Independent Reporting Mechanism (IRM): France Progress Report 2015–2017

IRM Staff

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Executive Summary: France

Independent Reporting Mechanism (IRM) Progress Report 2015–16

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry, to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. France began participating in OGP in April 2014. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each country that participates in OGP. **This report covers the action plan development period and first year of implementation, October 2014 through 30 June 2016.** Progress made during the second year of implementation will be evaluated in the end of term report; to be published in early 2018.

The "mission Etalab" is the lead agency coordinating OGP in France. Etalab is part of the Interministerial Director of Digital Information and Communication system (DINSIC) tasked primarily with making public data available and coordinating France's open government policy across ministries. Etalab is responsible for developing the OGP action plan and coordinating its implementation with each of the ministries and institutions responsible for specific OGP commitments and milestones, though it has little legal power to enforce policy changes within ministries.

At a Glance:

Member since:	2014
Number of commitments:	29

Level of Completion:

Completed:	3% (1)
Substantial:	40% (12)
Limited:	47% (14)
Not started:	6% (2)
Withdrawn:	3%(1)

Commitment Emphasis:

Access to information:	73% (22)
Civic participation:	40% (12)
Public accountability:	10% (3)
Tech & innovation for transparency & accountability:	13% (4)

Commitments that are

Clearly relevant to an OGP value:	83%(25)
Of transformative potential impact:	20% (6)
Substantially or completely implemented:	43% (13)
All three (✪):	11% (3)

OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The action plan development was a consultative process involving government ministries and CSOs. The consultations were held through town hall meetings, semi-structured interviews and the final validation forum online.

While the consultation process between government and interested CSOs was collaborative, the general citizenry was largely unaware of the OGP process and there was no regular multistakeholder forum to monitor progress on implementation of commitments

This report was prepared by the IRM staff under the supervision of the IEP with inputs from Cecile Le Guen, William Gilles, and Irene Boudhana

until the end of the first year of action plan implementation when Etalab launched a new consultation process called "Ministère ouvert" (Open Ministry). During the first year of implementation (July 2015 through June 2016), Etalab continued to hold in-person meetings with select CSOs, but minutes of these meetings were not made publicly available.

The government conducted the self-assessment of the action plan and published the report in September 2016.

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The France action plan contains 29 commitments. The following tables summarize for each commitment the level of completion, potential impact, whether it falls within France's planned schedule and the key next steps for the commitment in future OGP action plans. Similar commitments have been grouped and re-ordered in order to make reading easier.

Note that the IRM updated the star criteria in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. France received three starred commitments.

Table 1: Assessment of Progress by Commitment

COMMITMENT TITLE	POTENTIAL IMPACT				LEVEL OF COMPLETION			
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
Theme 1: Ensure Accountability								
1.1 Open Regional and Local Authorities' data								
1.1.1. Financial details of local authorities								
1.1.2. Financial data for financial jurisdictions								
1.1.3. Strengthen open data in local authorities								
1.2 Publish the decisions and reports of municipal council meetings online								
1.2.1. Publish municipal by-laws in e-format								
1.2.2. Publish municipal council minutes online								
1.3 Publish information relative to building permits in open data								
2. Increase transparency in public procurement								
2.1. Standardize format for public call of tenders								
2.2. Public contractor declarations in open format								
2.3. Increase publicity of awarded public tenders								
2.4. Open data clause in public contracts								
3. Improve transparency in international development aid								
4. Open access to evaluations of public policies and their conclusions								
4.1. Public policies evaluation observatory								
4.2. Citizen participation in SGMAP evaluations								
4.3. Improve traceability of public policies								

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
5. Involve citizens further in the work carried out by the Cour des Comptes								
5.1. Open data collected by Cour des Comptes								
5.2. Involve citizens in work of Cour des Comptes								
6. Access to public officials transparency obligations								
7. Identify beneficial owners of legal entities registered in France								
8. Transparency in Extractives								
9. Increase transparency in International Trade Commercial Negotiations								
9.1. Transparency in International Trade Agreements								
9.2. Publicize evaluations and monitoring of International Trade Agreements								
Theme 2: Consult, Debate and Co-Create								
10.1. Fix My Neighborhood					Withdrawn			
10.2. Digital Fix-It								
11. Co-produce with civil society the data infrastructure essential to society and economy								
✪12. Further expand the opening of legal resources & the collaboration with civil society on opening the law								
12.1. Continue existing open data requirements								
12.2. Collaborate with civil society for innovative tools								
12.3. Participative process on Digital Bill								
13. Leverage previous consultations & reform participatory mechanisms								
13.1. Capitalize on previous consultations								
13.2. Empower public actors to lead on public consultations								
14. Strengthen mediation and citizens' ability to act in matters relating to justice								
14.1. Form jurisdiction councils								
14.2. Facilitate access to mediation and reconciliation								
14.2. Publish information on judgments and form partnerships								

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
Theme 3: Open Digital Resources								
✪15. Strengthen government policy on the opening and circulation of data								
15.1. Open Pivotal Data								
15.2. Open Data for Local and Regional Authorities								
15.3. Default Opening of Public Data								
15.4. Study Opening General Interest Data								
16. Open Calculation Models and Simulators								
16.1. Extend the opening of models to other areas of public action								
16.2. Produce simulators from existing open models								
17. Transform government's technological resources into an open platform								
17.1. Validate strategic framework								
17.2. Launch France Connect portal								
17.3. Launch public forge								
17.4. Launch awareness raising cycles								
18. Strengthen interaction with the user and improve public services through e-government								
18.1. Publish key figures for each ministry								
18.2. Map website integration								
18.3. Extract and analyze data from government websites								
18.4. Co-construction methods								
Theme 4: Open up Public Administration								
19. Empower Civil Society to support schools								
19.1. Empower youth								
19.2. Empower citizens to support schools								
20. Diversify recruitment within public institutions								
20.1. Develop new access channels to civil service								
20.2. Address discrimination in civil service								

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
21. Grow a culture of openness, data literacy and digital technologies								
21.1. Open data training modules								
21.2. Open data modules for civil service training								
21.3. Awareness of digital issues								
22. Spread public innovation and develop research on Open Government								
22.1. Drive the development of national public innovation								
22.2. Applied research on open government program								
✪ **23. Empowering and protecting public officials in preventing conflicts of interest**								
23.1. Ethical obligations official								
23.2. Conflict of interest legal provision								
Theme 5: Open Government for climate and sustainable development								
24. Involve civil society in the COP21 conference and promote transparency regarding the agenda and negotiations								
24.1. Bring together CSO representatives before informal negotiating meetings								
24.2. Civil Society Participatory Platform for COP21								
24.3. Continue consultation on climate issues					Unclear			
25. Open data and models related to climate and sustainable development								
25.1. data.gouv.fr Platform								
25.2. Publish impact assessment studies data								
26. Initiate new collaborations with civil society to develop innovative solutions to meet the challenges of climate and sustainable development								
26.1. 2015: launch stage 1 of C3 operation								
26.2. Reward C3 operation winners at COP21								
26.3. 2016-2017: Continue C3 operation								

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
THEME I: ENSURE ACCOUNTABILITY	
1.1 Open Regional and Local Authorities' data • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	Though current laws require regional and local authorities to publish financial data, this information is often available in hardcopy only. For this reason, this commitment aims to publish financial data at the regional and local levels in open data format. By the time of the writing of this report, the government had published accounting scales for municipalities and a tool for extracting data on grants to local authorities, though the grants data was not in open data format. While the Digital Republic Bill now requires local authorities with more than 3,500 inhabitants to publish information in open data, no local authorities had complied at the end of the first year of implementation (June 2016). To improve compliance, the IRM recommends clarifying next steps for local communities, including how to secure resources, create or update websites, and manage records. Note: In October 2016, a pilot program led by OpenDataFrance was launched to help local authorities adopt open data standards.
1.2 Publish the decisions and reports of municipal council meetings online • OGP value relevance: Clear • Potential impact: Minor • Completion: Not started	Given that municipal council decisions were previously posted outside town halls only and meeting minutes were published ad-hoc, this commitment aims to publish council information online. Though a decree entered into force in Februrary 2016 that requires municipalities to move information online, it is not clear how many municipalities have complied. To implement this commitment, local authorities need to ensure all municipalities have a website, or the resources and know-how to build one.
1.3 Publish information relative to building permits in open data • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	This commitment seeks to publish building permit data—previously available by request at municipalities or on construction company websites—online in open data format. Though the government formed a working group to address privacy and intellectual property requirements, the permit information is not yet in open data format. Moving forward, the IRM suggests obtaining validation from the French Data Protection Authority on anonymization standards and following up with the working group to publish early findings and plan next steps.
2. Transparency in public procurement • OGP value relevance: Clear • Potential impact: Transformative Completion: Limited	This commitment seeks to publicize awarded public tenders in a standard open data format and to add an open data clause in public contracts. These steps could transform the way public procurement expenditure is understood and tracked. BarCamps organized in the Brittany region have resulted in creating a pilot standardized format and beta online repository of bidding data. However, progress is not even across all regions and standardization methods are still being tested. The data of the Official Bulletin of Public Contract Declarations (BOAMP) is published and regularly updated on data.gouv.fr, including calls for tender notices and state award notices, as well as public-private partnership contracts. The Digital Republic Law, which had not yet been adopted at the end of the first year of implementation (June 2016), includes the clause to provide information on awarded public contracts in open data. The Digital Republic Law has since entered into force (in October 2016). IRM recommends continuing efforts to finalize standardization of the format for publishing procurement bids and to actively engage local and regional authorities in implementing open data processes in

