

SGI Sustainable
Governance
Indicators

2014 France Report

Yves Mény, Henrik Uterwedde,
Reimut Zohlhöfer (Coordinator)



Executive Summary

Although France enjoys solid institutions of governance that represent some of the most stable, consensual and efficient amid 200 years of constitutional experiments globally, the country struggles to effectively address the challenges associated with the EU and the effects of globalization. The country's institutions provide a balance between stability and adaptation capacity, leadership and pluralism, power centralization and delegation. Incremental changes have helped to improve weaker areas, such as the role of the Constitutional Council (Conseil Constitutionnel), the overall protection of rights and liberties and issues of power centralization. While there is still room for improvement, France's present situation can be considered satisfactory.

Yet France has not been able to meet the challenges of Europeanization and globalization. As it struggles to adapt its economic and social model to the changing world, problems are increasing rather than diminishing. Faced with an ever weakening economic situation, the public is aware of the need for fundamental political, economical and social reforms but there are doubts of the country's capacity for systemic reforms.

It was within this context that President Nicolas Sarkozy (2007 – 2012) came into office, promising “an intensive cure of modernization.” Yet his government's reform agenda, despite affecting some real change (including a reduction in public service employment, a reform of universities and pensions, and measures to stimulate innovation and small and medium-sized businesses) proved in the end disappointing, as it was tainted with protective measures to coddle the status quo. President François Hollande, in power since May 2012, initially attempted to reverse Sarkozy's reforms, but further economic collapse soon commanded an about face, with supply-side reforms and more budgetary discipline. Since coming to power, some of the measures proposed by Hollande's administration, including labor market reforms and business tax cuts, have been passed, while other, more politically difficult decisions were still on the agenda at the end of the period of observation. These include social security and pension reforms, revised family allowances, and modernization reforms in public administration that involve spending cuts and the removal of redundancies in administrative structures. Like Sarkozy, Hollande has faced

strong opposition to necessary and urgent reforms. This opposition has considerably hindered, and often blocked, governmental action.

France's recurrent difficulties are mainly due to its political and economic culture. Culturally, there is a fundamental distrust in markets and a widely held belief that state action is an efficient means to guide the economy and solve problems. What's more, the economy itself is not a driving force but an ancillary tool, a variable that has to submit itself to the will of political power. This overarching set of values and beliefs explains many aspects of economic and social policymaking in France. The sense that political will (endowed with democratic legitimacy) primes all other considerations, or in other words, that the budget is a servant of politics – is difficult to accommodate under the rules of the European stability and growth pact. This attitude is fostered by government itself, as government officials often concede to protest groups what they had previously refused in parliament. It also implies that citizens expect, more or less, everything from the state; and ruling elites from both the right and the left of the political spectrum have continuously fed these expectations by putting in place policies beyond the budget's capacity to fund them. The absence of communication between the top of the political system and grassroots levels is also an important factor. And finally, the refusal by political elites to admit to the need for adaptations of the French model have instead helped buoy illusions that a "different economic policy" can escape the constraints of markets and competitiveness.

Key Challenges

France for the past 30 years has been under constant pressure to adapt. This pressure is a consequence of the new rules and constraints that European integration entails, as well as globalization and the need to improve market competitiveness. Successive governments have often responded reluctantly and defensively to these developments, but progress has been made in terms of decentralization, decreasing state interventionism, the privatization of state-owned companies and opening the country to foreign markets. European integration measures (also initiated by French governments) and government policies have been the main catalysts of this transformation.

These often controversial changes however have not been fully realized. Moreover, they have not been openly embraced by successive governments, which have preferred to maintain the illusion of a state capable of controlling

the markets and steering the economy. Indeed, there has been a persistent gap between real (if limited) change and immobile concepts, between liberal reforms and traditional statist discourse. European integration and globalization often were used as scapegoat concepts to explain changes in French society. The result is that these concepts are regularly accused of destroying the basis of society and the hallowed “French way of life.”

A strong opposition to change has damaged the capacity to further an offensive, effective adaptation of the French economic model. Over the past 10 years the situation has deteriorated, burdening France with fundamental problems that require reform. France is not competitive; it lacks social cohesion; the state is becoming increasingly antiquated and social dialogue increasingly deaf; the economy is deteriorating; and public deficits and public debt are high. Moreover, citizens’ trust in the political class has plummeted dramatically, a result both of President Sarkozy’s hasty, top-down and zigzag method of reform and of President Hollande’s early illusions about the state of the nation, followed by rigid measures which have disillusioned a large part of the voting populace.

Yet, what should France do? First off, the (limited) reform efforts begun under Sarkozy and Hollande should be systematically and consequently continued. France needs policies that strengthen competitiveness and enhance its potential for further growth; as a consequence, it should change its growth model which until very recently has depended on domestic demand (which has been fed for too long by public deficit spending). The economic depression at the time of writing is a bad environment for immediate budget stabilization, however, which would be pro-cyclical and trigger even more economic stagnation. Therefore, a clear priority should be given to structural reforms over an immediate return to budget stability. These structural reforms should enhance competitiveness and the structural budgetary situation by decreasing public expenditures. This would be in line with a delay of two more years accorded by the European Union to France for reducing public deficits. France has won (not much) time, which regardless should be used.

Reform choices should be made more explicit. The realization of reforms requires a mix of political determination, good communication as to why changes need to be made, and effective social consultation with interest groups. While overcoming the lack of real social dialogue and weakness of intermediate actors (associations, social partners and organized interest groups), several changes introduced in 2007 should continue to be pursued. The method chosen by President Hollande to reform the labor market (a commitment to

reform; a social negotiation timeline; agreement with most labor and business organizations; transformation of pact into law) could be a first promising step.

France needs more courageous policies that include clear (if unpopular) choices, a language of truth to explain the challenges, more social dialogue and a less discretionary style of government. This will be all but easy for the Holland administration, which faces widespread unpopularity and the growth of radical, anti-European movements.

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 5

France faces a bleak economic outlook. Structural problems, such as a rigid labor market, high unemployment, growing public debt, insufficient funding of social security systems and a lack of competitiveness, are ingrained and acute. The French growth model has been based on domestic demand, fuelled by state subsidies, budget deficits and public debt. All these problems however are well-known and have been assessed in multiple reports over the years. The call is unanimous for supply-side reforms to increase the growth potential of the French economy.

