences but also awareness existing public to retain hundreds of thousands of beneficiaries

or users of our network. It was therefore asked the French Institute to conduct analytical work of its public to meet this dual objective. We also look forward to the results of this work, which will enable us to better meet the demands and needs. Actions are already carried out in this direction. For example, the social network [www.francealumni.fr](http://www.francealumni.fr), hosted by Campus France, was launched in November 2014 to follow up on former students, researchers and foreign stock. As you pointed out earlier, Mr. Loncle, this tool was essential to maintain such active network. In many countries, this networking via the Internet will double the creation of alumni associations, all of which are relays of influence for our country and a hotbed for the creation of local businesses and the development of business. I am inhabited by the conviction that French will remain strong only if it is useful to those who share it, especially in their professional integration. I think all these young people who today are attracted to the French language, should be able to ensure that such control will be an opportunity for them, it will be useful in their way. The strengthening of the network also requires its modernization and professionalization. The initial and continuing training of network agents is therefore a priority. Credits are now entrusted to the French Institute, the French Alliance in turn benefiting a specific annual grant to support its professional plan. New management tools were deployed, including facilities management software to financial autonomy. The introduction in late 2014 of a budget and accounting internal control is a significant step, as noted by the Court of Auditors. The organization of regional meetings of cooperation and cultural action advisors and regular transmission of instructions from the general direction of globalization, development and partnerships at positions that have allowed a better network control. I wanted to personally participate in the work of some of these meetings, and I was able to measure the added value of the network in terms of understanding of local issues and proposals for action. We must of course discuss ways of Action Network, which also modernized to develop own resources and co-financing. The Ministry contributes fully to the public finance recovery effort; I have already had occasion to state several times here since I

arrived here more than a year. In response to concerns expressed by Messrs. MPs Francois Asensi, Sergio Coronado and Jérôme Lambert, I want to say that the decline in budgetary resources remained under control. We stabilize the most important envelopes attractiveness benefits from € 86 million since 2012, and the cultural network has been endowed with € 150 million in 2015, which represents a decrease of 3% compared 2014. As to the AEFÉ, it was completely sanctified and received a grant of € 410 million.



[Sergio Coronado](#) . No, this is wrong! There has been a drop!

[Ms. Annick Girardin](#) , *secretary of state* . This is the exact figure, sir. In this context, we strive to optimize resources and to promote research in co-financing, particularly in emerging countries, where the leverage effects are most significant. In addition, it is always asked our embassies to mobilize to enter the criteria of EU funds. The operators are supported in their search for extrabudgetary funding and new partners, because it is now essential to work in this way. Network agents are mobilized on these issues, which are a daily priority for them. They have been able to confirm this is still a few hours. Ladies and gentlemen, I know that each and every one of you has a clear awareness of the sprint in which we are engaged against the forces of obscurantism and fundamentalism. The fight against terrorism is obviously leads diplomatically, militarily but, I insist, field development and cultural action. On the occasion of the World Day of Press Freedom, we reiterated our commitment to the fundamental right of freedom of expression, and we need more support it. Our values still account for millions of women and men, the hope of a better life, more just, more democratic. The strength and diversity of our cultural network are a major and undeniable asset for the dissemination of our values in the world. This observation is not an incentive to rest or complacency, you said. On the contrary, it aims to push for action, more efficient every day action. We must continue to streamline, modernize, strengthen and adapt this great tirelessly dissemination tool of our language and our culture to meet the challenges of our time, the twenty-first century. This is the price that the universality of our message, our values will continue to be heard and understood throughout the world. (*Applause on the benches groups CBC and RRDP.*)

[Mr. President](#) . We come questions. I recall that questions and answers can not exceed two minutes each. We start with a question from the IDU group. I call Mr. Meyer Habib.

[Mr. Meyer Habib](#) . Madam Secretary of State, Ministry of Foreign Affairs and International Development has decided to adjust the network of French schools abroad to the realities of a changing world and redeploy the resources towards emerging countries . Specifically, the establishments in traditional settlement areas, such as Italy, are facing the removal of residents teaching positions to emerging countries. These redeployments are part of a legitimate and understandable approach in a context of pressure on public finances and given the low availability of quality teachers in some growing countries. However, these changes may not be exercised without regard some local requirements. The deletions occur particularly in a context of increased enrollment. This is the case in my constituency, for example in Italy or Israel. School leaders do not have sufficient visibility on the upcoming calendar, the distribution and extent of the planned redeployment. This situation creates uncertainty in these institutions, tensions on the management of resources. So my question is this: the Government make public he has details of teaching positions redeployments come country by country? And a corollary question, given the need for greater use of local contracts, actions are they planned to improve equal treatment between residents and local contracts contracts?

