



France Report

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Sustainable Governance in the
Context of the COVID-19 Crisis

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Executive Summary

France's governance of the pandemic crisis, its performances as well as its setbacks, has to be placed into a larger context in two respects: First, when the pandemic hit France, the country was already feeling the effects of a certain number of both past and ongoing crises; second, the efficiency of the governmental responses to the coronavirus pandemic has been handicapped by systemic weaknesses.

From November 2018 through the end of 2019, France experienced a vast protest wave provoked by the so-called Gilets Jaunes movement. The protests, first contesting certain political decisions affecting the purchasing power of the popular classes, had quickly turned to a radical questioning of all ruling elites, the political class and the media. While the mobilization capacity of this eclectic movement had diminished considerably by the end of 2019, its radical forms of protest, its incapacity to select representatives or propose a coherent political program, and its refusal to negotiate with public authorities had resulted in levels of political pressure and social upheaval being maintained at a very high level. When in January 2020, the government introduced the bill aiming at reforming the pension system, this bill triggered a long strike against the main public companies, in particular in the field of transport (train, subways, Air France) and in the cultural sector (public theaters, opera, etc.). By paralyzing the public transport system, these activities had a negative impact on economic activity.

This conflict was still going as the first signs of the pandemic were becoming alarming. Moreover, the developing health crisis came at a time of deep malaise in the health sector, featuring recurrent strikes in public hospitals and protests against the excesses of "rationalization," forced savings, and a perceived insufficiency of human and financial resources in the sector. The pandemic crisis thus exploded at a time when the climate of distrust toward the government and the president had reached a peak. The country was deeply divided between the supporters of the president's policies and his opponents, the latter being mainly structured around two opposite right- and left-wing populist movements, the Rassemblement National (led by Marine Le Pen) and the well-named France Insoumise (led by Jean-Luc Mélenchon).

This said, the government's responses to the pandemic crisis generally have been swift and adequate, addressing the main challenges and proving able to adjust to continually changing circumstances. After declaring a state of emergency for a limited period (afterward prolonged at least through June 2021), the government was able to organize and coordinate a multitude of measures in the various relevant fields, such as lockdown regulations. It proved able to mobilize the financial resources necessary to absorb the economic and labor-market shock, with policies combining economic recovery with innovation stimuli. It has reacted adequately to the pandemic's shifting conditions, for instance seeking to take specific regional measures while avoiding a national lockdown when the third wave arrived in spring 2021. Vaccine operations started in January 2021, with a priority scheme (in favor of people aged over 75 years and/or living in senior residences) designed to cope with the temporary insufficiency of vaccine supply.

As in all other countries affected by the pandemic, there have been a certain number of errors, contradictions, setbacks and failures. This has mainly been due to the fact that there was no blueprint in place for how to handle such a pandemic crisis, but sometimes also reflected a lack of preparedness. An example of this latter point was the initial lack of appropriate equipment – testing capacities and in particular masks – a fact that the government was unwilling to concede, and which introduced a major bias in both its communication and policy strategy. In mid-2021, the main issue remained the lack of vaccines, which obliged the government to limit the number of jobs provided (as of the time of writing, to around 250,000 per day). However, the same sort of problem has occurred in many other countries.

However, this generally fair performance has been affected by traditional systemic weaknesses, first of all by the extreme difficulty in gathering widespread public support for the decisions taken and measures implemented. France is not the only state affected by what has been called “populism,” but its lasting tradition of protest and political violence has emerged again in reaction to the disenchantment with democracy as embodied in the French republican tradition. This has spread general distrust, feeding conspiracy theories and radical “alternative realities” that are opposed to government's policy and its motivations. The democratic ideal is not at stake; rather, different conflicting versions of democracy are expressed in a rather confused way. The country has seen a certain nostalgia for authoritarianism, mainly in some sectors (police, army) and populist groups on the extreme right (Rassemblement National) and extreme left (Mélenchon and supporters dreaming of a Chavez-style “popular” democracy), as well as scenes of anarchy and protest, frustration and hatred spread by the eclectic cohorts of the Gilets Jaunes. This extreme diversity of conflicting values and claims would

not be a danger in itself if there was a coherent and sufficiently strong party system capable to express and canalize popular interests and demands, or to frame and organize support around a coherent, consistent and lasting political base. But the political parties have lost most of these capacities; this has in turn triggered a dual tension between a broad reliance on centralized policies on the one hand, with executive decisions imposed on parliament or issued in the form of decrees, and an extreme sensitivity to short-term issues; and on the other, an incapacity to define and realize structural reforms palatable to a majority of citizens. In short, the crisis of governance which has become so apparent during the pandemic is only one of the many old manifestations of the crisis of democracy.

Another problem with the government's response to the pandemic lies in specific features of the French political system and decision-making process – especially the centralist top-down style of Macron's governance, along with the largely insufficient degree to which stakeholders from civil society and from the regional/local political levels are involved. This reflects the broader deficiencies and virtues of the Fifth Republic: on the one hand, its institutions have provided stability, steering capacity and efficiency by well-prepared elites; on the other, there is a risk that decisions will fail to reflect the country's regional and social diversity. Furthermore, if entities outside the central government fail to accept these policy decisions, and if trust in political and policy elites wanes, this can place the correct implementation of these centralized decisions in jeopardy. What is striking is that these traditional social and political structures, long serving as background to the government's actions, still permeate the present situation.

Citation:

Sciences Po/CEVIPOF: Baromètre de la confiance politique, vague 11bis: spécial crise du coronavirus, April 2020

<http://www.fondapol.org/sondages/en-quoi-les-francais-ont-ils-confiance-aujourd'hui-le-barometre-de-la-confiance-politique-vague-speciale-crise-covid19-2/>

Sciences Po/CEVIPOF: 2009-2019: La crise de la confiance politique, January 2019

https://www.sciencespo.fr/cevipof/sites/sciencespo.fr.cevipof/files/CEVIPOF_confiance_10ans_CHEURFA_CHANVRIL_2019.pdf

Key Challenges

Most of the challenges faced by France are not really new. The pandemic has only made them more visible or acute. While most of the population is well aware that reform is needed in order to address the country's multiple problems, there are irreconcilable views on the best way to do it. This

traditional pattern of French politics (featuring a lack of consensus and an incapacity to compromise) has been further exacerbated by the political parties' inability to attract the support of a majority of the population, or to build up coalitions capable of forming a majority. Under most recent administrations, the serving government of the country has been supported by only one-third of the voters; however, the electoral rules and mechanisms transform these small relative majorities of votes into extravagant absolute parliamentary majorities. The gap between the sociological base and the political expression represented in parliament is so wide that the apparent comfort of parliamentary super-majorities often turns out to be precarious. As a result, government policy is often met with various forms of protest that lack appropriate channels of expression. This lasting phenomenon, which has been ongoing since the beginning of the Fifth Republic, negatively affects both efforts to frame and understand challenges, and the means of addressing and implementing solutions. This cultural/political issue lies at the root of the difficulties in or incapacity to address properly and solve the country's major challenges. In many ways it is the major, overarching challenge, conditioning all the others.

These broader challenges are economic, social and environmental. First, the economy: The crisis has exposed the weaknesses of an economy that relies too much on consumption and services, and not enough on industry and/or new technology. GNP has dropped significantly due to the collapse of nationally or internationally service-oriented sectors, and those with a too-narrow industrial base (aeronautics), or a mediocre position in terms of costs and qualitative competitiveness, as illustrated by the car sector. While France is home to two major world car producers, most of the actual production is accomplished outside France, since the production costs in relation to the type of manufactured cars require reliance on low-cost countries. Generally speaking, the imbalance of high employee costs and only mediocre qualitative levels of competitiveness makes it difficult for the French economy to compete on global markets.

Second, the social dimension: The welfare system offers a mostly generous coverage of risks, but suffers from its extension and "obesity." Not a single dimension of social problem is ignored by a tentacular bureaucratic system that is expected to compensate for all individual and collective problems, from the cradle to the grave. However, this massive redistribution machine has proven unable to tackle major issues such as the proper treatment of legal or illegal migrants, the specific education needs of their children, the dramatic lack of social housing in suburban areas, the proper training of young people in order to give them access to the labor market, and so on.

Third, the environmental dimension: In principle, the issue should be less dramatic in a country in which polluting industries are a minor factor compared to some of France's more industrialized neighbors. The difficulty lies in the capacity of powerful lobby groups to impede, slow down or even veto policies that negatively affect their vested interests. This includes car producers and car drivers refusing air pollution ceilings; farmers objecting to limits on water consumption or pesticides; undisciplined consumers not failing to separate their waste, and so on. For example, France is well behind most European countries with regard to renewable energy due to the effective lobbying of the pro-nuclear elites allied with one of the major trade unions (CGT).

To these three main challenges, which are more or less shared by most advanced economies, one must add a fourth that is structural and cultural. The French passion for (formal) equality implies uniformity of rules, and by way of consequence, a centralization of policymaking. If this centralized, apparently more "rational" decision-making approach seems very efficient compared to federal states, the apparent superiority of the approach evaporates when its problems are considered in terms of efficiency, effectiveness, capacity to deliver, aptitude to adjust to specific needs or to experiment, and at the end be accountable to the user or citizen. The pandemic has shed a somewhat dramatic light on the necessity of a systemic outstanding reform: the empowerment of citizens, groups and local/regional authorities.