	procurement.
3. Improve transparency in international development aid • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	In 2014 and 2015, the three main aid agencies in France received poor marks on aid transparency by Publish What You Fund. As a result, this commitment aimed to publish information in open data format on aid projects funded by these three agencies. During the first year of implementation, the government published new datasets, such as on humanitarian aid, NGO projects, and priority countries. However, stakeholders agree that current progress is limited. Moving forward, the government could prioritize publishing existing information in open data format, rather than expanding its coverage or frequency of updates.
4. Open access to public policy evaluations • OGP value relevance: Clear • Potential impact: Minor Completion: Limited	This commitment establishes a centralized repository for publishing public policy evaluation reports. It introduces elements of citizen participation and monitoring in the evaluation of public policies through the conduct of opinion surveys and collaborative workshops. The Observatory was established on 16 October 2015, allowing the general public to propose evaluations after creating an account. The repository's interface lacks features facilitating searching, sorting and filtering. A number of the reports listed in the repository do not have associated links. There is no information available on whether SGMAP conducted opinion surveys or workshops or took any steps to trace impact of public policy evaluations. In order to improve the service, steps could be taken to make the repository data available in open source. In addition, SGMAP site could benefit from technical improvements so that it includes more effective searching tools (by date, status or number of views).
5. Involve citizens in the work of Cour des comptes • OGP value relevance: Clear • Potential impact: Moderate Completion: Limited	This commitment aims to invite citizens to take part in the work produced by the Court of Auditors (Cour des comptes), the supreme audit institutions of France, often perceived as complex for a non-specialized audience. The commitment proposes to launch a platform that would allow the Court of Auditors to receive feedback and citizens to express concerns or comments. By July 2016, the Court of Auditors had released 43 datasets on the open data portal, including data on state budget execution, past and current audits conducted by court and data on local finances. In May 2016, the Court of Auditors organized a two-day hackathon in Paris, bringing together more than 60 participants, data scientists, magistrates, high-ranking officials and students to make use of the freshly released datasets. The data session led to the ideas of creating tools that would present the Court's recommendations to the needs of the users. The IRM recommends the Court of Auditors continue innovating and expand the scope and reach of the initiatives with further commitments in the second action plan.
6. Access to data on public officials' transparency obligations • OGP value relevance: Clear • Potential impact: Moderate Completion: Limited	This commitment aims to publish information regarding asset declaration and conflict of interest for all elected officials, including parliamentarians and mayors of cities exceeding 20,000 residents, in an open data format. A platform allowing officials to file their declarations online has become operational. However, by July 2016, declarations had not been published in open data. The High Authority for Transparency in Public Life (HATPL) has published a guide to be distributed to government officials. This commitment remains a key priority for anti-corruption organizations in France. As critical integrity measures, the IRM recommends publishing all asset and conflict of interest declarations in open data. In addition, to improve the oversight, HATPL could be provided with additional legal powers to have direct access to taxation

	data for verifying the accuracy of declarations.
7. Beneficial ownership of legal entities • OGP value relevance: Clear • Potential impact: Transformative Completion: Limited	This commitment aims to create an open centralized register with information on beneficial ownership of companies and trusts. The register could have a transformative potential impact by improving beneficial ownership transparency. In May 2016 the Council of State passed the decree establishing the legal basis for creating a public register of trusts. In July 2016 the register containing data on 16,000 trusts was made public on the national tax platform, but was soon suspected by the Constitutional Court on the grounds of violating the right to privacy. Given the high expectations of civil society and the efforts made so far by the government, IRM recommends to carry this commitment over to the next action plan and, in a joint effort with civil society, to plan specific steps including data collection and definition of the data structure. To resolve the legal questions on privacy, IRM encourages the government and CSOs to continue exploring and creating the right legal framework to set precedents in beneficial ownership transparency.
8. Strengthen transparency in payments and income from extractives • OGP value relevance: Clear • Potential impact: Transformative Completion: Limited	To increase transparency of the extractive sector, the French government committed to joining the Extractives Industry Transparency Initiative (EITI). To start the EITI process, inter-ministerial meetings were held in March and April 2016 and a roundtable discussion was organized with civil society representatives in June 2016. The government and civil society did not come to an agreement on what France's national priorities should be in regards to extractive transparency and whether EITI requirements should apply to the French overseas territories. The Ministry of Economics and Finance, which is in charge of France's EITI application, has halted the process until after the presidential election in May 2017. IRM recommends continued efforts between the government and civil society to negotiate France's national extractive priorities and undertake steps necessary for joining EITI.
9.Transparency in international trade negotiations • OGP value relevance: Clear • Potential impact: Moderate Completion: Limited	This commitment aims to make information about past and current international trade negotiations available via a dedicated Ministry page and on the national open data platform. Given the impact of commercial negotiations on national economic policies, access to information to negotiations on these policies could have transformative potential. Twenty documents have been published on data.gouv.fr on a page dedicated to the TAFTA, CETA and TiSA treaties. All the documents are in PDF format and not in open data. Overall, few documents are available on the open data portal and the page has not been updated since 2 December 2015. The Ministry of Foreign Affairs created a page on its website (diplomatie.gouv.fr) where it published minutes of meetings of the Committee for the Strategic Monitoring of Trade Policy. The page also includes seven thematic group reports. However, the annual report on the evaluation of international trade agreements has yet to be published. IRM recommends publishing treaties and negotiations information in five stars deployment scheme for open data;

	this would allow documents to be compared.
THEME II. CONSULT, DEBATE AND CO-CREATE	
10.1 Fix my Neighborhood • OGP value relevance: Unclear • Potential impact: Minor • Completion: Withdrawn **10.2 Digital Fix it** • OGP value relevance: Unclear • Potential impact: Minor • Completion: Not Started	This commitment seeks to build on previous existing platforms for citizens to report problems to the government. Specifically, the government proposed "Fix My Neighborhood" for reporting local incidents, and "Digital Fix-It" for reporting cyber security incidents. Six months after announcing the call for "Fix my Neighborhood", the government withdrew the call, citing existing apps that fulfill the same purpose. The "Digital Fix-it", on the other hand, was not started. The IRM suggests conducting a review of existing civic tech applications and how they address citizen needs before including this type of commitment in the next action plan.
11. Co-produce with civil society the data infrastructure essential to society and economy • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	To implement the new Digital Republic Law that makes government data open by default, the government made this commitment to co-create with civil society a list of essential datasets to be released. The first year of implementation was largely focused on gathering inputs from relevant stakeholders. In July 2016, Open Data France was commissioned to work with civil society and local governments to produce the list of essential datasets. The list was published in October 2016—outside of the period covered by this report—and will be assessed in the IRM end-of-term report. Moving forward, it will be important to share the results of the co-creation process with local governments now required to publish data by January 2018.
✪12. Open Legal Resources • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial	In 2014, the French government first made online legal data free for public use. However, stakeholders were not consulted. To directly involve civil society, this commitment aimed to release legal data in open format and collaborate with civil society on new open source tools for interpreting legal information. The government also planned to consult citizens on the Digital Bill, an unprecedented proposal. By the midterm assessment, the government collaborated with civil society on new ideas through Open Law events and consulted citizens on the Digital Bill, but was yet to substantially release new legal data. Given its promising start, the IRM recommends carrying forward this commitment to the next action plan and including additional stakeholders in the process.
13. Reform Participatory Mechanisms • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	With the proliferation of digital consultation platforms, it is difficult to search for consultation events and channels on the existing government platform that displays consultation information. For this reason, the government aimed to 1) apply a referencing and open data standard to consultation information and 2) build the capacity of public agencies to hold citizen workshops. By the midterm assessment, the consultation standard was not applied, and while the Ministry of Health hosted a citizen workshop on big data in health in May and June 2016, the government did not issue principles or protocols for these workshops as required by the commitment. To improve implementation, the IRM recommends partnering with civil society and civic tech organizations to automate public consultation listings.

