

The press review

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NATIONAL NEWS



Luxembourg: Pouvoirs d'enquête renforcés

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Photo: Fabrizio Pizzolante

Le projet de réforme de la législation sur les enquêtes parlementaires a reçu l'aval du Conseil d'État. Il fait suite aux recommandations du rapport de la commission d'enquête sur le SREL.

*De notre journaliste
Claude Damiani*

La législation en la matière a montré ses limites, selon Alex Bodry, rapporteur de la proposition de loi qui a favorablement été avisée par les Sages.

Déposée le 2 octobre dernier, la proposition de loi du président de la fraction parlementaire socialiste, Alex Bodry, est enfin prête à être soumise au vote des députés.

Onze mois après son dépôt, le texte qui a entre-temps fait la navette entre la commission des Institutions et de la Révision constitutionnelle et les locaux de la Haute Corporation, afin d'être amendé et peaufiné, entre dans la dernière ligne droite du processus législatif. En effet, le Conseil d'État, dans un avis complémentaire rendu le 11 juillet dernier, ne formule aucune opposition formelle à la dernière mouture du texte.

Cette proposition de loi vise à combler les «lacunes» de la loi de 2011 sur les enquêtes parlementaires. Pour son rapporteur, Alex Bodry, il s'agit de «compléter les dispositions

légales en vigueur afin de réduire l'insécurité juridique». En toile de fond, les dysfonctionnements du Service de renseignement de l'État (SREL) qui ont provoqué la tenue d'élections législatives anticipées en octobre 2013 et propulsé la coalition DP-LSAP-déi gréng au pouvoir. En effet, l'adaptation de la législation proposée «fait par ailleurs partie des recommandations du rapport de la commission d'enquête "SREL"».

Concrètement, il s'agit de renforcer les pouvoirs d'enquête des députés. Et cela passe tout d'abord par des moyens pratiques accrus.

Possibilité de recours direct à la PJ

Une fois la loi votée, les députés membres d'une commission d'enquête pourront désormais requérir directement la force publique, c'est-à-dire avoir recours à l'assistance directe d'officiers de la police judiciaire. Une disposition qui complète leur droit à pouvoir procéder à tous les actes d'instruction prévus par le code d'instruction criminelle : perquisitions, mises sous scellés ou encore saisies, par exemple.

Autre nouveauté, la tenue d'un débat public, au moment où la commission d'enquête présente le rapport final de son enquête et ses conclusions à la Chambre. Sur ce point, le texte originel avait prévu de sanctionner le rapport par un vote, que le Conseil d'État n'a pas jugé opportun de retenir dans son premier avis. En contrepartie, la Chambre devra «tirer les conclusions» (par exemple, en adoptant une motion ou une résolution) du débat en séance publique et ce, dans une volonté de ne pas réduire la marche de manœuvre des députés à un choix purement dichotomique : pour ou contre.

D'autres modifications législatives tendront à redéfinir les pouvoirs des députés-enquêteurs. Dans un souci de transparence, toute commission d'enquête pourra décider de la retransmission télévisée des réunions et les témoins pourront être filmés avec leur accord. La commission pourra également décider d'entendre une personne à titre de simple renseignement sans que sa déposition ait lieu sous serment.

Afin d'éviter toute interférence systématique entre deux instructions parallèles, le texte final stipule, et en cela il ne diffère en rien de la loi de 2011, que «l'instruction menée par la commission d'enquête ne saurait pas porter sur des faits ayant donné lieu à des poursuites judiciaires et aussi longtemps que ces poursuites sont en cours». Et si d'aventure une commission d'enquête a déjà été créée, sa mission prendrait fin dès l'ouverture d'une instruction préparatoire.

Le nouveau texte précise cependant qu'une enquête préliminaire ouverte par le parquet ne mettra plus fin à l'enquête parlementaire en cours.