Citation:

OECD Economic Outlook France, Paris, June 2020

OECD: Economic Survey of France 2019

France Stratégie: Les politiques industrielles en France. Evolutions et comparaisons internationales

https://www.vie-publique.fr/sites/default/files/rapports/fichiers_joints/277305_volume-2.pdf

Resilience of Policies

I. Economic Preparedness

Economic Preparedness

Economic Policy
Preparedness
Score: 7

Following the 2008 financial crisis, the French economy was characterized by a steep industrial decline, low levels of competitiveness, high debt and unemployment. It was only beginning 2015 that a slow recovery was noticeable, thanks to measures adopted during the Holland presidency. However, this policy shift was too limited and contorted due to the opposition of a large fraction of the Socialist Party then in power. A much more radical set of reforms were announced by Macron during the 2017 presidential campaign, and many measures were immediately put in place during the summer following the elections. These measures included a reform of the labor law, tax reductions for families and companies, and a major effort to support innovation and new technologies, while attracting foreign investment. The government also introduced radical changes to the school system and training structures, as well as a plan to cap public sector salaries and pensions, impose drastic savings within the healthcare system, and cut unemployment benefits. However, these reforms, imposed on reluctant social partners from the top, triggered a violent reaction from a variety of groups that saw their net incomes as being stagnant or reduced. The Gilets Jaunes (yellow vests) revolt started in November 2018, when an additional tax increase was imposed with the aim of reducing oil consumption and meeting the “green targets” set up by the government. Protests, often slipping over into violence, took place every Saturday throughout 2019, negatively affecting local commerce and services in all major cities, and forcing the government to abandon its strategy of tax and debt containment. Some €16 billion had to be mobilized in various ways in order to calm down the social storm. These protests had barely been placed

under control when the ambitious pension reform promised by Macron in 2017 was introduced in parliament. Most affected by the reform were the “régimes spéciaux” granted to public companies after the second war, in particular in the field of public transportation (the national train company and Paris Underground system). The unions went on strike in these companies, and were able to impede public transportation services at a minimum cost (10% to 15% of employees going on strike are sufficient to block the entire network), obliging the government to make more and more concessions. Negotiations were subsequently stalled when the outbreak of the pandemic forced the government to put the reform on hold. During the same period, public hospitals were protesting and striking as well, with employees asking for better salaries, the creation of more jobs, and a relaxation of budgets and bureaucratic controls.

In some senses, the pandemic happened at the worst possible time. Previous reforms were about to produce their first positive effects in terms of growth and competitiveness, but had as yet been barely felt by the population as a whole. Meanwhile, debt had increased in order to address the budget deficit, and crucial reforms had to be put on hold. In short, France was in better shape than five years previously, but was still far from having recovered altogether, and protest and social violence was adding to the nation’s collective stress. Both economically and socially, France was ill-prepared to face a new daunting challenge such as the coronavirus. The figures are telling: By the end of 2020, GDP had fallen by 8.3% over the year, with the GDP per capita decline being one of the greatest among large EU countries, due in particular to the heavy reliance on sectors such as aeronautics, services and tourism. Yet from a long-term perspective, the country was rather well positioned in terms of foreign investment, corporate debt and sustainable development.

Regarding environmental policy, France has set ambitious goals, but implementation of governmental decisions has often turned out to be incomplete, producing only limited impact. This has been due to interference by conflicting interests, lobbies and government departments, which have been able to weaken environmental targets. For example, the decision to raise taxes on petrol and diesel provoked the Yellow Vest riots, leading the government to withdraw this decision.

France’s performance regarding carbon emissions is quite good, ranking 6th within the OECD in 2017 with regard to CO₂ emissions per GDP unit. This can be credited to the country’s nuclear sector. A July 2015 energy transition bill set several objectives, including a reduction of nuclear power’s share in total energy production from 75% to 50% by 2025, and an increase in the share contributed by renewable energy sources to 40% from what was then a

12.5% share. However, these goals are again unlikely to be met, given the complex authorization processes for renewable energies. The Macron government has passed laws prohibiting oil exploration on French territory (including overseas territories), ordering a closure of coal mines by 2022, and closing the Fessenheim nuclear plant beginning in 2020.

As for fighting climate change, a new bill is under discussion, based upon the recommendations of the ad hoc citizens council set up in 2019 to make proposals for fighting climate change. The law was scheduled to be adopted in spring 2021. Furthermore, special, extremely generous funding has been provided to improve building insulation and provide incentives to replace obsolete heating systems (replacing fuel with natural gas) and replace old cars with electric cars.

Thus, policies seeking to promote sustainable and resource-efficient economic efficiency have been launched, even if more was clearly needed as the pandemic started.

Citation:

Conseil national de la productivité: Productivity and competitiveness: Where does France stand in the Eurozone? First report, July 2019

https://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/en_1errapportcnp-10july-final.pdf

Labor Market Preparedness

Labor Market
Policy
Preparedness
Score: 6

The French economy is plagued by a persistently high rate of unemployment. In fact, high unemployment rates have been a long-term feature dating from the oil crisis in the mid-1970s, to such an extent that the condition has been defined as a “collective preference” of political, economic and social actors, who are said to prefer the rise of income to employment. In parallel, some sectors are experiencing a shortage of skilled worker, and are having to rely upon migrants from eastern or southern Europe. Unemployment rates are particularly high at the two extremes of the demographic scale. The proportion of young persons aged between 18 and 25 not in education, employment or training (NEET) is one of the highest among the OECD countries. Only a few Mediterranean countries are doing worse. On the other hand, in spite of a pension-eligibility age lower than that in most OECD countries, many “senior” people above the age of 50 prove unable to find a new job after losing a previous position. The easy option both for workers and employers has been to put them on a pre-retirement scheme largely funded by state contributions and the pension system. Short-term solutions were preferred to long-term structural reforms such as ensuring the employability of laid-off workers. These options had the support of the three main partners in collective agreements, with trade

unions and employers' associations agreeing to the schemes, and the government authorities agreeing to provide funding in order to guarantee the "social peace." After his election in 2017, Macron introduced several changes in the Labor Code, while additionally reducing some absurd windfall benefits provided by the unemployment insurance program and supporting companies through various fiscal and budgetary policies. The unemployment rate decreased steadily from 2017 to 2019, from 10.1% to 8.5% of the labor force. When the pandemic exploded, the country was on the right track in spite of the Yellow Vests turmoil.

In spite of the progress made, the traditional key issues, that is, unemployment among young and older persons, are far from being resolved. In both cases the issues at stake are on the one hand, the lack of appropriate training programs oriented toward companies' needs, and on the other, the rigidity of the minimum-wage system and the too-narrow gap between minimum salaries and the social benefits provided to poor unemployed people. Women in particular might consider that a part-time job is not worth searching for as it does not provide the welfare-system benefits offered to those who lack work. The government has introduced changes on both fronts particularly by reforming job-training programs for young people in a way inspired by the German or Swiss models, but it will take years before these changes produce their full benefits.

With regard to active labor-market policies, the government had planned a reform to the rather complex and generous unemployment insurance system, which was not providing sufficient job-search incentives. Due to the pandemic, this reform's implementation has been postponed several times, as of the time of writing through the end of March 2021. It is hoped that the expected recovery will offer enough jobs and will push job seekers to be more proactive (and in fact, there is a labor shortage in many sectors, and special temporary permits have had to be granted in order to address the most serious labor market shortages). Special attention is also given to those first entering the job market, with support (financial incentives and training) provided both to companies and people falling under the NEET categorization. Many specific measures have been taken by the government as well as by regional actors. One recent example is the INDUSTREET Campus, created with the aim of preparing young people between 18 and 25 for industrial jobs.

Citation:

OECD Employment Outlook 2020. Worker Security and the Covid-19 Crisis. How does France compare?
https://read.oecd-ilibrary.org/view/?ref=134_134962-b19e974uly&title=Employment-Outlook-France-EN

Fiscal Policy
Preparedness
Score: 5

Fiscal Preparedness

When the pandemic started in 2020, France was badly prepared for the necessity to inject huge quantities of liquidity into the economy in order to avoid massive layoffs and the dramatic collapse of small and large companies. At that time, France had been unable to lower its structural budgetary deficit substantially. Though the deficit had fallen below the 3% ceiling, it remained stuck between 2% and 3%. The public debt, which had considerably grown after the 2008 financial crisis, had been further increased by the measures taken to tame the Yellow Vests movement. Additional expenditures and minor fiscal entries contributed further, as did the absorption of some sectoral public debt by the state budget (such as the debt of the SCNF train company). In other words, borrowing capacity had come to its limits, and might have constituted a handicap for the future. On the positive side, the demand by national and international investors for French debt instruments was such that, in practice, borrowing costs were close to zero or even negative. In addition, in comparative perspective, the French situation might be less dramatic and deviant than it might have appeared at first sight, once the debt held by local and central governments were aggregated. Local governments are prohibited to finance current expenditures with borrowed resources. Borrowing can be done only for investment purposes, an iron rule that obliges the local authorities to be virtuous. In normal times, however, this situation might have become problematic, given the imbalance between northern and southern euro zone countries. In many ways, the brutal and unexpected dimension of the pandemic had the paradoxical effect of making acceptable and even desirable what would have been considered foolish and scandalous just one year before. Borrowing and public spending were no longer regarded as the problem, but rather as the solution. In order to prevent the economy from falling off a cliff (i.e., massive unemployment, the collapse of small and large companies, and deflation), states had to step in and rescue their economies. By the end of 2020, the cost of state intervention in France was estimated at €186 billion (€100 billion for the loss of taxes and social contributions, and €86 billion for subsidies and support of all kinds).

The budgetary process is under the tight control of the government and the Ministry of Finance. Parliament can make only minor modifications to the total amount of expenditures and tax collected, though it has somewhat more capacity to modify some budgetary rules, related for instance to welfare beneficiaries or conditions of eligibility. The government has little to fear from parliamentary action. It has been calculated that after four months of heated

and cumbersome discussion in the two chambers, the amount of change is no higher than 1% of the total budget. Public and private lobbies prefer to intervene at an earlier stage, when the budgetary draft is being prepared.

To resume, the country was not well prepared for a “normal” crisis, but the magnitude and universality of the pandemic crisis has radically changed the paradigm, and made acceptable what would have been rejected some months ago. It remains the case that once the rescue of the economy is achieved, the question of how this huge debt is to be repaid will become an economic and political issue at both the national and European level.

Research and Innovation

Research and
Innovation Policy
Preparedness
Score: 8

France's ranking in matters of research and development (R&D) is ambiguous. While France belongs among the top 10 according to the EU Innovation Scoreboard, its performance is not as strong as countries such as Germany or Switzerland. Overall spending on R&D constitutes 2.19% of GDP (2017). Hence, R&I spending is still below the OECD average, and far from the EU target of 3%. Whereas public spending is comparable to the best-performing countries, private spending remains weaker. Hence, an important aspect of the problem with French R&I policies is related to the weak involvement of the private sector, which in turn reflects the situation of the industrial sector in the overall economy. 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.

However, over the past years, two reforms have contributed to improving the situation slightly. First, very substantial improvements were made in the fiscal regime for R&D investments, which has given a substantial boost to research spending in the private sector. Second, a series of measures was passed that favor the creation and development of startups. This policy has been quite successful not only in the Paris region, but also in many regional cities. This decentralization has been permitted by substantial further deployments of fiber-to-the-curb connections, now accessible to as much as 92% of the population, thus substantially enhancing internet speeds. A new reform of the public research sector is presently being adopted. This is being welcomed with mixed feelings by the research community, as the funding will largely be project-based rather than involving lifetime contracts and institutional support. The expectation is that more competition and challenges will make the public research sector more dynamic and innovative.

