France Report

Yves Mény, Henrik Uterwedde,
Reimut Zohlnhöfer (Coordinator)

Sustainable Governance Indicators 2022

SGI Sustainable Governance Indicators

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Executive Summary

France enjoys solid institutions of governance, and under the Fifth Republic has benefited from the most stable, consensual and efficient period of the past 200 years. Yet the country has struggled to effectively address the challenges associated with Europeanization and globalization. The helplessness of the previous conservative and socialist governments faced with the deep economic crisis has contributed to the rise of radical populist parties on the left (La France Insoumise) and the right (National Rally), as well as to the deep distrust between large segments of the population and the political class. The Macron presidency has failed so far to remedy this situation in the years since taking power in 2017, as the upsurge of the Yellow Vest movement (Gilets jaunes) between November 2018 and June 2019 strikingly demonstrated. The social tensions are still acute and ready to erupt. The outbreak of the pandemic had twin effects. After an initial period in which the public authorities proved unprepared, management of the pandemic has been rather satisfactory and the economic support programs quite efficient. The initial collapse in growth has been erased, and by the end of 2021, GDP had exceeded 2019 levels, and unemployment rates had declined. The price has been quite high, however. The budget deficit and public debt (now close to 120% of GDP) will require steady and tough policy measures that will be difficult to impose on a suspicious and reluctant population. Indeed, the second effect of the pandemic has been to exacerbate distrust and resistance, in particular among the lower strata of the population.

In terms of politics, one of the most striking consequences of the 2017 election was the dramatic fragmentation of the traditional parties of government and the radicalization of the political spectrum. The Socialist party is in pieces, lacking both a viable program and appealing leadership, while the more radical left (La France insoumise) can only hope to attract those dreaming of a socialist revolution. Its leader Jean-Luc Mélenchon cannot win the presidential race alone, and the rest of the left is unwilling to collaborate with him. The party has become a leftist populist party. On the right, following the defeat of leader François Fillon, the Les Républicains party has split into a moderate wing leaning toward Macron, and another faction close to the extreme right, in particular on issues such as migration and law and order. However, thanks to a well-run closed primary, the party is recovering under the new leadership of Valérie Pécresse, winner of the internal competition. Following Marine Le

Pen's defeat in the presidential elections of 2017, the extreme-right party, now renamed the National Rally (Rassemblement National, RN), has attempted to adopt a moderate profile more palatable to a still skeptical electorate. This move to the center, in particular on economic and social issues, has not paid off, as an outsider, Éric Zemmour – a journalist and polemist without any party support – has managed to gain about 13%-15% of the electorate's support with a more radical discourse on identity issues. Macron's La République en Marche (REM) holds an overwhelming majority in parliament, but remains a creature of the president with no real program; moreover, it has so far proven unable to transform itself into a real party of government (i.e., a party that could mediate between the president and the electorate). The whole party system is in deep crisis, and is unable to channel either credible support for or opposition to the government and, unfortunately, it is improbable that the presidential race will clarify the situation. This failure has been highlighted by the emergence of the Yellow Vest movement, an uprising expressing the fears, distrust and rebellion of the lower middle class. Once again, unregulated protest and violence has been the preferred mode of action rather than to use of institutionalized instruments of mediation such as trade unions or political parties. The movement had no leader, no program, no organization and has failed due to exhaustion; however, the rebellion remains alive and difficult to tame, as there are no clear claims beyond rejection of the "system." The winner of the 2022 presidential race will be faced with a polarized and fragmented party system. This is a characteristic inherited from history, but the situation has deteriorated further in the last decade or so with the decline of ideologies and the rise of social networks.

In terms of policy, Macron and his majority had a free hand to implement the president's ambitious program during his first term. Macron has taken full advantage of the Fifth Republic's institutions, at least in theory. He has proceeded forcefully and actively, and has begun to realize reforms on all fronts, including labor law, company law, school and university systems, fiscal policies, healthcare, anti-poverty programs and transportation, passing 300 executive ordinances as well as parliamentary legislation. However, executive efficiency and parliamentary submission have not proven sufficient to win broader popular support, or to bypass the social opposition. The promised constitutional reform has been indefinitely postponed. The proposed pension system reform has been postponed, and is to be carried out after the presidential elections. In addition, the pandemic and climate change issues have overwhelmed the political agenda, and added new and demanding problems on various fronts: the budget, the mounting debt, technological problems, the industrial revolution, organization of labor, and of course all the related social issues. Even the government's successes on many fronts (for instance in terms of growth, unemployment and sectoral reforms) have failed

to improve the public's pessimistic and skeptical mood. The president's political base remains strong, but represents only one-fourth of the electorate, enough for governing, but not enough for building consensus.

Ironically, Macron suffers from the reverse side of the phenomenon which helped to put him in power. The lack, or the extreme weakness, of intermediary bodies capable of mediating and securing agreements is a preoccupying factor. The political landscape is fragmented and the only real opposition is embodied by two irresponsible political parties at both ends of the political spectrum. Meanwhile, organized interest groups and trade unions are currently incapable of channeling protest. Consequently, the extreme centralization of power in the Fifth Republic, boosted by Macron's "vertical" top-down method of governance, and his contempt for parties and organized interests is blatant. The president had to face unorganized but violent popular riots with the Yellow Vest movement starting in November 2018, which proved to be the first serious challenge to his governance approach (attacked as being arrogant, elitist and dismissive of ordinary people) and policies. Despite his ultimate reelection, these basic issues and problems are still in place, and the distrust of a majority of the population is very acute. This said, any successor would have faced the same difficulty.

While this kind of protest is not entirely new in France, it is a powerful indicator of the inability of the country to find a stable and cohesive direction, and to combine assertiveness and dialogue. The difficulties are further exacerbated by various oppositional forces whose purpose is not so much to propose credible alternative programs, but rather to voice radical protest. For many, elections have become less an opportunity to choose between alternative proposals than a chance to vote against the person running the country. This happened in 2012 and again in 2017. While Macron ultimately retained his hold on power, many voters clearly treated the ballot the same way in 2022.

Key Challenges

The challenges France is facing are not new. However, the collapse of the party system following the 2017 presidential election and the political earthquake triggered by Macron opened radically new perspectives. In spite of the considerable amount of change over the past five years, the country's key challenges remain largely unresolved.

Macron knew that only a strong and successful French reform agenda would give him the credibility to convince his EU partners and to recover influence on the global scene. The president enjoyed a strong majority in the National Assembly, and the institutions of the Fifth Republic have offered effective instruments for achieving deep reform. The problems lie elsewhere: how to convince a reluctant and volatile public that the new government is making the right policy choices? Given the absence of a strong political opposition capable of proposing credible alternatives, social protest is the main obstacle that the government has to overcome. Social mobilization led by trade unions or political parties in protest to the new government policies are rather symbolic most of the time, but sudden outbursts have the ability to mobilize public opinion, making a given reform unfeasible.

Looking ahead, France has to tackle five major challenges.

The first is political. The entire party system was in pieces after the 2017 political earthquake. While this destructive phase has permitted Macron to sweep away the old political forces to the advantage of his new movement, it has also contributed to the weakening of the traditional mediatory institutions, which will have to be rebuilt. This is also true for the president's movement, La République en Marche, which has been unable to transform itself into a party capable of fulfilling a mediatory role, and has been unable to establish roots at the local level. Over the past five years, the situation has not improved. Indeed, the contrary is true: The Macron centrist movement is less appealing, the leftist parties are weaker and more divided than ever, while the extreme right movements are flourishing. As for the National Rally, whose ambition was to appear as more responsible and moderate, it now has to compete with a newcomer, Éric Zemmour, whose radical rhetoric is based upon the "French decline" and the invasion of migrants.

The second challenge is financial, budgetary and economic. The diagnosis is well-known. The main change is that the situation has become worse; public deficits and debt have skyrocketed, partly for reasons related to the consequences of the Yellow Vest movement, and partly because of the costly rescue measures designed to overcome the destructive effects of the pandemic. The task is daunting, and no real progress has yet been achieved except in the area of employment. The structural deficit has increased, and budget deficits over the next years will be high, driven by increased public expenditure. Public debt levels have further increased, pushing the total debt to 120% of GDP. However, Macron remains committed to an ambitious reform agenda that might require even more resources to make changes socially acceptable. Education, innovation, industrial reconstruction and the green transition are some of the many sectors where huge investments will be necessary in order to

achieve more substantial benefits in the future. This may imply greater EU involvement. In this context, France is supporting crucial changes in the EU governance and policy framework (such as the Stability and Growth pact, the Banking Union and the carbon tax) that would create a more accommodating frame for national fiscal policies.

The third challenge is related to the overall structure of the bureaucracy and the public sector. To date, most of the big reforms have failed; only piecemeal and ad hoc solutions have worked (for instance the digitalization of public services, with a mix of successes and drawbacks). Trimming redundant or inefficient administrations, revising policies that benefit vested interests, and simplifying the complex multilayered territorial system ("millefeuille") are necessary reforms. However, these reforms have encountered fierce resistance from local authorities, which have not fully accepted the replacement of their autonomous local taxes with transfers from the national tax income, for instance by giving them a portion of VAT revenues. On the one hand, local administrative systems are too costly, too complex and need ambitious reforms whose effects might be felt only in the long term. On the other hand, the central administration needs the support of local governments, who are responsible for two-thirds of public investment. All governments without exception have failed to impose a drastic local government reform, due in particular to the obstruction of the Senate. The result has been an ever more complex set of layers with no hierarchy between them, since this was declared unconstitutional by the Constitutional Council.

A fourth major challenge concerns the intertwined issues of security, immigration and integration. The traditional French model, based on an open policy toward immigrants acquiring French nationality and on the principle of equality of all citizens regardless of ethnic origin or religion, has lost its integrative power over the last 30 years. The established instruments of the integration process (education, work, religion, political parties and trade unions) are no longer effective and have been negatively affected by recent terrorist attacks. This challenge requires multifaceted policy solutions in areas including security, urban development, education and job training, with a primary focus on employment opportunities for the most marginalized citizens. What is at stake is the country's political and social cohesion, along with common national values and rules. The present situation is characterized by an identity crisis, an ethnic divide, the exclusion of migrants and political frustrations, a mix that has benefited extremist political candidates and parties. Unfortunately, the terms of the debate have been defined by the extreme right, and there has been little chance to build up consensus on this divisive issue.

A fifth challenge has come to the fore in the form of climate change. It is

becoming increasingly pressing, to the point that 30% of the funding provided by the EU Recovery Fund will be allocated for investments tackling this issue. The situation in this area is paradoxical. On the one hand, there is growing pressure in favor of drastic public action addressing climate change, while on the other, the primary governmental measure used to address the issue (the increase of taxes on fossil-fuel-based energy in order to limit consumption) triggered the Yellow Vest revolt. Another paradoxical point is the reemergence of the nuclear-power option favored by most parties and a large share of the public opinion (52%), contrary to conditions in most neighboring countries.

France needs courageous policies that include clear (even if unpopular) choices, frankness when explaining the challenges, more social dialogue, and a more streamlined and coordinated style of governance. The good news is that Macron as president is fully and explicitly committed to this reform agenda. The bad news is that his top-down method, together with his more or less open contempt for political parties, trade unions and business organizations, has proved a key obstacle in generating the necessary public support for change.

Party Polarization

The French party system has a long tradition of polarization. From the French revolution on, the divide between left and right has been a constant feature of French politics, and has been fueled and accentuated by the major political and social events of the past two centuries. Revolutions, revolts, social movements, wars, the relationship between state and church, and tensions between the center and periphery have contributed to the rather polarized and antagonistic political and social structure of the country. Attempts to develop centripetal forces that collaborate rather than fight one another have sometimes succeeded, but on the whole consensual collaboration has been the exception rather than the rule. Consensus-building has occurred in some particular circumstances (e.g., during wars) or on rare occasions, although, behind the scenes, more collaboration could often have taken place. The Fifth Republic has further accentuated the phenomenon since the institutions, the electoral system and the rules of the game were designed with the aim of accentuating polarization. This polarization has been a major obstacle to policymaking, as no political trans-partisan “reform coalition” or consensus concerning structural reforms could be formed.

Things have changed following the last presidential election, since the new president has managed to form a coalition with elements from the center-right

and center-left, pushing the remaining parties to the extremes of the political spectrum. It remains to be seen if this is a short-term accident or the beginning of a new cycle based on a different set of cleavages (e.g., "people vs. elites," or "European openness vs. national regression"). For the time being, the president's movement, La République en Marche (REM), built upon the idea of overcoming the sterile left-right polarization for the benefit of more consensual progressive policymaking, has not proven that it has the capacity to change the game.

Macron's strategy has increased polarization between his movement and the extreme right, marginalizing all other parties and forcing moderates to rally around his flag. This might help to win the next presidential election, but risks to increase the representativeness gap between the political class in power and the population.

Another factor is the persisting fragmentation of the left, divided between the "governmental" and the radical left, and still another part having moved to the Green movement. Finally, a striking trend is the shift of the entire political spectrum to the right and the further radicalization of the extreme right. The attempt by Marine Le Pen to appear as more moderate in order to secure her victory has had an unexpected effect: the rise of an outsider, Éric Zemmour, a media polemist who advocates a more radical stance and has led the fight against "the French decline and the invasion of migrants." It remains to be seen whether the conservative party (Les Républicains) will be able to overcome its internal cleavages and rebuild a democratic conservative alternative to President Macron. (Score: 6)

Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 8

France's economic outlook is improving. Since President Macron's election in May 2017, he and his administration have launched an ambitious reform agenda. Over the past two years, an impressive set of reforms (probably comparable in magnitude only to the 1958 – 1959 reforms undertaken at the beginning of the Fifth Republic) have been adopted or launched. However, the Yellow Vest protests from November 2018 to spring 2019 had the effect of slowing some reforms, and forced the government to postpone green taxes on oil, abolish taxes and social contributions levied on overtime hours, and increase transfers to single parents and workers with low salaries or pensions. The overall cost of these measures, due both to lower fiscal receipts and higher expenses, has been estimated at €17 billion.

The 2020 budget adopted additional changes, such as a decrease in company taxes, an elimination of the local residence taxes (taxe d'habitation) for 80% of taxpayers (with a complete elimination by 2022), a substantial cut in social-system contributions paid by employees, and a total €5 billion decrease in the income taxes paid by low-income families. The overall objectives are to increase the net incomes of low-income employees and workers, prevent capital flight and increase incentives for investors. The crucial feature is the consistency of the overall package, which favors the creation of jobs, erases some defects of the current unemployment-benefit system, and bolsters company competitiveness while slightly increasing workers' income due to the reduction in social-system levies or contributions.

Before the outbreak of the pandemic, business investment had been boosted by Macron's business tax cuts, favorable financing conditions and increases in labor market flexibility. Meanwhile, lower labor taxes and improved job training opportunities have helped boost job creation, although the high

unemployment rate was declining rather slowly. However, the country's structural problems – the budget deficit, the public debt, the difficulty in reforming a centralized and massive bureaucracy, and vested interests' fierce resistance to change – were all as acute as ever. The social security budget, which was supposed to be positively balanced in 2019, went into deficit due to the Yellow Vest movement. The financial consequences of Macron's social measures, announced on 10 December 2018 in order to calm the social unrest, had both positive and negative effects. On the one hand, growth has been sustained due to the stimulus effect of spending measures; on the other, this has compromised efforts to balance the budget and reduce the public debt, and a pension reform that was already jeopardized by strikes and protest had to be put on hold.

The pandemic radically modified the economic landscape. The government reacted swiftly to contain the negative economic consequences: First, an urgency plan (Plan d'urgence economique) was launched in March 2020, injecting €45 billion into the economy in order to avoid the collapse of companies and massive unemployment. Second, a comprehensive recovery program (France Relance) was introduced in September 2020 that involved a €100 billion investment, €40 billion of which was provided by the NextGenerationEU fund. The program targets three objectives: expediting the transition to a decarbonized economy, enhancing France's competitiveness and ensuring social cohesion. This recovery plan was in part a short-term response to the economic slowdown, but also contained reforms and measures aimed at overcoming structural weaknesses of the French economy (notably with a substantial reduction of production taxes on companies). Third, this approach was continued in October 2021 when the government published the investment program "France 2030," which foresees expenditure of €30 billion over the next five years on crucial manufacturing sector fields such as energy, transport and electronic components, with the goal of strengthening the industrial base and its innovation capacity.