14. Strengthen mediation and justice • OGP value relevance: Clear • Potential impact: Moderate Completion: Substantial	As part of the "Justice of the 21st Century" reform agenda, spearheaded by the Ministry of Justice, this commitment entails formation of multi-stakeholder jurisdiction councils, publication of civil case judgements by national courts and developing alternative ways for dispute resolution. Court councils were piloted in three courts of appeal and 17 regional courts. In April 2016 the Ministry of Justice issued a Decree extending the establishment of councils to all courts. The bill on modernizing 21st Century Justice, which was in draft form as of June 2016, contained clauses for encouraging the development of the mediation services. As of July 2016, decisions of the court of appeals and the court of first instance have not been published.
THEME III. OPEN DIGITAL RESOURCES	
✪15. Strengthen Government policy on the opening and circulation of data • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial	This ambitious commitment looked to implement a policy of open data by default. As of August 2015, local and regional authorities with more than 3,500 inhabitants are now required to publish information in open data format. In addition, the Digital Republic Law established the principle of opening government data by default and defined priorities for its implementation. However, the law will not apply until 2018. To complete the remaining activities on opening pivotal data and data in the general interest, the IRM suggests first defining these terms and then identifying the relevant data.
16. Open Calculation Models and Simulators • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	This commitment aims to share calculation engines and create new calculators based on an existing engine—OpenFisca. OpenFisca is an innovative model that was previously used to build a simple user interface for citizens to calculate how many social benefits they can claim. During the first year of implementation, the government released several calculation engines, including source codes for the tax calculator and the Post-Bac Admission platform that enrolls students in universities. In addition, the government created several new calculators using OpenFisca, including a hiring cost calculator and an effective tax rate calculator. Moving forward, the IRM recommends continuing to expand these tools into new areas of public demand.
17. Transform government's technological resources into an open platform • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Substantial	The goal of this commitment was to launch France Connect, a state portal that grants users a digital identity that can be used to access all digital public services with a "single sign-on". France Connect began operating in March 2016 and was officially launched in June 2016. The government also launched an API repository, created a new tool for testing digital services, and raised awareness (though the latter took place during the second year of implementation). At the time of writing, France Connect was used by several Interior Ministry services, the City of Nîmes, the Alpes-Maritimes county, and the national consultation service "Faire Simple". Nonetheless, the commitment focuses on e-government initiatives and does not make clear its link to open government. In the future, the IRM recommends publishing user statistics and feedback to the new portal.
18. Improve Public Services through E-Government and User Interaction • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	While France has a strong e-government presence, it is difficult to monitor the use and effectiveness of e-services because the government publishes only key usage figures for a select group of services. As a result, this commitment aimed to publish and evaluate more data on the use of e-services to co-create better services with citizens. During the first year of implementation, the government published data on the daily usage of services and organized workshops to co-create content with stakeholders. However, the publication of key figures by each ministry

	and the mapping of usage are still to be completed. Going forward, the IRM recommends prioritizing and publishing key figures on services at the ministry level, and expanding metrics to include user satisfaction and accessibility.
THEME IV: OPEN UP PUBLIC ADMINISTRATION	
19. Empower Civil Society to Support Schools • OGP value relevance: Unclear • Potential impact: Minor • Completion: Substantial	This commitment looks to involve citizens in youth education by 1) creating a volunteer civic service program for youth and 2) recruiting reserve civics teachers. By the end of the first year of implementation, the Ministry of Education recruited 4,657 individuals out of a stated goal of 5,000. In addition, a decree in April 2016 established a High Commissioner for Civic Engagement who will be responsible for creating and promoting the reserve of civics teachers. However, the program does not engage citizens in decision-making, and its usefulness has been questioned by some teachers, trade unions, and volunteers. As an important next step, the IRM recommends evaluating the early results of the program.
20. Diversify Recruitment within Public Administration • OGP value relevance: Unclear • Potential impact: Minor • Completion: Substantial	Past studies found that candidates for the civil service faced discrimination and that the profile of civil servants does not match that of the average French citizen. To address these issues and improve diversity, this commitment aimed to 1) develop new channels for entry into the civil service and 2) address biases in the recruitment process. By the midterm review, the government established a new entrance exam for candidates with different backgrounds and substantially increased the number of available apprenticeships in public service. The government also established two missions to review discrimination in recruitment, but other activities to address this issue are pending. In the future, the IRM recommends revising the commitment to include a public-facing element that addresses how citizens engage with the civil service.
21. Grow a culture of openness, data literacy and digital communities • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	To improve digital literacy, this commitment aims to produce training modules for public officials and civil servants. Several new training modules were developed during the first year of implementation, including online training, in-person events, and seminars. However, this commitment focuses on changing internal government practices, rather than on making more or better information available to citizens. Moving forward, the IRM suggests further disseminating the new modules and including more online training or blended learning.
22. Spread public innovation, and develop research on Open Government • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	Given that there are no formal mechanisms for public innovation at the regional and local levels, this commitment seeks to create innovation platforms, support local hackathons, develop social networks for innovation, and form an open government research program. By the end of the first year of implementation, the government launched calls for new communities and innovation laboratories, held a hackathon, and hired an open government researcher. However, the innovation networks and formal research program were not established. In the future, the IRM recommends identifying clear channels for citizens and civil society groups to participate in innovative projects.
✪23. Empowering and protecting public officials in preventing conflicts of interest • OGP value relevance: Clear • Potential impact:	This ambitious commitment aims to prevent conflicts of interest by appointing an ethics advisor and introducing transformative legal provisions on ethics, whistleblowing, and asset disclosure. In April 2016, a new law passed that establishes an ethics officer and expands the scope of the ethics committee to cover conflicts of interest. In addition, officials are now protected from reprisals when reporting conflicts of interest, and public servants are required to declare their interests prior

Transformative • Completion: Complete	to being appointed. In the future, the IRM recommends involving citizens in the commitment by creating a mechanism for the public to alert the government to perceived conflicts of interest.
THEME V: OPEN GOVERNMENT FOR CLIMATE AND SUSTAINABLE DEVELOPMENT	
24. Involve civil society in COP21 • OGP value relevance: Clear • Potential impact: Minor Completion: Limited	This commitment aimed to mobilize civil society for the COP21, including through the online platform. In the view of civil society, this commitment added little to the already ongoing massive self-mobilization efforts by climate activists. In the run-up to the conference, the Ministry of Ecology, Sustainable Development and Energy created a participatory platform to be used by citizens to give their ideas and comment on environment issues, however, this platform was not used to consult the citizens for the important Bill on Biodiversity during the public consultation period in December 2015-January 2016. The development of the second version of the platform was not started during the first year of implementation. To discuss involvement of civil society in future COP conferences, an informal meeting with representatives of civil society took place on 15-16 April 2016 in Paris. The meeting resulted in a guidance document which outlines informal meetings ahead of the next conference and ensures the inputs from consultations are incorporated into the negotiations.
25. Open data on climate and sustainable development • OGP value relevance: Clear • Potential impact: Minor Completion: Substantial	By using open data, this commitment aims to raise awareness on climate issues by producing informative data visualizations and to publish data from impact assessment studies carried out by the Ministry of Ecology, Sustainable Development and Energy. Nearly 200 datasets have been published on climate, energy and sustainable development on data.gouv.fr. On the same platform Météo France opened free of charge models and simulators allowing calculations on the evolution of temperatures, humidity, wind speed, etc. As of July 2016, data on air quality models was missing from the platform. Although outside the timeframe for the midterm assessment, the bill on biodiversity, promulgated on 8 August 2016, stipulates that raw data from environment impact studies should be published as open data. IRM recommends implementing the provision of the law to publish all environmental impact assessments in open data.
26. New collaborations with civil society on challenges of climate and sustainable development • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial	The C3 (Climate Change Challenge) initiative aimed to organise a series of meetings and a competition to foster collaboration with civil society to come up with innovative solutions for the challenges of climate change and sustainable development. The three stages of C3 were carried out in four cities (Paris, Lyon, Toulouse and Nantes) in 2015. The third stage, Innovation Jam, was a hackathon where teams with multiple areas of expertise had to, within 36 hours, develop solutions using public datasets relevant to climate change. Workshops were attended by citizens, students, experts, representatives of public and private sector. 29 projects, from a total of 150 participants, emerged from the Innovation Jam Projects and were submitted to a panel of judges where six winners were awarded. The Ministry of the Environment, Energy and Marine Affairs created a dedicated website enabling citizens to vote for 100 best projects for fighting climate change. The projects cover a wide range of environmental issues, including reforestation, sustainable agriculture, waste collection, prevention of food waste, recycling and sustainable energy. The challenges to communities are to find local actors and experts to pursue

	the work and ultimately make these projects available to the public.

Recommendations

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART' logic they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Top Five SMART Recommendations

• Increase transparency in the process of development and implementation of the action plan
• Improve civic participation in co-creation process
• Broaden open government to new themes and actors
• Mobilize administrative agencies
• Increase ambition of the action plan

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit bit.ly/1929F11.

I. National participation in OGP

1.1 History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

France began its formal participation in April 2014, when President François Hollande declared his country's intention to participate in the initiative[1].

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, for strengthening citizen engagement, and for fighting corruption. Objective, third-party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond the status quo. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

France developed its national action plan between October 2014 and June 2015. In addition to the action plan developed by the French government, the National Assembly developed a separate national action plan with parliamentary-specific activities. The Independent Reporting Mechanism (IRM) is obliged to assess only the action plan co-created by the French government and civil society. Therefore, this report will not assess the National Assembly action plan. The effective period of implementation for the action plan submitted in July 2015 officially began on 16 July 2015. This mid-term progress report covers the first year of implementation of this period, from July 2015 to July 2016. Beginning in 2015, the IRM also publishes end of term reports to account for the final status of progress at the end of the action plan's two-year period. Any activities or progress made after the first year of implementation (after July 2016) will be assessed in the End of Term report.

