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Fraud

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A scam is the act of obtaining a good, a service or money by a deception: false name, fraudulent schemes... The intention to deceive the victim is an essential element. There are many cases of scams, including scams on the Internet. The victim can file a complaint. The penalties are increased if the fraud is committed by a public official or by an organized gang.

Definition

A scam occurs when a person is given property, money or a service **deceiving** his victim. Victim donates property or money **voluntarily** because she was misled as to the intentions of the perpetrator.

Deception may include:

- Name (use of false identity)
- False quality (e.g. claiming to be an owner or insurer)
- Abuse of the trust attached to certain professions, certain functions (mayor, union representative, president of association...)
- False document (e.g. a false diploma)

Cases of scams

Examples

Fraud can take many forms.

It can be a simple deception, for example:

- sell fake concert tickets,
- send hardware that does not match the command,
- sell counterfeit clothing as luxury brands.

It can also be a real fraudulent maneuver, sometimes involving the staging and intervention of a third party, for example:

- pretend **mobile phone theft** (<https://www.service-public.fr/particuliers/vosdroits/F34123?lang=en>) while he is lost to obtain compensation,
- submitting false wage sheets to obtain unemployment benefits,
- organizing a so-called lottery.

The Internet scam, which can reach more people, can take the form of:

- from **phishing** (<https://www.service-public.fr/particuliers/vosdroits/F34800?lang=en>)
- a false sale on auction sites,
- e-mail to obtain bank details in order to recover alleged funds or a legacy (the crook asks for funds to pay fees to help him recover the sums and finally the money is kept by the crook).

Difference with theft and abuse of trust

Fraud is different from **flight** (<https://www.service-public.fr/particuliers/vosdroits/F1523?lang=en>).. There is no voluntary discount on a flight.

The scam is different from **abuse of trust** (<https://www.service-public.fr/particuliers/vosdroits/F1515?lang=en>).. In a scam, the transaction is fraudulent from the beginning. In a breach of trust, the perpetrator legally received the property or money and then misappropriated it.

For example, a guardian who diverts money from the guardian is committing an abuse of trust because he has the legal right to manage that money for a specific purpose. He then diverted that right to his advantage.

Conversely, if a person pretends to be a guardian of a person to withdraw money from the bank, he commits a fraud because he had no right to manage that money.

 **Please note** : leaving a restaurant or gas station without paying is not a theft or a scam, but a **trickery** (<https://www.service-public.fr/particuliers/vosdroits/F1521?lang=en>)..

Recourse of the victim

Banking Opposition

As soon as you realize that you have been the victim of a scam (forged check, bank transfer, purchase by credit card ...) you must alert **immediately** your bank. μ

This allows you to have the transaction canceled (without guarantee of success) and to avoid a new fraud. You must also file an objection to your credit card if its data has been used by the scammer and in case of fraudulent use of a check, file an objection.

⚠ Warning : you must confirm in writing, and again without delay, your objection.

Who shall I contact

- [Savings Bank Insurance Info Service](https://www.abe-infoservice.fr/vos-demarches/nous-contacter#1) ↗ (https://www.abe-infoservice.fr/vos-demarches/nous-contacter#1)

Filing of complaints

The victim may lodge a complaint against the perpetrator. If she does not know her identity, she can lodge a complaint against X. The lodging of a complaint can be done even if the perpetrator is abroad.

On site

You must go to a police station or the gendarmerie of your choice.

Who shall I contact

- [Office or Force](http://www.interieur.gouv.fr/Contact/Contacter-une-brigade-de-gendarmerie-ou-un-commissariat-de-police) ↗ (http://www.interieur.gouv.fr/Contact/Contacter-une-brigade-de-gendarmerie-ou-un-commissariat-de-police)

The police or gendarmerie are obliged to register the complaint.

The complaint is then transmitted to the public prosecutor to decide on the follow-up (investigation, classification without follow-up...).

If you do not know the author of the facts, you can fill out a pre-complaint online before moving.

You will then get an appointment and the police or gendarmes will already have the elements of your complaint when you arrive.

Online Pre-Complaint

Ministry of the Interior

Go to
online service ↗
(https://www.pre-plainte-en-ligne.gouv.fr/)

By mail

You can lodge a complaint directly with the public prosecutor. We need to send [free paper letter](https://www.service-public.fr/particuliers/vosdroits/R11469?lang=en) (https://www.service-public.fr/particuliers/vosdroits/R11469?lang=en) the court of the place of the offense or the place of residence of the offender.