The Sarkozy government (2007 – 2012), despite reforms and the president's activism, did not really meet the challenge. The Hollande government (since June 2012) initially did not correctly assess the seriousness of the situation and was thus ill-prepared to address the problems both in terms of strategy and sectoral measures. Faced with a rapidly deteriorating situation, President Hollande has announced (and begun to realize) measures which in sum represent a reform agenda, but has not been presented as such: public spending cuts, business tax relief (after an initial raise in business taxes), a public policy review, labor market reform, legal and financial encouragement for small and medium-sized companies, and welfare reform (family allowances, health care and pensions). However, this overreaching policy has been somewhat counterbalanced by earlier contradictory measures taken by the Hollande administration (such as the creation of new jobs in the public sector or new tax burdens for companies). The Hollande government appears to prefer "stealth reforms" in order to not anger its electoral and party base, and reforms seem timid when compared to the enormous problems the country is facing. Regardless, time is needed to see whether the Hollande reforms will produce any effect.

Labor Markets

Labor Market Policy
Score: 5

Despite high overall spending and a large number of reform measures, labor market policy has shown poor results during the review period. Particular problems are centered in notoriously high youth unemployment figures; the employment rate of workers over 55 being one of the lowest in the OECD (41.5% in 2011 compared to OECD levels of 54% and EU target of 50%); and the difficulties of (especially young) French citizens with immigrant backgrounds to integrate into the labor market.

The reasons for such failure are many, and complex at that. The high level of youth unemployment is linked to the French job-training system, which relies heavily on public schools; yet diplomas from such training are not really accepted in the industry at large, which hinders a potential worker's transition from school to a job. As for senior workers, a retirement age of 60 and various early retirement schemes have led to the present situation. Heavy labor market regulation is another issue, as well as the high cost of labor. There is a dual labor market: one side that is highly regulated and protected (part of which are the five million public employment positions, one of the highest number in Europe) and one side that because of rigidity of regulations, leads to workers leapfrogging from contract to contract (of limited duration or interim employment) with few protections or security.

The Sarkozy government tried to pursue a more "active" policy toward recipients of unemployment benefits, by creating a unified labor service center and by launching a special social benefit which offers complementary benefits to the unemployed who return to (often badly paid) work. The Hollande administration has been successful in realizing some controversial labor market reforms, based on an agreement between social partners that was concluded in January 2013 and transformed in a binding law applicable to all. It is supposed to introduce more flexibility in the job market in exchange for better health services and training for workers made redundant.

Taxes

Tax Policy
Score: 5

Taxes and social contributions amount to 48% of GDP, one of the highest levels in the OECD. This is the consequence of extraordinarily generous political and budgetary commitments, which has led to continuously rising taxes. Nonetheless, tax revenues do not cover costs, as public spending is high (57% of GDP in 2012).

A narrow income-tax base and a wide range of fiscal exemptions have resulted in an opaque, confusing and inequitable taxation system. The constant search for additional revenue has further complicated an already cumbersome system. A small number of people actually pay income tax (13 million) and 90% of the total tax is paid by 10% of the taxpayers. To alleviate the burden on this taxpaying minority, many “outs” have been created with the additional purpose of directing exemptions toward targeted sectors (housing, small companies, overseas territories). But this of course has just further complicated an already complicated tax system.

Corporate tax and other levies are too high in international comparison, a clear handicap for the competitiveness of French companies.

The entire tax system requires an overhaul, but the political cost would be such that most governments have preferred instead a policy of constant and somewhat incoherent minor adjustments, rather than thoughtful, long-ranging reform. This has been true for the Sarkozy administration (2007 – 2012) but also for the Hollande administration as well. The Socialist government at the time of writing has cancelled or reduced tax loopholes and triggered an outcry by announcing a “super tax” on the wealthiest individuals (75% marginal tax rate on over €1 million). Although the Constitutional Council stopped these plans, they induced some capital flight from the country. In sum, the tax policies of the Socialist-led government seem to have followed short-term political, or clientelistic, aims.

Budgets

Budgetary Policy
Score: 5

France’s budgetary situation at the time of writing is unsustainable. The failure in recent decades to restructure public spending has had a negative impact on budgetary policy. The political elite, with the support of the voters, has effectively shifted present costs to future generations. As a result, most fiscal and other economic indicators, including public deficit as a percentage of GDP, public debt as a percentage of GDP, social security and pension spending are recording discouraging figures.: the public deficit, general public debt and social security and pension systems. Although the financial crisis has only added to these problems, the deficits are essentially of a structural nature. Both Presidents Sarkozy and Hollande tended to avoid all forms of “austerity,” promising to meet problems of debt with more economic growth or, in the absence of growth, raising taxes rather than doing with less public expenditure. Faced with a further deterioration of the country’s economic situation and with

EU obligations to restore the balance of public finance, President Hollande during the review period made a turn in fiscal policy. While sticking to the objective of reducing deficits and debt, he announced that public spending should be curbed to reach that goal. France has succeeded in reducing its structural deficit, down 1.2 percentage points in 2012 and another 1.8 percentage points in 2013. For 2014, a further reduction by 1 percentage point is expected. A cut in public expenditure of €1.5 billion is scheduled for the 2014 national budget. France has been given two more years to reduce its annual public deficit to less than 3% of GDP (the euro zone target, consistent with the obligations of the Stability and Growth Pact). It is still to be seen if President Hollande will succeed in cutting public expenditures, given that this policy has met with strong opposition in his electorate. The reforms to reduce structural deficits will need time before showing any effect, and a return to fiscal sustainability will be strenuous.

Research and Innovation

R&I Policy
Score: 7

In research and development policy France performs well. According to the EU Innovation Policy Report, France is ranked eleventh (of 27 EU countries) with respect to innovation capacity; in the report's global innovation index, France performs above the EU average but is ranked in the group of "innovation followers," behind the group "innovation leaders." Overall spending on research and development represents 2.3% of GDP, below the OECD average and far from the EU target of 3%. Whereas public spending on research efforts in France is comparable to the best-performing countries, private spending is however low. France's main weaknesses are its relatively low private resource mobilization for research and development efforts, a less than innovative corporate environment, especially with small- and medium-sized businesses, and weak cooperation between the private and public sectors.

The government has recently taken several measures to facilitate and promote innovation. Fiscal rebates for companies and citizens have been introduced; major projects have been financed; private funds have been mobilized through the creation of foundations; a €30 billion public loan was offered to support "innovative" ventures; the creation of start-up companies has been facilitated through various legal and tax incentives and capital risk channeled toward these innovative sectors; regional clusters have been supported by local and state authorities and collaboration between universities and companies has been encouraged. Infrastructure investment has also been made.