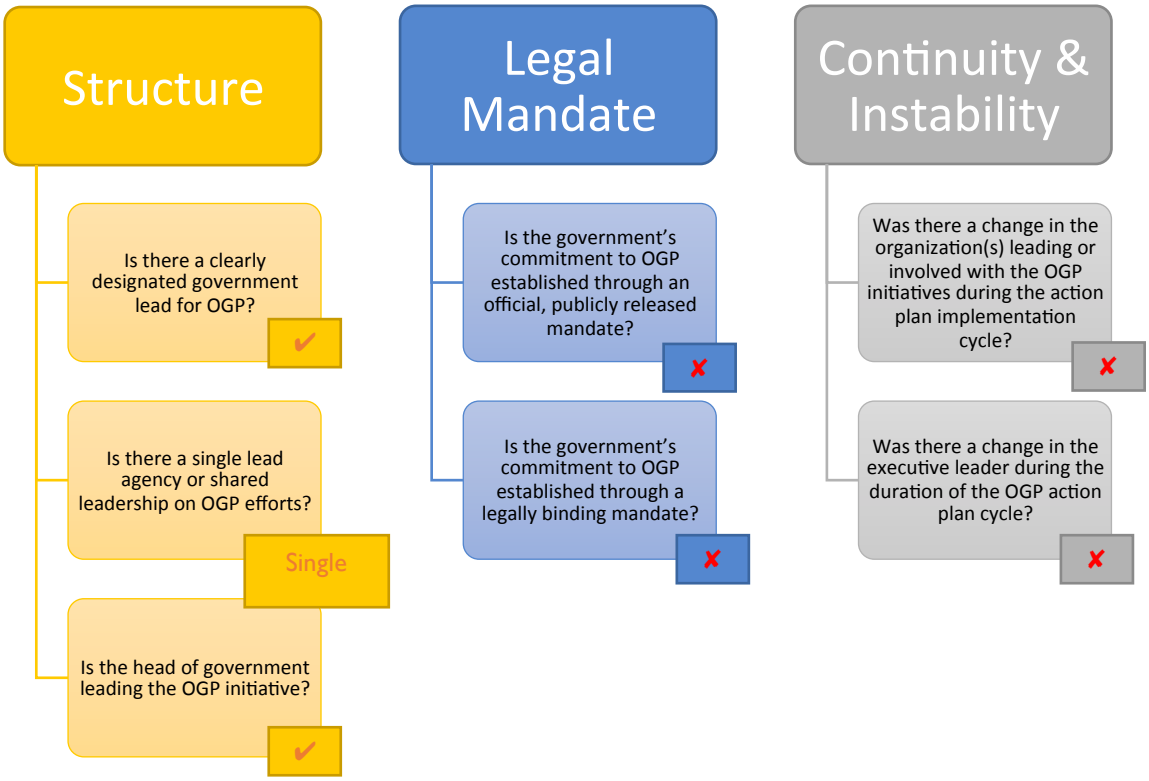
In order to meet OGP requirements, the IRM staff has written and produced this report. The report draws upon research conducted on the development and implementation of France's first action plan by Cecile Le Guen of Dataactivi.st as well as William Gilles and Irène Bouhadana –President and Secretary-General of IMODEV (Institut du Monde et du Développement pour la Bonne Gouvernance Publique). It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP-participating country. Methods and sources are dealt with in the Methodology and Sources (Section VI) in this report.

To gather the voices of multiple stakeholders, Mr. Gilles and Ms. Bouhadana of IMODEV organized three stakeholder forums in Nantes, Paris, and Avignon, which were conducted according to a focus group model. They also launched an online consultation platform for stakeholder inputs. Ms. Le Guen conducted a series of follow up interviews with stakeholders from civil society and contributed contextual information to assess completion of OGP commitments. Ms. Le Guen and IMODEV also reviewed three key documents prepared by the government: France's first action plan[2] and the two self-assessment reports published by the government in June and July 2016.[3] This report makes numerous references to these documents.

1.2 OGP Leadership in France

This sub-section describes the OGP leadership and institutional context for OGP in France. Table 1.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 1.1: OGP leadership in France



France is a unitary state, with a specific Parliamentarian Regime, also known as a "Semi-Presidential" Regime. The citizenry directly elects the President of the Republic and members of the lower legislative house, the National Assembly ("Assemblée nationale"), while members of the upper legislative house, the Senate (Sénat), are elected indirectly through a college of electors. The President of the Republic, who is the head of State, has the power to dissolve the "Assemblée nationale." The Prime Minister, head of the Government, is nominated by the President of the Republic and must command majority support in the "Assemblée nationale." This assembly may call the Government to account by passing a resolution of no confidence.

France has adopted two national action plans. The government leads the 29[4] commitment action plan evaluated in this IRM progress report. The "Assemblée nationale" is in the process of implementing a legislative action plan inspired by open government principles. However, this action plan will not be evaluated by the IRM.

The "mission Etalab" is the leading office responsible for monitoring and implementation of France's OGP commitments. It is a "mission" inside the Interministerial Director of Digital Information and Communication System[5] (DINSIC)[6], created in September 2015[7]. The DINSIC is itself a department within the Secretariat General for Modernization[8] (SGMAP), under the aegis of the Prime Minister's Office.

Etalab was initially created by the Decree of 21 February 2011[9], though its current responsibilities are outlined in the "Arrêté" of the Decree of 21 September 2015, currently in force[10]. This text charges Etalab with the responsibility of making public data available, though it does not mention explicitly the OGP process. Etalab allocated three staff members

(two full-time coordinators and the Etalab director in a supervisory capacity) to oversee implementation of the action plan[11]. There is no dedicated byline in the Executive's budget for OGP-related activities; ministries and institutions are responsible for financing the commitments they are charged with implementing.

Etalab has little legal power to enforce policy changes on other agencies within government. Rather, it coordinates France's open government policy in general while each ministry or institution involved in the OGP process is in charge of its own commitment(s) or milestone(s).

Since France is a decentralized state and, because the Constitution guarantees local government's autonomy, the national level government has few "sticks" to compel subnational governments. However, a few of the commitments involving subnational governments show that the national and subnational governments can coordinate on OGP commitment implementation when needed. This is not to imply, however, that in this case the consultation (even within government) took place beyond the capital (see Section II on "Development of Action Plan").

1.3 Institutional participation in OGP

This sub-section describes which government (state) institutions were involved at various stages in OGP. The next section will describe which non-governmental organizations were involved in OGP.

Table 1.2 Participation in OGP by government institutions

How did institutions participate...?		Ministries, Departments, and agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other, including constitutional independent or autonomous bodies.	Subnational governments
Consult[12]	**Number**	11	0	1	1	0
	Which ones?	See endnote[13]		Court of Accounts	High Authority for Transparency in Public Life	
Propose[14]	**Number**	11	1	1	1	0
	Which ones?	See endnote[15]	National Assembly	Court of Accounts	High Authority for Transparency in Public Life	
Implement[16]	**Number**	16	1	1	2	0
	Which ones?	See endnote[17]	National Assembly	Court of Accounts	• High Authority for Transparency in Public Life • National Commission for Public Debate	

Participation in the OGP consultation process at the national government level was limited to a handful of executive agencies and several independent commissions. Table 1.2 above details which institutions were involved in OGP. The IRM researchers noted that more than half of the Ministries (11 out of 19[18]) took part in the consult and propose stages of the action plan development process. While there were judicial commitments, only one judicial or quasi-judicial body, the Court of Accounts, participated directly in the process. Local governments were not directly involved in the national action plan development process in France nor were they assigned responsibility for implementing any of the commitments.

However, it should be noted that some of the commitments under the theme "Consult, Debate, and Co-Create" include activities that are intended to directly benefit local governments. As a result, there was some involvement by local governments in implementing commitments, such as the "Open Ministry" event organized in Dijon[19], even if they were not charged with formal implementation in the action plan.

As indicated in section 1.1, the Parliament is composed of two chambers. The National Assembly proposed a commitment for inclusion in the national action plan. However, due to strict separation of powers, the National Assembly opted to develop and implement its own action plan.

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1 http://www.opengovpartnership.org/sites/default/files/Screen%20Shot%202014-05-21%20at%202.02.06%20PM_0.png.

2 France action plan, http://www.opengovpartnership.org/country/france/action-plan.

3 France assessment, http://www.opengovpartnership.org/country/france/assessment.

4 The French National Action plan published to the OGP website lists 26 total commitments. Upon further review and consultation between the IRM researchers and IRM staff, Commitment 1 was separated into three distinct commitments (1.1, 1.2, and 1.3) and Commitment 10 was separated into two distinct commitments (10.1 and 10.2).

5 In French: Direction interministérielle du numérique et du système d'information et de communication

6 Arrêté du 21 septembre 2015 portant organisation du secrétariat général pour la modernisation de l'action publique.

7 Décret n° 2015-1165 du 21 septembre 2015 relatif au secrétariat général pour la modernisation de l'action publique.

8 In French: Secrétariat Général pour la Modernisation de l'Action Publique

9 Décret n° 2011-194 du 21 février 2011 portant création d'une mission « Etalab » chargée de la création d'un portail unique interministériel des données publiques.

10 Décret n° 2015-1165 du 21 septembre 2015 relatif au secrétariat général pour la modernisation de l'action publique.

11 Le Blog d'Etalab, https://www.etalab.gouv.fr/lequipe.

12These institutions were invited to or observed the development of the action plan, but may or may not be responsible for commitments in the action plan.

13 1) Prime Minister's Office (Minister of State for State Reform and Simplification attached to the Prime Minister's Office; Directorate of Legal and Administrative Information; the "Agence Nationale de la Sécurité des Systèmes d'Information" (ANSSI), that is the French information system security agency;
2) Ministry of Foreign Affairs and International Development;
3) Minister of the Environment, Energy and Marine Affairs, responsible for International Climate Relations;
4) Ministry of National Education, Higher Education and Research;
5) Ministry of Justice;
6) Minister of Town and Country Planning, Rural Affairs and Local Government;
7) Ministry of the Interior;
8) Ministry of Finance and Public Accounts;
9) Ministry of the Economy, Industry and the Digital Sector (including the Ministry of State for the Digital Sector, attached to the Ministry of the Economy, Industry and the Digital Sector);
10) Minister of Urban Affairs, Youth and Sport;
11) Minister of the Civil Service.