Initial evaluations indicate that the implementation of the first two programs has been swift. Furthermore, the measures contributed to arresting the economic decline triggered by the pandemic. After a deep recession in 2020 (-9% GDP growth), the economy improved very strongly in 2021 (close to 7% GDP growth according to the latest data). By the fall of 2021, the economy had recovered to pre-crisis levels, and at the end of 2021, the unemployment rate was at its lowest level in the last 13 years. Finally, France remains the most attractive country in Europe for foreign investors. This being said, all these measures taken on the principle of "Whatever it costs" have raised the level of public debt, which was already high before the outbreak of the pandemic.

Citation:
OECD Economic Surveys: France 2021, Paris 2021
https://www.oecd.org/economy/surveys/france-2021-OECD-economic-survey-overview.pdf
EY: Baromètre de l'attractivité de la France 2021
https://www.ey.com/fr_fr/attractiveness/barometre-de-l-attractivite-de-la-france-2021
F. Corti et al.: Comparing and Assessing Recovery and Resilience Plans – Italy, Germany, Spain, France, Portugal and Slovakia, CEPS, Brussels 2021
https://www.ceps.eu/ceps-publications/comparing-and-assessing-recovery-and-resilience-plans/

Labor Markets

Labor Market Policy
Score: 7

Over the last decade, France has struggled with a high level of unemployment, reaching 9.9% in the first quarter of 2016. Since then, the unemployment rate has been decreasing slowly, but some specific concerns remain. In spite of slight progress since 2020, the overall employment rate remains low, beneath the OECD average, a problem especially significant for workers over 55 years of age (one of the lowest such employment rates within the OECD). Moreover, the rate of youth unemployment (among people 15-24 years old) is still high, a problem related to the complex and unsatisfactory school-to-work transition mechanism. Although all governments put in place special labor market policies to meet these challenges and support young people, a report released in 2017 by the National Accounting Office showed that these measures were costly (€10.5 billion annually), inefficient (most young people did not find a job at the end of their publicly funded training program) and incoherent (there were too many unattractive and poorly managed programs). Most young people were hired on short-time contracts, with two-thirds of the contracts holding a duration of less than one month.

From the very beginning in 2017, the Macron government adopted a different strategy, deciding to eliminate measures having purely cosmetic effects (such as subsidized jobs for young people), and instead placing a special focus on training and employability. In parallel, measures have been taken to make unemployment benefits less attractive, or to better control efforts to game the system by both employers and employees. Paradoxically, there are numerous unfilled job vacancies across various sectors of the economy. More and more unskilled jobs, particularly in the construction and agricultural sectors, are being filled by non-EU migrants or workers from Eastern and Central Europe recruited on temporary contracts. By the end of 2019, the first positive effects started to be felt, and the unemployment rate had fallen from 9.5% (2017) to 8.1% (fourth quarter of 2019).

The pandemic crisis had paradoxical effects, since the massive support granted to companies avoided a labor market collapse even though the unemployment

rate rose again, approaching 2017 levels (from 8.1% to 9.1% in the fourth quarter of 2020). Thanks to the massive economic emergency and recovery measures, especially the enhancement of the job retention scheme, economic activity rebounded, and the unemployment rate fell again to the level of the pre-pandemic period (8.1%). The overall employment rate is at the highest level since 1975 (67.5% of the active population; 70.3% among men and 64.8% among women), and the number of unfilled jobs has hit a near-record high. However, the black spots mentioned above remain, including the low rate of employment among older workers and the very high rate of youth unemployment. The proportion of young persons between 15 and 24 years who are neither in employment nor in education or training (NEET), which peaked at 28% in 2012, still remained at 19.9% for women and 18.1% for men in 2020, above the OECD average (17.2%/14.3%). Beginning in February 2022, the Macron government has decided to create from 500,000 grants for young people searching a job, conditioned on their attendance at training programs (Youth Guarantee scheme). If the pandemic does not disrupt economic forecasts too much, the unemployment rate is projected to continue falling.

Concerning the labor-law code and the labor market, several reforms were realized during Macron's first term. In his presidential campaign in 2017, Macron announced his intention to substantially reform the labor-law code by using ordinances (drafted and adopted by the executive alone). The ordinances which followed in the same year were characterized by multiple adjustments rather than the adoption of a brand-new grand design. They introduced more flexibility, simplified rules, merged diverse internal bodies involving social partners at the company level, and gave greater space to regulations at the company level compared to the sectoral level in order to allow more flexibility especially for small- and medium-sized companies. These highly controversial measures, fiercely opposed by some trade unions, have produced positive effects by lowering the number of legal cases related to the firing of employees (the law has fixed standard rates of financial compensation). The government has also launched immediate measures to improve the job qualifications of long-term unemployed and young people who left school without a diploma, a program involving €15 billion over five years. Furthermore, a reform of the job training system was adopted in 2018, which has upgraded apprenticeship schemes (with the number of contracts increasing from 275,000 in 2016 to 675,000 in 2020).

During the summer of 2018, negotiations began on a reform of the unemployment insurance scheme, with plans to adopt the reform in 2019. In May 2019, however, the government rejected the solutions negotiated between trade unions and business organizations. Instead, it introduced a set of more

sweeping measures aimed at restricting unemployment benefits and reducing the program's huge deficit. A system of bonuses and penalties has also been introduced with the aim of reducing the number of very short-term contracts (which allows employers and employees to exploit insurance-system loopholes). Unions objected to the implementation of the new scheme, and it was temporarily suspended during the pandemic. But the case brought by the unions to the administrative court was rejected, and the government decided to go ahead with implementation beginning on 1 October 2022.

Citation:
OECD: Youth not in employment, education or training (NEET)
https://data.oecd.org/youthinac/youth-not-in-employment-education-or-training-neet.htm

Taxes

Tax Policy
Score: 7

Taxes and social contributions are in sum higher in France than anywhere else in the OECD except for Denmark (45.4% of GDP in 2020). This is a consequence of extraordinarily generous political and budgetary commitments that have led to a continuous rise in taxes. Nonetheless, tax revenues do not cover expenses, as public spending is exceptionally high by Western standards. The Macron administration has started to reverse the trend, but the process has been rather slow. Public expenditure, after having slightly dropped since 2017, rose sharply from 55.4% (2019) to 61.8% of GDP in 2020 as a result of the pandemic crisis. Taxes have not been increased, but expenditures have grown massively, contributing to an increase in the budget deficit (9.1% in 2020, 8.0% in 2021) and the state debt (114.9% of GDP by mid-2021).

Whereas the lowering or elimination of many charges and taxes has improved companies' competitiveness, the overall tax ratio has remained at a high level similar to that of previous years. Furthermore, the tax burden is viewed as penalizing the lower-middle working classes, which led to the Yellow Vest movement in November 2018.

The tax policy initiated by Macron has sought to exert better control of the main drivers of public spending. One tactic, for example, was to sign "contracts" with key local government authorities aiming to slow the expansion of local expenses. The suppression of the housing tax paid by tenants or owners, another promise of the Macron program in 2017, will take full effect by 2022. This overall policy attracted fierce criticism from opposition parties and the media, and Macron was depicted as favoring the wealthy at the expense of the poor. The low flat tax rate for income on capital and the partial abolition of the wealth tax in particular were perceived as symbolic of Macron's role as a "president of the rich." In fact, the criticism

proved off base, as the new taxation system will increase public revenue due to a better evaluation of taxable wealth. However, in order to calm the social revolt, Macron's government was forced to substantially revise its tax policy, reducing taxes and social-system contributions for lower income groups. As a response to the pandemic crisis, the Recovery Plan launched in 2020 contained a substantial lowering of the production taxes charged to companies.

The ecological sustainability of taxation also has to be rethought, since the tax increases on fossil-fuel-based energy served as the trigger of the uprising in November 2018. These taxes have been put on hold, and flat-rate subsidies were granted to low-income families at the end of 2021 in order to alleviate the burden of rising energy costs.

Citation:
OECD: Revenue Statistics 2021. The Initial Impact of COVID-19 on OECD Tax Revenues, Paris, December 6, 2021
https://www.oecd.org/tax/revenue-statistics-2522770x.htm

Budgets

Budgetary Policy
Score: 5

France's budgetary situation is still unsatisfactory with regard to European obligations and long-term sustainability. Over recent years, the commitment to reduce public spending (cuts in the number of public servants, in security and military expenses, and in social benefits) was not fulfilled due to the outbreak of the pandemic. Faced with the necessity to compensate for the collapse of economic activities, the government had to inject massive resources in the private and public sectors, pushing the budget deficit to 9.1% in 2020 (8.0% in 2021) and forcing the government to borrow massively.

The president's aim, which was to return to a position of sound public finances and regain financial maneuvering room, but also to recover lost credibility in Europe, has not been realized. If the new scenario created by the pandemic has paradoxically provided some breathing space given the new conditions that all European countries are facing, the ability to land on more stable ground might be difficult in the forthcoming years, not only in budgetary terms, but also from a social and political point of view. It will be difficult to increase taxes while the expectations of the citizenry, far from diminishing, are actually increasing.

The huge deficits in the 2020 and 2021 budgets were permitted by the "whatever it costs" strategy launched to fight the pandemic's dramatic economic consequences, and were facilitated by the accommodating policy of the European Central Bank (ECB) and by the very low rates of interest.

Furthermore, the financial facilities created by the NextGenerationEU fund should be mentioned, as they helped to finance €40 billion of the total €100 billion envisioned in the France Relance recovery plan. This easygoing policy might face tough challenges in the near future if interest rates increase again, rendering the debt unsustainable. Much will depend on the EU framework in the coming years, for instance with regard to the revision of the stability pact, the establishment of EU-level taxes (carbon tax) or the funding by the EU of some national expenditures, for instance in the field of energy, climate change or security. France strongly advocates this kind of measures and is counting on its EU presidency to push them forward.

Research, Innovation and Infrastructure

R&I Policy
Score: 8

Having improved since 2007, France performs well in research and development policy. According to the EU Innovation Scoreboard 2021, France was ranked 14th out of 38 European states with respect to innovation capacity. In the report's global innovation index, France performs slightly above the EU average and is ranked in the group of "strong innovators," behind the group of "innovation leaders." Although the absolute level of innovation performance remains strong, the French position relative to the EU has slightly declined in the last years. Overall spending on research and development constitutes 2.2% of GDP (2019), which means a marginal increase compared to 2000 and a slight decline since 2015. R&I spending is still below the OECD average, and far from the EU target of 3%. Whereas public spending is comparable to the best-performing countries, private spending remains less strong. France's main relative weaknesses are its low levels of private investment and the transfer of innovation into the industrial sector. A new law (Loi PACTE) was passed in May 2019 with the aim of supporting innovation and improving company performance, particularly for small and medium size enterprises.

On the positive side, the measures initiated by the Hollande administration have encouraged the creation of new technology-based startup firms. President Macron declared that he would "make France a startup nation," and his government has adopted further legal and fiscal policy measures intended to facilitate the creation and growth of startups. For example, he created a €5 billion development fund earmarked for startups that had passed through initial stages of growth. The government's objective is to boost the capitalization of these new companies, thus avoiding the twin risks of expatriation or absorption by more powerful foreign companies. The government has also resisted the suggestion of reducing the tax exemption offered to companies that improve their research capacities in spite of its increasingly high costs to the state budget. The recovery programs aimed at overcoming the pandemic crisis contain important measures favorable to startups and to innovation in

general. Presently, France has become Europe's second-largest tech market by dollar funding, outpacing Germany and falling just behind the United Kingdom. Over the past year, steady progress has been made, and France has moved up to the 11th position (out of 51 high-income economies) in 2020 from 16th (2019) in the rankings of the World Intellectual Property Organization (WIPO) Global Innovation Index.

However, barriers to innovation still exist. Cooperation between academic institutions and businesses is still restricted by cultural traditions, such as a lack of investment by small and medium-sized companies and the reluctance of researchers to invest in policy-relevant or applied research. Productivity levels and public research could also be improved. However, the development of public-private initiatives as well as the launching of incubators by private investors are improving the quantity and quality of initiatives and investments, in particular in new technologies.

Citation:
European Innovation Scoreboard 2021
https://ec.europa.eu/info/research-and-innovation/statistics/performance-indicators/european-innovation-scoreboard_en
World Intellectual Property Organization (WIPO): Global Innovation Index 2021
https://www.wipo.int/global_innovation_index/en/2021/

Global Financial System

Stabilizing Global Financial System
Score: 8

French governments of either political complexion have generally been in favor of regulation and control of the global financial system. They have been active internationally and at the EU level in supporting better international banking regulations. They have been strongly supportive of all initiatives contributing to the re-capitalization of banks, to the better control of speculative funds and to the fight against fiscal evasion and tax havens. They also have been active, together with 10 other EU member governments, in proposing to impose a levy on financial transactions (the so-called Tobin tax). Furthermore, they have pushed for the creation of a banking supervision mechanism at the EU level. The Hollande and Macron governments have been or are committed to improving fiscal cooperation on information exchange, the fight against tax havens and tax evasion. In 2016, the French parliament adopted a better system of controls and penalization to tackle corruption at the international level ("Loi Sapin 2"), and Macron has actively pushed at the EU level for higher and fairer taxation of multinational companies working in the information technology sector (the so-called GAFA tax, named after Google, Apple, Facebook and Amazon). Following the failure of this initiative, the French parliament adopted its own levy applicable to the large companies, which in turn triggered a fierce response from the Trump administration.

During the Biarritz G-7 summit, France said it would abolish this tax once an agreement had been reached at the OECD level. This should happen now that the tax has been supported by the G-20. Macron has decided to push further for the creation and implementation of a carbon tax at the EU level, and has announced that this will be a top priority of the country's presidency during the first semester of 2022.

II. Social Policies

Education

Education Policy
Score: 7

In many aspects, the French education system can be characterized as rather successful, but in contrast to the past, it fails to integrate and promote the weakest segments of society. In the 2018 Program for International Student Assessment (PISA) study (the next study having been postponed to 2022), the country's results did not improve, but remained slightly above the OECD average, France ranking 20th out of 70 countries. Overall spending on educational institutions amounted to 5.45% of GDP in 2017, slightly above the OECD average. Spending at the preschool level is exemplary. A law adopted in 2019 makes preschool attendance mandatory for all children three years old (écoles maternelles). France now falls slightly below the OECD average public expenditure at the primary level. However, one alarming finding of the PISA assessment is that, more than in any other OECD country, individual success depends on the student's socioeconomic background. Secondary education is rather good but uneven, excessively costly and, in recent years, has fallen behind other OECD countries. Higher education is dual, with a broad range of excellent elite institutions (prestigious lycées and grandes écoles) and a large mass university system, which is poorly funded and poorly managed, and does not prepare its students well for a successful entry to the labor market. Spending on universities lies below the OECD average. More importantly, drop-out rates are dramatic: only 40% of registered students obtain a university degree.

One major problem concerns professional training. The transition from education to professional training is poor. This is a major reason for the high rates of youth unemployment in France. However, some improvement has occurred thanks to the boom in training contracts (contrats d'apprentissage) which have tripled in number during the Macron presidency. The government has approached these issues in a more open and pragmatic way by distancing itself from the powerful teaching lobby, which has traditionally co-managed the system with the government (largely to the benefit of professors). Many

significant measures have been taken and immediately implemented. First, these measures placed greater emphasis on training young people from less affluent backgrounds. In areas with significant social problems, the government decided to cut the number of students per elementary school class by half immediately, reducing the maximum number of students to 12 per class. Second, most of the disputed reforms put in place by the previous socialist government have been dismantled (for instance, the "bi-langues" classes have been reintroduced in secondary schools). Third, international evaluations and rankings (such as the PISA report) have been taken into account and will likely form the basis for further changes. In spite of the hostility of the trade unions, the minister for education has declared that the evaluation of schools and teachers will become normal practice. The government has also succeeded in tackling two "sacred cows" of the education system: the degree obtained at the end of upper secondary education (baccalauréat) will become less complex, integrating a series of successive tests at school and a simpler final exam; and a new process for registering students at universities has been set up, based on both students' requests and evaluations by the universities themselves. This system has proven to work well and pushes parents, students and professors to develop strategies and make choices well before the final year of secondary school.

Another important development took place in September 2019. The Constitutional Court declared that fee increases were unconstitutional, and affirmed that education should be offered for free at all levels; however, it did state that a "modest" registration fee would be allowable.

The education system has been deeply shaken by the pandemic, but on the whole demonstrated resilience. Among the remaining issues one can mention are the low appeal of teaching positions due to relatively low salaries, the difficult situation of schools in some suburban areas and the excessive student dropout rates at the university level.