However, there are still no tangible results from all these efforts. Some 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 and the status of public research in international rankings could also be improved. Other issues include the growth of start-up companies that regardless are unable to raise proper funds and are then forced to sell assets to bigger companies. In general, the mediocre profitability of French companies is an obstacle toward more research and development spending. Uncertainty over legal and fiscal rules is also a major problem, as shown by the company revolt in the wake of the proposal of the Socialist-led government under President Hollande to raise taxes on profits resulting from the sale of young companies.

Global Financial System

Stabilizing Global
Financial Markets
Score: 8

Both the Sarkozy and the Hollande governments were active internationally and at the EU level in supporting better international banking regulations. Both administrations 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). Both have also pushed for the creation of a banking supervision mechanism at the EU level.

II. Social Policies

Education

Education Policy
Score: 6

The French education system can in many aspects be characterized as successful. France is rated rather well in the Program for International Student Assessment (Pisa) study, even though the country was downgraded, dropping from tenth of 27 in 2000 to seventeenth of 33 in 2009. Nonetheless, French results remained close to the OECD average throughout the period. Overall education spending totaled €132.1 billion in 2009, or 6.9% of GDP. Spending at the preschool level is exemplary, with nearly all children three years old and older attending preschool (écoles maternelle) and France is still above the OECD average at the primary schooling level. Secondary education is good but

costly and, in recent years, has fallen behind other OECD countries. Higher education is dual, with a broad range of excellent elite institutions (the grandes écoles) and a large mass university system, which is poorly funded and poorly managed, and doesn't prepare its students well for a successful entry to the labor market. Spending on universities is below the OECD average.

One major problem concerns professional training. The education to professional training transition has been deficient. Organized by state schools, the system has lacked alternate training in cooperation with businesses, and diplomas are often not accepted by companies. This is one of the reasons for high youth unemployment in France. However, recently new joint training programs in cooperation with businesses have been established and have proven successful. As for universities, they are in principle accessible to all as fees are practically non-existent. However, the high rate of failure and the massification of teaching have contributed to the decline of the traditional university system. Nearly 40% of students choose, after high school, to register in alternative public or private institutions (grandes écoles, technical institutes, business schools). Social inequality in access to education and qualifications is another sensitive problem. There are persisting inequalities that effectively penalize students of working-class families at the university level, and flagrantly in accessing the elite schools (grandes écoles). Social, ethnic and territorial inequalities are often linked (as a result of a massive concentration of poor immigrant families in suburban zones).

University reform has been a permanent topic on the political agenda; some changes have been introduced (freedom and more financial resources for universities) but France is only at the beginnings of a profound modernization push of its tertiary education system.

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, and keeps poverty at a comparatively low level. Therefore, social inclusion in terms related to minimum income, health protection, support to the poor and families is satisfactory and has permitted that, up to now, the impact of the economic crisis has been less felt in France than in many comparable countries.

However, if we also consider the feeling of being fully part of the community and enjoying equal opportunities as part of such a social system, then one

observes that some groups or territorial units are discriminated against and marginalized. The so-called second-generation immigrants, especially those living in the suburbs, as well as less vocal groups in declining rural regions, have the feeling of being abandoned to their fate as their situation combines poor education and training, unemployment and poverty. Gender equality and in particular the right to equal pay is still an issue despite progress in recent years.

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 health care, one of the highest ratios in Europe. The health system includes all residents, and actually offers services for illegal immigrants and foreigners.

The problem is cost efficiency and the containment of deficits, which have been frequent in recent years. Since 1996, parliament has voted on an annual expenditure target for the whole system but, in practice, this target has been regularly exceeded. The government has found it difficult to impose targets for the evolution of expenditures, pharmaceutical prices, medical treatment and remuneration. Savings have improved recently but the high consumption of medicine is an issue still to be tackled with more decisive measures.

Families

Family Policy
Score: 10

There is a long and consensual tradition of support for families, going back to the 1930s. The policy mix which has developed since then has been successful in providing child care, 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). In addition, families using the child care support at home benefit from rebates on the social costs involved. These policies have been effective. Not only is the birth rate in France one of the highest in Europe, but also the percentage of women integrated in the labor market compares favorably to the European leaders (Scandinavian countries) in this domain.

Pensions

Pension Policy
Score: 5

The French pension system is complex. It includes the so-called general regime, which applies to all private employees and is complemented by additional voluntary systems, in particular in large companies. 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 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 a final salary, and not on an average. Early retirement is a common practice, and despite of the raising of the retirement age to 62 years, the average age of a French pensioner is 58.

Over the past 10 years, governments have tried to introduce reforms on several fronts, usually against fierce opposition: an increase in pension contributions; an increase in the number of years of contribution, to 42.5 years; and in 2008, a reduction of peculiarities or privileges granted to “special regimes.” These reform delays are bound to create social problems for the younger generations, who are penalized by their late entry in the labor market, their unstable job careers and the necessity to contribute for a longer period of time. And at the same time, deficits in the system continue. The Socialists, who had opposed limited reforms under the Sarkozy administration, are now forced to face drastic changes to improve the sustainability of the pension system overall. It is important to note that France’s pension system is entirely publically run, and there are practically no pension funds except for a few limited exceptions.

Integration

Integration Policy
Score: 6

Traditionally, France has an open policy toward immigrants who seek to become French citizens. 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, the largest share of new legal immigrants is related to the reunification of families. It explains partially 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. The characteristics of immigrants moving to France are another problem: most are unskilled and as such, subject to vagaries of the economic crisis, 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, and so on. Add to this the challenges of illegal immigrants, many of whom moved to France more than 10 or 15 years ago yet have no regular job and do not contribute to the pension system. Although they can access health care and their children can attend schools, the situation is often dramatic and inextricable as for many, it is impossible to fulfill the requirements for a residence permit. Immigrants must demonstrate that they have the required documents, such as tax records, employment contracts and housing contracts, while at the same time they are essentially forced into the labor and housing black market, as potential employers and landlords will not document that they employ or house illegal aliens, as this is a crime. Under such conditions, integration is difficult, if not impossible. Immigration from Eastern Europe and the southern Balkans, the “migration of the poor,” is also a sensitive subject.

Safe Living

Safe Living
Conditions
Score: 7

Although the police maintains a reputation of being efficient (sometimes too efficient, as the institution is granted significant powers and discretion vis-à-vis the citizenry), concerns over internal security have been 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. A rise in robbery and trafficking is such that some neighborhoods in the periphery of large cities are seen as off-limits. There is obviously a relationship between the economic and social crisis and this increase in feelings of insecurity. This situation has also had a decisive impact on protest votes in favor of the extreme-right party, the National Front.