14 These institutions proposed commitments for inclusion in the action plan.

15) Prime Minister's Office (Minister of State for State Reform and Simplification attached to the Prime Minister's Office; Directorate of Legal and Administrative Information; the "Agence Nationale de la Sécurité des Systèmes d'Information" (ANSSI), that is the French information system security agency;
2) Ministry of Foreign Affairs and International Development;
3) Minister of the Environment, Energy and Marine Affairs, responsible for International Climate Relations;
4) Ministry of National Education, Higher Education and Research;
5) Ministry of Justice;
6) Minister of Town and Country Planning, Rural Affairs and Local Government;
7) Ministry of the Interior;
8) Ministry of Finance and Public Accounts;
9) Ministry of the Economy, Industry and the Digital Sector (including the Ministry of State for the Digital Sector, attached to the Ministry of the Economy, Industry and the Digital Sector);

10) Minister of Urban Affairs, Youth and Sport;

11) Minister of the Civil Service.

16 These institutions are responsible for implementing commitments in action plan whether or not they proposed those commitments.

17 1) Prime Minister's Office (Minister of State for State Reform and Simplification attached to the Prime Minister's Office; Directorate of Legal and Administrative Information; the "Agence Nationale de la Sécurité des Systèmes d'Information" (ANSSI), that is the French information system security agency;

2) Ministry of Foreign Affairs and International Development;

3) Minister of the Environment, Energy and Marine Affairs, responsible for International Climate Relations;

4) Ministry of National Education, Higher Education and Research;

5) Ministry of Justice;

6) Minister of Town and Country Planning, Rural Affairs and Local Government;

7) Ministry of the Interior;

8) Ministry of Finance and Public Accounts;

9) Ministry of the Economy, Industry and the Digital Sector (including the Ministry of State for the Digital Sector, attached to the Ministry of the Economy, Industry and the Digital Sector);

10) Minister of Urban Affairs, Youth and Sport;

11) Minister of the Civil Service ;

12) Centre National d'Études Spatiales (CNES) ;

13) École Nationale d'Administration (ENA) ;

14) French Development Agency (AFD) ;

15) Institut national de l'information géographique et forestière (IGN);

16) Météo France.

18 http://www.gouvernement.fr/composition-du-gouvernement.

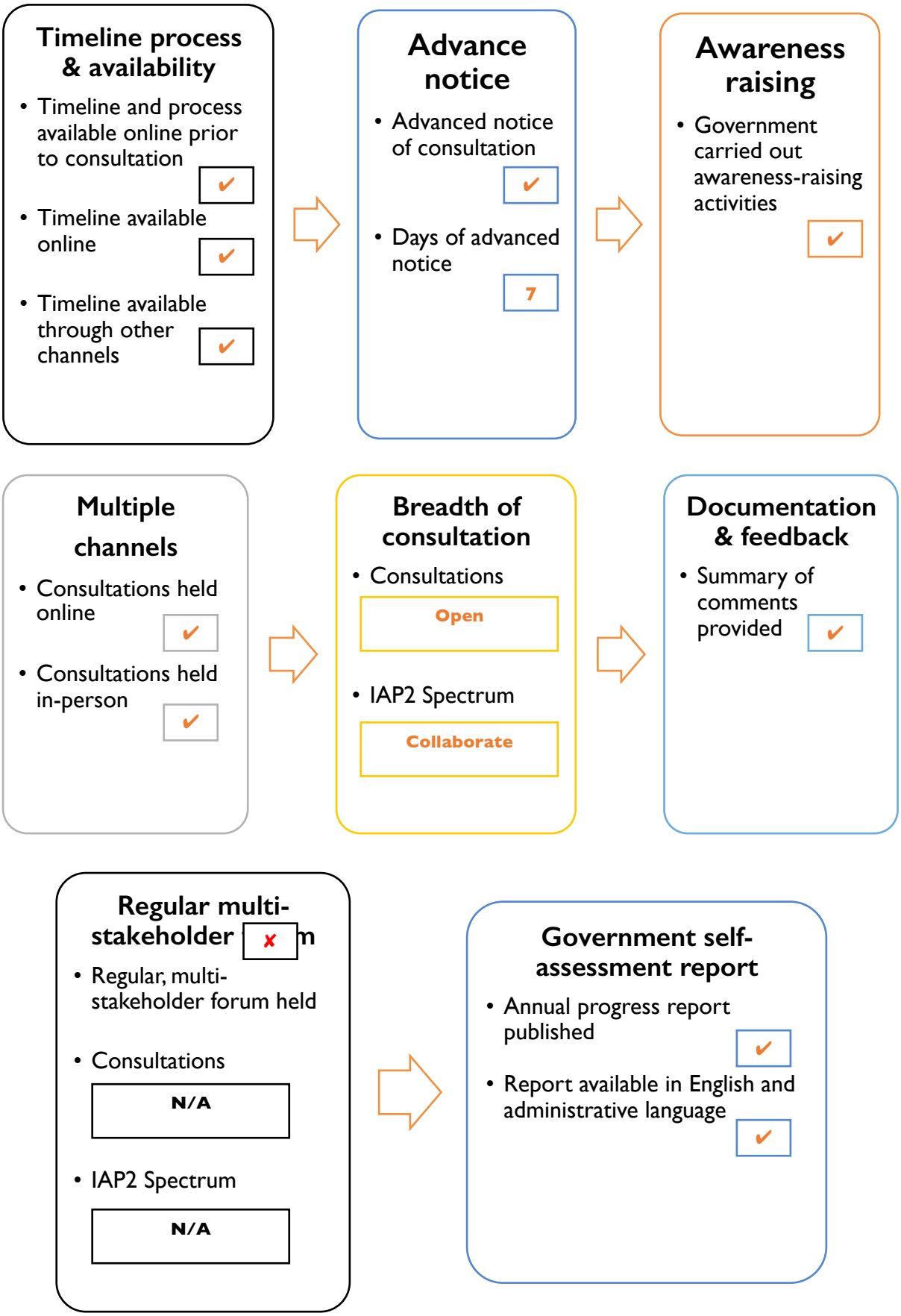
19 Le Blog d'Etalab: Plan d'action francaise 2015-2017, https://www.etalab.gouv.fr/event/ministere-ouvert-collectivites-territoriales-a-dijon

II. National OGP Process

The national OGP process relied on advanced notice and open consultation that sometimes enabled the citizenry to collaborate by making proposals for the action plan. However, awareness-raising activities must be increased and a regular multi-stakeholder forum must be adopted. This will help the citizenry to better understand OGP but also to improve public participation in the consultation on, and implementation of, the national action plan.

Countries participating in OGP follow a set of requirements for consultation during development, implementation and review of their OGP action plan. Table 2.1 summarizes the performance of France during the 2015-2017 action plan.

Table 2.1: National OGP Process


Timeline process & availability
• Timeline and process available online prior to consultation ✔
• Timeline available online ✔
• Timeline available through other channels ✔
Advance notice
• Advanced notice of consultation ✔
• Days of advanced notice 7
Awareness raising
• Government carried out awareness-raising activities ✔
Multiple channels
• Consultations held online ✔
• Consultations held in-person ✔
Breadth of consultation
• Consultations
Open
• IAP2 Spectrum
Collaborate
Documentation & feedback
• Summary of comments provided ✔
Regular multi-stakeholder ✘ m
• Regular, multi-stakeholder forum held
• Consultations
N/A
• IAP2 Spectrum
N/A
Government self-assessment report
• Annual progress report published ✔
• Report available in English and administrative language ✔

2.1 Action Plan Development

The OGP Point of Contact, Etalab, and civil society worked in close collaboration to develop France's first action plan. Etalab coordinated the development of the action plan between October 2014 and June 2015, where civil society organizations, citizens, and experts were invited to participate through a variety of consultation methods including an online and open consultation, a stakeholder forum, several workshops and interviews. Beginning in November 2014, Etalab proactively published a consultation calendar and communicated key information to main actors[1] in a clear and transparent process[2]. This included disseminating event invitations through various social media platforms (including their online participation platform) and explanations of the different channels for contributing to the action plan development process. Etalab provided all information on attendance at the consultation events online through it's blog and specific events' page to register online and disseminated it through social media[3]. Additionally, after every public consultation event, documentation and feedback was published in open data format on the government's open data platform data.gouv.fr[4]. The Etalab platform published all documents regarding the action plan. The platform also published the majority of related documents, such as press releases, speakers' presentations, speeches, events and workshop minutes, consultation synthesis and event summaries containing the debates and discussions, but these were often not proactively shared through social media.

Etalab started the consultation process by meeting some civil society organizations and experts[5] in person between November 2014 and February 2015[6]. Etalab and several civil society organisations jointly organized multiple meetings, focused mainly on citizen monitoring, open data, and digital issues where the stakeholders provided expertise and guidance on a wide range of subjects related to Open Government and Open Data. The IRM researcher was unable to find publicly available minutes of those in-person meetings. In interviews with the IRM researcher, civil society stakeholders involved in transparency and open data activism that participated in these in-person meetings found that there was a lack of transparency on the part of the government towards civil society in defining the issue areas and themes that could be included in the OGP action plan. In interviews with IMODEV, representatives from Etalab indicated that the government had decided ahead of the consultation process that certain areas such as security, surveillance and privacy were not to be included in the OGP action plan. However, these internal government decisions were not made public. This led to mutual frustration since Etalab, as the government entity responsible for organizing and implementing OGP activities, was obliged to champion certain issues and themes, but did not have the authority to determine whether the more controversial commitments championed by civil society could be included in the action plan.