Citation:
OECD: Education at a glance 2019, Country Note France
OECD: Education Policy Outlook France, Paris, June 2020

Social Inclusion

Social Inclusion Policy
Score: 7

By international and European standards, the French welfare state is generous and covers all possible dimensions affecting collective and individual welfare, not only of citizens but also of foreign residents. Poverty remains at a comparatively low level. Therefore, programs providing minimum incomes, health protection, and support to the poor and to families are satisfactory,

effectively supporting social inclusion. The challenges for France at a time of economic decline and persistent unemployment are, first, to provide sufficient funding for the costly system without undermining competitiveness with too-high levels of social contributions (which demands an overhaul of the tax and contribution system as a whole); and second, to recalibrate the balance of solidarity and individual responsibility, for instance by introducing more incentives for the jobless to search for employment, and by reducing social contributions on low wages (beginning in September 2019, employers no longer pay contributions up to the point of the minimum salary fixed by the state).

The performance of the welfare state is less convincing when it comes to equal opportunities. The percentage of young people in neither education, employment nor training (NEET) is persistently high, pointing to the difficulties in transitioning between the education system and the labor market. Furthermore, some groups or territorial units are discriminated and marginalized. So-called second-generation immigrants, especially those living in the suburbs, as well as less vocal groups in declining rural regions, feel excluded from the French society. These populations often experience poor education and training, and high unemployment and poverty rates. In addition to the measures targeting elementary schools in socially disadvantaged areas, the Macron administration has developed a strategy emphasizing training and work placement rather than financial support – that is, focusing on capabilities rather than assistance. The number of young students opting for an apprenticeship training has shown a very encouraging increase. Given the growing difficulty that poorly trained young people are experiencing in finding jobs, Macron decided to create 500,000 grants in 2022, conditioned upon the young recipients' participation in a training program.

Health

Health Policy
Score: 7

France has a high-quality health system, which is generous and largely inclusive. Since its inception, it has remained a public system based on a compulsory, uniform insurance for all French citizens, with employers' and employees' contributions calculated according to wage levels. Together with widespread complementary insurances, they cover most individual costs. About 10% of GDP is spent on healthcare, one of the highest ratios in Europe. The health system includes all residents, and also offers services for illegal immigrants and foreigners (to the point that some asylum-seekers from countries such as Georgia have come primarily with the aim of receiving free medical care).

The problem is cost efficiency and the containment of deficits, which have been constant in recent years. Savings have improved recently, but the high level of medicine consumption still needs to be tackled with more decisive measures. The lack of doctors in rural areas and in some poor neighborhoods is a growing issue. The unsatisfactory distribution of doctors among regions and medical disciplines would be unbearable without the high contribution of practitioners from foreign countries (Africa, Middle East, Romania). New policies are expected in order to remedy first the deficits and second the "medical desertification." More generous reimbursements of expenses for glasses and dental care (a traditionally weak point of the system) were implemented by Macron in 2018. An ambitious plan to reform the healthcare system was announced in September 2018. The plan proposes to develop an intermediary level between hospitals and individual doctors, which would involve establishing structures that enable the various medical professions to provide collective and improved services in particular in rural areas. The aim is to alleviate the excessive burden on hospitals by rerouting the care for basic treatments toward these healthcare centers (Maisons de santé). The plan also proposes to recruit several thousand medical assistants (to deal with the bureaucratic component of the profession) and eliminate the numerus clausus for university admissions. The social security budget, which was originally forecast to reach a positive balance in 2019 for the first time since 2012, will in fact be in deficit at least through 2023 as a consequence of the measures implemented in the wake of the Yellow Vest protests.

The pandemic has further aggravated the crisis at the country's public hospitals. At the beginning, some regions, particularly in the country's eastern territories, did not have enough beds equipped to handle the most severe COVID-19 symptoms. Support from neighboring countries (Germany, Switzerland) helped the system get over the peak of the crisis. On the whole, the public system has shown sufficient resilience, but at time of writing, is on the verge of implosion in spite of a massive injection of money. Not only there are not enough nurses, but many have resigned either because salaries were insufficient, or because they had moved to bordering countries (Luxembourg, Switzerland). Others still had simply resigned due to exhaustion. In spite of an overall increase in salaries after years of freeze, the malaise within the medical professions is far from being addressed, as it results from complaints about management and organization, insufficient medical and non-medical staff, and difficult working conditions

Families

Family Policy
Score: 10

There is a long and consensual tradition of support for families, going back to the 1930s. The comprehensive policy mix which has developed since then has been successful in providing childcare, financial support, parental leave and generous fiscal policies (income is not taxed individually but in each family unit, dividing up the total income by the number of people in a family). Beginning in 2019, nursery schooling has been mandatory from the age of three, a policy that will strengthen the inclusion of immigrant children. In addition, families using the childcare support at home are given rebates on their social contributions. The fact that income taxes are calculated by on the basis of family unit and not individually is also very favorable to families, since (non-working or lower-paid) spouses and children lower the amount of taxable income per head. These policies have been effective. Not only is the birth rate in France one of the highest in Europe (despite a slight fall from an average of two births per woman between 2006 and 2014 to 1.87 births per woman in 2019), but the percentage of women integrated in the labor market also compares favorably to the European leaders (Scandinavian countries) in this domain.

However, faced with the need to reduce the budget deficit, the Hollande government scuttled the French welfare state's "principle of universality" (i.e., social benefits for all, related to the number of children per family, without consideration of income and wealth) by reducing the child allowance for families earning incomes above a certain ceiling. This highly contested measure has introduced a more realistic approach to policymaking, beyond the legalistic and formalistic principles which have prevailed since the Second World War. President Macron continued this policy. His presidency has added both more restrictive and more generous measures (e.g., the parental leave extended from 14 to 28 days) without major impact on the existing pattern of family policy.

Pensions

Pension Policy
Score: 6

The French pension system is relatively generous, and largely prevents poverty of the elderly. Public expenditure on pensions as a share of GDP is high. It reached 14.7% in 2020, a peak due to the pandemic; this is expected to decrease again and stabilize at a level of 13.7% by 2030. However, the pension system is also complex, which is a problem with respect to equity. First, the so-called general regime to all private employees and is complemented by additional voluntary systems, in particular in large companies. Second, some professions are affiliated to "special regimes" which are characterized by

shorter periods of contribution and higher generosity in pension payments. These systems usually cover employees working in public companies or groups highly subsidized by the public budget (coal mines, public transport, sailors and fishermen, for example). Finally, public servants usually benefit from higher payments as their pension payments are based on their final salary (last six months), and not on an average (e.g., best 25 years). Early retirement remains a common practice. However, the raising of the retirement age to 62 has led to a constant increase in the effective average age of entry into a pension since 2010. For 2018, it was calculated as 60.4 years (men) and 60.9 years (women), compared to 63.8 years (men) and 62.4 years (women) for the OECD average. The OECD estimates that the age of retirement will further increase following the gradual implementation of the pension reform. An international survey shows that in France, the age of exit from the labor market is the second-lowest of all OECD countries. Additionally, the survey notes that France offers the most generous pensions worldwide, and that given the high life expectancies (the second-highest within the OECD), these pensions are paid for a longer period than in most other nations.

In order to assure the sustainability of the pension system, French governments continuously introduced reform measures over the last decade: pension contributions have been increased, the number of years of contribution needed to receive a full pension has been increased to 43 years, and the peculiarities or privileges granted to some professional groups (“special regimes”) have been reduced. President Macron has deliberately chosen to reduce the advantages enjoyed by the pensioners in order to increase the income of people in work. This has been done by increasing a universal social tax raised on a broad range of income (Cotisation sociale généralisée, CSG), and by eliminating a social contribution paid only by salaried people. The government had also decided that in 2019, pensions would be increased by only 0.3%, but after the eruption of the Yellow Vest protests, it accepted a higher increase that reflected the inflation rate for the most modest pensions.

In the meantime, the first positive effects of the Sarkozy reforms of 2010 have been felt. In 2015, for the first time, the pension branch of the social security system showed a positive balance, although this lasted only two years. An agreement between three trade unions and the employers’ association added further adaptations concerning the supplementary pension. The payment of supplementary pensions (which are run jointly by the social partners) will be postponed until the age of 64 for most beneficiaries. The main novelty of this rather complex agreement is that it introduces flexibility in fixing the pension age and actually allows its postponement for most employees in the private sector to the age of 64. Macron had indicated that he would not introduce new reforms concerning the retirement age and the number of years of contribution

during his term. Instead, he suggested changing the method of calculation for pensions by creating a system of credit points accumulated by employees, which would be monetarized at the moment of their retirement. He further declared that he would drastically simplify the current system, merging the current 42 different social regimes into one. This frontal attack on the privileges accumulated over time by a number of groups and professions triggered fierce resistance, and as yet, only Article 1 of the new legislation has been put to a vote. The outbreak of the pandemic forced the government to postpone the reform indefinitely. In its latest recommendations, the OECD insisted that the reform should be resumed and suggested a more incremental but automatic system of adjustment in the future. Given the state of the public finances, there is little doubt that the issue of pension reform will return to the public agenda immediately after the presidential election.

Citation:
OECD: Pensions at a Glance 2021. OECD and G20 Indicators, Paris, December 8, 2021
https://www.oecd.org/publications/oecd-pensions-at-a-glance-19991363.htm
OCDE: Vieillissement et politique de l'emploi – statistiques sur l'age effectif moyen de la retraite (http://www.oecd.org/fr/els/emp/age-effectif-moyen-de-retraite.htm)
Conseil d'orientation des retraites (COR): Rapport annuel, June 2021
https://www.cor-retraites.fr/node/562

Integration

Integration Policy
Score: 6

Traditionally, France has an open policy toward immigrants. Every person born in France is considered French, or eligible to obtain French citizenship. Integration policies, in terms of long-term residence permits, access to citizenship and family reunification are open and generous. Presently, most new legal immigrants are coming due to family reunification. This partially explains the difficulty of integrating new immigrants, who often have no skills, no education and do not speak French. Processes of integration have to start from scratch. However, the problem is often the same for immigrants moving to France more generally; most are unskilled, and as such, subject to vagaries of economic booms and busts, for instance in the construction sector.

The integration of the so-called second (in fact, often the third) generation of immigrants, especially coming from Maghreb countries, is difficult for many reasons: education system failures; community concentration in urban/suburban ghettos; high unemployment; cultural identity issues, practices of job discrimination and so on. Immigration from Eastern Europe, the southern Balkans and, more recently, from the Middle East has become a very sensitive subject exploited by the National Rally and more generally by the extreme right, which has been able to set the political agenda and force a focus on migration and identity issues. The reluctance of the French socialist

government to put in place a serious migration policy was challenged by German Chancellor Merkel's sudden decision in August 2015 to open the doors to migrants from Syria, forcing the French government to revise its veiled but deliberate policy of restricting entry (low level of asylum admissions, cumbersome and discouraging bureaucratic processes).

President Macron has declared his intention to review France's immigration policy, combining acceptance and integration policies for immigrants and refugees with accelerated asylum-application procedures and stronger efforts to send back people whose applications are rejected. The process of screening requests has improved, but there has also been a deliberate policy to restrict residence permits. As it is very difficult to implement administrative or judicial decisions to expel illegal migrants, there is a growing number of migrants without legal residential status ("sans-papier") who are living in a kind of legal and social limbo. One peculiar illustration of this dramatic situation is related to the rejection of asylum seekers in the United Kingdom who are constrained to live in very poor conditions, and who try desperately to cross the Channel at the risk of their lives.

Citation:
OFPRA: Les premières données de l'asile 2020 à l'OFPRA
https://www.ofpra.gouv.fr/fr/l-ofpra/actualites/les-premieres-donnees-de-l-asile-0

Safe Living

Internal Security Policy
Score: 7

Although the police have a reputation for efficiency (sometimes being too efficient, as the institution is granted significant powers and discretion vis-à-vis the citizenry), concerns over domestic security are high. Attention has focused on repeated outbreaks of urban violence in the suburbs or other areas. Following a rising level of petty crime and several terrorist attacks on French territory and abroad, citizens have been more and more vocal about the need to be better protected by enforcing "law and order" measures. There is a clear relationship between the economic and social crisis and this increasing sense of insecurity. This situation has also had a decisive impact on protest votes in favor of the extreme-right party, the National Rally.

The terrorist attacks of 13 November 2015 elevated the topic of security to the top of the political agenda, triggering real concerns as well as political polemics driven by the populist and extreme right. The government has reacted to this with new security measures, giving more powers to the executive and police to prevent terrorist acts. The Macron administration terminated the emergency legislation in November 2017, but this came at the price of bringing the controversial rules into the flow of "normal" law with the

introduction of an anti-terrorism law in October 2017. A side consequence of the focus on terrorism has been a distraction from the fight against petty crimes, particularly in large cities, a fact that has contributed to some citizen dissatisfaction. Moreover, local police forces have grown, and all police officers are now entitled to use a firearm, in contrast to past practices.

The Yellow Vest uprising and its repression, stretching from November 2018 to June 2019, also helped transform the relationship between police and citizens. Faced with protests exhibiting rarely seen levels of violence (exacerbated by black bloc activists), the government reacted strongly to the social mobilization, triggering accusations of overreaction by parties and groups of the left. Once again, the French tradition of preferring protest and violence to participation and compromise was seen at work here.

Global Inequalities

Global Social Policy
Score: 7

France has a long tradition of offering support to poor countries both in terms of financial support and promotion of policies in their favor. However, this should be qualified. First, France is reluctant to consider that free trade is one of the most effective instruments of support. As a consequence, France is often an obstacle to the lowering of tariffs and trade barriers, for instance in agriculture. Second, French aid is concentrated on African countries, where its economic interests have been traditionally strong. The temptation to link aid to imports from the donor country is quite common.

Within the framework of international organizations, France is active but for the above mentioned reasons, its policy preferences are deeply influenced by path dependencies, such as past colonization and the global network of French-speaking countries.

On a different front, France has tried to impose a tax on air travel in order to finance the fight against AIDS in poor countries, but has convinced only a few countries to follow suit. President Macron has evoked the need to launch a significant EU investment plan in Africa, and to push for such an initiative during the French presidency beginning in January 2022. This initiative seems judicious as, given the persistent underdevelopment of the continent in spite of a sustained growth, there is a need to increase EU support to sub-Saharan countries where poverty and Islamist terrorism are together pushing an increasing number of people to migrate to Europe. Given the demographic pressures ahead (Africa will have soon 1 billion inhabitants) and the attractiveness of Europe, development in Africa is an emergency issue both for Africans and Europeans.

III. Environmental Policies

Environment

Environmental Policy
Score: 7

In its 2016 environmental report, the OECD stated that France had significantly improved its environmental performance over the last 10 years. However, the French record with respect to environmental targets is not optimal. According to OECD indicators, France is ranked in the lower-middle group in most areas. Too often, environmental policies continue to be subordinated to sectoral policies or weakened by protest movements. While being extremely active at the international level (e.g., Cop 21 and related forums), France has been unable to reach its own targets in most of areas. This is due to lobby groups' resistance to the full implementation of environmental policies. As an example, public financial support for agriculture is often granted without significant environmental conditions.

A (semi-official) think tank report by I4CE underlined in December 2021 that in spite of the pandemic, private and public spending in support of the ecological transition had grown by 10% (€45 billion), but that it was still insufficient to reach the targets set. An additional €13 billion and €15 billion would be necessary through 2023 simply to realize the objectives fixed by the government. The French recovery plan established in 2020 to respond to the pandemic has dedicated 30% of its resources, which overall total €30 billion, to the task of environmental transition; the investment plan launched in October 2021, called France 2030, gives a similar priority to these questions.

France's good performance with regard to carbon emissions (sixth place within the OECD for CO2 emissions per GDP unit in 2017) can be credited to the country's nuclear sector. A July 2015 energy transition bill set several objectives, including a reduction of nuclear power's share in total energy production from 75% to 50% by 2025, and an increase in the share contributed by renewable energy sources to 40% from what was then a 12.5% share. However, these goals are unlikely to be met, given the complex authorization processes for renewable energy installations. The Macron government has passed laws prohibiting oil exploration on French territory (including overseas territories), ordering a closure of coal mines by 2022, and closing the

Fessenheim nuclear plant beginning in 2020. However, a policy U-turn had taken place by the end of 2021. Macron has now advocated the idea of launching smaller nuclear plants, and the return to nuclear energy is supported both by the Conservatives and by public opinion, which regards this energy form as being "neutral" with regard to CO2 emissions. In the meantime, other forms of energy have not made enough progress, due to resistance by pressure groups and judicial obstacles.