Citation:

European Commission: European Innovation Scoreboard 2020, 23 June 2020

https://ec.europa.eu/commission/presscorner/detail/en/QANDA_20_1150

II. Welfare State Preparedness

Education System Preparedness

Education Policy
Preparedness
Score: 6

The French education system can in many aspects be characterized as rather successful, but in contrast to the past, it fails to integrate and promote the weakest segments of society. In the 2018 Program for International Student Assessment (PISA) study, the country's results did not improve, but remained slightly above the OECD average, with France ranked 20th out of 70 countries. Overall spending on educational institutions amounted to 5.2% of GDP in 2016, slightly above the OECD average. Spending at the preschool level is exemplary. A law adopted in 2019 makes preschool attendance mandatory for all children beginning at the age of three (écoles maternelles). France now falls slightly below the OECD average for public expenditure at the primary level. However, one alarming finding of the PISA assessment is that individual success depends on the student's socioeconomic background more than in any other OECD country.

Hence, in a sense, an overall evaluation of the educational system as a whole might run the risk of being misleading, as it would hide huge disparities across regions and social groups in spite of (or because of) the high degree of centralization of education policies. Neighborhoods with poor or heavily migrant populations suffer from many flaws and defects in the system. While equality of access is guaranteed to all children from the age of three, and attendance has been made mandatory in a move to improve access to children from foreign background, primary and secondary schools are badly equipped to address these populations' special needs. Some cities (for instance Marseilles) do not provide a decent infrastructure while, due to the difficulty of teaching in these neighborhoods, schools suffer from a very high absentee rate and excessive turnover among young and ill-prepared teachers. In spite of the fact that there is no official ranking of primary or secondary schools, their good or bad reputations contribute to parents' decisions when settling in or moving from one part of city to the other. The "flight" from schools negatively assessed by families that can afford to choose their neighborhood or city triggers vicious circles, whereby the level and quality of the school worsens

further in spite of the creation of special programs and financial incentives for professors in socially precarious regions (the “zones d’éducation prioritaire”). By contrast, schools situated in better socioeconomic environments are able to thrive, partially because of these families’ strategies of registering their children in schools with good reputations. This is also favored by the flourishing market for private schools (about 20% of the total), which offer alternatives for those dissatisfied with the failures or weaknesses of the public schools. The allocation of resources is still highly path dependent. By tradition, France has granted more money to secondary schools, and not paid enough attention to the tertiary sector; however, this policy is changing swiftly under the present government, which is also involving the regions and the private sector more efficiently.

Secondary education is thus rather good but uneven, excessively costly and, in recent years, has fallen behind other OECD countries. Higher education is dual, with a broad range of excellent elite institutions (prestigious lycées and grandes écoles) and a large mass university system, which is unevenly funded and poorly managed, and which does not prepare its students well for successful labor-market entry. Levels of spending on universities are below the OECD average. More importantly, drop-out rates are dramatic, with only 40% of first-year registered students obtaining a university degree.

One major problem concerns professional training. The transition from education to professional training is poor. Organized by state schools, the system offers only a few alternative training courses in cooperation with businesses, and diplomas are often not accepted by companies. This is a major reason for the high rates of youth unemployment in France.

The Macron government had started approaching these issues in a more open and pragmatic way before the pandemic hit France. Many significant measures were taken. First, greater emphasis was placed on training young people from less affluent backgrounds. In areas with significant social problems, the government decided to cut the number of students per elementary school class by half immediately, reducing the maximum number of students to 12 per class. Second, international evaluations and rankings (such as the PISA report) have been taken into account, and will likely form the basis for further changes. Finally, an immediate action program was launched, mobilizing €15 billion for job-training measures (targeting the long-term unemployed and young people leaving school without diplomas), and a far-reaching renewal of the professional training system was passed in 2018. Despite trade-union resistance, the minister for education declared that evaluating schools and teachers will become a normal practice.

Regarding digital skills, French adults fare comparatively poorly. Only 29% of the population possess digital skills, compared with around 50% in the best-performing countries and 37% in Germany (OECD 2019). Similarly, national curricula for primary and general secondary education include explicit learning outcomes related only to some digital competences, according to a study of the EU Commission (European Commission/EACEA/Eurydice, 2019). Digital training has now been proposed as one additional specialization for the national baccalauréat, but this innovation still lacks national coverage due to the lack of competent teachers in this new field. These data seem to suggest that French performance in digital education is probably no better than average.

Citation:

European Commission/EACEA/Eurydice, 2019. Digital Education at School in Europe. Eurydice Report. Luxembourg: Publications Office of the European Union.

OECD 2020: OECD Digital Economy Outlook 2020, OECD Publishing, Paris, <https://doi.org/10.1787/bb167041-en>

OECD: Education Policy Outlook France, June 2020

<http://www.oecd.org/education/policy-outlook/country-profile-France-2020.pdf>

Social Welfare Preparedness

Social Welfare
Policy
Preparedness
Score: 7

By international and European standards, the French welfare state is generous, covering all possible dimensions affecting collective and individual welfare, not only for citizens but also for foreign residents. Poverty rates remain comparatively low. Therefore, programs providing minimum incomes, health protection, and support to the poor and to families are satisfactory, effectively supporting social inclusion. Nonetheless, two major exceptions exist: homeless people and illegal migrants, for whom there is a lack of support and infrastructures.

In spite of many failures in the so-called integration policy, the country's economic and social indicators show a rather robust degree of inclusion, with a steady trend toward the prevention of poverty and social exclusion. Apart from the magnitude of the redistributive system, social indicators show, for instance, that nearly one marriage out of three involves one native citizen and a foreigner.

The challenges for France at a time of economic decline and unemployment are, first, to provide sufficient funding for the costly system without undermining competitiveness through excessive social-contribution levels (which demands an overhaul of the tax and contribution system as a whole); and second, to recalibrate the balance of solidarity and individual responsibility, for instance by introducing more incentives for the jobless to

search for employment, and by reducing social contributions on low wages (beginning in September 2019, employers no longer pay contributions up to the point of the minimum salary fixed by the state)

The performance of the welfare state is less convincing when it comes to equal opportunities. The percentage of young people neither in education nor employment is persistently high, pointing to the difficulties in transitioning between the education system and the labor market. Furthermore, some groups or territorial units are discriminated against and marginalized. So-called second-generation immigrants, especially those living in the suburbs, as well as less vocal groups in declining rural regions, feel excluded from broader French society. These populations often experience poor education and training, and subsequently high unemployment and poverty rates. In addition to the measures targeting elementary schools in socially disadvantaged areas, the Macron administration has developed a strategy emphasizing training and work placement rather than financial support – that is, focusing on capabilities rather than assistance. The number of young students opting for apprenticeship training programs has shown an encouraging increase.

Housing remains another key issue. Social housing cannot meet demand particularly in the large metropolises. In addition, upward mobility remains a problem for non-elites with regard to employment opportunities.

Citation:

INSEE: France, portrait social 2020. L'impact social de la crise sanitaire de la Covid-19 et du confinement, Paris 2020

Healthcare System Preparedness

Health Policy
Preparedness
Score: 7

On the whole, France's health system works properly and is accessible to all, including illegal migrants and homeless people who can benefit from free access to hospitals. Life expectancy is close to the highest such figure in the world, testifying to this overall satisfactory situation. However, there are many drawbacks, such as the insufficient degree of coordination between private practitioners and public hospitals, which are overwhelmed over the weekends, since they are the only available recourse for incidents ranging from serious injury to banal domestic accidents or even toothaches. They have also been negatively and persistently affected by the application of the 35 hours/week policy, a policy ill-adapted to hospitals' needs and organization. Other problems include a very high absentee rate among non-medical personnel, a blind "numerus clausus" policy (hard limit on number of students) for the training of doctors and physicians, and major ongoing cost-reduction and rationalization efforts. For all these reasons, the pandemic has occurred at a

time of unpreparedness and turmoil. A striking example has been the lack of protective masks at the beginning of the pandemic. While stocks were increased in 2009 when the H1N1 flu was expected, these actions prompted fierce criticism of the government of the time, which was accused of throwing away public money since the epidemic was much more modest than foreseen. This subsequently triggered a radical policy change. Responsibility for buying and stocking masks was devolved upon the new regional health agencies and other public and private actors. Each unit was thus responsible for the management of its own equipment. The result has been disastrous, since the actors involved have preferred to stock the minimum required equipment, with many failing to take proper care of the stored masks and other pharmaceutical products. With regard to intensive-care beds, the overall number is probably a bit low, in particular when the epidemic has been concentrated on a limited portion of the territory. However, with only a few exceptions, the system has managed to hold up even during the pandemic's peaks. One additional issue is the fact that the private sector, which owns and manages intensive-care beds, has been only marginally involved in the management of the pandemic.

Citation:

OECD/European Observatory on Health Systems and Policies (2019), France: Country Health Profile 2019, State of Health in the EU, OECD Publishing, Paris/European Observatory on Health Systems and Policies, Brussels.

<https://www.oecd-ilibrary.org/docserver/d74dbbda-en.pdf?expires=1611135079&id=id&accname=guest&checksum=051F04B811A02652ACE229E2A74BE1E7>

Families

Family Policy
Preparedness
Score: 10

Family support in France is a policy that is fully supported across the political spectrum. Political differences on this issue are marginal, and every government has added measures to the range of rights or subsidies provided in support of families, particularly with respect to programs making it easier for women to enter the labor force. This explains the peculiarity of the country's job market with respect to employment rates among women as compared to Germany, for instance. While overall employment rates for women are slightly higher in the latter, the reverse is true when comparing full-time equivalent employment rates. This can be explained by the support offered to women when they are pregnant or have children. While German women often choose to shift to part-time jobs in order to reconcile family and work obligations, French women can keep their full-time positions due to the availability of various childcare structures, ranging from voluntary programs (from 0 to 3) to mandatory schooling (from three onward). The rather generous subsidies for families with two or more children also help women who wish to work. During the pandemic, women were entitled to stay home if no public structures were available for support (e.g., if nursery schools had been closed).