[Mr. President](#) . I call Mrs. Secretary of State.

[Ms. Annick Girardin](#) , *secretary of state* . Sir Meyer Habib, in line with the action plan for French education abroad that the minister had stopped in autumn 2013, a first ministerial meeting was held in November 2014. This consultation enabled

define a roadmap for French education abroad. Our network currently operates in 135 countries, primarily in Europe, has 500 schools enrolling 330,000 students. The ministers wished progressive evolution of the network, both in terms of implementation as redeployment. You said, teaching positions are redeployed to priority areas such as the French-speaking, the Gulf countries and emerging Asia. This change can only be done gradually, everyone can understand it, because of the many issues related to our schools, especially the reach and influence, and because he must consider the local implementation and teacher mobility. A conference means therefore now be held every year to anticipate the distribution of posts of teachers in the various devices of the ministry, especially abroad. You asked that there be more transparency, and redeployments positions are published country by country. It is not expected today, but know that we would have the means to do so. So I take the commitment in front of you. The first edition of the conference will be held in the second half 2015, and I agree that there is then regular publications.

[Mr. Meyer Habib](#) . Thank you, Madam Secretary of State!

[Mr. President](#) . I call Mr Sergio Coronado, to the environmental group.

[Sergio Coronado](#) . Before coming to my question, I will make two comments. To my colleague François Loncle, first of all, I would say that Latin America is not a continent "promising" for the cultural network: it is present for a long time and the mesh is of unparalleled density. In Colombia, Peru or in Havana, where President François Hollande will visit next week, the French alliances are among the largest in the world. I'm afraid my second comment is a bit unpleasant, Madam Secretary of State but one can not argue in the gallery of the National Assembly of such errors on the budget of the Agency for French Teaching Abroad! This budget, which amounted to 420 million euros in 2010, has not increased for several years. In 2013, he spent 425 million and decreased by 8.5 million in 2014, a net decrease of 2%. In short, it was not ringfenced. I can testify

to having been involved here in the budget debate, with Mr. Le BORGNE, MP from abroad French for Germany and Eastern Europe. What you said at the podium is an untruth. According to the President of the Republic, budgets to youth and education is a government priority. Except when it comes to the French overseas! My question, Madam Secretary of State, regarding the Francophonie. In this connection, then you raise the necessary complementarity and improved coordination within the Government, I found very surprising that the month of Francophonie, which mobilizes all our diplomatic posts will be found competition with another event - the remains interesting by itself - "Taste of France". This prestigious operation centered on gastronomy was disabled, so to speak, the success of the month of Francophonie. I can assure you that the positions were not always well understood what was the coordination and complementarity between the two events! As part of the defense and promotion of the Francophonie, what steps is the Government taking to lead concerted, complementary and sustainable action with its European partners and with all francophone countries? The issue of concern to both French nationals outside France and our diplomatic network: how to obtain a greater striking power and more sustainable in the defense of the French language? The French is not only the language of the Republic is also the language of other countries that make it an equally remarkable use.

[Mr. President](#) . I call Mrs. Secretary of State.

[Ms. Annick Girardin](#) , *secretary of state* . I participated in the field in both events you mention, sir. I especially went to Lebanon to celebrate the closing of an entire month of celebrations around this active Francophonie in many countries. Your question on how to achieve sufficient striking power is quite relevant. On the field, I can measure the challenge of the vitality of the demographics of many francophone countries, particularly on the African continent. If we actually achieve in 2050 the number of speakers that promises a calculation still rather crude, it will indeed put the resources there being more present, both in our cultural networks and through all of our other networks. This work, we do so with the Organisation internationale de la Francophonie, the eighty members and observer countries conduct joint actions in connection with the various operators present on the ground. It is in full consistency with this partnership to look strike force. I also want to mention the France-Quebec Office for Youth, OFQJ, leading player that has evolved with the time opening widely to the point that we are considering a new structure that could be called simply "Office of the Francophonie." The OFQJ, these are for example seventy-five young people - twenty-five Quebecers, twenty-five French and twenty-five francophone from other countries - who will participate in July at the World Forum of the French language in Liège. It is this type of operation that will allow us, I seem to be more visible and readable in our actions, and especially stronger. Institutional Francophonie is not without heaviness, admit, but the actors know sometimes unite and achieve that clout as I call you my wishes for this French language we share with many countries know better days yet, in all layers of the population.

[Mr. President](#) . The call Mrs Gilda Hobert, for the radical group, republican, democrat and progressive.