The decision to raise taxes on gasoline and diesel fuel provoked the Yellow Vest riots in November and December of 2018, leading the government to withdraw this measure. This was reminiscent of a similar government retraction in 2014, when President Hollande was forced to cancel the so-called eco-tax on trucks. On 24 October 2019, France was condemned by the European Court of Justice (ECJ) for being unwilling or unable to reduce NO2 levels to meet EU targets in place since 2009. In April 2019, Macron announced a new initiative, launching a "Citizen Convention for the Climate," which assembled 150 citizens representative of the French population to address the question: "How can greenhouse-gas emissions be reduced by 40% by 2030 in a spirit of justice and equity?" The 149 proposals from that group in January 2020 have been submitted to the parliament in a slightly watered-down form. Some pesticides (e.g., Glysophate) will be banned in the future, but the government rejected an opposition request to advance the deadline, set by the European Union, in France. Macron's initial promise to hold a referendum (adding climate preservation to Art. 1 of the constitution) was abandoned in July 2021 because the two chambers of parliament did not reach the agreement necessary to hold a popular consultation on this constitutional reform.

In the field of renewable water resources, France has long experience dating to the 1960s, and has set up water agencies to monitor the use and protection of its resources. However, the objectives set out in the Ecophyto plan (2009) to enhance water quality have not been met by 2015. French authorities have been unable to resist the agriculture lobby, which is the largest consumer of water. The use of pesticides has increased by 29% (2008 – 2014). The excess of nitrate and its negative consequences for the proliferation of some seaweeds has been felt particularly strongly in the north of Brittany, where poultry and pig manures are used as fertilizers. In spite of social pressure and judicial decisions to the contrary, the farm lobby and other economic interests have impeded the drastic measures needed.

The municipal composting, waste management and recycling sectors trail far behind counterparts in northern European countries. The situation is better with biodiversity and forests, the latter of which are experiencing a growth in

surface area. A new law on biodiversity was adopted in August 2016. However, the protection of biodiversity has met resistance in metropolitan France due to many countervailing interests (agriculture, construction and transportation), and protection levels have actually been reduced according to official reports.

To summarize, France has set ambitious environmental-policy goals, but implementation of governmental decisions has often turned out to be incomplete, producing only limited impact. It remains to be seen whether the implementation of the recovery plan will be better. In its November 2021 recommendations, the OECD emphasized the need to stimulate private investment, create incentives in order to change the behavior of companies and individuals, align the price of carbon energy across sectors, and offer support to those who might be unable to bear the economic costs of the transition.

Citation:
OECD Environmental Performance Reviews: France 2016, Paris, OECD, 6 oct. 2016
L'environnement en France 2019. Rapport de synthèse (https://ree.developpement-durable.gouv.fr/IMG/pdf/9782111570573_lenvironnementenfrance_edition2019_rapportdesynthese_v24_web_light.pdf)
OECD: Environment at a glance indicators, 19 November 2019 (https://www.oecd-ilibrary.org/sites/ac4b8b89-en/index.html?itemId=/content/publication/ac4b8b89-en)
I4CE et al.: Climat: quels investissements pour le prochain quinquennat? https://www.i4ce.org/wp-core/wp-content/uploads/2021/12/SPECIAL_CLIMAT.pdf

Global Environmental Protection

Global Environmental Policy
Score: 9

All French governments in recent decades have been committed to advancing environmental policies at the global level. Under former President Sarkozy, France was among the leading group of countries trying to secure an agreement on climate change mitigation at the 2009 U.N. Climate Change Conference in Copenhagen. In this tradition, French diplomats were particularly active in preparation for the U.N. Climate Change Conference chaired by France in December 2015. The global agreement reached at this conference was a success for French diplomacy. This commitment was supported by the entire political class and Macron has fully endorsed the policy choices made by Hollande. For instance, Macron has tried to convince U.S. President Donald Trump to remain committed to the pledge of the previous U.S. administration, and announced at the United Nations in September 2018 that France would not sign any international agreements with countries that are not part of the COP21 agreement. France has also been supportive of the Glasgow agreement reached during the COP26 negotiations, vowing that about one-third of the funds provided by the EU within the framework of the Recovery Plan will be devoted to investments or actions

aiming at facilitating the ecological transition. At the same time, Macron has taken a stand regarding the necessity of further developing nuclear energy in the future in order to increase the production of green energy. The issue is very much disputed nationally and internationally, but most French political parties in fact support this option, and a slight majority of the population is also in favor of new civilian nuclear investments. On the EU front, Macron has announced that one of the priorities of the French presidency during the first semester in 2022 would be the launch of an EU carbon tax.

Robust Democracy

Electoral Processes

Candidacy Procedures
Score: 10

The electoral process is fair at all levels, and controls by ad hoc commissions or the judiciary ensure the smooth running of elections. There are some restrictions to assure that only serious candidates stand in presidential contests. These include a requirement that each potential candidate has to obtain 500 signatures of support from elected persons, such as mayors or senators, from a third of French départements, or counties, to prove his or her political relevance. In addition, candidates must pay a deposit of €15,000. But these restrictions do not limit the number or variety of political backgrounds of candidates. Ten candidates were present in the 2012 election and 11 candidates in 2017. Further restrictions to limit abuses were implemented in 2017. Spending is capped and now includes expenses for the primaries. In most local and national elections, many candidates decide to run because they benefit from equal access to the public media and from advantages such as the free provision of electoral materials or a partial reimbursement of expenses for candidates who win more than 5% of the vote. Electoral fraud is rare, but financial cheating is frequent, as evidenced by the condemnation of former President Nicolas Sarkozy for the hidden costs of his 2012 campaign. Some limitations are imposed on anti-constitutional parties. These restrictions, however, are exceptional and reviewed by the judiciary.

Media Access
Score: 9

According to French laws regulating electoral campaigns, all candidates must receive equal treatment in terms of access to public radio and television. Media time allocation is supervised by an ad hoc commission during the official campaign. Granted incumbents may be tempted to use their position to maximize their media visibility before the official start. Private media outlets are not obliged to follow these rules, but except for media outlets that expressly support certain party positions, newspapers and private media tend to fairly allocate media time to candidates, with the exception of marginal candidates who often run with the purpose of obtaining free media access. The paradox of this rule for equal time is that the presidential candidates who are likely to make it to the second round receive the same amount of media time as candidates who represent extremely marginal ideas or interests.

Voting and Registration Rights
Score: 9

The right to participate in elections as a candidate or as a voter is fully guaranteed. There is no evidence of restrictions or obstruction in the application of the law. Every citizen from the age of 18 enjoys rights that are provided by the constitution. This includes expats and convicts. There is no option to vote by mail, but expats can either vote in offices abroad (consulates or embassies) or by delegating power to a designated person in France. No progress has been made to extend the right to vote to foreign residents, except in the case of EU citizens. Voter registration is easy and, in particular in small local communities, it is quasi-automatic as the local bureaucracy often proceeds with the registration process even without a specific request from the individual. Elsewhere, potential voters have to register. Registration only requires an ID. It is usually estimated that some 10% of the electorate is not registered. This group essentially consists of two main groups: those who refuse to vote and those who have changed residence and subsequently neglected to register in their new place of residence.

Party Financing
Score: 8

Lacking a sufficient legal framework, party financing has long been a source of recurrent scandals. Nearly all political parties used to finance their activities by charging private companies working for local public entities, or by taxing commercial enterprises requesting building permits. Former President Jacques Chirac's sentencing once he lost his presidential immunity provided a spectacular illustration both of the illegal practices and the changing attitudes toward illegal financing. The first reasonably robust regulatory framework was established only in 1990. Since then, much progress has been made in discouraging fraud and other illegal activities. Nonetheless, not all party financing problems have been solved. Current legislation outlines public funding for both political parties and electoral campaigns, and establishes a spending ceiling for each candidate or party. The spending limits cover all election campaigns; however, only parliamentary and presidential elections enjoy public funding. Individual or company donations to political campaigns are also regulated and capped, and all donations must be made by check or credit card, except for minor donations that are collected, for instance, during political meetings. Donations are tax-deductible up to certain limits. Within two months after an election, a candidate has to forward the campaign's accounts, certified by an auditor, to the provincial prefecture, which conducts an initial check and then passes the information on to a special national supervisory body (Commission Nationale des Comptes de Campagne et des Financements Politiques). In presidential elections, this review is made by the Constitutional Council (Conseil Constitutionnel).

These controls have made election financing more transparent and more equal. Yet loopholes remain, as evidenced by the Constitutional Council statement identifying irregularities in the financing of former President Sarkozy's

campaign in 2012. The former president and close aides were found guilty by a penal court for overspending and hiding these unauthorized costs. The case is still under examination by the highest court. As of the time of writing, the National Rally and its leader, Marine Le Pen, were being prosecuted for violating financing regulations. The tradition of cheating persists in many areas. Another example concerns the practice by some parties (including the National Rally and the MODEM centrist party) of using assistants paid by the European Parliament for purely partisan purposes. Finally, the Fillon scandal (in which the former prime minister used public money earmarked for parliamentary assistants to hire his wife and children – a practice that in itself was not forbidden – without any documented work being undertaken) led to a new piece of legislation in June 2017. Immediately after the presidential election, Macron introduced a new law to deal with the "moralization" of political life. The new law addressed several legal loopholes that allowed for morally ambiguous political behavior. For example, the new law prohibited members of parliament from hiring family members. Conflicts of interest are more strictly controlled and all ministers are subjected before appointment to a screening by an independent authority on financial transparency. When these rules are violated, three types of disciplinary action can be taken: financial (expenditures reimbursed), criminal (fines or jail) and electoral (ineligibility for electoral contests for one year, except in the case of presidential elections).

Popular Decision-Making
Score: 4

The Fifth Republic (since 1958) reintroduced the referendum, not only for the ratification of the constitution but as an instrument of government. president Charles de Gaulle used referendums to seek support for decolonization and to revise the constitution, and in doing so, bypassed parliamentary opposition. In 1969, de Gaulle himself became a victim of the referendum process, as he had declared that he would resign should a referendum on regionalization fail. Since then, the referendum has been used less frequently. The use of referendums at the request and for the benefit of the executive is a risky enterprise. All referendums after those of 1962 have been characterized either by indifference and high levels of abstentions or by outright rejection, as in 2005 on the European Constitutional Treaty. Only once, on the vote over the Maastricht Treaty in 1992, was the executive able to secure a small, albeit fragile, majority.

Initially, only the president was entitled to call a referendum. Therefore, the practice was perceived as being an instrument of the executive rather than a genuine democratic tool, since popular initiatives are not possible under the referendum system. Since 2015, 20% of the members of parliament, if supported by 10% of the electorate, have been able to call a national referendum. However, the rules and procedures are very restrictive. This 20% threshold was met for the first time in June 2019, when a group of opponents

to the privatization of Aéroports de Paris decided to resist the decision by the parliamentary majority. However, after nine months of political canvassing, only 1.09 million signatures had been collected out of the 4.7 million needed to allow the organization of a referendum. In acknowledging the failure of the initiative, the Constitutional Council expressed negative comments about the procedures associated with signatures' collection. This cumbersome procedure has also been fiercely criticized by the Yellow Vest movement, which has advocated (without success) for a constitutional amendment that would allow genuinely popular initiatives and popular decision-making on a broad range of subjects.

Local referendums can be organized when municipalities are scheduled to be merged, or for local issues at a mayor's initiative. However, very few have taken place, and participation rates have been very low. As an example, the 2013 referendum on the creation of a unique territorial unit in the region of Alsace had a participation rate of 20.05% of the electorate, thus failing to reach the quorum of 25%. In general, direct public involvement in policymaking is rare, and functions poorly due to public authorities' reluctance to accept such influence, as well as the lack of an effective culture of public participation. The Notre-Dame des Landes airport saga is a case in point. After more than 30 years of high-conflict deliberations and protests, and in spite of a positive (but only consultative) referendum in 2016, the government finally decided to withdraw the project in January 2018.

Access to Information

Media Freedom
Score: 7

In principle, media independence is guaranteed by a complete set of constitutional, legislative and administrative rules. There is not much more that can be done to improve the legal status of the press. This being said, media independence is multifaceted. One must distinguish between public and private media, as well as between legal independence and financial dependence or influence. Public authorities have in principle no direct capacity to intervene in public media decision-making as the power of control and supervision is delegated to an independent media authority. However, the situation is not clear-cut for many reasons. Public media are mostly dependent upon a special tax paid by every television owner, while their access to the advertising market was strongly curtailed by the former Sarkozy government. Most funding is now under government control.

In the private sector, public influence can be felt through the generous subsidies paid to all daily and weekly newspapers. However, it is paid as a kind of entitlement based on general rules and principles, and as such does not provide any real political leverage to the government. Much more serious is

the porous nature of the barrier between the media and the political world, as well as the fact that most daily and weekly newspapers are owned by large business interests. Financial independence from private owners is rare. Most weekly and daily media are owned by moguls wishing to influence public opinion. As an exception, the daily Le Monde newspaper was in September 2019 able to agree with its main stakeholders that the publication's journalists' organization would wield veto power if a single investor were to attempt to take a majority share in the company.

Media Pluralism
Score: 5

Media pluralism is reasonably guaranteed in France.
Public media are supervised by an independent authority, with their ranks including several national TV networks and radios. They enjoyed monopoly status until the mid-1980s, when the Mitterrand government authorized the creation of private radio broadcast services. Today, the supply has considerably increased and since the market is shrinking (young people prefer the internet), the public services are declining but remain strong.

Whereas on the national level there is a wide range of newspapers expressing political pluralism, the local and regional situation is normally characterized by a monopoly or quasi-monopoly position of one paper in a given geographical area. The high-quality national newspapers belong to various capitalist groups. Among the few exceptions are a regional newspaper in the western part of France and the daily newspaper La Croix. Most of the newspapers belonging to media groups have secured a substantial degree of independence from their owners (complete in the case of Le Monde where the journalists are the de facto masters of the newspaper). Weekly papers belong to diverse groups (none is the property of the same group).

Local/regional newspapers belong to various local or national groups. Some are very independent (e.g., Ouest-France, the main daily in France), while others are more dependent on their owners, often a family group. Newspapers linked to political parties have practically disappeared from the scene, and their influence is marginal. The debate on press concentration has emerged due to the absorption of the Lagardère Group (Europe 1, Journal du Dimanche, Paris-Match) by a tycoon (Bolloré) who owns Canal+ and CNews (accused of having offered Zemmour a forum.

The print circulation of the country's daily newspapers is low by Western standards, and has been negatively affected by free newspapers distributed in the streets, as well as by online publications. Indeed, the print market is largely in decline, and is suffering financially. The situation is further aggravated by an obsolete, inefficient, corporatist and costly system of distribution that is controlled by the unions. Many newspapers are being put in jeopardy due to

the costs and general dysfunctionality of the distribution system. Faced with online competition, rising costs and a shrinking readership, print media have had to rely more and more on the benevolence of wealthy entrepreneurs or on the state. Given the multiple ties between political and business elites in France, this is not a particularly favorable situation for the maintenance of a vibrant culture of print media pluralism. This being said, the proliferation of online news media and online offerings provided either by print media or by "pure players" (like Mediapart, Rue89, Slate and Atlantico) should be taken into account. They contribute to media pluralism, whereas social-media networks – which are gaining more and more influence – tend to focus on scandals, and disseminate partial information or fake news. While social-media networks may play an important role in facilitating whistle blowers, they are unable to offer in-depth analysis and well-grounded information.

Access to Government Information
Score: 8

The right of access to information is solidly assured since it was strengthened in 1978 through the establishment of an independent agency, CADA (Commission d'Accès aux Documents Administratifs). This body guarantees that any private or public entity is entitled to be given any document requested from a public administration or service, regardless of the legal status of the organization (private or public) if the institution operates a public service. However, some restrictions have been established, mainly in relation with issues regarding the private sphere or the protection of intellectual property or business information in order to safeguard competition between companies. The main and more controversial issue is the refusal to issue documents by citing security or defense concerns, a concept which can be applied broadly and with a limited capacity for challenging in court. The administration in question must deliver the requested document within a month. After that deadline, inaction is considered to be a rejection that can be challenged in court and/or by submitting a request to the Défenseur des Droits (Defender of Civic Rights; Ombudsman). In some cases, the adopted solutions reflect the inability of the political elites to adopt clear-cut policies: for instance, it is possible to check the declaration of revenues and property of members of parliament but divulging the information is considered a criminal offense. This is a telling illustration of the reluctance to set up a full transparency policy. In general, a large range of governmental (or public bodies') information, including official drafts, reports and audits, are freely accessible via the internet. Beyond the legal rules, two media outlets in particular (Canard enchaîné and Mediapart) have specialized in leaking information that public authorities would prefer to keep secret. This has become an important part of the transparency process, but has had the disadvantage of creating an atmosphere of permanent scandal, with petty or quasi-ridiculous issues sometimes becoming the main concern of social networks or tabloids.