III. Economic Crisis Response

Economic Response

Economic
Recovery
Package
Score: 8

The reaction of France's government to the pandemic was swift and efficient, with the goal of avoiding economic collapse. The first aim was to safeguard workers and employees' incomes to the greatest degree possible. This coverage was complete in the public sector which, in France, represents more than 5 million jobs. In the private sector, the unemployment scheme covered 86% of costs when employers were forced to rely upon the compensation mechanisms put in place, and unable to rely on remote working, for instance. The policy guideline as stated by Macron was that people should be compensated "whatever it takes." The safety net was extended to shopkeepers and independent workers, service companies (such as bars and restaurants) through a double mechanism of subsidies and state-guaranteed loans provided by the banking system. The finance minister was extremely active not only in providing financial support and deferring taxes and social contributions, but also in mediating between contrasting private interests such as landlords and tenants in the retail sector, and in convincing online providers to postpone their "Black Friday" sales thus prevent add a further blow to the small shops forbidden to open during the lockdown. The minister also used the pandemic as an opportunity to eliminate the so-called taxes on production imposed on companies (€10 billion per year). This long-awaited reform was finally made possible due to the economic and social context. A Solidarity Fund for companies with fewer than 50 employees forced to lock down has been set up. Eligible companies receive financial compensation based on the loss related to the closure of their businesses. There has been broad consensus among politicians and economists, as well as among international organizations (EU, IMF, OECD), in supporting this course of action.

However, this strategy – which has no precedent, except in wartime – has come with heavy consequences; debt levels rose from 98% to 121% of GNP within a few weeks, while the swiftly increasing budget deficit will be even more considerable than usual. At the end of 2020, costs related to the pandemic amounted to €186 billion. In addition, both the Unemployment Benefits Agency and the National Health System forecast deficits of around €30 billion apiece. State-controlled companies (the railway company, Air France, Renault) are in need of recapitalization and other support. Taking on this huge accumulation of debt was necessary in order to avoid the crash of the entire economy, but it undoubtedly represents a heavy burden for the future.

Furthermore, in most cases, subsidies and loans have not been conditioned by specific commitments such as the “greening” of production, since the top priority was to avoid further unemployment (which has jumped to 9%). The recovery will depend substantially on the speed and strength of the return of two traditional pillars of French economic growth, consumption and services, which have been affected particularly dramatically by the pandemic.

Citation:

OFCE: Évaluation au 11 décembre 2020 de l’impact économique de la pandémie de COVID-19 en France et perspectives pour 2021, policy brief 81, 11 December 2020

<https://www.ofce.sciences-po.fr/pdf/pbrief/2020/OFCEpbrief81>.

Bruno Ducoudré, Mathieu Plane et al.: The French Recovery Strategy Setting the course for a climate-neutral and digital future? Paris, Friedrich Ebert Stiftung 2020

<http://library.fes.de/pdf-files/bueros/paris/17126.pdf>

Sustainability of Economic Response

Recovery
Package
Sustainability
Score: 7

Concerning the short-term rescue policy responding to the pandemic, no systematic link has been established between the measures taken and the development of a more sustainable economy. The magnitude of the crisis and the fragility of the French economy pushed the government to provide open-ended support to all claimants. It was feared that many companies might not have survived the double challenge of the crisis and new environmental constraints at the same point in time. However, this attitude of an apparently benign neglect toward structural reforms and the transition to a more sustainable economy is counterbalanced by a myriad of sectoral policies that were already being discussed before the outbreak of the pandemic. The range of the changes foreseen was very broad, including incentives to shift from fossil energy to green sources, financial support for buyers of clean cars or bicycles, the cancellation of internal air lines, the closure of coal-based electricity plants, the imposition of stricter standards in building construction, the passage of a national plan for insulating old buildings, the creation of incentives for smart working, and more. However, the recovery plans set up for the future (new technologies and environment) focus primarily on the structural transformation of the French economy. Most of the investment-support resources proposed have been allocated with two considerations in mind: First, to flag investments that can be made by individuals rather quickly (e.g. building insulation, improving energy consumption); and second, to support large projects crucial for the future (hydrogen, electric cars, green energy, etc.). The €100 billion plan, called France-Relance (France Recovery) focuses its main objectives within three areas: ecology (1/3 of the total), competitiveness, and territorial and social cohesion.

In a similar vein, the September 2020 presentation of the draft annual budget law for 2021, was for the first time accompanied by an evaluation of the

national budget's projected environmental impact, which was attached to the draft. In so doing, the government is seeking to implement the "Paris Collaborative on Green Budgeting" mechanism launched by the OECD at the 2017 One Planet Summit, which is aimed at "designing new, innovative tools to assess and drive improvements in the alignment of national expenditure and revenue processes with climate and other environmental goals." However, it remains too early to assess the substance or the results of this "green budget" effort.

Citation:

Institut Montaigne: The French Brief: France's Green Budget: Making our Planet Great Again?, 19 October 2020

<https://www.institutmontaigne.org/en/blog/french-brief-frances-green-budget-making-our-planet-great-again>

Labor Market Response

Labor Market
Policy Response
Score: 9

The measures adopted to reduce the impact of the crisis have been very effective to date. Employers have been able to use the temporary unemployment scheme, which provides 86% of employees' salaries. Support for self-employed persons and a scheme to encourage the recruitment of young people have been put in place. Companies receive €4,000 for hiring any person aged between 18 and 25, while 200,000 training sessions "for jobs of the future" are on offer. For low-skilled workers, 300,000 "parcours d'insertion" (a mix of training and work) positions have been offered to young persons between 18 and 25. Companies receive up to €8,000 for this type of contract. Additional one-off financial support has been granted to the recipients of the basic income, including unemployed persons, poor families, handicapped persons and students supported by a state grant. These various measures have limited the rise in the unemployment rate to just two percentage points (moving from 7% to 9%) for the time being, while also reducing the number of company failures well below the normal rate (a 40% drop during the second 2020 semester). In the near future, much will depend on the robustness of economic growth once the pandemic is brought under control. It is feared that both unemployment rates and SME failure rates could jump substantially once the pandemic (and the related state financial support) ends.

Citation:

OECD Employment Outlook 2020. Worker Security and the Covid-19 Crisis. How does France compare?

https://read.oecd-ilibrary.org/view/?ref=134_134962-bl9e974uly&title=Employment-Outlook-France-EN

Fiscal Response

Fiscal Policy
Response
Score: 6

For the time being, there is no clear strategy with regard to the extent and future management of the debt triggered by the crisis. The "whatever it takes" strategy pursued by Macron means that there is little or no limit to the

spending in the sectors most affected by the crisis (health, unemployment, pension), while public expenses to facilitate growth are dramatically increasing. While the initial deficit for 2020 was foreseen at 2.2% of GDP, it has since skyrocketed to 11.5%. Four additional corrective budgets have been passed, the last one on November 10. It is expected that the “COVID debt” will be placed in a financial structure similar to that already in place for the reimbursement of the so-called social debt. This debt is reimbursed thanks to a tax created by the Juppé government in 1996 (CRDS, Contribution généralisée pour le remboursement de la dette sociale) levied from all revenues earned by any citizen. The government seems to think that since it can borrow a lot of resources at a rate close to 0%, the debt can both help to overcome the crisis and contribute to preparing the economic transition to the future.

Most of the resources foreseen to support investment have been allocated with two considerations in mind: First, targeting investments that can be made by individuals rather quickly (e.g., building insulation, improving energy consumption), and second, supporting large projects crucial for the future (hydrogen, electric cars, green energy, etc.). The €100 billion France-Relance (France Recovery) financial plan targets objectives within three main areas: ecology (1/3 of the total), competitiveness, and territorial and social cohesion.

Citation:

REXECODE: Perspectives France 2020-2021: La politique budgétaire entre sauvegarde et relance, Document de travail nr. 75, October 2020

<http://www.rexecode.fr/public/Analyses-et-previsions/Documents-de-travail/Perspectives-France-2020-2021-la-politique-budgétaire-entre-sauvegarde-de-l-economie-et-relance-de-la-croissance>

Assemblée nationale: Rapport au nom de la Commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi des finances 2021. Annexe 46: Plan de relance. Plan d'urgence, Paris. October 8, 2020

<https://www.assemblee-nationale.fr/dyn/opendata/RAPPANR5L15B3399-tIII-a46.html>

Research and Innovation Response

Research and
Innovation Policy
Response
Score: 5

In recent years, France had turned to an active innovation policy, in general with good results. Since this switch, France has improved its performance in international comparisons, and in 2020 was ranked 12th (out of 131 countries) in the WIPO Global Innovation Index. Public support for startups has also proven successful, as shown by the country's performance with regard to high-tech startup rates within Europe.

In reaction to the COVID-19 crisis, the government put in place measures aimed at helping to fight the pandemic, for instance by creating a tracing app and granting support to vaccine research programs (Pasteur-Sanofi). An ad hoc committee (comité d'analyse, recherche et développement, CARE) was put in place on March 24 in order to deal with the policy efforts to be deployed in the

field of R&D. France's economic responses to the COVID-19 pandemic have entailed substantial R&D and innovation funding and encouragement. Indeed, the €100 billion France Recovery Plan devotes two out of three main areas of focus to structural objectives (environmental transition; competitiveness), with a substantial share of the financial measures going to research and innovation in these fields. Moreover, the 4th generation (2020) of the public program "Investing for the future" (Programme d'investissements d'avenir, PIA) reserves €20 billion in funding for these objectives.

As for social innovations, remote working has been encouraged or made mandatory during the pandemic; this could become a fact of life rather than a temporary exception. The closure of shops has also triggered many small shops to engage in an online-commerce "click and collect" strategy, a commercial innovation mainly pursued by large distribution companies before the pandemic.

However, the results have been rather disappointing. As an example, two French projects to develop a COVID-19 vaccine (Sanofi; Pasteur laboratories) had to be abandoned. As the Council of Economic Analysis (Conseil d'analyse économique, CAE) has shown in its evaluation of the French pharmaceutical sector's rather disappointing performance, the reasons do not necessarily lie in the recent governmental measures taken. The CAE report points to more structural, long-term problems, including:

- Insufficient funding for pharmaceutical research, which has sunk by 28% within the last decade;
- Insufficient support for biotech startups compared to Germany or the United Kingdom;
- Complex and tortuous bureaucratic procedures (for example, in France, a drug needed 489 days from public authorization to its effective commercialization in the 2015-17 period, but only 117 days in Germany); and
- Weak cooperation between fundamental and applied research institutions, for instance between research centers and private sector companies.

Even if the PIA program adopted in 2020 tries to address these crucial points, it will take a considerable time before better results are likely to appear.