[Gilda Hobert](#) . Madam Secretary of State, the influence of French culture is naturally at the center of the action of France abroad, and you have ample and brightly stressed in your speech. I would add that culture can not be compartmentalized. In essence, it feeds comparisons, interactions, it is hybrid, diverse, always renewable and renewed. We know the often must take place locally the French institutes and French alliances in the cultural life of the countries they are located. They sometimes provide the only access to culture and creation as an opening to the world. Beyond that presence, I would like to know what our country to experience cultural diversity, stimulate and promote it. What is he doing to build networks between creators? One can indeed talk about culture without mentioning the creators and those who live creation, which arouse reflection and emotion. - I mean the artists How she answers the France ? the expectations of foreign artists and professionals, especially the youngest of them More broadly, our stock they are oriented to develop the economy of culture so that our partners - especially those from the South - can benefit the richness of their own cultural production? (*Applause on the benches of RRDP group.*)

[Mr. President](#) . I call Mrs. Secretary of State.

[Ms. Annick Girardin](#) , *secretary of state* . Support for cultural diversity and the development of a cultural economy, madam, is part of the objectives of our

development assistance, as indeed precise law of 7 July 2014 guidance and planning on development policy and international solidarity. Many devices are used for this purpose. Let me mention five of them. First World Manufactures cinemas, an assistance fund to finance film projects worldwide. This body enables young directors and producers to shoot a feature film first then shown at the Cannes Festival. With the Ministry of Culture, we also welcome young artists and culture professionals in the performing arts, arts plastics, museums and heritage. The program, called "World Currents" lends eighty scholarships annually. We must also mention the program "African and Caribbean creations," which contributes to the structuring of sectors of the local cultural industry. The debate ideas participate in the consolidation of democracy, particularly among young people, and we are all very sensitive. With the Alembert Fund, the French Institute supports the organization of fifty debates every year. We must encourage these initiatives because local partners, whether public or private, must be able to have such appointment. Finally, we are active in citizenship, media and local governance with SafirLab program, which allows to engage sustainably among young people from civil society. I was particularly pleased, after having received in Paris to review the Youth Promotion 2015 in Tunis and measure the progress and all the profits from this support.

[Mr. President](#) . I call Mr. André Chassaigne for the group of the Democratic and Republican Left.



[Mr. André Chassaigne](#) . Madam Secretary of State, I ask this question on behalf of Mr François Asensi, who could not stay until the end of this debate. The recent reforms in the wake of the general revision of public policies and budget cuts were hit hard in the cultural network agents. I salute here their outstanding work and to relay their concerns. Between 2008 and 2012, enrollment has dropped by more than over 20%. It's great! Within the cultural positions, insecurity has increased, as is the use of contract staff. The local staff remain at a disadvantage. The report we are debating also note "the high turnover of some personal" to the detriment of the coherence of projects. More fundamentally, there is discomfort associated with the future of the cultural network that is threatened by budget cuts. The April 21, a large part of employees of the French Institute on strike because of the degradation of working conditions and the lack of visibility on the missions of the institution. Abroad, the proposed redeployments or future of certain cultural antennas generate a legitimate agitation: Venice, Porto, Groningen, Dresden, Praia ... The figure of twenty closures has been raised, particularly in Europe, even as the collapse of the European project requires a continuous presence. The temptation is great to sit on the French Alliances, which are private law, to exercise this essential mission. The Court of Auditors even mentions a "substitute public cultural network." Madam Secretary of State, what answers do you bring address these concerns? Do you confirm the planned closures of antennas and in this unfortunate case, what are the guarantees for reclassification and local agents recruited threatened centers? (*applause from several benches of the CBC group.*)

[Mr. President](#) . I call Mrs. Secretary of State.

[Ms. Annick Girardin](#) , *secretary of state* . As I said earlier, sir, the network adapts constantly depending on political and thematic priorities that drive our political influence and cooperation. For this reason, in particular, that we adapt our device in Europe. This translates, of course, by the closing of some branches - a little more than a dozen by 2017. This is, however, not cuts, but adaptations within the same country. This approach will allow redeployment of human resources in priority geographical areas, notably in emerging countries. . Appropriate measures are foreseen to support local agents concerned by the closures The key, we all agree, is to keep a mobile and responsive network that uses all: agents, cultural antennas, French alliances, but also, as stated Mr. François Loncle, all lovers of culture and the French language. To answer your concern, so it is important to reiterate that while the closures are provided, they are accompanied by redeployments within the same geographic area.

[Mr. President](#) . We come to questions from Socialist Group, Republican and citizen. I call Mr. Jean-Pierre Dufau.