Un assouplissement en suspens

Intimement liée à la proposition de loi évoquée ci-contre, la révision de l'article 64 de la Constitution ne sera pas pour tout de suite. Le Conseil d'État a, en effet, décidé de tenir la question en suspens. De quoi s'agit-il exactement? L'article 64 dispose que «la Chambre a le droit d'enquête. La loi règle l'exercice de ce droit.» Or ce droit implique à l'heure actuelle le consentement obligatoire de la majorité à la Chambre des députés. Alex Bodry estime

cependant qu'il faut pouvoir instituer une commission d'enquête parlementaire «si un tiers au moins» des députés le demande. Selon lui, «le droit d'enquête constitue un instrument important du parlement sur le gouvernement et doit pouvoir être utilisé par l'opposition parlementaire sans le consentement obligatoire de la majorité à la Chambre des députés». Si un consensus sur ce point existe déjà au sein de la Chambre, une révision de cet article de la Constitution ne pourra se faire que par dérogation à l'article 62 qui consacre le principe du vote à la majorité absolue des suffrages.

En clair, au lieu d'une majorité absolue nécessitant 30+1 suffrages sur 60, la réforme prévoit de pouvoir former une commission d'enquête, si au moins 20 députés le demandent. Cela étant, la question est en suspens, les Sages ayant estimé que celle-ci devait être tranchée dans le cadre de la proposition d'une refonte plus générale de la Constitution.

Des indemnités de commissaires qui font débat

Der Spiegel souligne que quatre commissaires européens – dont la Luxembourgeoise Martine Reicherts – assurant l'intérim entre juillet et novembre toucheront, droits à la retraite inclus, un demi-million d'euros en retour.

Par : Pierre Sorlut / Publié par paperJam.lu
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Jacek Dominik et Martine Reicherts sont tous deux concernés par la cabale.
(Photo: Commission Européenne)

L'hebdomadaire allemand [Der Spiegel](#) lance un nouveau pavé dans la mare ce lundi en mettant à nouveau à l'index la rémunération des dirigeants européens. Il souligne en effet que les quatre commissaires nommés par les États membres pour effectuer l'intérim entre les élections européennes de mai et l'installation du nouveau collège en novembre toucheront, en tout, environ 500.000 euros en retour.

La rondelette somme – en réalité le fruit d'un calcul plutôt aléatoire sur des données [tout à fait publiques](#) – comprend le traitement de base mensuel (entre 20.832,54 euros et 23.147,26 euros pour les personnes concernées), des indemnités d'installation (deux mois de salaire), de

résidence (15% du salaire) et de représentation (entre 607,71 et 1 .418,07 euros), mais aussi des sommes reversées à l'issue du mandat, dont notamment une indemnité de relocalisation (un mois de traitement) et la pension. Les anciens commissaires peuvent toucher, à partir de 65 ans, une pension. Les droits dépendent de la longueur du mandat du commissaire, mais ne peuvent excéder annuellement 70% du dernier traitement de base.

Ces montants sont soumis à une imposition progressive allant de 8 à 45% et à un impôt forfaitaire «de crise» de 7%.

Des traitements indécents?

Les quatre commissaires ad interim visés par l'article sont la Luxembourgeoise Martine Reicherts, le Polonais Jacek Dominik, l'Italien Ferdinando Nelli Feroci et le Finlandais Jyrki Katainen (celui-ci devrait d'ailleurs rempiler en novembre dans la [Commission Juncker](#)).

Si la légitimité de leur traitement – par rapport aux commissaires «permanents» – ne semble pas contestée, cette publication pose à nouveau la question de la hauteur des rémunérations dans la fonction publique européenne (le traitement d'un commissaire correspond à 112,5% de celui du fonctionnaire jouissant du plus haut grade, AD16) dans un contexte de crise et celle de la pertinence d'un retour de commissaires à Bruxelles dans une période estivale moins bouillonnante.



EN PRÉPARATION

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Un code de conduite pour les élus communaux

LUXEMBOURG - Après les ministres et les députés, ce sera bientôt au tour des bourgmestres et des échevins d'être soumis à des règles de déontologie.



Des codes de déontologie ont déjà été mis en place pour les ministres et les députés. (photo: Editpress)

«Conformément au programme gouvernemental, le gouvernement élaborera un code de déontologie pour les élus communaux, et ce, en étroite collaboration avec le Syvicol (syndicat des communes et des villes luxembourgeoises), travaux qui pourraient s'inscrire dans le cadre de la refonte générale de la loi communale», précise ce mardi le ministre de l'Intérieur Dan Kersch dans une réponse parlementaire. Les bourgmestres et échevins pourraient en effet bientôt être soumis à un code de conduite.