Civil Rights and Political Liberties

Civil Rights
Score: 8

In France, even though there is an established tradition of the rule of law and the recognition and protection of civil and fundamental rights, there is also a long history of infringements of those rights. The two main reasons for this are related to the distrust, and often contempt, of government toward the judiciary. This behavior dates back to the French Revolution and has been further exacerbated by the country's fraught political history; violations have continued to occur up until the 1980s.

The situation has improved considerably in recent history for several reasons. France's judicial system now acts in the shadow of international courts which prosecutes national violations of the rule of law. The European Court of Human Rights and the Court of Justice of the European Union play an incremental but decisive role in this progress. Secondly, the independence of the judiciary is ultimately well protected, and judges have become much more assertive, as demonstrated by the verdicts handed down to former presidents Chirac and Sarkozy in relation to the financing of parties and electoral campaigns.

With the proclamation of a state of emergency by the government following the terrorist attacks of 13 November 2015 and its extension until 1 November 2017 by the parliament, the question of possible infringements of civil rights has become an important issue. The Council of Europe has been informed about this measure, which implies a possible breach of human rights, according to article 15 of the European Human Rights Convention. Up to now, infringements have been rather limited, and the administrative courts have exerted control of the individual or collective measures adopted by the government in spite of pressures from right-wing political parties and the police to further restrict the rights of persons suspected of supporting terrorist activities.

Numerous observers have argued that the repression of the Yellow Vest protests entailed a disproportionate use of force. However, the use of violence by protesters also reached a level rather rare even by French standards. Emergency laws and limitations on rights were again imposed due to the COVID-19 emergency. Most of the laws and government decisions were brought either to the Constitutional Council or to the Council of the State, which fully used the emergency procedures available to them. The Constitutional Council must make decisions within a month, while administrative courts can immediately suspend a measure in advance of a full examination that requires more time (référé Liberté). However, this usually

takes only a matter of days. The system has been intensively used (and abused) by pressure groups and lawyers. On the whole, it can be said that fundamental rights were well protected in spite of the exceptional situation created by the pandemic.

Political Liberties
Score: 9

Political liberties are presently well protected in France. This situation can be explained by several factors. The fact that these liberties are considered to be the legacy of the French Revolution sets them in a quasi-sacred position. The protections were granted and solidified by the highest administrative court during the Third and Fourth Republics. Recently, the Constitutional Council has played an increasingly active role in striking down laws that could jeopardize these liberties. The expansion of the court's powers stemmed from its 1971 decision to protect the right of association from governmental intervention. However, history has shown that the status of such liberties could be diminished in times of crisis or military conflict.

A controversial and still not fully resolved issue is related to the interpretation of the separation of religious and public life (laicité). The ban on religious signs and symbols in all places of public administration and institutions is, in theory, applicable to all religious affiliations but concerns mainly the Islamic community. There is a growing uneasiness among the population about the public display of "differences," an issue that right-wing and extreme-right parties are particularly vocal about. Indeed, an increasingly illiberal attitude has been evident in public opinion, manifesting in the rejection of differences based particularly on religious beliefs (e.g., Halāl food, public religious demonstrations and wearing burkinis on public beaches).

Non-discrimination
Score: 6

In principle, any discrimination based on factors such as gender, race, ethnic origin or religion is banned by the constitution and by many specific laws. Beyond the recognition of the right of non-discrimination, however, institutional monitoring, judicial support and policy measures to ensure such rights are less than adequate.

France's legal basis for non-discrimination is solid. The controversial recognition of "marriage for all," or recognizing the right of gays and lesbians to marry legally, is a point in case. Courts tend not only to apply but also to extend these rights. Many policy measures, particularly financial incentives or subsidies, attempt to compensate for different instances of discrimination, in particular gender, age or migration background. However, the situation is often contradictory in many cases. For instance, while immigrants face challenges in getting residence permits, illegal immigrants have free access to healthcare and their children can be legally registered at school. A key contention concerns the integration of so-called second-generation immigrants. Despite many policy measures, a large number of these young French citizens feel like foreigners in their country, and are often considered as such by the

population at large. The failure to provide quality schooling and, later, a proper job is one of the most dramatic dimensions of what is called invisible discrimination. Empirical studies have confirmed the discriminatory practices experienced by Muslim job-seekers (cf. France Stratégie). One serious handicap in dealing with this situation is enshrined in the French republican tradition, which emphasizes strict equality and excludes in principle any sort of discrimination, even positive discrimination (such as gathering statistics based on ethnicity to determine social service allocation).

Institutionally, a recent development is the creation of a new body named the Defender of Rights, which replaces several specialized agencies. In addition to national organizations, many regional or sectoral ad hoc institutions that address discrimination cases have been established.

Citation:
France Stratégie: Lignes de faille, Paris, October 2016 (http://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/rapport-lignes-de-faille-ok.pdf)
Défenseur des droits: Discriminations et origines: l'urgence d'agir, Paris, 22 June 2020 (https://www.defenseurdesdroits.fr/fr/rapports/2020/06/discriminations-et-origines-lurgence-dagir)

Rule of Law

Legal Certainty
Score: 6

French authorities usually act according to legal rules and obligations set forth from national and supranational legislation. However, the legal system suffers still from a number of problems. Attitudes toward implementing rules and laws are rather lax. Frequent is the delay or even the unlimited postponement of implementation measures, which may reflect a political tactic for inaction or sometimes because pressure groups successfully impede the adoption of implementation measures. In addition, prosecutors enjoy the discretionary power to prosecute or not, if in their opinion the plaintiff's complaint is minor and not worth taking to the court (e.g., a person complaining about a neighbor's dog barking at night or, more seriously, some cases of marital violence). About one-third of all complaints do not trigger action from the public prosecutor's office.

In addition, a considerable discretion is left to the bureaucracy in interpreting existing regulations. In some cases, the administrative official circular, which is supposed to facilitate implementation of a law, actually restricts the impact or the meaning of existing legislation. In other cases, the correct interpretation of an applicable law results from a written or verbal reply by a minister in parliament. This is particularly true in the field of fiscal law.

Finally, the most criticized issue of legal uncertainty derives from multiple and frequent legislative changes, particularly fiscal legislation. The business

community has repeatedly voiced concerns over the instability of rules, impeding any rational long-term perspective or planning. These changes usually are legally solid, but economically debatable. It is not unusual that a fiscal measure adopted on the occasion of the vote of the annual budget is repealed or substantially modified one year later. A costly example is provided by the tax on dividends imposed in 2012 by the Hollande administration despite the strong reservations of legal advisers. The measure was later struck down both by the European Court of Justice and the Constitutional Court in October 2017. The courts' decisions imposed an unexpected expense of €10 billion, which the government had to pay back to the companies. This forced the government to set up an exceptional tax on those companies, amounting to half of the reimbursement due.

Judicial Review
Score: 9

Executive decisions are reviewed by courts that are charged with overseeing executive norms and decisions. The process of challenging decisions is rather simple. Administrative courts are organized on three levels (administrative tribunals, courts of appeal and the Council of State, or Conseil d'Etat). The courts' independence is fully recognized, despite the fact that the Council of State also serves as legal adviser to the government for most administrative decrees and all government bills.

This independence has been strengthened by the Constitutional Council, as far such independence has been considered a general constitutional principle, despite the lack of a precise reference in the constitution itself. In addition, administrative courts can provide financial compensation and make public bodies financially accountable for errors or mistakes. The Constitutional Council has gradually become a full-fleshed court, the role of which was dramatically increased through the constitutional reform of March 2008. Since that time, any citizen is able to raise an issue of unconstitutionality before any lower court. The request is examined by the Supreme Court of Appeals or the Council of State, and can be passed to the Constitutional Council if legally sound. The Council's case load has increased from around 25 cases to about 75 cases per year (with a peak of more than 100 cases in 2011), allowing for a thorough review of past legislation. This a posteriori control complements the a priori control of constitutionality that can be exerted by the Council before the promulgation of a law, provided that one of three authorities (the president of the republic and the presidents of the two assemblies) or 60 parliamentarians (typically from the opposition) make such a request.

Appointment of Justices
Score: 5

Appointments to the Constitutional Council, France's Constitutional Court, have been highly politicized and controversial. The Council's nine members serve nine-year terms. Three are nominated by the French president, who also chooses the Council's president, and three each by the presidents of the Senate and of the National Assembly. Former presidents (at the time of writing, Nicolas Sarkozy and François Hollande) are de jure members of the council

but have decided not to attend meetings. Up to the Sarkozy administration, there were no checks over council appointments made by these three highest political authorities. Now respective committees of the two parliamentary chambers organize hearings to check the qualifications and capacity of proposed council appointments. From this point of view, the French procedure is now closer to the process by which Supreme Court justices are appointed in the United States than to usual European practices. Contrary to U.S. practice, however, the French parliament has not yet exerted thorough control over these appointments, instead pursuing a rather hands-off approach, particularly when appointees are former politicians. In 2017, a Senate president's nominee for the council (a senator and former minister of justice) was forced to withdraw after he had passed all the necessary parliamentary checks. This was prompted by a newspaper report that he had recruited (and paid with public money) his children as personal assistants. While not forbidden by law, the public disapproval following the Fillon scandal proved to be a sufficient deterrent. The case underlined the leniency of parliamentary control vis-à-vis former politicians.

Other top courts (penal, civil and administrative courts) are comprised of professional judges, and the government has only limited influence on their composition. In these cases, the government is empowered only to appoint a presiding judge (président), selecting this individual from the senior members of the judiciary.

Corruption Prevention
Score: 7

Up to the 1990s, corruption plagued French politics. Much of the problem was linked to secret party financing, as political parties often sought out alternative methods of funding when member fees and/or public subsidies lacked. Judicial investigations revealed extraordinary scandals, which resulted in the conviction and imprisonment of industrial and political leaders. These cases were a key factor for the growing awareness of the prevalence of corruption in France, leading to substantive action to establish stricter rules, both over party financing and transparency in public purchases and concessions.

However, there were still too many opportunities and loopholes available to cheat, bypass or evade these rules. Various scandals have provoked further legislation. After a former minister of finance was accused of tax fraud and money laundering in March 2013, a new rule obliged government ministers to make their personal finances public. Similarly, parliamentarians are also obliged to submit their personal finances to an ad hoc independent authority, but their declarations are not made public, and the media are forbidden to publish them. Only individual citizens can consult these disclosures, and only within the constituency in which the member of parliament was elected. The legal anti-corruption framework was strengthened again by the Sapin law

adopted at the end of 2016, which complements existing legislation on various fronts (conflict of interests, protection of whistleblowers).

Immediately after the 2017 elections, President Macron decided, as a symbol, to introduce a bill dealing with the "moralization of public affairs." The new law contains many additional restrictions, such as a prohibition on parliamentarians employing members of their family, and the elimination of the so-called loose money that members of parliament had previously been able to distribute and use without constraint or control. The new legislation constitutes a major contribution with regard to reducing conflicts of interest, and may help to eradicate corrupt practices. As a consequence of the new rules, as well as the activism of the press on these issues, the appointment of ministers is kept secret for a few days before being officially announced. This allows the independent authority time to check and clear the legal, fiscal and financial backgrounds of potential nominees.

This persistent strengthening of the rules has been justified by recurrent corruption scandals relating to the funding of political campaigns by African states, the irregularities in the accounts of Sarkozy's 2012 electoral campaign, and the misuse of funds provided by the European Parliament discovered in 2017, to cite a few examples. On 1 October 2019, the country's highest court (Cour de Cassation) confirmed that former President Sarkozy should be prosecuted before a penal court (Tribunal correctionnel). The first-instance court handed down a guilty verdict in 2021, but Sarkozy has appealed this judgment.

Good Governance

I. Executive Capacity

Strategic Capacity

Strategic Planning
Score: 5

French governments commonly refer to ad hoc committees tasked with providing information on crucial issues. In rare cases, a report is requested from a single person. Committee members are mainly high-level civil servants, former or active politicians and academics, and often are chosen on the basis of their sympathy to the government in office at the time. Most reports are made public but a few remain unpublished, in particular when the report's proposals appear too provocative to be accepted by social partners. This situation raises the concern that opportunism may prevail over real strategic planning. The risk is that reports that are too innovative or provocative will be immediately buried by the government for fear that powerful lobbies will protest (in particular the public sector unions).

Each minister is entitled to recruit 10 so-called cabinet members, usually young political appointees who are tasked with providing policy advice. However, short-term considerations are usually more important than strategic planning in this regard. In addition, some portfolios have high levels of turnover of ministers, making long-term planning impossible outside of senior civil servants' ability to carry through their own bureaucratic agendas.

The only bodies that take a long-term view in terms of strategic planning are bureaucratic departments, such as those in the finance, transport, environment and foreign affairs ministries. The committee of economic advisers attached to the prime minister's office produces reports on its own initiative or at the office's request. Its impact on actual policymaking is limited, however. The

Court of Accounts, whose reports often serve as the starting point of reforms, is taking on a growing importance with regard to long-term policymaking. Its annual and special reports are attracting increasing attention from public authorities and the media. Some are prepared at the request of governmental authorities, but many are prepared on the court's own initiative.

France Stratégie, an interesting think tank attached to the prime minister, has recently developed into a body of strategic planning and policy evaluation, although its impact on governmental policy is uncertain for the time being. OECD reports are not part of the national strategic planning framework, but they are rather influential, as they compare countries' performances and capacities to adjust to future challenges. Moreover, both the media and public opinion are very sensitive to international rankings.

Expert Advice
Score: 5

In contrast to some other European countries, the French government does not rely heavily on academic advice, even though the President's Office and the Prime Minister's Office frequently consult economists, and outstanding non-governmental academics may be chosen to sit on national reflection councils covering various policy fields (e.g., integration and education). But the influence of academics is not comparable to what can be found in many other political settings. High-level civil servants tend to consider themselves self-sufficient. Once the government has chosen a policy strategy, it tends to stick to it without significant discussion over the appropriateness or effectiveness of choices made. One recent illuminating case has been the announcement that more nuclear energy would be necessary in the future as part of the country's energy mix. There is nothing comparable in France to the economic institutes in Germany, for example, the opinions of which serve to guide the government and offer a platform for public debates. One telling example of this indifference to experts was the decision (in reaction to the modest ranking of French universities in international rankings) to merge the universities within individual cities and regions, under the assumption that larger universities would produce better results. This decision was taken in spite of the opposition of the academic community, and against the evidence provided by, for instance, the American and British university systems. Predictably, the results have been rather disappointing, while some new bureaucratic monsters have been born.

By contrast, the reform of the pension system currently has been heavily influenced by experts and economists. However, its radical U-turn in relation to the past has created political turmoil and fierce opposition. Due to the explosion of the pandemic the reform had to be delayed to a more opportune time.

Interministerial Coordination

GO Expertise
Score: 7

There are three main loci of policy coordination once a policy proposal has been forwarded to the prime minister. The first is the Prime Minister's Office (PMO), the second is the President's Office, and the third, in cases of legislation or regulation, the Council of State. This hierarchical organization gives the prime minister the option of modifying ministers' draft bills. For important issues, this steering function is shared with the President's Office, and entails strong cooperation and collaboration between the two secretaries-general at the Élysée and Matignon. Both the president and the prime minister appoint civil servants from all ministries as sectoral policy advisers. All ministerial domains are covered in this regard. Several hundred people are involved in government steering, monitoring, oversight and advising functions.

However, it would probably be overstated to consider these various checks a method of evaluation. The PMO mainly coordinates and arbitrates between ministries, takes into consideration opinions and criticisms from involved interests and from the majority coalition, and balances political benefits and risks. The President's Office does more or less the same in coordination with the PMO. President Macron pays particular care and attention to the fit between proposals and political commitments made during his electoral campaign. More than offering a thorough policy evaluation, these two institutions serve as a place where the ultimate arbitrations between bureaucrats, party activists and vested interests are made. Evaluation is more implicit than explicit, since the impetus for reform tends to derive from dissatisfaction with the current state of affairs.