[Mr. Jean-Pierre Dufau](#) . The French language is recognized as the strongest global language after English. It is also the fifth most spoken language in the

world. Compared to other languages, it often has the distinction of being a desired language. There is a wait of French, a French request. School systems where French is taught as a national language or as a foreign language allows transmission. The Francophone evidenced. Everyone knows that this is a literary language, which sometimes gives it wrongly a backward-looking connotations. It is also a legal and scientific language, moreover official language in many international institutions. In short, the French language is a current, living, able to compete with any other language, with all that it brings more compared to the single thought. It also depends on the French educational and cultural network abroad. I share the seven recommendations of the excellent information of our colleagues report, in particular those relating to the exploitation of digital technology and the development of French through artistic networks, cultural or scientific. In a globalized world like ours, language teaching has become a global market, requiring to stay in the race, going through digital. In this area, Madam Secretary of State, how the cultural network of our country he positioned? My question is specific.

[Mr. President](#) . I call Mrs. Secretary of State.

[Ms. Annick Girardin](#) , *secretary of state* . Sir, I will try to reply in equally precise! As you have said, French is preferred language: 50 million people today are learning French as a foreign language. However, we can not rest on these

results encouraging, but insufficient. The bilateral commitment of France in favor of dissemination of our language is at two levels. It is first to intervene to strengthen the place of French - this is the subject of the "100,000 teachers for Africa", in which our operators, especially the French Institute, are heavily involved. Our commitment is also expressed in direct teaching activities, conducted by the French cultural and educational networks. In this area, the digital is becoming increasingly important. The 900,000 French teachers have since this year a social network specifically dedicated to them, the IFprofs. This is only a digital tool among those developed by our operators, especially the French Institute. They focus on French professional goal with distance learning modules, and modernizing teaching methods. This is the best leverage we have for the field multiply the number of teachers. This offer meets a real success with strong growth in subscriptions, consult the various sites listed and downloads. New technologies should be used more, so that the Francophonie is progressing, but also to support teachers, those of our own institutions like those of all the member countries of the OIF. We still need to invest more this sector.

[Mr. President](#) . The call Mr Pierre-Yves Le BORGNIER for the Socialist group, Republican and citizen.

[Mr. Pierre-Yves Le BORGNIER](#) . Madam Secretary of State, I wish to ask you very precisely on the building policy of the State in relation to cultural institutes abroad. I am the elected representative of a constituency - Central Europe and the Balkans - where she trained twice in the last two years. In Berlin, the House of France was nearly sold; through collective action, the state has rebounded and fortunately chose to keep it. But in Vienna, the Clam-Gallas Palace, the seat for a long time the French Institute, will most likely be sold. In continuation of the question of Andrew Chassaigne, I am concerned about the wave of potential

closures, bearing in mind what is happening today in Lisbon. Looking from my constituency politics of France in real estate matters, I feel that the short term - research revenue through the sale - outweighs the long term - the cultural project of France in countries concerned. When we sell or we close an institute that has long existed, it is a story, a place of recognition, prestige, sometimes even a hope, that we sacrifice. This could be the case of the Clam-Gallas Palace, which I do not understand that the state has not considered a moment conversion, to bring, alongside cultural institute, other multilateral diplomatic representations of France in Austria. In this context, and as a subsidiary question, I ask you to hear the voice of consular counselors, the elected representatives of French abroad. Certainly, cultural institutes are not intended primarily for French; but one can imagine that they are a bit! Or consular representatives are the voice of the land, the influence is every day they practice it. You have to know hear them, do not ignore them or restrain them as is the case for one of them, also a professor at the French lycée in Lisbon, who are accused of having done publicly expressed regret at the French Institute of Lisbon sacrificed.

[Mr. André Chassaigne](#) . Very good!

[Mr. President](#) . I call Mrs. Secretary of State.

[Ms. Annick Girardin](#) , *secretary of state* . Sir, your question refers to a general problem: the Ministry of Foreign Affairs has no mortgages, excluding revenue from sales. Some cultural buildings are affected by this global effort. Thus, the Clam-Gallas Palace in Vienna, oversized relative to our action in Austria, will be sold. We will find new buildings and develop the French presence, notably thanks to digital. I understand your concerns. I want to tell you that I listen to the cultural advisers to each of my trips, devoting a time to meet at the embassy, so that they too can express the reality of their daily lives. The job of a minister, a secretary of

state, is also to go to the field to meet the players and collect their vision. Unfortunately, I myself am not yet visited Portugal and have heard those concerns. But as for the French Institute of Lisbon, I want to assure you that this is not a closure that is considered, but a move.

[Mr. President](#) . The debate is closed.

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## Agenda of the next sitting

[Mr. President](#) . Next meeting tonight at twenty-thirty: Questions about the housing policy.

The meeting is adjourned.

*(The House adjourned at 6:20 p.m.).*

*The Director of the service account report of the sitting*

*of the National Assembly*

*Catherine Joly*