Une information confirmée par le Syvicol, contacté ce mardi par *L'essentiel*, qui précise que, pour le moment, des travaux sont en cours, mais que le gouvernement et le syndicat ne se sont pas encore concertés. «Il est évident que des principes

différents des ministres et des députés seront impliqués aux élus communaux, car la fonction n'est pas la même», ajoute la responsable Mireille Colbach. Corruption, abus de confiance, malversations, devoir de discrétion ou encore les cadeaux que peuvent recevoir certains élus, sont autant de sujets auxquels le Syvicol compte bien s'attaquer.

Les conflits d'intérêts

En juillet dernier, le ministre de la Justice Felix Braz a dévoilé [le code de déontologie des ministres](#), qui a mis notamment l'accent sur la déclaration des cadeaux ou encore l'usage des fonds de l'État par chaque ministre (voyages, voiture de fonction,...). Le 7 août, le gouvernement a même publié en annexe des [fiches de renseignements](#) sur chacun des membres. On y apprend entre autre que Xavier Bettel est actionnaire de Nintendo et de la Deutsche Bank, mais aussi des informations plus privées, sur la fonctions des compagnes ou compagnons des ministres. Un code [pour les députés](#) est également prévu.

À noter que la conduite des élus communaux est déjà en partie réglementée par l'article 20 de la loi communale. «L'article 20 dispose notamment qu'il est interdit à tout membre du corps communal, ainsi qu'au secrétaire et au receveur, d'être présent aux délibérations du conseil communal et du collège des bourgmestre et échevins sur des objets auxquels il a un intérêt direct», précise Dan Kersch. Le futur code devrait venir appuyer les règles déjà existantes. Reste à savoir si certains bourgmestres sont, eux aussi, actionnaires chez Nintendo...

(NS/*L'essentiel*)

The Boston Globe

THE INTERNATIONALIST

Why can't Greece shake its corruption problem?

A report from a country where everyone knows a thousand ways around the rules

By **Thanassis Cambanis**

| GLOBE CORRESPONDENT AUGUST 22, 2014

PAROS, Greece — A few summers ago, every merchant on this island—which means pretty much everybody with a job—faced ruin. Greece's economic catastrophe had bankrupted the government and brought nearly every industry to a standstill. A modern European country faced the prospect of unthinkably widespread poverty. The local crisis reached up to the highest level: the European Union contemplated the collapse of the euro. Meanwhile, here on Paros, where the crisis was exacerbated by a global recession that had depressed tourism, mom-and-pop hotels, cafes, and tchotchke shops were going bust.

To avoid calamity, Europe agreed to spend hundreds of billions of dollars to bail out Greece. In return, Greece pledged to overhaul nearly everything about its economy. The government promised to fire half its employees, and liberalized laws on everything from trucking to private universities. Generous pension benefits were slashed, and once-cushy lifetime government gigs were turned over to the free market.

The reforms were supposed to rout corruption from the senior ranks of government, bring efficiency and a service ethos to a notoriously indifferent government, and make it easy for entrepreneurs to launch new businesses. Many Greeks were anguished, even taking to the streets to protest the overhaul of a welfare system that had given the working poor and lower middle class an exceptionally humane and dignified standard of living. But on the bright side, others saw a window opening: finally, the cozy and corrupt Greek economy would be cracked open by genuine market discipline. Scouring out corruption and entitlements might be painful, but it would also clean up daily life and create genuine opportunities.

Europe came through on its end of the deal: hundreds of billions flowed into the Greek treasury. This year, the island is flush again. The tourists are back, eager to spend their euros. New souvlaki joints fill once quiet alleys. Bars have sprung up in orchards. Small business owners who have exuded anxiety since 2008 are once again smiling and confident.