Nonetheless, domestic security policy is able to protect citizens; problems (those related to urban violence) are often linked to social problems and have to be managed by actions beyond security policy.

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 dependency, such as colonization and the global network of French-speaking countries.

III. Environmental Policies

Environment

Environmental
Policy
Score: 6

France has a poor performance record with respect to environmental targets. Its good performance on carbon emissions is due to the importance in France of nuclear power, whereas other areas related to energy efficiency, such as insulation technology, have been neglected. Environmental policies have continued to be subordinated to sectoral policies which are considered more important. When economic interests and environment protections clash, economic interests tend to prevail. Environmental interest groups and government ministries (although established comparatively early) do not play a decisive role in policymaking. Former President Sarkozy, who launched an ambitious environmental plan, later considerably downgraded his ambitions. Even at the time of writing, when the government coalition is comprised of Socialists and Greens, the influence of the latter is minimal. Lobbyists and pressure groups in favor of the status quo or of the interests of the economic sector are much more influential. Environmental requirements are rarely perceived as an incentive for innovation but instead only as a source of additional costs.

The French policy in favor of environmental concerns has to be seen within this tension. For instance, of the focus on nuclear energy puts the country in a favorable position as far as carbon production is concerned, but the choice of diesel oil rather than gas implies a considerable excess in particle emissions. In many large cities, France does not reach relevant targets established by the European Union.

The same contrast is observable in the field of renewable water resources. In principle, France supports a water policy and has set up water agencies to monitor the use and protection of its water resources. However, the French authorities have been unable to resist the agriculture lobby, which is the largest consumer of water. This plays out in the southwest of France, where the intensive production of corn jeopardizes regional resources, and even more in Brittany, where surface water (the main resource in that region) is highly polluted by intensive pork and poultry production. Despite condemnations by the courts and the EU commission, the government has been reluctant and unable to tackle the problem properly. Rivers and the sea are affected by the excessive proliferation of toxic seaweed. The situation is much better with forests (their surface is growing) and biodiversity. In this latter case, it must be noted that the protection of biodiversity has met resistance in metropolitan France by many diverging interests (agriculture, construction and transportation). Thanks to France's vast and essentially wild territories overseas in Guyana and in the Pacific zone, the results regarding ecological indicators are slightly better than they would be if only the European space was considered. While forests are growing, a result of the drastic reduction of farming and of cultivated land, the maintenance of these new wild areas is insufficient despite a long tradition of care by specialized engineers whose profession was established by French monarchs.

Global Environmental Protection

Global
Environmental
Policy
Score: 6

All French governments in recent decades have been committed to advancing environmental policies at the global level. Former President Chirac (1995 – 2007) made a strong plea in favor of an international agreement in a speech in South Africa. 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.

However, this openness to internationally approved, more drastic and protective policies reaches a limit when French interests are at stake. For instance, any policy which would reduce the capacity of the nuclear energy industry to grow is frowned on by France, despite the unresolved issue of nuclear waste dumps. More generally, there is a frequent contradiction between the support given to wide, abstract and long-term agreements negotiated at the international level and the reluctance to actually implement them.

Quality of 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. In most elections, local as well as national, many candidates decide to run as they often can benefit from advantages that help facilitate the variety of candidates, such as the free provision of electoral materials or a partial reimbursement of expenses for candidates who win more than 5% of the vote. Fraud is exceptional, and has been limited to a few regions such as Corsica or overseas territories. Some limitations are imposed on anti-constitutional parties that espouse terrorist or violent means to power. These restrictions are exceptional and are confirmed by administrative tribunals yet can easily be bypassed.

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 is not obliged to follow these rules, but with the exception media outlets that expressly supporting 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 getting free media time.

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. The result is that the “official” campaign on public channels is often seen as boring and viewers pay little attention. More and more viewers are apparently

Voting and
Registrations Rights
Score: 9

switching to private channels to skip the repetition of short, standardized complacent interviews on public channels.

The right to participate in elections as a candidate or as a voter is fully guaranteed not only by law but also in practice. There is no evidence of restrictions or obstruction in the application of the law. Every citizen enjoys rights that are provided by the constitution. In recent years, no progress has been made to extend the right to vote to foreign residents, except in the case of residents who are also EU citizens (yet only for local and European elections). Both former President François Mitterrand and President Hollande committed themselves to granting resident foreigners the right to vote in local elections (after five years of full residence). However, the fierce opposition of the right and the rise of the National Front (FN) have postponed these proposals indefinitely.

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. It is usually estimated that some 10% of the electorate is not registered. Some groups are excluded from voting, including: people suffering from serious mental health issues and who are under the care of a guardian; people excluded after a serious act that would strip their voting rights, such as electoral fraud; and criminals who have been stripped of their civic rights, and thus voting rights.

Party Financing
Score: 7

Lacking a sufficient legal framework, party financing has been a source of recurrent scandals related to illegal funding practices. Nearly all parties, notably the parties in government, used to finance activities by charging private companies that were working for local public entities or by taxing commercial companies requesting building permits. Only since 1990 has a decent regulatory framework been established, and since then, much progress has been made in discouraging fraud or other illegal activities. However, not all party financing problems have been solved. Current legislation outlines state 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, except for minor donations that are collected, for instance, during political meetings. Donations are tax-deductible, with certain limitations. Additionally, regulations (in particular the law of 15 January 1990) established new checks and controls that are applicable for all elections in constituencies with more than 9,000 residents. Within two months after an election, a candidate has to forward the

campaign's accounts, certified by an auditor, to the provincial prefecture, which does an initial check and then passes the information on to a special national supervisory body (the 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. For example, the presidential campaign of Edouard Balladur in 1995 has been placed under criminal investigation, over concerns that several million euros were paid to the campaign out of a contract with Pakistan for the sale of military submarines. The Constitutional Council has reviewed former President Sarkozy presidential reelection campaign, and decided in July 2013 that that he had exceeded his spending limits. As a penalty, his party had to return €11 million to the state.

In case of violations, three types of sanctions can be brought, including: financial (expenditures reimbursed), criminal (fines or jail) or electoral (ineligibility for electoral contests for one year, except in the case of presidential elections).