Citation:

WIPO Global Innovation Index 2020

https://www.wipo.int/global_innovation_index/en/

Ernst&Young: Sondage: Les pouvoirs publics soutiennent-ils assez l'innovation? April 2020

https://www.ey.com/fr_fr/government-public-sector/sondage-les-pouvoirs-publics-soutiennent-ils-assez-l-innovation

Margaret Kyle/Anne Perrot: Innovation pharmaceutique: comment combler le retard français? Les notes du Conseil d'analyse économique, nr.62, January 2021

<https://www.cae-eco.fr/staticfiles/pdf/cae-note62v3.pdf>

IV. Welfare State Response

Education System Response

Education
Response
Score: 7

While nursery, primary and secondary schools were closed from mid-March through mid-May, activities resumed at that time for elementary schools and a portion of secondary schools, with drastic sanitary measures and social distancing rules. In early September, all classrooms were reopened. During the closure period, schools and professors had to provide online lessons and home work. The results were mixed, depending on the various capacities of regions, schools and individual teachers to adapt to the use of modern technologies. The main issue was the capacity/willingness of students and parents to obtain access to and ultimately benefit from the online teaching mechanisms. Several problems emerged: In some remote areas, connections were difficult or episodic. In some poor families, only one or no computer was available for several persons, and children had to rely on their mobile phones. In other cases, overcrowded apartments made it difficult or impossible to do any proper work. Some students stopped logging in, and the ministry has estimated that 10% students were “lost” during the spring period. Internships could not take place, and free meals could not be delivered. There is no doubt that students’ learning capacities as well as sociability have suffered considerably during the lockdown period. However, as far as the education system is concerned, one can say that every feasible measure, including the adaptation of the final exam (baccalauréat) was put in place. On the whole, the education system has been able to adjust and adapt in order to secure the requirements of education for all. Education was provided at all levels (from kindergarten to lycées) most of the time (except during the first lockdown in April-May 2020). The school system has functioned continuously. The situation was not so good at the university level, as online courses have been the only available option since November 2020. Beginning in February 2021, limited in-person student attendance in class has been permitted once a week. A large number of dropouts and failures are expected.

Financial support has been provided to tertiary students in need. In September 2020, financial incentives were granted to companies that offer traineeships in alternation with school-based training.

Social Welfare Response

Social Welfare
Policy Response
Score: 8

President Macron’s “whatever it takes” strategy sought to avoid economic collapse and the emergence of mass unemployment or poverty. In a country where nearly every risk is covered by the public welfare-state system, and where the public has high expectations for such services, a massive social protective net has been put in place covering all possible cases for all professions. This all-encompassing policy was first applied in March through the adoption of emergency measures, then extended in October and November in order to adapt to changing circumstances such as the closure of cinemas, theaters, sport facilities, bars and restaurants through 20 January 2021. The planned post-COVID recovery strategy includes not only structural investments, but also ad hoc instruments of support adapted to variegated situations. These detailed measures target every job category and status in order to absorb the crisis impact through tax rebates, loans, subsidies, an increase in the basic income for the unemployed, child allowances, student support and more. Major efforts have been made to help young people, in particular those lacking job training adapted to market demands. In this area, the government has drawn on the reports and opinions of the scientific council associated with the national investment program, which has been directed to enhance workforce competences (plan d’investissement dans les compétences, PIC). This council was established in July 2018, with the specific mission of providing advice on training people in the NEET categories (not in education, employment or training).

However, the costs felt within people’s lives remain unevenly distributed. While some have felt little impact (civil servants, pensioners, full-time employees), some categories are still suffering losses in spite of the massive state intervention. Part-time employees have not been fully compensated for their lack of work, shopkeepers have lost considerable business, foreign students lack family support, interim workers have received incomplete compensation, and illegal migrants have suffered even more than usual. Poor workers working on the black market have largely lost these marginal opportunities. In many ways, the crisis has illustrated that even near-universal coverage does not always provide adequate solutions, given the extreme diversity and heterogeneity of social issues.

Programs for companies affected by the pandemic have been exhaustive. All sectors suffering from the lockdown or other administrative measures have received various forms of aid, fine-tuned according to sector, location and the nature of the entity’s activities. For instance, some sectors received only temporary support in 2020 (construction sector), while others have been fully

supported for the whole period of the lockdown. Moreover, the measures have been persistently adapted as the situation has evolved. For instance, bars and restaurants were among the first recipients of support, since they were forced to close. As the closure went beyond the initial forecast, aid was extended to companies producing beer or coffee or cacao, since their activity was reduced. It has also meant that several decrees have extended the duration of application of support measures.

Specific measures for companies have included the following:

- Postponement of taxes and social contributions for companies requesting it.
- Rebate on taxes (and on social contributions for farmers).
- Financial support for the payment of rent (mainly for shops).
- Establishment of conciliation and mediation bodies in each département in order to strike compromises between commercial landlords and tenants in cases of conflict.
- Restructuring of debt (with the banks).
- Creation of solidarity fund that disburses a percentage of lost sales to merchants (varying according to sector and location).
- PEG program (Prêts garantis par l'État): Loans guaranteed by the state if borrowers prove unable to repay them. This has prompted banks to open lines of credit to companies.

In addition, the following programs were implemented:

- Employees who are not able to work because of the lockdown or because they are unable to find a solution for caring for their children (in case of school closure) are put on temporary partial employment. This is a special scheme more generous than usual, in which the government guarantees up to 100% of the minimum salary, and 84% of income up to 4.5 times the minimum salary (up to about €6,500). The remainder is to be paid by the employer. The combination of these schemes in the bar or restaurant sector, for instance, has made the closure very sustainable for employees (unless they have lied in recent years about their income).
- In other sectors, such as the arts and film, which rely on intermittent workers with irregular or seasonal working hours, full coverage for such workers is provided, even if they have not worked.

Citation:

INSEE: France, portrait social. Édition 2020. L'impact social de la crise sanitaire de la Covid-19 et du confinement, Paris 2020

France Stratégie: La lutte contre la pauvreté au temps du coronavirus: Recommandations du comité d'évaluation de la stratégie nationale de prévention et de lutte contre la pauvreté, note d'étape, Paris, 1 October 2020

2020.https://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/eval_pauvrete_au_temps_du_covid-19.pdf

Healthcare System Response

Health Policy
Response
Score: 6

France's national health system was in crisis before the emergence of the pandemic due to a lack of personnel and insufficient resources after years of system "rationalization." In addition, the rigid application of the 35-hour-week reform disrupted hospital organization while adding to the costs. The initial phase of the pandemic was difficult for several additional reasons, including the outburst of the pandemic in specific spots (eastern France), public ignorance regarding the seriousness of the virus, the lack of appropriate cures, and the difficulty in recommending that people wear masks that were neither available nor produced in France. The high concentration of the epidemic in some regions created problems, as there were not enough beds or trained personnel available, and the sick people were generally very old and/or affected by comorbidities.

Given these difficult circumstances, the system managed to overcome the peak of the first wave in part by transferring sick people to less-affected regions and/or to private hospitals. In spite of fierce criticism, it appears that the special equipment needed for resuscitation was slightly insufficient for very special circumstances such as the pandemic, but sufficient for normal times (about 7,000 beds, as compared to the roughly 20,000 beds in Germany). It must be underlined that the overall system largely succeeded in providing care without having to practice triage, which was the major concern. Some more problematic situations were recorded in the overseas territories, however (e.g., French Guiana, where the frontier with Brazil is very porous; La Réunion, where the South African variant is very active; Mayotte, where the healthcare system has been flooded with many illegal migrants from the Comores islands; and Guadeloupe, where the hospital was undergoing a full renovation).

Family Policy Response

Family Support
Policies
Score: 9

The main response to the pandemic crisis in the field of family policy has been to maintain the support usually offered by central and local authorities, or else by private organizations supported by public money, to the greatest extent possible. While most normal childcare services were suspended beginning on March 15, they were partially resumed (nursery and primary schools; summer camps) from mid-May on, and remained available during the whole period for children whose parents were fighting the pandemic (such as nurses, doctors, health workers). Family benefits earmarked for school expenses were increased in September, with poor families receiving additional benefits. Working women unable to find childcare solutions were entitled to stay home

and receive temporary unemployment benefits. However, combining home and family work with job duties has been quite a challenge, in particular for families with modest incomes living in small apartments. The isolation of high-risk persons, especially grandparents, has created further difficulties, since they have been unable to provide family help under these special circumstances. These factors demonstrate that public policies can offer only a partial remedy to problems which ultimately have to be solved by the division of labor within the household unit. This sharing of duties varies considerably according to traditions, cultural practices, income and family size.

Young people and families, handicapped persons and those eligible for the RSA (revenu social de solidarité) solidarity benefit received an additional one-off financial payment of €150 plus €100 per child in November. In addition, people with short-term contracts who worked at a full-time job for at least 60% of 2019 were made eligible for a €900 disbursement every month until May 2021. This financial aid is provided automatically by the unemployment insurance system. Students are also eligible for the €150 benefit and two meals a day in university restaurants at a fixed cost of €1 per meal.

International Solidarity

International
Cooperation
Score: 8

France proved more dependent on European solidarity than vice versa. A significant number of severely sick persons were provided with care in German or Swiss hospitals (130 patients in Germany in March-April 2020 according to the German Foreign Office; more than 30 patients in Switzerland in the same period according to the Swiss NZZ newspaper). On the other hand, France pushed for better coordination between the EU member states, and refused to close the borders in spite of strong public pressure fanned by the Rassemblement National, Marine Le Pen and other extreme-right populist leaders. The government also advocated coordination between member states with regard to the adoption of similar measures, for instance in opening or closing ski resorts.

The most obvious demonstration of European solidarity has been the campaign and negotiations aimed at launching a European Recovery Fund. Working closely with Germany, France was deeply involved in securing the July 2020 European Council decision establishing this decisive policy measure.