But not everything has changed in Greece. In daily life here, cheating, bribes, and tax evasion are still a matter of course. Even anticorruption officials reputedly accept bribes, and only one Cabinet minister has gone to prison for embezzlement. At the bottom level, freelance workers and shopowners still hide most of their income, like a workman who got angry when I filed a receipt for the repairs he did at my house.

What's happened over the past five years shows Europe's surprising ability to pull together as a region and avoid a financial disaster. But developments on the ground in Greece offer a less encouraging view of human nature. In response to additional laws and regulations, Greece's corrupt system has simply upped its game. If anything, the new rules have just given Greeks more official protocol to maneuver around.

Why does this corrupt system survive, when everything points toward how it needs to be improved? Macroeconomists and development theorists have studied this problem for years, examining cases in countries that are abjectly poor and ones that are developed and comparatively rich, like Greece. There have been bold initiatives underwritten by international loans, and pointed local efforts like Italy's long-losing battle against Mafia-driven graft. But conversations with ordinary people in Greece make it clear just why it's so hard to reverse a culture of corruption once it becomes engrained. Even in a relatively prosperous European country, never mind Liberia or India, the most immediate self-interested move is for everyone to keep playing the game.

My ancestors have lived for centuries on Paros, since before Greece fought for independence from the Ottoman Empire in 1821. My grandparents were the first generation to leave the island for Athens, after World War II, but we've been coming here every summer since then.

Although my lineage is pure Greek, I grew up with American attitudes about cheating. I spent my childhood surrounded by a certain moralism that I found appealing: you don't cheat not because you might get caught, but because it's wrong. You pay taxes because it's the law and the government provides security and services in return, regardless of whether your politics are welfare-state liberal or "don't tread on me" libertarian.

This is not how people see the bargain in Greece. Individuals refuse to pay taxes or obey the rules not just because it's cheaper and easier to do so, but also because they don't want to be suckers.

"I took my daughter to the government day care and they put her on the waiting list. The waiting list! Can you imagine?" a man griped to me recently. "And then they expect me to pay taxes! I'll pay taxes when they do their job."

The man wasn't a sidewalk souvenir vendor or otherwise working in the gray market. He was an insurance broker, making small talk in his office while filling out a 20-page

form to insure my moped, a glorified bicycle whose Greek government-mandated paperwork was more complicated than an American mortgage application.

The Greek system can feel like a Mexican standoff. Citizens won't obey the law until the government fulfills its duties. The government shirks its duties because it doesn't have enough revenue to govern responsibly. Small-time tax cheats refuse to bend until the corrupt elite is tried and imprisoned. The government says it can't punish scofflaws because it doesn't have the resources. And so the vicious circle turns.



education images/UIG via Getty Images

Beach touts in Paros, Greece, sometimes pick up old receipts and give them to new customers as a way to avoid paying taxes to the government.

Merchants watch out for the tax man. If they know the customer, they don't issue the legally required receipt. Workmen offer discounts: 20 percent off a job if you pay under the table. Beach touts pick up old receipts and give them to new customers. Only nerds check carefully and demand a fresh receipt.

The electrician who rewired my house called in a panic after I deposited the payment in his bank account.

"Can you take it back?" he pleaded. There was no way to erase the transaction. Now he would have to pay value-added tax (as he was legally obligated to do).

"There goes all my profit," he complained. That wasn't true, but it irked him that he'd have to share a few hundred euros of his take with the government.

Cheating is so common that the few who don't do it feel like saps. Among them are salaried employees who don't have the option to hide their income. They must pay their ever-increasing tax bills, carrying a disproportionate share of the burden, and yet they don't see any improvement from the government. Complaining is a social lubricant, whether it's about the tab you escaped, or the one you paid.

"Sixteen thousand euros, my friend, that's the name of my pain," an antique dealer told me. "After you pay that, nothing feels good."

"You must have made a nice profit if your tax bill was that high," I said.

"I'm barely living," he said.

It's tempting to blame all this misbehavior on some kind of national character. I admit at times I've thought that myself, but I've observed enough to know that it's not that simple. A whole web of social structures undergirds bad attitudes and practices. Historians go even deeper; they start the story with the Ottoman Empire, which

dominated the region, including most of Greece, from 1453 until the end of World War I.