Popular Decision-Making
Score: 4

The Fifth Republic (1958 – ongoing) reintroduced the referendum, not only for the ratification of the constitution but as an instrument of government. The president elected at the beginnings of the Fifth Republic, Charles de Gaulle, used referenda to seek support for decolonization and to revise the constitution, and in doing so, bypassed parliamentary opposition. In 1969, de Gaulle became essentially a victim of the referendum, 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 referenda at the request and for the benefit of the executive is a risky enterprise. All referenda since 1962 have been characterized either by indifference and high levels of abstentions or by outright rejection. Only in one case (the vote over the Maastricht Treaty in 1992) was the executive able to secure a small, albeit fragile, majority.

As only the president may call a referendum, the practice is perceived as an instrument of the executive and not as a real democratic tool, since popular initiatives are not possible under the referendum system.

Local referenda can be organized in the case of a merger of communes or for local issues at a mayor's initiative. Very few have taken place, however, and the outcomes have been disappointing, as abstention is usually high and the results are often contrary to expectations (e.g., a proposal to merge two Corsican departments or in April 2013, two failed Alsatian referenda). The

experience of referenda in France is perceived by the public as not really democratic and an instrument of manipulation by those in charge. The temptation thus is to vote “no,” regardless of the question.

Access to Information

Media Freedom
Score: 6

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 said, media independence is multifaceted. One must distinguish between public and private media, and separate legal independence from 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. First, public media are mostly dependent upon a special tax paid by every TV owner, while access to the advertising market was strongly curtailed by the former Sarkozy government. Most funding is now under government control. Secondly, former President Sarkozy triggered an outcry by shifting the authority to appoint the president of public radio from the independent authority to the president himself.

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 porosity between the world of media and the world of politics, as well as the fact that most newspapers are owned by large business interests. However, the situation is paradoxical: ownership provides a limited capacity of influence (to which the distrust of most media vis-à-vis capitalism testifies, despite being funded and supported by wealthy companies or individuals). While in the past political power heavily influenced the press, today the main issue is the interlocking of media and politics. This confluence is counterweighted by two factors: the existence of a few truly independent media outlets (such as Mediapart or Le Canard Enchaîné) which actively cover government scandals and malfeasance, and the fact that newspapers which trend toward opposition platforms tend to be more independent vis-à-vis the government in power.

Media Pluralism
Score: 5

Media pluralism is reasonably guaranteed in France. Yet nearly all newspapers, daily or weekly, local or national, are under the control of either rich businesspeople or companies or banks. One of the few exceptions is a regional newspaper in the western part of France. Whereas on the national level there is a wide range of newspapers expressing political pluralism, local media is

normally characterized by a monopoly or quasi-monopoly position of one paper in a given geographical area. The print run of daily newspapers is low by Western standards, and has been negatively affected by online publications. Much of the print market is in decline and suffers 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 put in jeopardy due to the costs and general malfunctioning of the distribution system. Faced with competition online, rising costs and a shrinking readership, print media has 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 media pluralism.

Access to
Government
Information
Score: 7

The right of access to information 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 delivered any document requested from a public administration or service, regardless of the legal status of the organization (private or public) if the institution maintains a public service. However, some restrictions have been established, mainly in relation with issues regarding the private sphere or the protection of competition secrets 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 as a rejection which can be challenged in court.

The development of new technology systems, such as e-government and e-administration, has increased the possibility and methods for citizens to obtain important public information. The diffusion of public statistical surveys, public reports and other documents from different public bodies has been largely facilitated by Internet sites, allowing the downloading of these documents without cost or restriction.

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 too 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 in recent history for several reasons. First, governments have had to concede some improvements or make concessions to the judiciary, for example by limiting government intervention in the appointment of magistrates, by limiting government interference in the judicial process, and by strengthening formal guarantees. Second, the public at large, in particular activists and NGOs, has been instrumental in limiting the undue reach of governmental power and thus have stymied unnecessary court intervention, and the media has supported such social movements. Third, France's judicial system now acts in the shadow of international courts which sanction 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.

A more general problem is related to the partial or poor implementation of the rule of law, either because public officials adopt an attitude of benign neglect or because of the difficulty for the poor or immigrants to access the courts. Civil rights areas such as the effective protection of the handicapped, women or foreigners have still to improve.

Political Liberties
Score: 9

Political liberties are well-protected in France. This situation can be explained by several factors. The fact that these liberties are considered as the heritage of the French Revolution sets them in a quasi-sacred position; protections were granted and solidified by the highest administrative court during the Third and Fourth Republics; and recently (and crucially) the increasing and active role of the Constitutional Council in striking down laws which could jeopardize said liberties has been important. The expansion of the court's powers stemmed from its 1971 decision to protect the right of association from governmental intervention.

A controversial and still not fully solved issue is related to the interpretation of the separation of religious and public life (*laïcité*). The ban of religious signs and symbols from public places is, in theory, applicable to all religious affiliations but concerns mainly the Islamic community. Currently, an ongoing debate has focused on the possibility of expressing religious beliefs or to practice religion in the workplace. President Hollande has indicated that legislation on these issues might be considered soon, following contradictory decisions by the highest private courts which authorized (for some) and banned (for others) a kindergarten assistant to wear the Islamic headscarf in school.

Non-discrimination
Score: 6

However, due to the present political and social climate, it is doubtful that the President will be able to stick to his commitment.

In principle, any discrimination such as those based on gender, race, ethnic origin or religion is banned by the constitution and by fundamental law. 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 legally marry, 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 health care 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 (they are all citizens) feel like foreigners in their country. The failure to provide quality schooling then a proper job is one of the most dramatic dimensions of what is called invisible discrimination. 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.

Institutionally, a recent development is the creation during the review period (29 March 2011) 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.

Rule of Law

Legal Certainty
Score: 6

Generally French authorities act according to legal rules and obligations set forth from national and supranational legislation. The legal system however suffers still from a number of issues. Attitudes toward implementing rules and laws are rather lax. Following centuries of centralization and heavy top-down regulation, this attitude was described by political thinker Alexis de Tocqueville as "The rule is rigid, the practice is weak" (*La règle est rigide, la pratique est molle*). There are many examples of this attitude, common both at the central as well as at the local levels of government. Frequent is the delay or

even the unlimited postponement of implementation measures, which may be used as a convenient political instrument for inaction: sometimes because pressure groups successfully impede the adoption of implementation measures, sometimes because the government has changed, and sometimes because the social, financial or administrative costs of the reform have been underestimated.

Another factor is the discretion 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, which is subject to detailed and changing interpretations by politicians as well as by the bureaucracy.

Finally, the most criticized issue of legal uncertainty derives from the multiple and frequent changes in legislation, in particular fiscal legislation. The business community has repeatedly voiced its concerns over the instability of rules, impeding any rational long-term perspective or planning. These changes usually are legally impeccable, but economically debatable.