Line Ministries
Score: 9

In contrast to Germany, for instance, sectoral ministers have limited independent scope for maneuver. Line ministers have to inform the prime minister of all their projects. Strong discipline is imposed even at the level of public communication level, and this rule is reinforced by the attitude of the media, which tend to judge any slight policy difference as the expression of political tension or party divergence. Not only the Prime Minister's Office (PMO) oversees the policy process but also his cabinet assistants, in each area, supervise, liaise and coordinate with their counterparts in line ministries about the content, timing and political sequences of a project. The secretary-general of the PMO (as well as his counterpart at the Élysée) operates in the shadow, but he is one of the most powerful actors within that machinery. He can step in if the coordination or control process at that level has failed to stem the expression of differences within the government. Traditionally the secretary-general is a member of the Conseil d'État and – in spite of the fact that he could be fired at any time for any reason – there is a tradition of continuity and

stability beyond the fluctuation and vagaries of political life. It has to be added that given the presidential character of the Fifth Republic, the same type of control is exerted by the President's Office in coordination with the PMO. In practice, the two general secretaries are the most powerful civil servants whose opinions might often prevail on ministry choices.

Cabinet Committees
Score: 8

Coordination is strong across the French government, and is in the hands of the PMO and the President's Offices, which liaise constantly and make decisions on every issue. Coordination takes place at several levels. First at the level of specialized civil servants who work as political appointees in the PMO (members of the cabinet, that is political appointees belonging to the staff of the prime minister), then in meetings chaired by the secretary-general and finally by the prime minister himself, in case of permanent conflicts between ministers or over important issues. In many instances, conflicts place the powerful budget minister or minister of finance in opposition to other ministries. Appeals to the prime minister require either a powerful convincing argument or that the appealing party is a key member of the government coalition, as it is understood that the prime minister should not be bothered by anything but the highest-level issues. A powerful instrument in the hands of the prime minister is his capacity to decide which texts will be presented to the parliament with priority. Given the frequent bottlenecks in the process, ministerial bills can end up indefinitely postponed.

The council of ministers takes place once a week. There are also a large number of interministerial committees chaired by the prime minister or the president. Most of these committees meet upon request. While plenty of them hold meetings every week, these are usually attended by the ministers dealing with the topics discussed, and include only the ministers and secretaries of state involved. In some cases, these meetings might be chaired by the secretary-general of either the President's Office or the Prime Minister's Office, two prestigious and powerful high civil servants who respectively serve as the voices of the president and prime minister. An ad hoc council dealing with the COVID-19 pandemic issue was set up under the direct authority of the president. It includes a rather unusual mix of ministers and bureaucrats as well as public and private experts.

In 2017, the new government introduced the practice of government seminars with the aim of improving cohesion and harmonization. The team spirit seems to have improved considerably in comparison with the past, given that many ministers are not professional politicians.

Ministerial Bureaucracy
Score: 8

If a ministry wishes to get its proposals accepted or passed, it must liaise and coordinate with other ministries or agencies involved. For instance, the Macron Law on the economy (2015) had to be co-signed by 13 ministers. If this consultation has not taken place, objections expressed by other ministers

or by the Council of State might deliver a fatal blow to a proposal. All ministries are equal, but some are more equal than others: for example, the finance minister is a crucial, omnipresent and indispensable actor. Usually, the coordination and consultation processes are placed under the responsibility of a "rapporteur," usually a lawyer from the ministerial bureaucracy (which is also in charge of arguing and defending the draft bill before the Council of State, whose intervention is crucial even beyond the purely legal point of view). The dossier is always followed by a member of the minister's staff who communicates with his/her counterparts and tries to smooth the process as much as possible. In the most difficult cases (when ministers back up strongly the positions of their respective civil servants), the prime minister has to step in and settle the matter.

Informal Coordination Score: 8

A crucial factor and essentially an invisible coordination mechanism is the "old-boy network" built by former students from the elitist "grandes écoles" (École nationale d'administration (ENA), École Polytechnique, Mines, ParisTech, etc.), or by members of the same "grands corps" (prestigious bureaucracies such as Inspection générale des Finances, the diplomatic services, the Council of State and so on). Most ministries (except perhaps the least powerful or those considered as marginal) include one or several persons from this high civil servant super-elite who know each other or are bound by informal bonds of solidarity. These high civil servants (especially "énarques" from ENA) also work in the PMO or the president's office, further strengthening this informal connection. The system is both efficient and not transparent, from a procedural point of view. It is striking, for instance, how much former President Hollande relied on people who were trained with him at ENA, and to whom he offered key positions in the political administration – ranging from ministerial positions or the chair of the central bank to many other high offices. President Macron has maintained these informal links.

Digitalization for Interministerial Coordination Score: 7

France is doing comparatively well in terms of digital government according to a recent OECD (2020) study. Overall, the country receives above-average scores and is ranked 10th among the OECD countries, outperforming countries including Estonia, Germany, the Netherlands and Sweden.

In 2011, an interministerial Directorate for State Information Systems and Communication was established. In 2014, in order to strengthen its capacity to steer and influence the sectoral administrations, the directorate was placed under the authority of the prime minister. A further impulse has been given to the directorate by the Macron administration's emphasis on the dimensions of the technological revolution. A secretariat of state was created in May 2018 (Secrétariat d'État au Numérique) tasked with boosting initiatives and development in the private and public sector and setting up a 100% state digital platform by 2022. Similarly, the president's economic adviser suggested that nearly €10 billion of additional funding be allocated to the digitalization of public services (with half of this sum for the healthcare

system). In parallel, a report of the Court of Accounts, in support of past actions, recommended a major effort to improve investment and personnel training. The new secretariat is building on these actions with the view of providing users with a single identification number that would provide access to all public services. Several experiences have already been quite successful. For example, the digitalization of tax declarations, processes and payments has been so successful that for most taxpayers the use of printed documents is no longer possible. Various efforts to improve coordination between administrations have been implemented. For instance, public procurement processes which involve several administrations have been streamlined, and private companies can access the system using their registration number. While there is a lack of systematic international comparisons, it seems that France currently has less invested than the United Kingdom in this area, and processes in some sectors (e.g., the management of Defense Ministry staff or the delivery of driving licenses) have suffered major failings in past years. According to the OECD index, France was ranked 10th in 2019 and fifth among the European countries.

Citation:
OECD, 2020: OECD Digital Government Index (DGI) 2019, available at https://www.oecd.org/gov/digital-government-index-4de9f5bb-en.htm

Evidence-based Instruments

RIA Application
Score: 5

The practice of compiling regulatory impact assessments (RIAs) has been followed since 1995, notably under the supervision of the PMO. However, there is still no systematic RIA process with comparable rules and methodologies; this is just one reason why there is an excess of legislation with an insufficient analysis of regulatory impact. There are partial substitutes, however. The finance and budget ministries try to systematically evaluate the fiscal impact of any new measure. This evaluation might be biased, however, as considerations may be exclusively motivated by financial and budgetary concerns. In some ministries (such as industry, agriculture and social affairs) there is also a tradition of analyzing the impact of planned policies. In other sectors, the law might impose these assessments (such as with the environmental and industry ministries, for instance). A legal assessment is systematically practiced by the Council of State before the adoption of a regulation or governmental bill. Parliamentary committees also often do an excellent job of regulatory assessment.

More recently, the government think tank France Stratégie has been charged with evaluating the impact of public policies (i.e., the impact of the Macron law, innovation policy or business subsidies). The think tank has published

methodological guidelines for the evaluation of public policies. However, last-minute amendments to parliamentary bills tend not to be subject to this type of evaluation. This necessitates frequent post facto modifications to legislation, as unexpected or collateral effects have not been properly anticipated. The Court of Accounts produces regulatory assessments on an ex post basis that might help to revise legislation, but it cannot provide the benefits of an anticipatory strategy.

What is lacking is a systematic examination involving all the main stakeholders. Former President Sarkozy, seeking to reduce bureaucratic costs, instituted the so-called RGPP (Revue Générale des Politiques Publiques). This allowed around 100,000 positions to be cut, but the process was strongly criticized by the opposition and by the unions. President Hollande decided to move to another type of review (Modernisation de l'Action Publique), but changed little in the administrative apparatus aside reducing the number of regions from 22 to 13 (a measure that generated costs rather than the expected savings). For his part, President Macron launched the CAP22 program, asking an independent expert committee to submit proposals for comprehensive state reform. However, the committee's report has not been published, and the government has failed to follow its main recommendations for fear of trade-union mobilization and strikes in the public sector.

In June 2019, the prime minister issued an instruction requiring that each new piece of legislation initiated by the executive be assessed on the basis of at least five impact indicators. This is now mandatory for primary laws and major secondary legislation.

This novel procedure strengthens a long tradition of thorough control by the Council of State, whose role is crucial (the government might decide to follow the Council of State's proposed changes or to reject them, but cannot adopt an in-between solution). The Council of State's opinion is particularly influential, as the consultative chamber's advice will be transmitted to the council chamber in charge handling a potential legal challenge in front of the Constitutional Council, if the body is asked to review the law (a quasi-systematic occurrence).

In theory, the government has imposed an offsetting "one-in, two-out " approach. In other words, every new regulation should offset two previous regulations (for the following, see OECD 2021). It is unclear if this rule works in practice, however.

Apart from environmental laws and regulations, there is no systematic obligation to consult stakeholders. In practice, some are always consulted, but the informal nature of such contacts is subsequently criticized by interest groups whose opinions have not been reflected in the final result (for instance, in the area of pesticide regulation).

RIA is mandatory only for bills introduced by the executive (3/4 of the total), not for those sponsored by the members of parliament. Most of the time, proposals presented by members of parliament are of minor interest (for example, the latest one as of the time of writing addressed the possibility for individuals to change their family name, a process that was extremely cumbersome and had discouraged applicants at a time of substantial structural changes in the definition of what is a family). In a few cases, the government might be tempted to avoid RIA by asking a member of the parliamentary majority to introduce a bill prepared by the executive in order to speed up the process.

The OECD gives France a two-point score out of a possible four points on the overall process of RIA.

Citation:
OECD. 2021:OECD Regulatory Policy Outlook 2021, available at: https://www.oecd-ilibrary.org/sites/6d483208-en/index.html?itemId=/content/component/6d483208-en

Quality of RIA Process
Score: 4

Studies analyzing the impact of RIA have stated that although administrative bodies' have overcome their initial skepticism toward RIA, the content of assessments has been too general, and has often tended to justify the need for action rather than attempting a critical, well-grounded assessment.

Thus, such assessments in general have little to recommend them. It remains to be seen whether the recommendations for conducting independent assessment by the think tank France Stratégie will be followed. A more thorough analysis ("étude d'impact") is done in case of large public investments (rail lines, highways, airports etc.), and the final decision as well as the process is subject to judicial oversight. Too often the experts in charge of evaluating are chosen ad personam and in a discretionary fashion. The hidden purpose and expectations are that their assessment will be in line with the preferences of the politicians in charge. A comparative study of RIA practices over the last 20 years confirms France's rather poor ranking, and suggests that this is attributable to the lack of an RIA culture, insufficient training for administrative elites, a lack of political will and the feeble role of parliament in RIA matters.

In line with these observations, a 2020 report by the Council of State stated that evaluation is organized to serve the executive rather than to nourish public debate. Too often, the results of evaluation studies are kept confidential. Thus, the evaluation process does not have a strong role in the public debate or in decision-making. For instance, it is not integrated into the debate on the annual budget law, nor are impact studies involved when a government bill is presented. The Council of State report suggested that parliament, citizens and stakeholders benefiting from public policies be better integrated into the process; that evaluation reports be disseminated more broadly to the public; and that better methods be used to organize assessments.

Citation:
France Stratégie: Comment évaluer l'impact des politiques publiques? Document de travail, 16 September 2016
(http://www.strategie.gouv.fr/publications/evaluer-limpact-politiques-publiques)
France Stratégie: Vingt ans d'évaluations d'impact en France et en étranger. Analyse quantitative de la production scientifique, Paris, December 2018 (https://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/fs-dt-impact-politiques-publiques-decembre-2018.pdf)
France Stratégie: Public policy impact assessment: What can France learn from the most advanced countries?, Paris, 19 February 2020 (https://www.strategie.gouv.fr/english-articles/public-policy-impact-assessment-what-can-france-learn-most-advanced-countries)
Conseil d'État: Conduire et partager l'évaluation des politiques publiques – Étude annuelle 2020, Paris, 9 July 2020
(https://www.vie-publique.fr/rapport/276060-conduire-et-partager-l-evaluation-des-politiques-publiques-etude-2020

Sustainability Check
Score: 4

There is no real systematic sustainability strategy except in those cases where EU regulations require such an examination. In most instances, political jockeying tends to prevail over policy analysis. In many instances, decisions are mainly based on political arguments regardless of social, financial or environmental costs. The sustainability argument is mainly used by opponents of a policy or envisaged equipment (the Nantes airport is a clear example of this). Given that every government attempts to pass as many measures in as short a period of time as possible, any preliminary evaluation tends to be regarded as a loss of time, since the crucial variable is the ability to respond swiftly to the pressure of public opinion. This strategy often appears to be misguided. Indeed, since opponents are unable to make their voice heard, they tend to rely either on judicial remedies (potentially delaying projects for many years) or on violent protest. Radical environmental activists, for instance, have become a major impediment to many public and private projects. However, in recent years the impact of climate change has bolstered the legitimacy and utility of sustainability studies, such as those reviewing zoning in flood-prone areas, or others reviewing additional risks related to environmental issues (use of pesticides or fertilizers, for instance).

Quality of Ex Post Evaluation Score: 7

There is no practice of systematic evaluation, except for policies or laws in which the respective constitutive act stipulates the need for an evaluation. However, over the past 25 years, the Court of Accounts, which previously exerted a legalistic type of oversight, has transformed its mission and adapted its methods so as to evaluate public policies from a political, social, economic and financial point of view. The Court's reports have become reference documents not only for the political authorities (government and parliament), but also for the opposition, the media and the broader public. The reports are usually characterized by rich analysis and accurate criticisms, and the recommendations are usually well received. The parliament and the government rarely challenge the courts' conclusions and recommendations, which often become the basis for new legislation. Since Sarkozy's time in office, the nominee for president of the court has always been a former politician from the opposition (at the time of appointment). This pattern has strengthened the legitimacy of the court, and allowed for the adoption of more policy-oriented evaluations. This dimension is not negatively perceived, as the Court is not seen as biased in its conclusions; indeed, its pragmatic suggestions are seen as useful in the preparation of new legislation. The last appointed president (a former socialist minister and EU commissioner) added one more instrument to the tool-box of the Court by publishing preliminary assessments or analyses of hot issues or government proposals within a few weeks or months. The Court acts on its own initiative.

A recent example of the Court's critical attitude regarding shortcomings in current evaluation procedures came in a report about important public investment programs in the Sarkozy and Hollande era involving more than €57 billion from 2010 to 2018. The Court pointed out the limited nature of the assessment procedures concerning these investment plans, given the huge sums involved. Following President Macron's announcement of a new €30 billion investment plan to foster the French industrial sector in October 2021, the Court said that "the moment has come to open a thorough analysis" about this kind of public-financed investment plan, and "about its place in the overall strategy of public investment."

Citation:
"France 2030: les erreurs à ne pas refaire," lefigaro.fr, 14 October 2021

Societal Consultation

Public Consultation Score: 6

The traditional distrust regarding "lobbyists," which are not seen as legitimate political actors, as well as difficult social relations that hinder effective social dialogue, have limited the governments' ability to find effective avenues of negotiation and cooperation. There are thousands of official or semi-official

commissions that are supposed to give opinions on a given issue or area; however, governments tend to prefer negotiations with selected partners, excluding some considered as not being "representative." Consultations are often rather formal, and interested parties very often have little willingness to seek compromise. For these reasons, the temptation to govern in a top-down manner has always been strong. However, this in turn has in many cases provoked severe, persistent conflicts and protest movements that have ultimately forced the government to abandon its plans. Indeed, the French political culture is rooted more deeply in protest than in pragmatic cooperation.

In recent years, governments have sought the consultation of interest groups more systematically, and these practices have partly been adopted as legal obligations. Moreover, the rules of social negotiations have been modernized to encourage social contracts between employers and trade unions. Notably, the Larcher Law of 2007 invited the government to present plans for legislation in social and labor matters to the social partners, and to give the social partners an opportunity to negotiate and agree on possible solutions that could then be transformed into law. Nonetheless, given persistent distrust between the social actors, especially on the part of some unions, progress has been slow. There have been some positive cases, such as the 2013 labor market reform bill. This measure codified an agreement between three (out of five) trade unions and the employers' organization. But there have been setbacks, too. The Macron government rejected an agreement between the social partners on reforming the unemployment-insurance system, arguing that it did not sufficiently address the program's financial problems. The organizations protested, but in fact were pleased to avoid the blame for the difficult and unpopular measures.