Greece still carries the traces of Ottoman rule, under which it chafed for four centuries. The sultanate in Istanbul tried to crush provincial uprisings, but was remarkably tolerant toward territories that paid their tribute and created no problems. The Ottomans ruled through a combination of neglect and stifling bureaucracy, which gave rise to a system of institutionalized bribes. The sultan milked his provincial governors, who in turn squeezed the citizenry. Taxes were just another negotiable kickback.

That Ottoman legacy is still alive, nearly two centuries after the first parts of Greece won independence. The Greek elites mirror the predatory habits of the sultanate, while the citizens act as if evading taxes is a heroic act of revolt against the occupier. “You know what they say about the rotten fish, don’t you? It stinks from the head,” said a restaurant owner who for most of my lifetime has avoided ringing up dinner bills at the cash register.

Those officials and the plutocratic elite have escaped the crisis relatively unscathed. One minister, Akis Tsochadzopoulos, who stole an obscene amount of money from defense contracts, was sentenced to 20 years in jail. For the most part, however, the rich and powerful have been left alone even as small business owners and pensioners have been squeezed by huge tax hikes and massive cuts in benefits. For the vast numbers of Greeks in that category, it’s hard to appreciate why they should be more accountable than the government itself. Even the new tax inspectors sometimes turn out to be on the take, shopowners say, offering to take a bribe in exchange for a lower fine that goes to the treasury.

Suspicion breeds suspicion, and everyone has a horror story. A doctor who is a family acquaintance told me that he used to be a model citizen, declaring all his income and scrupulously paying taxes. Then, he said, some years ago he was hit with a huge bill by the tax inspector.

“We know you hide 40 percent of your income,” the inspector told him. “So we’ve charged you accordingly.” The doctor promptly stopped reporting his full income, and has been strategically lowballing it ever since.

Academic economists have been fascinated by the persistence of Greek corruption since the reforms. Yannis Ioannides, an economist at Tufts University, and Costas Azariadis, an economist at Washington University in St. Louis, surveyed the topic for a forthcoming book published by MIT. In it, they offer suggestions on stanching the corruption: they’d like to see the government mount a genuine effort to punish wrongdoers at the top, coupled with a robust new independent watchdog agency to catch tax cheats and embezzlers.

Still, they’re not optimistic these measures would change what they call “the entire value system of nihilism and antisocial behavior that parents and schools have allowed to percolate through Greek society.” Research has shown that Greece’s culture of mistrust and cheating is far more extreme than anywhere in Europe. According to surveys, 80 percent of Greeks believe it’s all right to claim government

benefits to which they are not entitled, while 20 percent disapprove. In most of Europe, the ratio is almost exactly flipped.

A look around the world doesn't offer much inspiration that corrupt cultures can mend their ways. There have been some successes: New York's Tammany Hall was once synonymous with total corruption. So were Hong Kong and Singapore. Time and reform turned them into models of efficiency, relatively speaking, though the latter two are notably undemocratic today. More common are the kinds of marginal improvements seen in places like Rwanda or the former Soviet republic of Georgia, where reformers have steadily improved police, courts, and some other government services but where graft, bribery, and inefficiency are still serious problems.

Some observers argue that Greece's economic near-death experience wasn't deadly enough. "People didn't starve in the streets," said Yiannis Vlahos, a surgeon who also writes a column for *Estia*, one of Greece's oldest newspapers. "We didn't suffer enough. Now things are a little better and everyone thinks they got away with it."

His daughter, a marketing executive, lists a litany of banal ignominies visited upon her by the state: she had to take three full days off work to stand in line to register with the Greek tax authorities so she could pay her taxes online. She can't count on public education or health care for her children, and must instead pay for private schools and doctors. When a neighbor encroached on a family summer home, it took 20 years for the courts to issue a ruling.

"Only one thing has changed," she said of the reformed Greece. "Now I ask for receipts."

When I was a kid in the 1970s, Paros regularly ran out of water during the summer. There was no sewer system, and mosquitoes flourished in the septic tanks whose stench marred the scenic whitewashed alleys. No one had a swimming pool, and most of the roads were unpaved.