Judicial Review
Score: 9

Executive decisions are reviewed by courts that are charged with checking its norms and decisions. If a decision is to be challenged, the process is not difficult. Courts are organized on three levels (administrative tribunals, courts of appeal and the Council of State (Conseil d'Etat). The courts' independence is fully recognized, despite that, for instance, members of the Council of State serve as legal advisors 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 a lack of language as part of the constitution on the matter. In addition, administrative courts can provide financial compensation and make public bodies financially accountable for errors or mistakes. By transferring to public authorities the duty to compensate even when an error is made by a private individual (for instance, a doctor working for a public hospital) it ensures that financial compensation is delivered quickly and securely to the plaintiff. After this, it is up to the public authority to claim remuneration from the responsible party. Gradually, the Constitutional Council has become a fully functional court, the role of which was dramatically increased through the constitutional reform of March 2008. Since then, any citizen can 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 might be passed to the Constitutional Council. The council's case load has increased from around 25 cases to more than 100 cases a year.

Appointment of
Justices
Score: 5

Appointments to the Constitutional Council, essentially France's supreme court, have been highly politicized and controversial. The council's nine members, elected for nine years, are nominated by the French president (who also chooses the council's president), and the presidents of the Senate and the National Assembly. Former presidents (at the time of writing, Valéry Giscard d'Estaing, Jacques Chirac and Nicolas Sarkozy) are *de jure* members of the council but do not usually attend meetings. Up until 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 in which Supreme Court justices are appointed in the United States, rather than typical European practices. During the review period, President Hollande announced a constitutional reform that cancels the right of former French presidents to become *ex-officio* members of the council.

Corruption
Prevention
Score: 5

Up to the 1990s, corruption plagued French administration. 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. Methods included on the national level weapons sales to brokering lucrative contracts with multinational companies, or on the local level, public purchasing to the awarding of long-term concessions for local public services. Judicial investigations revealed extraordinary scandals, which resulted in the conviction and imprisonment of industrial and political leaders. The cases themselves were a key factor for the growing awareness of the prevalence of corruption in France. This led to substantive action to establish stricter rules, both over party financing and transparency in public purchases and concessions. The opportunities to cheat, bypass or evade these rules however are still too many, and too many loopholes still exist. A scandal in March 2013 involving a minister of finance who is accused of alleged tax fraud and money laundering has put the issues of corruption, fiscal evasion and conflict of interest on the public agenda. In reaction, government ministers have been obliged to make public their personal finances; parliamentarians may be obliged to do so as well in the future. However, these hastily adopted measures are still incomplete and do not tackle critical problems related to corruption, such as the huge and largely unchecked powers of mayor (who are responsible for land planning and public tenders), the rather superficial and lax controls of

regional courts of accounts, the intertwining of public and private elites, the holding by one person of many different political offices or political mandates simultaneously (*cumul des mandats*). All these factors granted do not constitute by themselves acts of corruption, but can lead to it – particularly as the legal definition of corruption is narrow and thus reduces the possibility to effectively sanction any malpractice. As long as legal codes to regulate conflicts of interest have not been adopted, corruption will continue, unimpeded by sanctions.

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 some cases, a report is requested from a single individual. 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. This situation raises the concern that opportunism may prevail over real strategic planning. One example during the review period is the Gallois report on French business competitiveness, which was commissioned by President Hollande and published in October 2012, and which has been used to legitimize financial support granted to businesses, as well as some structural reforms, against the reluctance of leftist members of the government coalition.

Most of the time committee reports are either partially paid attention to or shelved altogether. There are no committee meetings with government authorities, except the formal handing over of the requested report. A new permanent committee, set up by President Hollande to assess budgetary issues (before the budget is submitted to Brussels), might be more influential as it has been placed under the chairmanship of the president of the Court of Accounts.

The only bodies that take a long-term view in terms of strategic planning are bureaucratic departments such as those that are part of the finance or foreign affairs ministries. The committee of economic advisors 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. President Hollande has redefined the tasks of the former council of strategic analysis (Commissariat General à la Prospective) to strengthen its role in prospective political planning.

Scholarly Advice
Score: 4

In contrast to some other European countries, the French government does not rely much on academic advice, even though the President's Office and the Prime Minister's Office frequently consult economists, and that outstanding nongovernmental academics may be chosen to sit in on national reflection councils covering various policy fields (integration, education, and so on). 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. 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.

Interministerial Coordination

GO Expertise
Score: 8

There are three main loci of policy evaluation 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. In important cases, this steering function is located in the President's Office. Both the president and the prime minister appoint advisors from all ministries as policy advisors in a given sector. All ministerial domains are covered. Several hundred people are involved in government steering, checking, controlling and advising functions.

However, considering these various checks a method of evaluation is probably overstated. 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. 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 heard. The power of the last word belongs to the President's Office, and this informal hierarchy gives considerable influence to the president's cabinet, and in practice, to the person in charge of a given policy area. The Council of State is supposed to offer legal advice only. However, the council takes advantage of this mandatory consultation step to trim a proposed bill or decree, pointing out weaknesses or contradictions. This advice however goes much beyond legal issues, and it has to be underlined that the government has a choice between accepting the council's advice or

dropping the questioned elements of policy, given international, European or constitutional requirements. The policy road, under these circumstances, might be narrow.

GO Gatekeeping
Score: 10

The Prime Minister's Office has strong powers vis-à-vis line ministers. Since the beginning of the Fifth Republic, the authority of the prime minister is indisputable. The only exceptions to this iron rule derive from the presence of heavyweights in the Cabinet, or when a minister has privileged access to the president (for instance, Jack Lang, the minister of culture during Mitterrand's presidency).

Line Ministries
Score: 9

Line ministers have to inform the prime minister of all their projects. Strong discipline, even at the informational level, is imposed, and this rule is reinforced by the attitude of the media, which tend to cover any slight policy difference as the expression of political tension or party divergence. Not only the Prime Minister's Office 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 Prime Minister's Office (and his alter ego at the Elysée) operates in the shadow, but is one of the most powerful people within that machinery. He can step in case the coordination or control process at that level has failed to stem the expression of differences within the government.

Cabinet Committees
Score: 8

Coordination is strong within the French government, and is in the hands of the Prime Minister's Office (PMO) and the President's Office, which constantly liaise and decide on issues. 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 pit the powerful ministers of budget or finance against 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.