Thus far, President Macron's strategy has been to engage in intensive consultations while ensuring that the government and parliament have the final say, and leaving little room for change once a government proposal is drafted. This method was applied to the process of drafting the labor-law reform in 2017. Though intense consultations with the social partners took place in July and August 2017, the ordinances (while taking into account some trade-union grievances) were presented to the social partners as non-negotiable once drafted in September 2017. The process of reforming the national railway company followed a similar course. The government presented and passed a bill through parliament, declaring that the core measures were non-negotiable, but offered negotiations for the implementation of the new law. In the end, in spite of four months of protests and strikes, and stalemate between the government and trade unions, the reform was adopted. This situation has left the social partners bitter and frustrated – even those who were willing to

accept the reforms, but wanted to be incorporated in the decision-making process (e.g., the largest trade union, CDFT). Based on these and other examples, the president has been accused of sticking to a top-down method, leaving no place for the social partners to argue and obtain amendments. More generally, Macron has been criticized for his solitary approach to decision-making, as well as his contempt for the country's traditional economic and social actors. Faced with the magnitude of these negative reactions and the impact of the Yellow Vest riots, the government is now proceeding with more care, and has signaled a willingness to be more attentive to popular opinions and demands. The fundamental issue is that the parties around the negotiation table are keen to win by imposing their views. and reluctant to accept compromises. A statistic is telling: More than 300 ordinances have been adopted by the executive since 2017 in matters which normally require legislative intervention.

Policy Communication

Coherent Communication
Score: 7

Government policy communication is usually subject to centralized control by the executive branch. One of the preoccupations of the executive is to avoid disagreement or contradiction within the ministerial team, even when coalition governments are in power. There have been situations in which ministers expressing divergent views in the media have been forced to resign.

Hollande's government communication was poor and messy. In contrast, Macron has defined a new strategy: precise indications about his program during the presidential campaign, a commitment to implement these policy measures fully and speedily, and strict control over communication by the Élysée staff. This has conferred a significantly higher degree of coherence on governmental communication. However, due to a lack of coordination between ministers, the presidential services and the political movement which supports Macron (the REM), this communication policy has displayed flaws in practice, triggering changes in the organization of the Élysée communication unit. Macron's distrust of the media has not helped, and the relationship between the media and the President's Office is far from optimal. The result is a highly critical press, which tends to compete with social networks, and which has prioritized form and style over substance. As communication is highly centralized and technocratic ministers are often unskilled in advocating for their policies in the public sphere, the capacity of the executive to communicate with the public has been rather poor. In addition, the public's overall distrust of political elites makes official communication extremely difficult. The problem is further aggravated by the proliferation of fake news on social networks.

Implementation

Government Effectiveness Score: 7

The government is efficient in implementing its programs, as it can rely on a relatively disciplined cabinet, an obedient majority and a competent bureaucracy. Resistance, if any, comes from social actors. The question of whether government policies are effective is another matter. One of the major issues that the Hollande government faced was a lack of credibility concerning its commitment to economic growth, the fight against unemployment and the reduction of the public deficit. Optimistic forecasts have been disappointed by poor results on all fronts. Most international organizations (the IMF, OECD and the European Union), think tanks or even national organizations (the French central bank, the statistical institute and the Court of Auditors) have pointed out the impossibility of reaching set targets based on overoptimistic data or forecasts. The election of President Macron represented a radical change at the top. The main improvement has come with the Macron government's ability to combine its policy commitments with intense stakeholder concertation before finalizing legislative proposals. During the first 18 months of his term, this method of policymaking was quite successful. The new administration was very active in adopting and implementing its ambitious and encompassing policy reform agenda. The first positive results in terms of economic policy, growth and unemployment were already being felt. In spite of the Yellow Vest uprising, which forced the government to slow its pace, Macron continued to pursue his reform agenda, even on very sensitive issues such as reform of the pension system. However, the COVID-19 pandemic forced the president and the government to suspend and then withdraw a radical, encompassing and ambitious slate of reforms. Opponents from every angle had objected to the change. The overall reform results have been remarkably good in the area of the economy and the fight against unemployment.

Ministerial Compliance Score: 9

Compliance by ministers, when compared internationally, is good, as a minister can be dismissed at any time and without explanation. In the French majority system and in the absence of real coalition governments, the ministers, who are nominated by the president, are largely loyal to him. Together with the effective hierarchical steering of governmental action, ministers have strong incentives to implement the government's program, following guidelines set up by the president and prime minister. This statement remains true but is highly dependent on the leadership capacities of the president and prime minister. Unlike his predecessor, Macron has made clear that strict compliance is expected from ministers, and there is no doubt that his leadership and policy choices will be supported by ministers who, for most, are not professional politicians.

Monitoring Ministries
Score: 9

Line ministry activities are generally well monitored, but several factors influence the impact of oversight, including: the strength of the prime minister; the relationship of the minister with the president; the political position of the minister within the majority or as a local notable; media attention; and political pressure. This traditional pattern under the Fifth Republic failed to work during the first 30 months of the Hollande presidency due to the president's weakness and reluctance to arbiter between ministers and divergent preferences. It was only after the September 2014 crisis and the forced resignation of dissident ministers that Prime Minister Manuel Valls was able to exercise improved oversight of the ministries. The monitoring of ministers by Macron and his prime minister is tighter than it has ever previously been under the Fifth Republic. A special software application has been developed that gives Macron the full information about decisions taken by each minister, allowing him to step in as deemed necessary.

Monitoring Agencies, Bureaucracies
Score: 7

In a highly centralized system like France's, the central machinery is unable to monitor the implementation of government policies fully and constantly. Thus, huge sectoral and geographical variations exist. In some areas, decisions are badly implemented, flexibly interpreted or not implemented at all. For instance, education is one of the most centralized policy fields in France, but implementation varies so starkly that parents have adopted strategies (such as the crucial choice of where to live) to register their children in the "best" schools. Implementing centrally designed policies requires local or regional adaptation of rigid rules that are applicable to all. Even the prefects, supposedly the arm of central government, refer to this practice, as may be witnessed for instance in the absent, or insufficient, implementation of water directives in some regions. Thus, bureaucratic rules are rendered somewhat less rigid by a certain political flexibility, a pattern that was emphasized even by 19th century sociologist Alexis de Tocqueville, who said: "The rule is hard, the practice weak" (La règle est rigide, la pratique est _itu).

Task Funding
Score: 7

Over the past 30 to 40 years, the powers of communes, provinces (départements) and regions, delegated by central authorities or de facto taken over by local entities, have increased considerably. Normally a delegation of powers was accompanied by corresponding funding. However, as formerly centralized policies were notably badly managed or insufficiently funded, local units had to face huge expenditure increases that were not fully covered by the central government. Thus, more than two-thirds of non-military public monies are spent by local/regional actors, a figure comparable to the_ituateion in federal political systems. While local authorities in theory act as agents of the central government in some areas, they in fact have substantial autonomy. The recent regional reform reducing the number of regions from 22 to 13 has had quite an important consequence: the new regions will benefit from a fraction of the VAT. Previously, they did not receive their own tax revenues, depending instead on transfers from the central government. The goal of the

merger was to generate efficiencies and thus save on resources. However, a recent Court of Accounts report shows that the new consolidated regions in aggregate spend more than those which were not merged.

On the other hand, piecemeal and ad hoc local taxation reforms, such as the elimination of the local business tax (taxe professionnelle) and its compensation by national state allocations in 2009, have not improved the situation. Growing tension between the central government and local authorities has been fueled by President Macron's decision to exempt all local taxpayers from paying (by 2022) the "taxe d'habitation" (a rather unfair tax paid by all local residents, owners and tenants). The local tax will be replaced by property-tax revenues transferred from the provinces to the communes, while the provinces will benefit, like the regions, from a transfer of the VAT from the national level. In that way, regions and provinces benefit from a very dynamic national tax. The Constitutional Council has stated that this transfer was sufficient to fulfil the constitution's fiscal guarantees to local authorities. However, the various levels of local government fear that they will lose resources, with the uncertainty contributing to discontent and protest. Moreover, local authorities fear that the state subsidies or new taxes will not evolve over time according to needs. At the same time, the central government monitors the policy implementation of local authorities. For instance, the government has passed a law obliging local authorities to fully apply the 35-hour working week regulation, as many local governments had offered even further reductions of weekly working times in concession to the unions. The expected savings from this change are said to correspond to 30,000 jobs (though this is probably an overoptimistic estimate).

Constitutional Discretion
Score: 6

Some instances of recentralization have occurred through fiscal or administrative means, but despite the usual stereotypes about French hyper-centralization, it is fair to say that subnational government enjoys much freedom of maneuver. Legally, subnational government is subordinate. Politically, the influence of local elites in parliament and in particular in the Senate has been decisive. However, this is less true in the National Assembly due to the fact that the majority of the new deputies elected in 2017 have no local experience or responsibility. The most efficient but contested instruments of control derive from the legal, technical or economic standards imposed by the Brussels and Paris bureaucracies. Violating such standards can involve high political, monetary and legal/judicial costs for local politicians. As local taxes and spending have grown beyond control over the past 30 years, and the myriad of local units make the steering of policymaking difficult, the central government has failed to find any tools more effective than cutting central government funding in order to force local authorities to reduce their spending. "Contracts" fixing spending caps were signed with most of the large local units in 2018.

National Standards
Score: 9

Policymakers in France share a common interest in ensuring national cohesion. This is the basis for a large number of national standards and rules that frame local and regional policies. National standards are determined by national regulations and constitutional and administrative courts serve as arbiters in disputes over whether these standards are met. The application of national standards is facilitated by the fact that most public utilities are provided by large private or semi-public companies with a vested interest in having the same rules and standards across the country. Services such as energy supply, water distribution or garbage collection are run by many different companies, most of which belong to two or three holding companies. Following protests by businesses and local politicians against a flood of norms and standards, the government has started a review and implemented a number of "simplification" measures, in particular for small communes. However, no significant results have as yet been observed, with the exception of the construction sector, where norms have been simplified after the initial imposition of extremely cumbersome rules and standards. But the French state is as yet unable to control the full implementation of these standards effectively. The main force behind standardization is local authorities' fear of being sanctioned by the courts if they fail to apply regulatory rules and standards fully.

Effective Regulatory Enforcement
Score: 7

The French government's efforts to adopt rules and regulations applicable across the country encounters resistance due to the diversity of local situations and the relative strength of vested interests. The difficult exercise of balancing conflicting goals has characterized France since the time of the monarchy.

During the Fifth Republic, there have been limited cases of political bias or clientelistic behavior within the central administrative apparatus. This is less evident at the local level, where mayors can be more lenient vis-à-vis individuals or groups, for instance in the field of urban planning or in the management of procurement contracts (favoring local providers). The main distortions in policy implementation derive from a well-rooted tradition of ignoring the incomplete implementation or non-application of excessive regulations. Governments often lack the courage to enforce regulations when they fear substantial protests. Successive governments have either failed to regulate or withdrawn planned regulations when protests have proved powerful and won widespread public support. Macron's insistence on the need to fully implement policy decisions helped trigger a social revolt during the winter of 2018 – 2019. Like his predecessors, he too has been forced to withdraw or postpone some of his unpopular decisions.

Adaptablility

Domestic Adaptability Score: 8

The French government has a good track record in adapting national institutions to European and international challenges. This can be attributed to the bureaucratic elite's awareness of international issues. This contrasts vividly with the government parties' weakened ability to adapt national policies to the challenges stemming from the globalization of the economy, as there is often fierce resistance from trade unions, most political parties and public opinion at large. The collapse of the fragile party-government system in 2017 has radically transformed the political landscape. New parliamentarians, mostly selected from outside the traditional political party framework, fully support Macron's new vision. Macron's declared European and global approach is a radical departure from the past orientations of either the right or the left. However, this French U-turn coincides with a crisis in European and global multilateral institutions, which are being challenged by populist governments and movements around the world. To date, few innovative initiatives have been successful, and in many cases their content has been watered down.

International Coordination Score: 8

France plays an active role in the international coordination of joint reform initiatives. The country contributes to the provision of global public goods. It has a long tradition of acting on an international level to take part in security/military missions, combat climate change (e.g., hosting the 2015 United Nations Climate Change Conference in Paris (COP 21)), provide humanitarian and development aid, and promote health, education programs and fiscal cooperation.

However, the credibility of French initiatives in the field of monetary or economic affairs have historically been impaired by the government's inability to respect common rules signed by France, such as the stability pact of the European Monetary Union (EMU).

President Macron adopted a fundamentally different method. Having led an openly pro-European presidential campaign, he declared his full commitment to EU rules, as well as his willingness to reduce the government's budget deficits and realize structural reforms. In doing so, he has sought not only to enhance the country's competitiveness but also to regain lost confidence and credibility in Europe, which is seen as a prerequisite for France's EU partners to seriously consider his ambitious ideas on European renewal and further integration. Under Macron, France has shown a new willingness and capacity to contribute to the European Union. However, this impulse has produced few concrete results given the ongoing crises in European and national governance systems. On crucial matters, France found it difficult to gain sufficient support for its proposals. For example, Macron's ambitious EMU reform plans met

with strong opposition. Paradoxically, the pandemic and the subsequent suspension of EU rules in the field of state aid, budgetary deficit and debt have offered the French government some breathing space, and created an opportunity to promote new rules and policies. Thus, France, along with Germany and the European Commission, was a driving force in launching the NextGenerationEU recovery fund, which is based on public European-level borrowing. Macron also saw the French EU presidency in the first half of 2022 as an opportunity to influence the EU agenda further in this direction.

Organizational Reform

Self-monitoring
Score: 5

Numerous reports on the reform of rules, procedures and structures are prepared at the request of governmental authorities. The Court of Accounts plays a very active and stimulating role in this regard. However, few of these recommendations are implemented. Resistance by the ministries or agencies affected is usually fierce, and is often supported by opposition parties or even by part of the majority coalition. The issue is complicated by the fact that ministerial structures can be set up and changed by the government in charge. President Macron has launched an important but not yet completed reform, starting with the abolition of the famous ENA (National School of Administration) and replacing it by a new Civil Service Institute (Institut du Service Public) for the training of top-level civil servants. All successful applicants including future magistrates are to here spend one training year together before later attending more specialized programs. Several of the traditional “grands corps” – that is, the powerful specialized segments of each administration – are to be eliminated and replaced by more horizontal and open structures. It remains to see how much of these radical intentions will survive given fierce resistance by conservative corporatist groups.

The local government administrations have proven to be among the systems least adaptable to structural change. This system is multilayered, complex and no longer in line with the challenges of the modern economy and society. Most serious attempts at reform have failed. However, some elements of the 2015 territorial reorganization may trigger more change (new powers to metropolitan areas, organized cooperation/fusion of the numerous and often too small municipalities). The initial measures taken by President Macron seem to indicate that he has chosen the indirect but powerful instrument of state subsidies to force local governments to make changes. However, the government’s ambitious changes concerning the metropolitan areas and Paris have not materialized, as they face (as usual) fierce resistance from the powerful local-government lobby. From de Gaulle to Macron, all governments have had to limit themselves to partial and ad hoc reforms, making the overall system complex and costly.

Institutional Reform
Score: 7

French governments are usually reactive to the need to adapt and adjust to new challenges and pressures. These adaptations are not always based on a thorough evaluation of the benefits and drawbacks of the foreseen changes, however. A case in point is the reluctance of most governments to take seriously into consideration the recommendations of international organizations, if they do not fit with the views and short-term interests of the governing coalition. Resistance from vested interests also limits the quality and depth of reforms. Too often the changes, even if initially ambitious, become merely cosmetic or messy adjustments (when not dropped altogether). This triggers hostility to change, while in fact very little has been done. The new Macron administration is reminiscent of the Gaullist period at the beginning of the Fifth Republic, with its strong commitment to radical reforms ("heroic" rather than "incremental" style). The initial months of the presidency have already attained considerable achievements, but one has to be aware of French society's deep-rooted reluctance to change. For example, the violent Yellow Vest protest movement starting in November 2018 put a brake on this "bonapartist" storm. The weak capacity of the organized opposition to the Macron administration's reforms (e.g., by the trade unions, social organizations and vested interests) has given rise to spontaneous and violent grass-roots protests. Protesters have criticized the president's top-down methods and policies. This situation has forced the government to adopt a more cautious approach and/or to drop the most ambitious or encompassing reforms. For instance, the planned constitutional reform has been blocked by the Senate, whose agreement is necessary, while the pension reform was postponed until after the presidential elections of spring 2022. The distractions of the pandemic have served as another factor slowing the pace of reform, even though some reformist activity has been kept alive (for instance the reform of unemployment benefits).