Etalab also organized 14 multi-stakeholder consultations between 31 October 2014 and 19 May 2015, with nine taking place in Paris and five organized in regions and cities such as Lille, Brest, Bordeaux and Compiegne[7]. In some cases, no minutes are publicly available[8], but a summary video[9] was edited, and all speakers' interventions are published on the national open data platform[10]. The national action plan could also benefit from stakeholder inputs regarding other spaces that could benefit from additional citizen monitoring, civic technology, and digital rights.

In parallel to the in-person meetings at Etalab, the National Digital Council (Conseil national du numérique, CNNum) organized an online consultation with CSOs between 3 November 2014 and 28 February 2015. The original aim of the online consultation was to prepare the Digital Republic bill and involve citizens in reviewing the draft law prior to voting in the Assembly. Since the online consultation was already open to collect citizens' comments about various subject on digital issues, and to avoid confusion over too many consultations, the government chose to adapt the CNNum platform for the OGP NAP online consultation process. Thus, two conversations on Open Data (with 62 responses) and Open Government (with 51 responses) were conducted using the CNNum platform[11]. Some civil society organizations interviewed by IMODEV that used the CNNum platform explained it

was not very clear if the comments collected during this consultation were used to design the national action plan.

Of the 113 responses to the Open Data and Open Government conversations on the CNNum platform, eight were selected for inclusion as commitments in the national action plan[12]. For example, proposals submitted by the organization One.org[13] on beneficial ownership and international development aid were included as commitments 3 (Improve Transparency in International Development Aid) and 7 (Identify the Beneficial Owners of Legal Entities Registered in France) respectively in the final draft of the national action plan. However, the selection criterion for these stakeholder contributions was unclear to the contributing organizations. Other stakeholders pointed out that the consultation was not fully transparent as the platform relied upon a proprietary solution rather than open-source software. However, since civil society stakeholders were able to formulate proposals for inclusion in the NAP, the IRM researchers found that this process met the IAP2 spectrum requirements for "collaborate" (see table 2.1).

To keep all stakeholders informed, Etalab organized regular updates and meetings, including three milestone meetings ("Points d'étape") with the objective to regularly report on the progress of the action plan preparation. These meetings took place on 16 December 2014[14], 17 February 2015[15], and 17 March 2015[16]. As noted in a report published by the civil society organization, Republique Citoyenne[17], the consultation on the actual draft plan was quite short and stakeholders could comment only on incomplete draft versions of the action plan. There was no opportunity to comment on a complete version of the action plan until its official publication in July 2015.

At the end of the consultation period, on 19 May 2015, an open and multi stakeholder forum took place, bringing together 80 people during one day. Discussions led to the creation of four national action plan (NAP) priorities[18]:

1. Create a more participative process for developing laws
2. Make the national action plan understandable to the public
3. Determine how to involve citizens in the decision-making process
4. Access to budget, a key to democracy.

Aside from the eight responses selected from the CNNum platform for inclusion as commitments, it is difficult to assess more globally how the stakeholder feedback from the various consultations was incorporated into the final action plan. As Republique Citoyenne noted in its report, stakeholders perceived the general ambition of the consultation process as a whole as unclear. Contributors to the CNNum platform were not informed in advance about the way their feedback and comments on the draft action plan would be treated or incorporated into the final version. As much as the CNNum online tool allowed for stakeholders to view and comment on all action plan proposals, a significant number of the contributions selected as commitments corresponded to existing or soon-to-be-released government projects. While the decision to incorporate existing government programs in the OGP action plan helps ensure adequate support and that the scope of the work is feasible for the two-year time frame, this decision-making criterion was not communicated to civil society.

Etalab made significant attempts to draw citizens' attention to the action plan development process. However, with limited resources available for awareness-raising activities, only a limited number of persons were aware of the existence of the national action plan or the country's participation in OGP. This was emphasized in all of IMODEV's interviews with stakeholders. The majority stated that they were not sufficiently informed about the consultations organized to develop the national action plan, nor about OGP in general. Some stakeholders responded that they would have participated in the consultation events had

there been better outreach on the OGP process. They point to national information campaigns, such as the one held by the Government for their online consultation on the Bill on the Digital Republic in 2015, which yielded much higher participation levels. This indicates that stakeholders were not aware that views collected through the CNNum platform during the consultations on the Digital Republic Bill were also used to inform development of the national action plan.

As much as the national action plan is clearly part of the political agenda –the Secretary of State for State reform, the Prime Minister and the President of the Republic were all involved at various points in the national action plan development process –it seems some commitments are still not a priority for the leading institutions involved. Each commitment involves one or several ministries or administrative agencies, but no precise team or department is clearly identified as responsible for implementation. In the case of multiple "lead institutions", it was very difficult for CSOs actors to determine who was in charge of a given commitment. As a result, CSOs struggled to adjust their advocacy agenda to align with the OGP process and engage with the consultation period.

This first action plan development process was an important milestone for generating momentum and collaboration between the government and stakeholders on open government. The consultation process produced a widely-shared belief held by participating CSOs that the consultation process with Etalab was collaborative and meaningful. Yet, continued opacity in the final decision-making process for the content of the action plan and low awareness of OGP and the OGP process in France prevented the process from being as widely inclusive –in scope, scale, and content –as intended by all stakeholders.

Due to concerns over preserving the separation of powers, the National Assembly was not willing to have their proposed commitments subsumed under the OGP national action plan. In parallel to the OGP national action plan process, therefore, the National Assembly published its own, separate 'OGP-inspired' action plan to reform the Parliament. The National Assembly's President created a working group for members of parliament (MPs) to discuss the content of their action plan and launched it on 27 November 2014[19]. This Working Group set an online consultation with 4000 responses according to the National Assembly[20]. The working group published anonymized results of the consultation in open data format[21]. While the Assembly did not coordinate with Etalab, nor did they participate in any co-creation activities for the OGP national action plan, some aspects of the National Assembly action plan intersect with commitments included in the OGP national action plan under the 'Open up Public Administration' theme. The Working Group published its report[22] on 2 October 2015[23], but did not explicitly mention the OGP national action plan. Since the National Assembly action plan is distinct from the OGP national action plan, it is not assessed by the IRM.

2.2 Ongoing multi-stakeholder forum

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one. This section summarizes that information.

While there was a high level of consultation between government and stakeholders during the action plan development process, during the first year of action plan implementation (1 July 2015 through 30 June 2016) there was no regular multi-stakeholder forum for soliciting feedback on the implementation of action plan commitments. Rather, Etalab continued to hold in-person meetings with select CSOs who were involved either in the NAP development process or participated in the implementation of specific commitments. The IRM researcher was unable to find any publicly available minutes for these meetings. However, the government has demonstrated a continued commitment to ongoing consultation and soliciting stakeholder feedback on OGP commitments. In late June 2016, Etalab launched a new consultation process called "Ministère ouvert" (Open Ministry),

aimed at improving dialogue between different ministries or institutions in charge of implementing the action plan and civil society and experts. It is not yet clear whether the Government intends to further extend this kind of forum to institutions that are not ministries since it is not only executive ministries that are involved in the implementation.

The first "Open Ministry" event was organized on 21 June 2016 in Paris by the Secretary of State for State Reform, the institution in charge of implementing 10 of the 30 commitments in the action plan, and brought together 150 participants[24]. The Secretariat General for Modernization mentioned its intention to develop "Open Ministry" consultations with the other ministries in charge of commitments, but during the period covered by this report it had only organized one meeting and created five working groups[25]. Minutes of the first event are available online and show the meeting essentially focused on consulting with civil society on the second national action plan for 2017-2019, and less about reviewing the current action plan[26] [27].

Additional Ministère ouvert meetings were held in September and October 2016, but since they took place after the end of the first year of implementation a more thorough analysis of Ministère ouvert will be included in the end of term report, which will be published in early 2018.

2.3 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

France published two versions of its self-assessment report. The Etalab online platform published the draft version on 13 June 2016 for a two-week online public comment period. The final version was published on the platform on 25 July 2016[28] and incorporates both comments provided by civil society and additional information provided by Etalab in response to questions posed by IMODEV during their interviews.

Unlike the online platform used during the development phase of the NAP, the platform for soliciting feedback on the self-assessment report used open source software. This meant that all citizens could access the commitments and provide feedback during the two-week public comment period. In total 26 comments were submitted by six persons or institutions (e.g. Transparency International France submitted eight comments). Civil society representatives provided feedback about the implementation of 18 out of the 30 total commitments. While Etalab was responsible for monitoring and consolidating feedback and evidence for the self-assessment report, lead institutions had the final word on the commitment completion levels. These decisions were made through interministerial meetings. After the consultation process, one civil society organization, Regards Citoyens, asked Etalab to remove the reference to its name, the reason being that their point of view was not taken into account, as they evaluated some commitments as achieving "partial" completion where the self-assessment report rated them as "substantial" completion.