Ministerial
Bureaucracy
Score: 8

If a ministry wishes to get its proposals accepted or passed, there are no other options than to liaise and coordinate with other ministries or agencies involved. In case 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 as some are essentially more equal than others; for example, the finance minister is a crucial and omnipresent partner. Usually the coordination and consultation process is placed under the responsibility of a

Informal
Coordination
Score: 8

“rapporteur,” usually a lawyer from the ministry bureaucracy. The dossier is always followed as well 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.

A crucial factor and essentially an invisible coordination mechanism is the “old-boy network” of former students from the grandes écoles (École nationale d’administration (ENA), École Polytechnique, Mines ParisTech and so on) or membership in the same “grands corps” (prestigious bureaucracies such as Inspection générale des Finances, Diplomatie, Conseil d’Etat and so on). Most ministers (except perhaps the least powerful or those considered as marginal) include one or several persons from this super-elite level of politician, who know each other or are bound by an informal solidarity. This same sort of civil servant works as well in the prime minister’s office or the president’s office, strengthening again this informal connection. The system is both efficient and not transparent, from a procedural point of view.

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, as considerations may be exclusively motivated by financial and budgetary concerns, however. 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 Conseil d’Etat before the adoption of a regulation or governmental bill. Parliamentary committees also often do an excellent job of regulatory assessment. However, what is lacking is a systematic cross-examination involving all the main stakeholders. Former President Sarkozy, with the goal of trimming bureaucratic costs, instituted the so-called RGPP (Revue Générale des Politiques Publiques). It has permitted the cutting of around 100,000 positions, but the process has been highly criticized by the opposition and by the unions. President Hollande has decided to move to another type of review (Modernisation de l’Action Publique) but

Quality of RIA
Process
Score: 3

nothing precise at the time of writing is yet in place.

Studies analyzing the impact of regulatory impact assessments (RIA) have stated that, although the initial skepticism of administrative bodies toward RIA has been overcome, the content of assessments has been too general and often tended to justify the need for action rather than attempt a critical, well-grounded, assessment. In addition, there are few international comparisons when examining possible alternatives. The assessments are conducted by stakeholders with a perspective of fighting for or against a policy measure. Thus, in general, such assessments have little to recommend them.

Sustainability
Check
Score: 3

There is no real systematic sustainability strategy except in the ministries, where EU regulations require such an examination.

Societal Consultation

Negotiating Public
Support
Score: 6

The traditional distrust regarding “lobbyists,” not seen as legitimate political actors, and the difficult social relations in France that hinder effective social dialogue, have limited the capacity of governments to seamlessly or successfully find avenues of 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, but interested parties very often have no willingness to find a compromise.

The temptation to govern top-down has always been strong. But in many instances severe, repeated conflicts and protest movements have raised and have often successfully vetoed governmental action. This is a clear hint that government has not succeeded in assessing the political power, the consideration and cooperation of civil society and its actors.

This being said, things are in the process of changing. 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. The reform bill on the labor market in 2013 followed an agreement between most trade unions and business organizations, a pact which was then made into law by the government and parliament. Nonetheless, given the persistent distrust on the part of the unions, progress is slow, and some observers regard the labor agreement as not very far-reaching.

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 branch as part of the Fifth Republic 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. Under the Hollande administration, the executive branch has demonstrated more leeway in this regard, as Hollande appears to prefer addressing differing views internally rather than have these differences of opinion be subject to external criticism.

The key problems with policy communication in France have come about as a result of the president and his administration's lack of strategic and decision-making clarity. For example, many of the choices made by President Hollande have not been in line with his campaign pledges (and thus with his party as well as voters' expectations). A poor communication of his budget-tightening measures has led to much public criticism.

Implementation

Government
Efficiency
Score: 5

The government is efficient in implementing its programs, as it can rely on a relatively disciplined cabinet and an obedient majority, while other veto actors are basically absent. The question whether government policies are effective is another matter. One of the major issues facing the government during the review period is a lack of credibility vis-à-vis the commitments it has taken in relation to growth, unemployment and the reduction of deficits. Optimistic forecasts have been disappointed by poor results on all fronts. Most international organizations (the International Monetary Fund, the Organization for Economic Cooperation and Development, the European Union), think tanks or even national organizations (the French central bank, the statistical institute, the Court of Auditors) have pointed out the impossibility of reaching set targets based on over-optimistic data or forecasts. It will take some time (and some tangible results) before the government can restore its credibility.

Ministerial
Compliance
Score: 9

Compliance by ministers, if assessed comparatively, 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 assigned to him. Together with the effective hierarchical steering of governmental action, ministers have strong

Monitoring
Ministries
Score: 8

incentives to implement the government's program, following guidelines produced by the president and the prime minister.

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.

Monitoring
Agencies,
Bureaucracies
Score: 7

In a centralized system like France's, the central machinery is unable to monitor fully and constantly the implementation of government policies. There exist huge sectoral and geographical variations. In some areas, decisions are not implemented or instead are badly implemented or flexibly interpreted. 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 or 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.

Task Funding
Score: 6

Over the past 30–40 years, the powers of communes, provinces (départements) and regions (delegated by central authorities or taken over de facto by local entities) have increased considerably. Normally a delegation of powers was accompanied by corresponding funding. However, as sectors devolved, sub-units were notably badly managed or insufficiently funded, and local units had to face huge expenditure increases that were not fully covered by the central government. Local lobbying groups are so powerful (given the tradition of accumulating elective mandates, most national parliamentarians are also elected local officials; furthermore, the local lobby controls the second chamber, the Senate) that they have managed to secure substantial fiscal transfers not earmarked for special purposes. Thus, more than two-thirds of non-military public monies are spent by local/regional actors, a figure comparable to the situation in federal states. While in theory local governments are agents of the central government, they have, actually, secured ample discretion.

On the other hand, the piecemeal and ad hoc reforms of local taxation, such as the elimination of the local business tax (taxe professionnelle) and its compensation by national state allocations in 2009, or President Hollande's cut of state subsidies to local government as a move toward budget consolidation, have not improved the situation. A clear balance of national and local powers, financial resources and responsibilities is still lacking.

Constitutional
Discretion
Score: 6

Some instances of recentralization have occurred through fiscal or administrative means, but despite the usual stereotypes about French hypercentralization, 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 is decisive. 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 costs for local politicians.

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 canalize 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 services are run by large private companies with a vested interest in having the same rules and standards across the country. Services such as energy supply, water distribution, garbage collection are run by many different companies, most of which belong to two or three holding companies. Market uniformity is often much stronger (for the sake of efficiency and profit) than bureaucratic uniformity, since individual actors in companies, unlike politicians and bureaucrats, have less leeway in interpreting and adapting the law to local concerns.