Citation:

<https://www.nzz.ch/schweiz/coronavirus-so-kam-frankreich-zu-den-schweizer-spitalplaetzen-ld.1549263>

Resilience of Democracy

Media Freedom

Media Freedom
Score: 9

The independence of the media in France is an issue related not so much to the public authorities, but rather to the private ownership of most of the printed media. In a historical perspective, the history of the media in France is a story of dependence upon wealthy families or individuals and/or politicians, and of systemic corruption. After 1945, an attempt to clean up the sector was initially successful, but little by little most printed newspapers were taken over by rich businessmen as dailies or weeklies run by journalists were unable to turn a profit. Today, with very few exceptions, the printed press belongs to private owners, including the flagship *Le Monde* newspaper. However, a few journals have managed to secure full independence either through legal means (*Le Monde*, *Ouest-France*, *La Croix*) or de facto due to the capacity of journalists to constitute a powerful pressure group. During the Gaullist period of the Fifth Republic (1958 to 1974), the government was able to exert significant political control over the public radio and TV system. The privatization of radio and TV channels during the Mitterrand presidency (1981-1995) helped soften that control, and forced the public media to face competition by alternative channels. This independence has increased over time, and even reversed the trend to such an extent that the media now engages in harsh criticism of politicians and policies, as if it was difficult to settle on the right balance between political dependence and systematic criticism. Today, competition has emerged from social media, which have increasingly become the main source of information particularly for the young generation. This is a risky trend. But in any case, the defining issue in this area is one of independence, credibility and accountability toward private owners or lobby groups rather than control by public authorities. The government might attempt to provide information in a biased or complacent manner, but the time when private or public media functioned as the voice of the government is past. The crucial current issue is the creation and dissemination of fake news.

Civil Rights and Political Liberties

Civil Rights and
Political Liberties
Score: 8

The evaluation of political rights and liberties during the pandemic is a rather delicate assessment. There have indeed been limitations particularly of the freedom of movement, of meeting and gathering, and of protest in the streets, as well as a limitation on or outright prohibition of commercial activities and institutions ordinarily open to the public (bars, theaters, churches, sport clubs, etc..). These limitations have triggered many protests from various social groups and political parties, which have claimed that the government was infringing fundamental rights. Indeed, there is no doubt that these limitations have been substantial in the aforementioned sectors. However, these limitations were also necessary to fight the spread of the Corona virus; they have been proportional and limited in time, in line with the successive waves of infection. The government is in fact eager to suspend the prohibitions in order to calm the protests and limit the negative social and economic consequences of these limitations. It should be added that these governmental and legislative restrictions are under the tight control of the administrative and judicial courts, to which citizens can submit petitions under emergency procedures in order to cancel or nullify restrictive decisions. Under these emergency procedures (*référé*), the administrative courts can suspend any decision or ask that it be revised if the limitations are not proportionate to the risks or have not been properly evaluated. Judicial rulings are adopted within days and are immediately enforceable. In addition, and in spite of the prohibition on gatherings of more than 100 persons, some protest meetings have been authorized by the prefects; moreover, those taking place in spite of an administrative order have not been subject to significant penalty. There is no real risk that these limitations will be extended beyond the time needed to fight the pandemic.

However, it should be noted that during the period under review here, new bills have been discussed that could have a negative impact on the exercise of public liberties. These are not related to the pandemic, but rather to the fight against terrorism and Islamist movements, and are often considered as a “tribute” to the police forces in order to show the government support. However, these initiatives have produced more negative effects than good in the public opinion and the media. For instance, a governmental provision initially planned to prohibit the diffusion of images of police-force members if it was done with the intention of jeopardizing an officer’s life. This provision triggered considerable criticism and protest, to such an extent that the provision will be dropped or watered down, and if adopted, is likely to be struck down by the Constitutional Council.

Judicial Review

Judicial Review
Score: 10

Policy decisions made by the government and legislation passed by parliament are subject to judicial review. This constitutional power has not been affected in any way by the pandemic. Indeed, the judiciary has never been as effective as it currently is, due to reforms adopted a few years ago. First, the Constitutional Council, whose role had previously been limited to the review of laws immediately after their adoption, benefited from a 2008 reform that considerably expanded its power. Since that time, it has been possible to challenge the constitutionality of a law at any time on the occasion of its implementation. Any court may consider the issue of constitutionality, and in case of doubt can defer to the Constitutional Council through the “Preliminary question of constitutionality” process. The success of this procedure, particularly in contrast with the traditional modes of oversight, has exceeded expectations. Since 2010, more than 800 questions have been addressed to the Council – a figure higher than the number reviewed using the traditional procedure in all the time since 1958.

Second, a June 2000 reform of administrative court procedures granted any citizen or organization the right to ask for a suspension or cancellation of a regulation or decision, by making an emergency request that the court must decide upon within days. This emergency procedure has been used during the pandemic by citizens, organizations, unions and churches. On several occasions, the judges have requested that a rule be suspended or revised. This procedure, called “référé suspension,” or “référé liberté” when freedoms are at stake, is both efficient and speedy, since the decision has to be made within hours or days, depending on the urgency.

Citation:

Conseil constitutionnel: Bilan statistique, mise à jour du 30 juin 2020
<https://www.conseil-constitutionnel.fr/bilan-statistique>

Informal Democratic Rules

Informal
Democratic Rules
Score: 5

The French party system has a long history of polarization. From the French revolution on, the divide between left and right has been a constant feature of French politics, and has been fueled and accentuated by the major political and social events of the past two centuries. The Fifth Republic has further accentuated the phenomenon, since the institutions, the electoral system and the rules of the game were designed with the aim of accentuating polarization. This polarization has been a major obstacle to policymaking, as it has proved impossible to form a cross-party “reform coalition” or consensus concerning structural reforms.

President Macron and his La République en Marche movement, elected in 2017, built their project upon the idea of overcoming the sterile left-right polarization in favor of a more consensual progressive policymaking. However, these efforts have not been successful.

The pandemic has not modified these traditional features of the French political system. In other words, decisions are centralized, taken at the top and have been applied without much consultation or cooperation between decision-makers and implementers. Opposition parties are not involved, except for during debates in the two chambers of parliament. Regional leaders and city mayors are not officially consulted. This traditional mode of policymaking presents both advantages and drawbacks. On the one hand, decisions and policy measures are speedily adopted, requiring the bureaucracy to implement them as swiftly as possible. On the other hand, this triggers resentment and resistance toward central measures imposed upon the local level without real consultation, criticisms of the central government's "arrogance" based on "principles" rather than empirical considerations, and animosity at having to execute orders coming from the top.

Hence, since the outbreak of the pandemic, there has been no cross-party consensus building concerning the measures being taken. The government's decisions have been mostly unilateral, built on the absolute majority in parliament, and rejected more or less categorically by the opposition parties, which are dominated by extremist and/or populist forces on the right (Rassemblement National) and left (La France Insoumise, but also the Socialists and the Green Party). The centralization of power and the characteristic culture of distrust has exacerbated this situation, leaving no room for the involvement of civil society or local officials in decision-making. All this has certainly undermined public confidence and the impact of the implementation of the governmental measures.

Resilience of Governance

I. Executive Preparedness

Crisis Management System

Crisis
Management
System
Score: 3

In 2009, when a possible H1N1 pandemic was looming, France was well prepared for a major health crisis. However, the number people ultimately infected was low, and there were few deaths. The then-minister of health and government were subjected to fierce criticism and even derision, since the huge quantities of protective equipment and vaccines procured had turned out to be useless. The government's policies were considered by most of the media and subsequently by the public to be an example of mismanagement and a bad use of public money. This experience, which was analyzed in partisan and polemical terms and not from a risk-prevention perspective, had disastrous consequences. The minister in charge decided to abandon politics, and her successors reacted with measures that would later have catastrophic implications. The small ad hoc agency constituted for analyzing and preparing the government's reactions to a potential flu pandemic (EPRUS) with its 30 employees was absorbed by a bigger organization (Santé Publique France), and its energies were redirected to a broader and more immediately pressing target: the rationalization of the national health system. The goal here was to ensure – in principle – the provision of better services by eliminating small, inefficient local hospitals and saving on scarce resources by increasing productivity. Cutting costs at a time when the health system was facing the negative impact of the 35-hour work week became the main imperative. This policy, initiated at the turn of the century, was still ongoing on the eve of the 2020 pandemic. Hospital personnel, doctors, nurses and cleaners were uniform in protesting against a situation described as unsustainable and unacceptable. The few concessions granted during the Macron presidency were considered as being insufficient to redress a situation described by the actors as catastrophic in terms of organization, working conditions and salaries. It is in that tense context that the COVID pandemic broke out, revealing the lack of preparation in the healthcare system in all its magnitude. The first surprise was

related to the number and quality of medical masks available. While 1 billion masks were available in 2009, and the value of the surgical masks on reserve in 2012 was still €200 million, there were practically no more masks available at the end of 2019. Between these periods, the national agency had changed its policy, deciding that each private and public actor using masks should take care of accumulating the necessary reserves. Apparently, due to a combination of neglect, ignorance and a desire to save money, the many agents put in charge of that new acquisition policy did not bother to maintain the reserve. Neither the ministry nor the national agency engaged in any oversight of the level of supply. In February 2020, it was thus too late to order and obtain the equipment which was necessary and not immediately available on national or international markets.

Citation:

Rapport d'information par la Mission d'information sur l'impact, la gestion et les conséquences dans toutes ses dimensions de l'épidémie de Coronavirus-Covid-19, 3 June 2020

https://www.assemblee-nationale.fr/dyn/15/rapports/covid19/115b3053_rapport-information#

Sénat: Santé publique: ourun nouveau départ – rapport de la commission d'enquête Évaluation des politiques publiques face aux pandémies, Paris, 8 December 2020

<http://www.senat.fr/rap/r20-199-1/r20-199-11.pdf>

II. Executive Response

Effective Policy Formulation

Effective Policy
Formulation
Score: 5

Up to mid-March 2020, the policy of the government lacked coherence for two main reasons, political and logistical. Politically, the situation was delicate, as local elections had been scheduled for March 15. Since the Macron movement was not doing well in opinion polls, it was nearly impossible to postpone the vote, as this would have been considered a “coup.” Most of the political leaders consulted by the president were rather hostile to postponement, and voiced contradictory criticisms after the first round, some criticizing the government for having maintained the election date, others for its later decision to postpone the second round (initially March 22) to a later date. These political tensions made it difficult to adopt a coherent strategy. How could measures such as social distancing be put in place if elections were running at the same time? The second, logistical reason was more pedestrian, but also constituted a radical impediment to the development of a coherent policy strategy. The committee of experts set up by Macron on March 11 insisted on the necessity of wearing masks and of widespread testing, but it was unclear how these recommendations could be implemented when both masks and tests were desperately lacking. For these reasons, unable to rely

upon more individual protective measures, a strict lockdown was the only remaining solution. The role of the experts in this regard was crucial. The government indicated that scientific advice would constitute the main rationale for its policy decisions. Between March and June, the committee released 13 opinions on the evolution of the pandemic, providing recommendations on the measures to be taken. Another committee (Comité analyse, recherche et expertise Covid-19, CARE) consisting of doctors and experts, and chaired by the Nobel Prize winner Françoise Barré-Sinoussi was set up on June 2. This committee is and remains in charge of R&D in relation to the pandemic. However, this committee had some difficulty in creating confidence and trust due to an epidemiologist (Didier Raoult in Marseilles) who argued that the pandemic was no more serious than a seasonal flu, and that cheap, easy-to-administer treatments were available. Practically all his colleagues and the Academy of Medicine as well as the professional order condemned his views and declarations, but he became very popular on social networks, within the Yellow Jackets movement and in conspiracy milieus – and even in the U.S. White House during the Trump era. This contributed significantly to the lack of trust shown by an appreciable fraction of the population toward government policies and decisions. In fact, France shows Europe’s most significant deficit of trust, fueled by the preexisting climate of distrust (Gilets Jaunes, Rassemblement National), by the government’s hesitations and zigzags, as well as by social networks relying on Raoult’s views and other fake news. According to polls by ODOXA, 58% of the French population said they did not want a vaccine in December 2020. However, this hostility toward vaccination had sunk considerably to 39% by February 2021.