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1 This refers to the expert group identified by Etalab. The names of the people included in this group were made publicly available on the Etalab website (https://www.etalab.gouv.fr/reseau-dexperts).People in this group come from not only CSOs, but also the private sector or are academics. Etalab targeted this group as a reference and to help them disseminate the information to their respective networks.

2 Le Blog d'Etalab: Les plans d'action nationaux elabores dans le cadre du Partenariat pour un gouvernement ouvert , https://www.etalab.gouv.fr/plan-daction-national

3 #planOGP, https://twitter.com/search?q=%23PlanOGP&src=typd

4 Concertation nationale sur le numerique, https://www.data.gouv.fr/fr/datasets/concertation-nationale-sur-le-numerique-2/

5 This includes the previously established Etalab Network, a group of 26 persons coming from civil society organisations, the private sector, and academia .

6 The list of the persons or organizations met by Etalab is available here: https://suivi-gouvernement-ouvert.etalab.gouv.fr/fr/documentation/personnalites_rencontrees_2.1.html.

7 https://suivi-gouvernement-ouvert.etalab.gouv.fr/fr/consultation-elaboration.html.

8 Note: Bordeaux meeting, links to the minutes are broken. http://cnnumerique.fr/wp-content/uploads/2015/02/Junior-ESSEC-Compte-rendu-de-la-séance-plénière.odt.

9 Resume de la journee, http://www.dailymotion.com/video/x2fd3x3_resume-de-la-journee-contributive-3-du-19-janvier-a-bordeaux_tech

10 Concertation nationale sur le numerique, https://www.data.gouv.fr/fr/datasets/concertation-nationale-sur-le-numerique-2/

11 "Open Gov", https://contribuez.cnnumerique.fr/debat/open-gov-comment-faire-progresser-la-transparence-de-l'action-publique-et-la-participation

12 Other references from the CNNum online tool (https://contribuez.cnnumerique.fr/) include: #2925 from Open Data France about supporting local governments in opening up data correlates to commitments 1.1-1.3 in the NAP, #2848, #122, #2707, #2875, #1235, #1208, #1226

13 ONE France- One.org, https://contribuez.cnnumerique.fr/users/one-france-oneorg

14 Presentation Point etape #1, http://fr.slideshare.net/Etalab/presentation-point-etape-1-ogp

15 Support Point d'etape Plan d'Action National OGP, http://fr.slideshare.net/Etalab/support-point-dtape-pan-daction-national-ogp

16 OGP Point d'etape Plan d'Action National, http://fr.slideshare.net/Etalab/20150317-ogp-point-dtape

17 Republique Citoyenne, http://republiquecitoyenne.fr/analyse-plan-action-national

18 Le Blog d'Etalab, https://www.etalab.gouv.fr/forum-ouvert-le-19-mai-comment-renover-et-perenniser-les-modes-de-cooperation-entre-administration-et-citoyens

19 Refaire la democratie, http://www2.assemblee-nationale.fr/static/14/institutions/Rapport_groupe_travail_avenir_institutions_T1.pdf

20 Assemblee Nationale, http://www.assemblee-nationale.fr/consultation_gt_instit/.

21 Data Assemblee Nationale, http://data.assemblee-nationale.fr/autres/consultations-citoyennes/institutions

22 Claude Bartolone, Michel Winock (co-Présidents), Refaire la démocratie, Rapport du Groupe de travail sur l'avenir des institutions, n° 3100, 14e legislature.

23 http://www2.assemblee-nationale.fr/14/autres-commissions/avenir-des-institutions/a-la-une/installation-du-groupe-de-travail.

24 https://www.etalab.gouv.fr/wp-content/uploads/2016/07/20160721_Minist%C3%A8re-ouvert-1-Synth%C3%A8se-%C3%A0-larbitrage-du-Secr%C3%A9taire-dEtat-charg%C3%A9-de-la-R%C3%A9forme-de-lEtat-et-de-la-Simplification-1.pdf.

25 Le Portail de la Modernisation de l'action publique, http://www.modernisation.gouv.fr/actualites/actualites/gouvernement-ouvert-premier-evenement-ministere-ouvert

26 https://www.etalab.gouv.fr/wp-content/uploads/2016/06/20160621_Programme-Ministere-ouvert-1-VF.pdf.

27 See https://www.etalab.gouv.fr/wp-content/uploads/2016/07/20160721_Minist%C3%A8re-ouvert-1-Synth%C3%A8se-%C3%A0-larbitrage-du-Secr%C3%A9taire-dEtat-charg%C3%A9-de-la-R%C3%A9forme-de-lEtat-et-de-la-Simplification-1.pdf.

28 https://suivi-gouvernement-ouvert.etalab.gouv.fr/fr/consultation-rapportautoeval.html.

III. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.

What makes a good commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan, and analyzes them for their first year of implementation.

While most indicators used to assess each commitment are self-explanatory, a number deserve further explanation.

- **Specificity:** The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are:
    - **High** (Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective)
    - **Medium** (Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective)
    - **Low** (Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be)
    - **None** (Commitment language contains no measurable activity, deliverables or milestones)
- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance of the commitment to OGP values are:
    - **Access to Information:** Will government disclose more information or improve quality of the information disclosed to the public?
    - **Civic Participation:** Will government create or improve opportunities or capabilities for the public to inform or influence decisions?
    - **Public Accountability:** Will government create or improve opportunities to hold officials answerable to their actions?
    - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?[1]
- **Potential impact:** The IRM is tasked with assessing the *potential impact* of the commitment, if completed. The IRM researcher uses the text from the action plan to:
    - Identify the social, economic, political, or environmental problem;
    - Establish the status quo at the outset of the action plan and;
    - Assesses the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.[2]
- Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, France's action plan contained three starred commitments, namely:

- Commitment 12: Further expand the opening of legal resources and the collaboration with civil society on opening the law
- Commitment 15: Strengthen government policy on the opening and circulation of data
- Commitment 23: Empowering and protecting public officials in preventing conflicts of interest

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for France and all OGP-participating countries, see the OGP Explorer[3].

1 Link to Procedures Manual & Articles of Governance explaining OGP value relevance

2 The International Experts Panel changed this criterion in 2015. For more information visit: http://www.opengovpartnership.org/node/5919

3 bit.ly/1KE2WIl

Theme 1: Ensure Accountability
Commitment 1. Enable citizens to consult, have a better understanding and reuse financial data and decisions of local and regional authorities*

***Editorial note:** For ease of evaluation, commitment 1 is broken into commitment 1.1, commitment 1.2 and commitment 1.3, which will be assessed individually.

Commitment 1.1 Open Regional and Local Authorities' data
Commitment Text:

To meet the citizens' legitimate expectations and considering the large proportion of public funds spent by local and regional authorities, the financial transparency of these local authorities must be improved.

ROADMAP

- **Milestone 1.1.1.** *Allow citizens to better grasp the financial details of local and regional authorities*
    - *Publish in open data the general operating grant (Dotation globale de fonctionnement) which is the State's financial contribution to local and regional authorities*
    - *Publish in open data, on data.gouv.fr, all of account balances of local authorities and groups with specific taxation, from 2013 financial year onward*
    - *Make it compulsory for local executives and chairmen of EPCI to present a report to deliberative assembly (municipal, departmental or regional council) on the follow-up given to observations made by the regional chamber of the Cour des comptes*
- **Milestone 1.1.2.** *Regularly provide the financial data of the financial jurisdictions such as:*
    - *The data used for the work on local finance*
    - *Some data on financial jurisdictions activities, notably the updated list of publications from the Cour des comptes and the resources of the financial jurisdictions*
- **Milestone 1.1.3.** *Strengthen open data in local and regional authorities: enshrine in law the requirement for local communities of more than 3500 inhabitants to publish their public information in open data format*

Commitment 1.2 Publish the decisions and reports of municipal council meetings online
Commitment Text:

The monitoring of decisions made by local authorities is essential for information and participation in public life.

ROADMAP

- ***Milestone1.2.1.*** *Publish the list of administrative measures, deliberations, and local municipal by-laws in electronic format alongside a paper version, and provide permanent access free of charge*
- ***Milestone 1.2.2.*** *Post the minutes for municipal council meetings within one week after the municipal council meeting on the local government website (where it exists) for at least six years (as opposed to a one-off posting made within eight days for an indeterminate minimum period)*

Commitment 1.3 Publish information relative to building permits in open data

Commitment Text:

In accordance with Article L.2121-26 of the General Local Authorities Code, decisions relating to building permits can be provided to any person requesting said information. Said decisions must also be published in hardcopy format.

ROADMAP

- *Start a working group with the stakeholders concerned to gradually arrange open data access to building permits data by 2017*
    - *This collaboration could bring together Chief Data Officer, Etalab, the General Commissariat for Sustainable Development, and local authorities (via Open Data France, for example)*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of the Interior; Ministry for Decentralization and the Civil Service

Supporting institution(s): N/A

Start date: Not Specified..... **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
1.1. Overall				✔	✔						✔		Yes			✔	
1.1.1. Financial details of local authorities				✔	✔						✔		Yes		✔		
1.1.2. Financial data for financial jurisdictions			✔		✔						✔		Yes			✔	
1.1.3. Strengthen open data in local authorities				✔	✔						✔		Yes		✔		

1.2. Overall				✔	✔					✔			No	✔			
1.2.1. Publish municipal by-laws in e-format				✔	✔					✔			No	✔			
1.2.2. Publish municipal council minutes online				✔	✔					✔			No	✔			
1.3. Overall		✔			✔					✔			No		✔		

Context and objectives

In France, it is often difficult for citizens to access information held by local government authorities. While usually available upon request, information is not easily accessible regarding how local authorities manage financial resources, make decisions at municipal council meetings, and issue building permits. Local authorities are funded through multiple sources such as local taxes, national funds via the General Operating Grant[1] or at the EU level through subsidies. Current laws require officials to disclose this information, but it is often available only in hard copy. This commitment is broken into three parts, each addressing a different aspect of local transparency and open data initiatives.