Today Paros has a better infrastructure than Beirut, the far more cosmopolitan and wealthy capital city where I live and work. A custom-built miniature garbage truck circulates every morning through the ancient streets, and immigrant workers roam around picking up litter.



Petros Giannakouris/Associated Press/File 2013

After Greece instituted tax hikes, demonstrators rallied outside Parliament against the increases, claiming that they were being driven out of business.

The carpenter drives an Audi and the restaurateurs send their kids to university in Athens or London, but almost everyone I talked to swears to me that they still have to cheat to make ends meet. No amount of unearned money, apparently, will ever be enough.

Jokes aside, it's obvious that there's really no such thing as national character—just culture and history. By their nature Americans aren't less prone to lie, cheat, steal, or kill than people from any other country. Habitual high-scorers on Transparency International's Corruption Perceptions Index, like the Scandinavians and Singaporeans, aren't wired to be more honest than low-scoring North Koreans and Somalis.

Corruption persists because it is a system, and it provides benefits in places where the state does not. Inefficient states create incentives for people to pay bribes to get things done—a building permit, a health department seal of approval, a new passport. Scandinavia is less corrupt than other parts of the world because it's a better deal to not cheat; you pay really high taxes, but the government really does give you everything you need.

Overcoming corruption, therefore, requires almost unimaginable transformation. You have to build an entirely new system—for instance, a new tax code and incorruptible people to collect the taxes—and you have to convince individuals to completely overhaul their personal behavior and their view of authority. One only has to spend a few weeks in Greece to see why, not just here but in places like India and Afghanistan, this is such a Herculean task.

The resistance lies in institutions, in political cultures, and in expectations that have become deeply ingrained in daily life. Cultures and institutions are made of people; people and policies can both change. But some places, like Greece, have been stuck in these feedback loops of corruption and stagnation for so long—for their entire modern history—that it's hard to see where the reservoir of a new public morality would come from. You'd have to look back to Pericles, two and a half millennia ago, to find a Greek leader who could claim with a straight face to be “not only a patriot but an honest one.”

Luxemburger Wort

Fraud charges

IMF chief charged with 'negligence' over graft case



AFP / THOMAS SAMSON

Published on Wednesday, 27 August, 2014 at 12:01

(AFP / AK) IMF chief Christine Lagarde has been charged with "negligence" over a multi-million-euro graft case relating to her time as French finance minister.

The shock announcement came a day after she was grilled by a special court in Paris that probes cases of ministerial misconduct, the fourth time she has faced such questioning in a case that has weighed upon her powerful position as managing director of the International Monetary Fund.

"The investigating commission of the court of justice of the French Republic has decided to place me under formal investigation," she said.

In France, being placed under formal investigation is the nearest equivalent to being charged, and happens when an examining magistrate has decided there is a case to be answered. It does not, however, always lead to a trial.

"I have instructed my lawyer to appeal this decision which I consider totally without merit."

"I return back to Washington where I will indeed brief my board."

Asked whether she intended to resign from the IMF, she responded: "No."

The case relates to her handling of a 400-million-euro state payout to disgraced French tycoon Bernard Tapie in 2008.

The payout was connected to a dispute between the businessman and partly state-owned bank Credit Lyonnais over his 1993 sale of sportswear group Adidas.

Tapie claimed Credit Lyonnais had defrauded him by intentionally undervaluing Adidas at the time of the sale and that the state, as the bank's principal shareholder, should compensate him.

Lagarde referred the dispute to a three-member arbitration panel that ruled in favour of Tapie, who is suspected of receiving favourable treatment in return for supporting ex-president Nicolas Sarkozy in the 2007 election.

"After three years of procedure the only surviving allegation is that through inattention I may have failed to block the arbitration that put an end to the long standing Tapie litigation," she said.

The IMF chief has always denied any wrongdoing. After a third grilling in March, she had said she "always acted in the interest of the country and in accordance with the law."

She had until now avoided formal charges that could have forced her to quit as head of the IMF, and had instead been placed under a special witness status that forced her to come back for questioning when asked by the court.

Five people have been charged in the case, including Stephane Richard, then Lagarde's chief of staff, now boss of telecoms giant Orange.