Citation:

ODOXA: Regard des Français sur le vaccin contre le Covid-19, January 4, 2021

<http://www.odoxa.fr/sondage/oui-a-vaccination-autres/>

ODOXA: Vaccins contre le Covid-19: Actions du gouvernement et passeport vaccinal, February 18, 2021

<http://www.odoxa.fr/sondage/lintention-de-vaccination-progresse-bien-politique-vaccinale-gouvernement-ninspire-toujours-confiance-aux-francais/>

Policy Feedback and Adaptation

Policy Feedback
and Adaptation
Score: 7

The government and the public authorities have regularly adapted their responses according to the shifting crisis conditions, trying to find an appropriate balance in their responses to the parallel health, economic and social emergencies. The committee of experts was consulted at every step, with its recommendations to policymakers made public both in writing and in the form of media press conferences. The members of the committee and in particular its president were also frequently interviewed and asked to explain and justify their recommendations. In fact, there was a strong overall consensus within the scientific and medical community, with the notable and noisy exception of Didier Raoult’s criticisms. Most criticisms related to real

concerns expressed by various interest groups penalized by the restrictive measures; for instance, why allow grocery shops to open and not libraries, why order the closure of shopping malls and not e-commerce sites, and so on. During the period under review, many measures were subject to fierce criticism, with changes or shifts in policy often regarded as examples of inconsistency or incompetence rather than as flexible adaptation to changing circumstances. Such feelings were accentuated by the overall critical attitude of both the press and the political opposition. There was no consensus (at least publicly), whereas populist outbidding tactics were used quite often.

In the economic field, the government has in theory been able to rely on the “France Strategy” advisory group, which is composed of economists. However, this group was not regularly involved or officially consulted. Most of the decisions were taken by the competent ministers within the broad framework (“Whatever it takes”) established by Macron. In this domain too, government strategy has shifted several times in response to the second lockdown, the deepening of the crisis and the differentiated impact across different sectors.

Public Consultation

Public
Consultation
Score: 5

The government holds frequent consultations with the various actors affected by the crisis and those associated with its management. However, most of these consultations take place informally, and are often intended to soften, modify or postpone decisions already made by the political authorities. In spite of the acute character of the crisis, the pattern of relationship between social actors and government remains path dependent with regard to traditions and political culture. In short: The government makes decisions, while the interest groups protest. One illustration of this traditional relationship between groups has been offered by the tensions with a group not known for its frequent relevance to policymaking, the Catholic Church. While the closure of churches and the subsequent attendance limits at religious services were more or less accepted by the Church, the situation was less consensual during the second lockdown, and even worse when the government authorized the reopening of shops on November 27, but excluded restaurants, bars, cinemas and concert halls. Masses and other religious services were authorized again, but for a maximum of 30 people at a time. Several bishops protested vehemently, and the episcopate filed an emergency petition (référé) before the Council of State that asked the government to adapt the rule to the size of the church. This example was characteristic of the way public authorities have proceeded; first avoidance of the groups, then a decision, followed by legal procedures or protests, consultation, and finally withdrawal or modification of the decision. For their part, pressure groups tend to adopt maximalist attitudes, refuse

compromises, always find the glass empty, and reject or boycott decisions. It is a story that plays out repeatedly across issue areas, with little change, and with each side trapped in the attitude and role expected by all the others.

Crisis Communication

Crisis
Communication
Score: 8

Given the level of public distrust toward political parties, economic and social elites, elected representatives and even science (one of the most significant such environments of distrust in Europe), the French government has followed a dual strategy: First, reliance on the opinion of recognized experts (infection experts, epidemiologists, doctors, etc.), represented in a scientific committee whose opinions and advice are made public; and second, a regular set of press conferences and official communications. During the lockdowns, a daily press conference (carried live on TV channels and social networks) by the minister and the director-general for health provided detailed information on the pandemic. Relevant data are conveyed and available through the official “Tous antiCovid” application, which has been downloaded by 12 million people. Every week, or when rendered necessary by changes in pandemic conditions, the prime minister and health minister hold a joint conference to provide further information and advice. In parallel, from time to time, joint conferences by the prime minister and the finance minister provide information about the economic and social measures associated with the recovery plan. Finally, at every crucial stage (at the beginning and end of lockdowns), the president addresses the nation via television, offering messages intended both to inform and to build up unity, consensus and support for the policies. These presidential messages have an enormous audience (nearly 30 million people viewing and listening to the speeches), but in most cases, less than 50% of viewers have afterward said they were convinced by the presidential address. On the whole, it could be said that the communication policy is rather good, but sometimes falls victim to publishing too many details related to the multiplicity of situations, cases and interests. In particular, the sectors that have been most affected by the strict rules imposed on the public have tended to be very critical of decisions that restrict their activities. Early leaks of policy details have been common, in order to prepare the groundwork within the generally skeptical public. In general, the main flaws of the communication policy are more related to the general context of French politics than to the pandemic itself.

Implementation of Response Measures

Implementation
of Response
Measures
Score: 7

In general, implementation of COVID-related measures has been swift, effective and impartial. The only caveat has come from the Court of Accounts (2021), which has emphasized the risk that some companies might abuse the

financial facilities offered by the government. There have indeed been a few cases of fraud, which have already been addressed by the administrations involved in the granting of aid.

A slightly more nuanced picture emerges when distinguishing between time periods and sectors. At the beginning of the pandemic, implementation was confused and messy for several reasons. First, the government was unable to require that citizens wear masks, since masks were not available in drugstores nor in the strategic reserve. The same could be said about the tests. The strategy was thus conditioned by the logistic constraints created by the lack of preparation for a major crisis of this nature. The limited number of available beds equipped for intensive-care treatment, for instance, combined with the concentration of infection in the eastern part of France, forced the health authorities to transfer patients to other regions, and sometimes even to neighboring countries (Germany and Switzerland). When the first lockdown was implemented on March 17, the strategy was much clearer and well accepted by citizens, companies, and the social and economic interests. Fear of the virus was a powerful instrument that made major enforcement efforts or sanctions unnecessary. The strategy was successful, and the constraints began to be lifted in late May. However, there is one point where the implementation of the government strategy failed. Very few citizens (only 2 million) downloaded the contact-tracing app, which hints at the deep distrust of (and the fear of being traced by) the public authorities. By contrast, the economic and social reaction was speedy, appropriate and adjusted pragmatically as conditions evolved. Obviously, there were protests and objections, but very limited social mobilization related to the lockdown measures.

The second lockdown, imposed after summer 2020 in order to address the second wave, was better implemented. By this time, the health authorities had been able to reconstitute the stock of masks, tests and medicines. A new app was also designed in such a way as to overcome users' reluctance, and was downloaded by 12 million people. This was in some respects much better; however, it was not enough to trace contacts with sufficient accuracy, since there are about 60 million mobile phones in use in the country. Among the other weak points of the implementation strategy, special reference should be made to two type of actors – local authorities and family doctors – that were not involved (or only marginally so) in the decision-making processes, especially during the first phase. The National Assembly's preliminary report on the government's policies was highly critical of what it labeled as "hospitalo-centrism." Indeed, the government has relied mainly on the public hospitals in its fight against the pandemic.

Citation:

Court of Accounts/Cour des Comptes (2021): 2021 Annual public report, available at: <https://www.ccomptes.fr/en/publications/2021-annual-public-report>

Rapport d'information par la Mission d'information sur l'impact, la gestion et les conséquences dans toutes ses dimensions de l'épidémie de Coronavirus-Covid-19, 3 June 2020

https://www.assemblee-nationale.fr/dyn/15/rapports/covid19/115b3053_rapport-information#

National Coordination

National
Coordination
Score: 6

Decision-making in France concerning the pandemic has been highly centralized, with little or no coordination with regional or local authorities. It has been one further illustration of the truism that in France, crises trigger an increase in centralization rather than the contrary. The central government prefers to rely upon the administrative network of local and regional prefects that are subordinate to the national state, while local authorities are left to negotiate, protest, refuse to apply and so on. In fact, the attitude of local authorities is both heterogeneous and often contradictory. While many are keen to cooperate, for instance by providing logistic support or implementing initiatives in line with the overall central policy, some are rejecting the idea that fighting the pandemic is part of their responsibility. Others have protested or tried to reject central policies by adopting symbolic measures such as authorizing the opening of shops after the central government decided to close them, or forbidding local police to fine citizens who violate pandemic-related restrictions. A few positive measures have been adopted locally by mayors or regional presidents, such as setting up additional testing centers (only one region has decided to systemically test the entire population of its territory).

Several governmental decisions have contributed to the strengthening of the centralization process. First was the declaration of a state of health emergency (urgence sanitaire), which allowed the government to implement the necessary measures through ordinances rather than through parliamentary legislation; and second was the decision to place command and control of the policy under a Health Defense Council (Conseil de défense sanitaire) chaired by President Macron and composed of an ad hoc mix of ministers, high civil servants and experts.

This extreme centralization has had several flaws, such as delays in implementation, the lack of involvement of interested parties, and uniform policies applied to rather heterogeneous situations. On the other hand, it accords with the organization of the state and the country's political culture, while avoiding the detrimental effects of contradictory regional preferences observed in most of Europe's federal or regional systems. Finally, the centralization of decision-making and implementation processes does not

impede the passage of flexible policies adapted to regional or local needs, since the state apparatus is locally organized. For instance, the regional health authorities (Autorités régionales de santé) report to the health ministry, but their management is regionalized. In December 2020 and January 2021, the uniform nature of these policies shifted somewhat, with stricter measures imposed on the city of Marseilles, and an earlier curfew (18:00 instead of 20:00) declared in the eastern departments where the pandemic was more serious.