II. Executive Accountability

Citizens' Participatory Competence

Political Knowledge
Score: 6

Citizens' interest in politics and their participation in the political process have been on the decline in recent decades. Obtaining their information primarily from television, most citizens are poorly informed. Television stations devote little time to any political topic and tend to prefer talk shows where people express their views, rather than using prime-time hours for political information. Information follows mobilization, rather than the other way around, evidenced by the protest movements against the Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and

Trade Agreement (CETA). Information is often provided on a certain topic once a group of citizens or political activists have succeeded in attracting media attention. Unfortunately, social networks tend to have substituted for traditional media in this information process. This contributes to the diffusion of unverified and fake news to such a point that, as in many countries, the overall information issue becomes a problem for the proper functioning of democracy. There is also a strong bias in favor of petty news or scandals to the detriment of more complex informative pieces concerning, for example, healthcare policy or the fight against poverty.

One of the problems with government information is that politicians tend to hide the truth or minimize harsh realities. This kind of action "by stealth" may initially be successful, but it does not enhance political awareness among citizens, and subsequently fuels populist feelings at both ends of the political spectrum as people lose trust in politics. During his electoral campaign and in his first months in office, President Macron introduced a new approach by "speaking truth to people." In practice, this triggered harsh criticism, and was perceived by many as a manifestation of technocratic arrogance and indifference to the situation of the poor. In January 2019, in reaction to the Yellow Vest riots, Macron launched a vast operation organizing 10,000 local citizen debates paired with other (e.g., online) possibilities for citizens to express themselves (Grand débat national). Nearly 2 million citizens contributed to this debate. This pedagogic exercise worked, since the executive was able to end the riots and recover a modicum of popular consensus. Another initiative was the launch of a Citizen's Convention on Climate Policy, an assembly of 150 citizens chosen by random and installed in October 2019, tasked with discussing measures that the country might implement to address climate change. However, the government transposed only a part of the 149 propositions presented by the convention in June 2020, and the fundamental question regarding the compatibility of such participatory elements with the principles of representative democracy remains unanswered. Furthermore, the convention might suspected of being another personal strategy by the president enabling him to overcome the Yellow Vest protests. The idea of complementary forms of citizen consultation is interesting and could be explored further, but it should be placed on a more regular basis, and not be seen as a discretionary instrument used at the whim of the government or serving president.

Finally, governmental and bureaucratic methods have changed little, aside from the use of a more pedagogic approach during the pandemic. A traditional feature of French politics has also persisted: much of the public prefers protest to participatory methods.

Open Government Score: 7

The bureaucratic and political structure of the country overall provides satisfactory information. It is possible to get full access to information directly or through specialized citizens groups, and several media outlets provide critical analyses of governmental action. Public institutions such as the parliament, the Court of Accounts, and various independent authorities or committees not only facilitate access to information, but also offer a critical analysis of government action.

However, the political system, both at the local or national level, offers few instruments to help citizens monitor and oversee their administrative and political authorities. The main issue remains the incapacity of individuals to deal with the massive flows of information provided by public bodies. At the local level, the "information" provided by the ruling party or coalition tends to be mere window-dressing or propaganda in support of the adopted or proposed policy.

Legislative Actors' Resources

Parliamentary Resources Score: 7

French legislators have fewer resources at their disposal than, for instance, their American colleagues, but they are reasonably equipped should they wish to make use of all facilities offered. In addition to two assistants, whom parliamentarians can freely choose, they receive a fixed amount of funds for any expenditure. There is a good library at their disposal, and a large and competent staff available to help individuals and committees. These committees can also request the support of the Court of Accounts or sectoral bureaucracies, which are obliged to provide all information requested. There are still problems, centered on the long tradition of parliamentarians holding several political mandates. Until 2017, three-quarters of the members of parliament were also elected local officials, and many of them dedicated more time to local affairs than to parliamentary activities. A new piece of legislation, in force since June 2018, forbids parliamentarians to hold executive positions in local or regional councils, forcing them to choose between local and national mandates (except as mere councilors). This is a true revolution. Since absenteeism was one of the major problems of the French parliament both in the plenary sessions and within the specialized committees, one might have hoped that the control and evaluation functions of parliament would have improved in the future. Macron's proposal to reduce the number of members of parliament by one-third failed due to the fierce opposition of the Senate, and new calls for the reintroduction of the possibility of accumulating electoral mandates (cumul des mandats) that would have allowed, for example, acting as mayor of a city and member of parliament simultaneously, have popped up again with the argument that members of parliament without local mandates were lacking concrete experience of "real"

life. In fact, absenteeism remains a recurrent factor, and parliamentary oversight is often triggered more by political or partisan bias than by policy concerns.

Obtaining Documents
Score: 9

Committees have free access to all requested documents. However, areas such as national security, the secret service or military issues are more sensitive. The government might be reluctant to pass on information but, worse, could be tempted to use information limitations to cover up potential malpractices. For instance, in the past the PMO had at its disposal substantial amounts of cash that could partially be used for electoral activities of the party in power. No information was available about where the money actually went. In the same vein, it is only since the Sarkozy presidency that the president's office budget has become transparent and accessible to parliamentary inquiry.

Summoning Ministers
Score: 8

Committees can summon ministers for hearings, and frequently make use of this right. Ministers can refuse to attend but this is rather exceptional. Given the supremacy and the discipline of the majority party in parliament during the Fifth Republic, such a refusal does not result in serious consequences.

Summoning Experts
Score: 10

Parliamentary committees can summon as many experts as they wish as often as they need in all matters, and they often make use of this right. The recent Benalla affair, involving a close ally of the president, has shown that committees enjoy considerable power in that matter. One serious problem is that members of parliament are often absent, even in cases of very important issues such as Brexit.

Task Area Congruence
Score: 3

There is no congruence between the structures of ministries and those of parliamentary committees. The number of parliamentary committees is limited to eight (up from six in 2008) while there are 25 to 30 ministries or state secretaries. This rule introduced in 1958 was meant as, and resulted in, a limitation of deputies' power to follow and control each ministry's activities closely and precisely. The 2007-08 constitutional reform permitted a slight increase in the number of committees, and allowed the establishment of committees dealing with European affairs.

Media

Media Reporting
Score: 6

Mass media, notably morning (radio) and evening programs, offer quality information concerning government decisions. As for print media, the crucial issue is the division between local and national media. A few high-quality daily papers and weekly papers provide in-depth information, but their circulation is low and on the decline. In many instances, the depth and magnitude of information is dependent upon the level of polarization of the government policy. Instead, in local newspapers, information is often superficial and inadequate. The same division applies to private and public audiovisual channels (some private news channels offer only limited,

superficial and polemical information), and to the emerging online media (only some of which offer quality information and analysis). On the whole, economic information is rather poor. News channels and social media networks are increasingly substituting for traditional media, but are very poor alternatives. Mobilization is becoming more important at the expense of providing fair and accurate information. This tough competition has contributed to a deterioration in the quality of traditional media. Rather than providing neutral information about an issue, media outlets tend to illustrate their points by relying on "man/woman on the street" interviews.

Rather than taking a neutral stance and trying to weigh the pros and cons of proposed reforms, media tend to take partisan stances – not in the sense of being leftist or rightist, but in objecting to change. Two recent examples may illustrate this point. The press (and even more so the social media networks) predicted that two recent governmental decisions would lead to disaster: first, a change in the way income taxes were paid (shifting from an annual payment by individuals to the state to a direct transfer from the employer to the state); and second, a change in the system of registering for university (a shift from a previously disastrous system). In both cases, the transformation turned out to work very smoothly. The same phenomenon was observable during the pandemic, at least during the initial phase of the vaccination process. Most of the press put the opinions of epidemiologists and of anti-vax gurus more or less on the same footing.

Parties and Interest Associations

Intra-party Decision-Making
Score: 6

Parties are usually both centralized and organized hierarchically. There are few registered fee-paying political activists. These are all serious limitations to the inclusiveness of citizens. Many politicians are not selected by a party; they are individuals who have made their breakthrough locally and impose themselves on the party apparatus. In the case of the Macron movement, the change is even more radical: candidates were selected from a pool of volunteers with most candidates lacking any prior political experience. In contrast, national politicians normally have a concrete and ground-based knowledge of people's aspirations and claims based on local experience. Another factor is the popular election of the president. Candidates' programs are inclusive; no policy sector is forgotten in their long to-do list. A third factor lies in recent changes in the selection of candidates for presidential elections. Primaries have taken place, first within the Socialist Party, then in the neo-Gaullist conservative Union for Popular Movement (UMP, now LR, Les Républicains) before the 2017 election. In these cases, both registered activists and voters sympathetic to the party are eligible to participate. Actually, this "opening" of the process contributed to a further weakening of

the parties, which are already very feeble organizations. The strong participation in the 2017 primaries (up to 4.4 million in the case of the conservatives) can be seen as a form of citizen participation in a crucial political party decision. However, in spite of this apparent success, the primaries in France have confirmed the American experience: they are the most efficient instruments for weakening and destroying political parties. The socialist and conservative primaries have been profitable to the most radical candidates in both cases, deserting the moderate political space and thus permitting the landslide success of the centrist Macron. The traditional parties of government were deeply divided and weakened. Given this catastrophic experience, they decided not to do it again. In 2021, Les Républicains reserved the choice to registered activists (triggering an increase from 70,000 to 148,000 fee-paying members within a three-month period), and the declining Socialist Party gave up organization of a primary altogether. As for the president's movement, La République en Marche, it remains purely a product of and for Macron. It has not been able to transform itself into a political party capable of playing a proper role in decision-making and mediation between citizens and government in spite of being the largest political movement at present with 400,000 supporters (although most supporters are followers rather than activists).

Association Competence (Employers & Unions)
Score: 4

Business associations, mainly the largest employer's union (Mouvement des Entreprises de France, MEDEF) but also agricultural associations, are able to formulate policy proposals and contribute to agenda setting. They have their own research capabilities, and can successfully lobby government and parliamentarians. Weaker organizations such as the association of small and medium-sized companies complain that their specific interests are marginalized by larger national groups and by the government. Trade unions are usually more reactive in spite or because of their relatively small membership numbers, with trade-union members accounting for less than 8% of the workforce (the lowest percentage within the OECD) and split into several rival organizations. The strategy of the unions is to compensate for their weakness at the company level by negotiating at the sectoral level or even at the national level, and by organizing mass protests in the streets. In areas where interest groups are united and strong, as in agriculture and education, they may have substantial influence, effectively making decisions jointly with the government. In other areas, the weakness of organized interests results in marginal involvement in decision-making, which may lead to friction during implementation. President Hollande's attempt to rejuvenate social dialogue produced limited results. A major problem is the political split within the trade-union movement. Two corporatist and "conservative" unions (CGT and FO), have taken advantage of their footing in the civil service and public sector, and tend to resist or reject any serious change. They have long relied upon mass mobilization to block reforms, but their ability to mobilize is

diminishing except in a few sectors such as public transport. Meanwhile, two other trade unions (CFDT and UNSA) have adopted more moderate positions, and tried to balance advocacy for workers' interests with a constructive role in negotiating reforms. However, President Macron did not honor this constructive attitude, and did not try to forge reform alliances that included the unions. On the contrary, the government's rejection of the agreement between the social partners on the issue of unemployment insurance marks a recent failure of social concertation. The government contended that the agreement did not go far enough in tackling the costs and loopholes in a system that provided overgenerous benefits and too few incentives to accept available jobs. It presented its own reform bill, which passed parliament and has been in force since October 2021.

Association Competence (Others)
Score: 6

The number of non-business associations has been increasing in recent years, and member figures have been rising. In many cases, especially at the local level, such organizations are dependent on the financial support of public authorities. Moreover, most associations are reactive, preferring to object rather than make their own proposals. Nonetheless, there are a number of noneconomic associations that combine pluralistic approaches, long-term views and a public perspective. This can be seen in fields such as urban policy (where national programs and local public actors rely on the expertise and commitment of associations dealing with local issues) or social policy (aid to people with different social problems or handicaps). Furthermore, many associations addressing the issues of the environment, climate change and anti-corruption policies have acquired or significantly increased their competencies, and enhanced the quality of their policy oversight and advice. This development has resulted from a combination of political activism and new legal instruments provided to associations, in particular before the courts. A similar evolution can be observed in the field of economic/fiscal policy, thanks to the creation of new think tanks.

Independent Supervisory Bodies

Audit Office
Score: 8

Parliament does not have its own audit office, except for a special body called the Office Parlementaire d'Évaluation des Choix Scientifiques et Technologiques, which is responsible for analyzing and evaluating the impact of technology. In practice, its role has been rather limited.

Instead, the Court of Accounts can now respond to any parliamentary request, and can act both as auditor and adviser. While much progress could be made to fully exploit this opportunity, it is noticeable that collaboration between the two institutions has improved since the Court's presidency was offered to two prestigious former politicians, the last one from the opposition to the governing party and recently to a former minister and EU commissioner. The

role of the Court has dramatically changed, from merely overseeing the government accounts to making a full evaluation of public policies. The body's criticisms of past policies and forward-looking proposals are often a blessing for reformers. They can rely on these objective and usually tough evaluations when promoting their own agendas, and can point to the evaluations as a means of persuading the public. The last president of the Court (appointed in 2020) introduced an innovation: Aside from the traditional and extensive reports that might require several months or years of work, the body can now publish briefs about key issues on the governmental agenda, giving it a more active role in the ongoing reform debate.

Ombuds Office
Score: 7

Parliament has no ombuds office, but plays a key role in the functioning of the (former) Office of the Ombudsman office. Until 2011, the médiateur (Ombudsman) could intervene in cases of procedural faults and administrative problems at the request of individuals but only through the mediation of a parliamentarian. The purpose was to try to solve as many problems as possible through the intervention of elected representatives, and to ask the ombudsman to step in only if the issue could not be addressed or solved in a satisfactory way. In 2011, the office was merged with other independent authorities to form a new body, the Defender of Civic Rights (Défenseur des Droits). This new agency is active and respected, having demonstrated its independence vis-à-vis the administration and government. However, it has not affected the role of parliamentarians in the process and they continue to channel citizens' requests. The number of requests is rising steadily. Between 2014 and 2019, the authority received 780,000 requests from its more than 500 delegates distributed over the national territory; in 2020 alone, nearly 97,000 requests were registered, 10% more than the year before.

Citation:
Le Défenseur des droits: Rapport annuel d'activité 2020, Paris 2021 (https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd_rapport-annuel-2020_25-03-2021.pdf)

Data Protection Authority
Score: 10

Data protection in France has a rather long history. The extremely active CNIL (Commission Nationale Informatique et Libertés) dates back to 1978. Its board of 17 members is appointed by the two chambers of the parliament. The board then elects its president. The CNIL enjoys the status of an Independent Regulatory Agency. It has five main functions, namely to: inform the public on personal data protection; support any person in relation to personal data protection; advise the legislator; control the use of personal data by private companies and public services; plan and prepare for the impact of technological developments on personal data. The CNIL has a relatively modest staff (215 persons), with a budget of €17 million, and received 13,585 complaints in 2020 (an increase of more than 60% following the adoption of

the EU regulations). The body has been very effective over the past 40 years and in particular during the coronavirus crisis. Its role is widely supported by the public and political elites. A European regulation that went into effect in May 2018 states that every company or public body dealing with personal data has to appoint a “data protection adviser.” In 2020, the authority conducted 247 review processes and imposed 14 penalties entailing financial sums amounting to nearly €140 million.

Address | Contact

Bertelsmann Stiftung
Carl-Bertelsmann-Straße 256
33311 Gütersloh
Germany
Phone +49 5241 81-0

Dr. Christof Schiller
Phone +49 30 275788-138
christof.schiller@bertelsmann-stiftung.de

Dr. Thorsten Hellmann
Phone +49 5241 81-81236
thorsten.hellmann@bertelsmann-stiftung.de

Pia Paulini
Phone +49 5241 81-81468
pia.paulini@bertelsmann-stiftung.de

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