Adaptability

Domestic
Adaptability
Score: 9

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.

International
Coordination
Score: 7

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 prevent climate change, provide humanitarian and development aid and promote health or education programs. However, the French government often takes positions that advance French (economic) interests and does not present its initiatives as platforms on which support and consensus could be built. This limits the government's success in steering or influencing decision-making at the European level. Striking examples include the French government's attitude

toward free trade discussions, in particular those concerning agricultural products.

Organizational Reform

Self-monitoring
Score: 5

There are plenty of reports prepared at the request of governmental authorities in view of reforming rules, procedures and structures. However, only a few of these recommendations are implemented. Resistance by interested ministries or agencies is usually fierce and 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. The most ambitious recent attempt has been the general assessment of public policies launched in 2007, which ordered an assessment of all policies and institutions to rationalize their makeup and to find savings. This process was cancelled by President Hollande and replaced by a new procedure named the Modernization of Public Action (Modernisation de l'Action Publique), which at the time of writing had yet to be fully implemented. Among the government bodies most unable to change its structures is local government, a system that is multilayered and complex. All serious attempts at reform have failed.

Institutional Reform
Score: 6

French governments are 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 into consideration the recommendations of international organizations, if they do not fit with the views and short-term interests of the governing coalition.

II. Executive Accountability

Citizens' Participatory Competence

Policy Knowledge
Score: 5

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 which is seen as uninteresting to larger audiences. Information follows mobilization, rather than the other way around. Information is often provided on a certain topic once a group of citizens or political activists have

succeeded in attracting media attention.

One of the problems with government information is that politicians tend to hide the truth or to minimize harsh realities. Since the Socialist government's economic policy U-turn in 1983, governments have tried to hide necessary measures or reforms behind a veil of euphemistic language. As an example, President Hollande's tough budget policy has been renamed "budgetary seriousness" to avoid accusations of "austerity"; even the wording "rigueur" (the tight control of public spending), used by the Socialist government in 1983, is banned. This kind of action "by stealth" may initially be successful, but is provoking populist feelings too. At the same time, opinion polls suggest that French voters are aware of the budgetary situation, as 81% think that the best way to resolve the country's economic problems is to reduce public spending (Pew Institute poll).

Citation:

Pew Institute; <http://www.pewglobal.org/2013/05/13 /chapter-1-dispirited-over-national -conditions/>

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. Three-quarters of parliamentary members are also elected local officials, and many of them dedicate more time to local affairs than to parliamentary activities. Absenteeism is one of the major problems of the French parliament.

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

	<p>vein, it is only during the Sarkozy presidency that the president's office budget became transparent and accessible to parliamentary inquiry.</p>
<p>Summoning Ministers Score: 8</p>	<p>Committees can summon ministers for hearings, and frequently make use of this right. In exceptional cases, ministers can refuse to attend. 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.</p>
<p>Summoning Experts Score: 10</p>	<p>The 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.</p>
<p>Task Area Congruence Score: 3</p>	<p>There is no coincidence between the structures of ministries and those of parliamentary committees. The number of parliamentary committees is limited to eight (six until the 2008 constitutional reform) while there are 25 to 30 ministries. This rule was meant as, and resulted in, a limitation of deputies' power to follow and control closely and precisely each ministry's activity. The 2007 – 2008 constitutional reform permitted a slight increase of committees, and allowed the possibility to set up committees dealing with European affairs.</p>
<p>Audit Office Score: 7</p>	<p>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.</p>
	<p>Instead, the Court of Accounts is now at the disposal of any parliamentary request and can act both as auditor and advisor. 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 presidency was given to two prestigious former politicians. Improvements also resulted from the decision by former President Sarkozy to appoint the then chairman of the finance and budget committee of the National Assembly to the post, a position which for the first time had been reserved for the opposition party.</p>
<p>Ombuds Office Score: 2</p>	<p>Parliament has no ombuds office, but plays a key role in the functioning of the (former) Ombudsman office. Until 2011, the médiateur (ombudsman) could intervene in malpractices 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 (Le Défenseur des Droits). It is still early to assess the impact of this reform. However, it has not affected the role of parliamentarians in the process.</p>

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 quality daily papers and weekly papers provide in-depth information. However, 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 could apply between private and public audiovisual channels. Some private channels offer only limited, superficial and polemical information. On the whole, economic information is rather poor.

Parties and Interest Associations

Intra-party
Democracy
Score: 5

Parties are usually both centralized and organized hierarchically. There are few registered political activists. These are all serious limitations to the inclusiveness of citizens in the selection of leaders and of policy options. However, there are some countervailing forces. One traditional point is the practice of accumulating elective mandates. Many politicians are not selected by a party; they are individuals who have made their breakthrough locally and impose themselves on the party apparatus. This means that national politicians have a concrete and ground-based knowledge of people's aspirations and claims. Another factor is the popular election of the president. A candidate's 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 and communal elections. Primaries have taken place, first within the Socialist party, then in the neo-Gaullist conservative Union for Popular Movement (UMP).

However, the importance given to party activists in writing the party program may create difficulties for leaders once elected, when problems may call for answers not in line with activists' preferences.

Association
Competence
(Business)
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 and study capabilities, and can successfully lobby government and parliamentarians. Weaker organizations such as the association of small and medium companies complain that their specific interests are marginalized by larger international groups and by the government. Trade unions are usually

more reactive, mainly because their membership is low, at less than 8% of the workforce, the lowest percentage within the OECD, and split into several rival organizations. Government tries to stimulate social negotiations by extending social partnership agreements to the whole sector. In areas where interest groups are united and strong, as in agriculture and education, they may have substantial influence, amounting to co-decisions together with government. In other areas, the weakness of organized interests results in marginal involvement in decision-making, which may lead to friction at the implementation level.

Association
Competence
(Others)
Score: 6

The number of, and membership in, non-business associations has been increasing. If the phenomenon of dependency on the financial support of public authorities exists, especially at the local level, there are non-economic associations that are combining pluralistic approaches, long-term perspectives 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), environmental policy or social policy (aid to people with different social problems or handicaps).

This being said, only a few associations are equipped with the capacity to make relevant and credible proposals. Some groups (such as environmental groups and social workers) have a real proactive strategy; most associations are reactive.

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Contact:

Bertelsmann Stiftung
Carl-Bertelsmann-Straße 256
33311 Gütersloh

Dr. Daniel Schraad-Tischler
daniel.schraad-tischler@bertelsmann-stiftung.de

Najim Azahaf
najim.azahaf@bertelsmann-stiftung.de