International Coordination

International
Coordination
Score: 9

The evaluation of this dimension can only be based on the information publicly available, which does not reflect the full extent of international cooperation efforts or attempts. From the available evidence, it can be said that the French government had a strong preference for European and international cooperation, which manifested itself in the form of efforts to harmonize decisions taken within the framework of the Schengen agreement, such as the closure of borders or travel restrictions; by the application of the reciprocity principle in cases of unilateral action by foreign governments; and by coordination with EU countries concerning issues such as travel restrictions, the opening or closing of ski resorts, and so on. France also cooperated with the EU in negotiating vaccine orders with the pharmaceutical industry, and was the beneficiary of support provided by neighboring countries when hospitals in the eastern part of the country were short of sufficient equipment. As far as it is possible to know, cooperation with WHO and OECD worked in a satisfactory manner.

With regard to the crisis' economic dimension, the French government and the president were actively involved in advocating for concerted and coordinated European action, which led to the important and comprehensive EU strategy known as "Recovery Next Generation EU."

Citation:

Assemblée nationale, Commission des affaires étrangères: Rapport d'information sur les dimensions européenne et internationale de la crise liée à la pandémie de covid-19, Paris, 25 November 2020
https://www.assemblee-nationale.fr/dyn/15/rapports/cion_afetr/115b3698_rapport-information#

Learning and Adaptation

Learning and
Adaptation
Score: 8

Lessons from the crisis have not yet been fully drawn, as the pandemic is still unfolding, producing unexpected effects from one wave to the next. For the time being, two adaptations should be mentioned. First, the establishment of Health Defense Council under the direct control of the president, the

composition of which varies depending on the issue at hand, was a major initiative that helped to enhance the government's steering function and avoid frictions between ministerial departments to the greatest extent possible. Second, the creation of two ad hoc committees composed of scientists and experts – one in charge of advising the public authorities on the best strategies to deal with the health crisis, the second responsible for advising the government on issues having to do with future research, development and innovation in the scientific domain – proved very helpful.

The strategies chosen and implemented have been continually adapted to the pandemic's changing conditions and the need to reconcile divergent objectives, including assessing and controlling the epidemic; preventing the hospitals from being overwhelmed; maintaining a minimum of economic activity; and ensuring that individuals, families and communities could fulfill their essential needs such as cleaning services, public transport, access to schools and the provision of food and medicines. Much has been learned through a process of trial and error, given that so many factors were initially out of control. At the beginning, there was little or no knowledge about the nature of the epidemic, its manifestations, the propagation of the virus, its impact on young people or the elderly, and much more. Many lessons were drawn from the first wave before the summer, and fine-tuned as the second wave unfolded. Experiences from foreign countries were systematically observed and analyzed from the scientific, medical and logistic points of view. Best practices internally and externally were exposed and discussed not only within governmental or medical structures, but also in the media and in the public.

This process of evaluating, adapting and reforming is far from complete. It can be expected (and hoped) that the many lessons drawn from this painful and sometimes tragic experience will be translated into future reforms.

III. Resilience of Executive Accountability

Open Government

Open
Government
Score: 10

Given the very high level of citizen distrust and the rather poor start of the fight against the pandemic, the French authorities chose to bet on full transparency in their communication policy. Several types of instruments were used: First, all opinions and recommendations provided by the Scientific Committee were made public; second, public statements were systematically

offered in the form of daily press conferences by the prime minister and health minister, complemented by communications issued by other sectoral ministers (finance, education, transport, labor, etc.) when necessary. These statements were made on a daily basis, or weekly when the pandemic was less acute. President Macron accompanied every key policy change with rather detailed statements. Every day, data on the ongoing evolution of the pandemic are published at both the regional and national level. Mandatory and advisory recommendations are made public through government-sponsored ads on the radio, TV and social networks. The “Tous Anti-Covid” app provides daily information for those who have downloaded it. On the economic and social front, information relevant to specific groups, social categories and sectors is available on the ministries’ web pages, and is disseminated through networks such as trade unions, chambers of commerce and industry, regional and local authorities, regional and provincial state offices, banks, post offices, and more. Criticisms of the government’s communication policy are mainly related to the changing rules imposed by governmental authorities in line with the evolution of the pandemic, or the initial lack of precision relating to certain sectors or categories (for instance, regarding the distinction between “essential” and “non-essential” services that were to be open or closed). However, these criticisms were generally focused more on the substance of the decisions taken (for example, questioning whether bookstores were really non-essential, or whether the financial compensation for closed restaurants was adequate) than on the way in which they had been communicated.

Legislative Oversight

Legislative
Oversight
Score: 7

The activities of parliament have been curtailed in several ways. First, only delegations of each party, proportional to their representation, were able to participate in plenary sessions. Second, the legislative powers regarding efforts to combat the pandemic as well as policies targeting its economic or social consequences have been delegated to the executive. These so-called delegation laws are intended to be in place for relatively short periods of time and have had to be renewed or extended on several occasions. The first one was voted on March 23, then again on May 10 and July 10, 2020. The government had to come back before the parliament on October 14 and was granted again the power to legislate through executive decrees (“ordonnances”) for an additional month. Toward the end of 2020, a new law was passed that extended once again the government’s powers to 16 February 2021, and further extensions are likely. This practice of short-term authorizations can be explained by a desire to avoid facing criticism for long-term delegation laws, and by the desire of the members of parliament to take the opportunity of the vote to debate, criticize and amend the government’s bill as well as its actual policy. The discussion regarding the November 14 bill illustrates this. The legislative

committee was unanimous in requesting a change to the executive's proposed bill concerning social gatherings in buildings: Members of parliament suggested modifying the bill by substituting the proposed uniform rules with more flexible calculations determining the number of people allowed to gather as a share of the building's size and normal accommodation capacity. The government rejected the application of proportionality and decided, for instance, that churches could not accommodate more than 30 persons. The Catholic Church protested and lodged its complaint to the higher administrative court (Conseil d'État). The court accepted the church's claim and asked the government to apply the proportionality principle. This case is one among many emergency complaints lodged by groups negatively affected by the COVID-19 regulations. In practice, at the end of 2020, the government had adopted 77 decrees. As long as these measures remain within the jurisdiction of administrative norms, they are subject to judicial control by the administrative courts. When parliament, at the request of government, votes on their ex-post ratification, they become laws that the Constitutional Council then assesses.

The French parliament is much better equipped in terms of its oversight function. Once the legislative delegation to the executive was approved, the two chambers of parliament set up ad-hoc committees. The first one was created as an "information committee" with inquiry rights pursued by the Conference of President of the National Assembly. A second inquiry committee was set up at the request of the members of parliament and delivered an interim report in early December 2020. The Senate created a similar committee of its own that also published a report in early December. Finally, the legislative committee of the National Assembly published its own report on December 14 in which it approves of the pursuit of exceptional measures for the time being but refuses to have this integrated as a normal means of legislation under post-pandemic circumstances.

Several citizens and various groups have submitted complaints regarding ministers (including former Prime Minister Edouard Philippe) to the Law Court of the Republic (Cour de la République), which is responsible for trying ministerial misconduct and thus holds ministers liable for the decisions they make (or do not make). More than 150 complaints were filed by mid-December of 2020 to the court, which is comprised of twelve parliamentarians (six from the National Assembly, six from the Senate) and three professional magistrates. For the time being, non-partisan state prosecutors are presenting cases involving accusations of the "failure to fight a disaster." Despite the criticism waged by nearly every party or association at the court, it has managed to survive in the absence of a proper alternative. Given the prevalence of distrust among the broader population, politicians are hesitant to

get rid of one of the few institutions that hold policymakers accountable for their decisions and actions, even if the means by which it does so are awkward and unsatisfactory.

Citation:

Rapport d'information par la Mission d'information sur l'impact, la gestion et les conséquences dans toutes ses dimensions de l'épidémie de Coronavirus-Covid-19, 3 June 2020

https://www.assemblee-nationale.fr/dyn/15/rapports/covid19/115b3053_rapport-information#

Sénat: Santé publique: ourun nouveau départ – rapport de la commission d'enquête Évaluation des politiques publiques face aux pandémies, Paris, 8 December 2020

<http://www.senat.fr/rap/r20-199-1/r20-199-11.pdf>

Independent Supervisory Bodies

Auditing
Score: 8

As of the time of writing, the regional and national Court of Auditors (Cour des Comptes) had not yet produced any fully fleshed-out report on the situation resulting from the pandemic. A first report had been announced for March 2021. However, the National Court has produced already some preliminary analyses related to the impact of the pandemic on local-level debt and its consequences for the Social Security deficit. It has also issued warnings about the scale of the national debt, and underlined the necessity of adopting a repayment strategy, given the magnitude of the debt (which had reached 121% of GDP at the end of 2020). The Court has not yet been in a position to produce a thorough and sound evaluation, since the crisis is far from being over; however, neither its powers nor its oversight capacities have been modified or curtailed in any way. In a report made public on December 14, the legislative committee of the National Assembly recommended further strengthening the independence of the authorities involved directly or indirectly in managing the consequences of the crisis (including the National Commission on Informatics and Liberties; the Ombudsman, the High Authority for Health and the National Ethics Committee).

Data Protection
Score: 10

There is no dedicated authority for this topic, but the authorities in charge in normal times have carried out their functions as usual. For instance, the CNIL (Commission Nationale Informatique et Libertés) has fully carried out its legal duties, including playing an oversight role over the collection of health data and their use.

CNIL's 17-member board is appointed by the two chambers of the parliament. The board then elects its own president. The CNIL holds the status of an independent regulatory agency. It has five main functions, namely to: 1) provide the public with information relating to personal data protection; 2) support any person on issues relating to personal data protection; 3) provide advice to the legislature; 4) oversee the use of personal data by private companies and public services; and 5) plan and prepare for the impact of

technological developments on personal data. The CNIL has a relatively modest staff (215 persons), with a budget of €7 million, and received 11,070 complaints in 2019 (CNIL 2021). The body has been very effective over the past 40 years, and its role is widely supported by both the public and political elites.

Citation:

CNIL, 2021: The CNIL's facts and figures, available at <https://www.cnil.fr/en/cnils-facts-and-figures>

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