The letter must include the following:

- Civil status and full contact information (address and telephone number) of the complainant
- Detailed account of the facts, date and place of the offense
- Assumed author's name if you know him (otherwise the complaint will be filed against X)
- Names and addresses of potential witnesses to the offense
- Description and provisional or final injury estimate
- Evidence: medical certificates, work stoppages, various invoices, findings
- Willingness to take part in civil proceedings

Make a complaint to the public prosecutor

Directorate of Legal and Administrative Information (Dila) - Prime Minister

Go to
document template ↗
(https://www.service-public.fr/simulateur/calcul/Porter_plainte)

Who shall I contact

- [Court of Justice or Proximity](https://www.justice.fr/recherche/annuaires) ↗ (https://www.justice.fr/recherche/annuaires)

You can send your complaint by registered letter with acknowledgement of receipt or by simple letter. You can also file your complaint directly at the court reception. In all cases, a receipt will be given to you as soon as the public prosecutor's office has registered your complaint.

The victim has 6 years to file a complaint.

This period begins on the day the property was given to the crook (or from the last payment, if there were several remittances).

The victim cannot file a complaint if the scammer is a member of his family (ascending, descendant or unseparated spouse).

If the scam is committed through a website offering illegal content, the victim can make a report using the website-Reporting.

 Report illegal internet content (internet-flagging: Pharos)

Ministry of the Interior

Go to
online service 
(<https://www.internet-signalement.gouv.fr/PortailWeb/planets/SignalerEtapeInformer!load.action>)

She can also contact Info Scams by phone for information on the procedures.

Who shall I contact

▸ Scam Info

By phone

0 805 805 817

Monday to Friday from 9am to 6.30pm.

Green number (free call from the UK).

Compensation

In addition to imprisonment, the perpetrator may be sentenced to pay damages (<https://www.service-public.fr/particuliers/vosdroits/F1422?lang=en>) to civil party, in particular to repay the defrauded sums but also for moral damage.

Penalties incurred

Fraud is punishable by:

- 5 years' imprisonment
- and €375,000 fine.

Maximum sentences are increased to 7 years in prison and €750,000 fine where:

- impersonation of a public official,
- organizing a false collection for a charity,
- or abuse of weakness.

If the fraud was committed in an organized gang, the maximum penalties are 10 years in prison and €1 000 000 fine.

Attempts to defraud are punished with the same penalties (for example, if a person pretends to be an insurer but fails to get money from his victims).

Statute and miscellaneous references

- Penal Code: articles 313-1 to 313-3  (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006165331/2020-11-25/>)
Penalties for fraud
- Penal Code: Articles 311-12 and 311-13  (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165325&cidTexte=LEGITEXT000006070719>)
Family immunity applicable to fraud
- Code of Criminal Procedure: Article 15(3)  (<https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000038311441&cidTexte=LEGITEXT000006071154>)
Filing of complaints
- Code of Criminal Procedure: Article 8  (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000034099781)
Limitation period
- Ministerial response of 10 December 2019 on Internet and telephone scams  (<http://questions.assemblee-nationale.fr/q15/15-22556QE.htm>)

Online services and forms

- Report illegal internet content (internet-flagging: Pharos) (<https://www.service-public.fr/particuliers/vosdroits/R17674?lang=en>)
Online service
- Report a phishing site (<https://www.service-public.fr/particuliers/vosdroits/R47282?lang=en>)
Online service

For more information, please contact

- The different types of Internet scams [↗](http://www.interieur.gouv.fr/A-votre-service/Ma-securite/Conseils-pratiques/Sur-internet/Faq-escroqueries-sur-internet) (<http://www.interieur.gouv.fr/A-votre-service/Ma-securite/Conseils-pratiques/Sur-internet/Faq-escroqueries-sur-internet>)
Ministry of the Interior
- Phishing (phishing or spinning) [↗](https://www.economie.gouv.fr/dgccrf/Publications/Vie-pratique/Fiches-pratiques/Phishing-hameconnage-ou-filoutage) (<https://www.economie.gouv.fr/dgccrf/Publications/Vie-pratique/Fiches-pratiques/Phishing-hameconnage-ou-filoutage>)
Ministry of Economy
- Credit card fraud - What precautions? How to react? [↗](http://www.abe-infoservice.fr/banque/moyens-de-paiement/carte-bancaire/la-fraude-a-la-carte-bancaire-ce-quit-faut-savoir.html) (<http://www.abe-infoservice.fr/banque/moyens-de-paiement/carte-bancaire/la-fraude-a-la-carte-bancaire-ce-quit-faut-savoir.html>)
Prudential Control and Resolution Authority (ACPR)
- When can I object to the payment of a check? [↗](https://www.abe-infoservice.fr/banque/moyens-de-paiement/cheque#5) (<https://www.abe-infoservice.fr/banque/moyens-de-paiement/cheque#5>)
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