Commitment 1.1 is relevant to improving **access to information** and seeks to increase financial transparency through opening financial data at the level of Regional and Local Authorities in Open Data format. Publishing the data on funds given by the National Administration to the local authorities, and the allocation from the General Operating Grant, could have a **moderate potential impact** on improving transparency in this domain. Though the information would be available in theory, a mechanism to assess the quality, the availability and to publish adequate documentation so the data is comprehensible for external analysis, would be required in order for this commitment to be of transformative potential impact. Additionally, while all the data on local authorities' financial management is located on the Ministry of Interior's website[2], the national open data platform[3] indicates only a link to the place where the data is stored. No calendar is provided to ensure the publication of this data on the central open data platform. To render this dataset impactful and useful, they should publish not only the financial amounts, but also the criteria and calculations for releasing information, for example, setting up clear dates for publishing both budget data and actual income and expenditure reports, broken down clearly, and with accompanying narrative explanations of how money was spent, outlining any discrepancies between the budgeted amounts and actual income and expenditure. The granularity should also be presented with the highest level possible, for example presenting transactional data as less aggregated as possible.
Planned activities are **highly specific** and include publishing local budgets, operating grants, and tax revenues in open data format, producing finance reports, and legally requiring local communities of more than 3500 inhabitants to publish their public information in open data format (1.1.3).
Commitment 1.2 is relevant to **access to information**, and requires local authorities to publish municipal council meetings' minutes and reports online. The minutes will be required to be posted online within one week, and remain free to access and on the record for six years. The activities are of **high specificity.** In France, a municipal council is an elected body of representatives with the responsibility to execute, by taking decisions, how the municipality

operates[4]. The municipal council and the mayor have significant regulatory powers over the municipal police and staff as well as the municipal budget, tax rates, and development plans. Currently, per municipal law, municipal council decisions are posted outside the town hall. Given the impact that council decisions have on the daily lives of citizens, it is important for this information to be made more widely available for citizens to review past and current decisions. Publishing the minutes online represents a positive, but incremental step towards improving citizens' ability to understand and engage with their local governments. Therefore this commitment has **minor potential impact.**

Commitment 1.3 is relevant to **access to information** and has **low specificity**.

In France, land ownership data is not made publicly available[5]. A construction permit is provided on the basis of a decision taken by a municipality to authorise the housing construction, which can be a house or a building, private or public. The data contained in a construction permit document are the sketches, description of exterior aspects and the surface area in square meters. The surface data is transmitted to the tax authorities, as it is considered an asset for tax purposes. Publishing anonymized construction permit documents can be useful for architects to conduct impact studies while developing new housing, extensions, or urban plans, as well as constituting archives in order to retrace the history of a certain urban area or housing complex, while still maintaining the privacy of building owners and tenants. By publishing this information in open data, it can enrich national address databases by updating maps with new streets or buildings.

Additionally, construction permit data includes statistics on all levels of territory (national, regional, local) as well as the type and surface area of housing declared. This data is of particular interest to researchers in urbanism, sociology, or real estate companies. The tax authorities can also operate controls based on this data.

All decisions regarding the issuance of building permits will be published online as well as in hard copy. While this information has been available upon request at the municipality in the past, commitment 1.3 seeks to start a working group with the stakeholders to make permit data easily accessible online by 2017. Commitment 1.3 could have a **minor potential impact** on opening government practice in this area: building permits are already required to be posted on both construction company websites and in official municipal buildings. Documents are currently not digitized, so a publication in digital and standardized open data format could be a first step towards making this data more accessible and easier to analyze.

Completion

Commitment 1.1 Completion

Commitment 1.1 is overall **substantially complete**. The IRM researcher found this commitment to be progressing **on-time.** In the first year of implementation, the Government made progress on the three milestones:

Milestone 1.1.1. on financial details of local and regional authorities has a **limited completion.** As published in the government self-assessment report, a research tool to extract data on grants[6] is now available on the Interior Ministry's website. The relevant local criteria, such as the number of inhabitants of a municipality or its size and financial criteria used as the basis for calculating the general operation grants, are downloadable via different searches[7] on the website of the Local Government Directorate-General (DGCL). This tool has been listed on data.gouv.fr.[8] However, the IRM researcher found that in order to be fully complete, the datasets need to be directly linked to the central portal, data.gouv.fr. The government has not published a timetable for the completion of this task.

The General Operating Grant represents the amount of money the State contributes to the local authorities' budgets. The State allocates a flat share to all local authorities, on top of which the most disadvantaged local authorities benefit from additional funds from a global fund established by the most advantaged local authorities. The government published a tool[9] that allows searching and extracting data from the general operating grant, but the data is yet to be published in open data format. The tool makes it possible to extract financial data in .csv format and to consult the share of State budget allocated to each local authority, as well as how much each local authority contributes to the solidarity fund, and under which criteria. The tool says financial data is available from 2014 to 2017; however, the .csv file to extract it does not cover the full period, nor does it provide general information about its current status[10]. General figures regarding the population, income per inhabitant, or tax potential per capita are not displayed.

Milestone 1.1.2. on regularly providing financial data for financial jurisdictions has **medium specificity** and is **substantially complete:** the Ministry of Finance and Public Accounts[11] published the 2015 accounting scales for municipalities to the data.gouv.fr portal on 29 June 2016[12]. These accounting scales include the main and subsidiary budgets for all municipalities in France in one zip file. The idea for a monitoring tool to assess implementation of financial transparency regulations was formed at a #DataSession held at the *Cour des comptes*[13]. The tool can be accessed online and allows citizens to track steps the government has taken to comply with the law. In order to be fully complete, the next steps are to monitor the application of the different measures of the law and ensure all parts of the NOTRe law are fully implemented, since the law provides the legislative measures necessary for full implementation of the milestone. The timetable for the implementation of the *loi NOTR*e is available on Légifrance.fr[14].

Since the #DataSession event, which took place on 27 May 2016, the government has also published reports and data from the Cour des Comptes relative to local public finances on data.gouv.fr and other new data[15].

Milestone 1.1.3. has **high specificity** and is **limited in completion**. According to the government self assessment, Article 4 of the Digital Republic Bill (which passed in October 2016[16]) fulfills this milestone by requiring local authorities with more than 3,500 inhabitants to comply with government agency open data common law (this article abrogates the provisions initially included in article 106 of the *NOTR*e law). There are several current initiatives to help these local authorities in the transition towards open data, such as the OpenData France pilot, which helps local governments define their reference datasets so that they can begin prioritising data releases[17]. Analysis on implementation of the Bill's Article 4 requirements will be included in the end of term report. To be fully complete, Article 4 of the Bill must be implemented and all communities with more than 3,500 inhabitants must provide public information online in open data. This public information needs to be clearly defined, which is one of the expected outcomes of the Open Data France experiment.

Commitment 1.2 Completion

Commitment 1.2 is **not started.** The milestones include publishing local administrative acts, deliberations, and municipal by-laws online (1.2.1), and posting minutes of municipal council meetings online within one week (1.2.2). Although there is no clear timeframe for completing the requirement to publish all council meeting minutes online, the *NOTR*e law includes a legal obligation for municipalities to publish information covered in this milestone, and the specific implementing decree entered into force in February 2016[18]. At the time of writing this report, it

was not clear how many municipalities had started to implement the law and comply with the new requirements. Some of them were already publishing[19] the local administrative acts online as .pdf, but no public reporting mechanism to assess this completion exists at this stage.

However, vital to completing this commitment, local authorities need to ensure all municipalities have a website or the capacity and resources to build one. Title IV in the NOTRe law[20] establishes the obligation for local authorities to publish council meeting minutes and local decrees online (articles 124 and 128). The implementing decree of' article 128 was published in the Official Journal on 12 February 2016[21].

Commitment 1.3 Completion

Completion is **limited for commitment 1.3.** A working group has been initiated with stakeholders but the information about this meeting has not been made public. The objective of this working group was to gradually arrange open data access to building permit data by 2017. Early on, it was apparent that releasing building permit data would present challenges in making sure no identifying information for individual citizens was published. A stakeholder working group with Etalab, the Chief Data Officer, and the Office of the Commissioner General for Sustainable Development (*Commissariat Général au Développement* – CGDD) was created to address the issue of scrubbing all information protected by privacy and intellectual property laws from the permit data. No local authorities, however, were included in the working group.

The government self-assessment report indicates that the Data Protection Authority (CNIL) has been requested to assist in this procedure. The IRM researcher was unable to find any further information on progress in opening building permit data.

Although steps for publishing permits in open data are not specifically stated, a very important and basic step would be to get the validation of the Data Protection Authority regarding the anonymization standards. Further progress would require following up with the working group to publish early findings and plan next steps.

Completing the process by 2017 is overly ambitious, since there is currently no legislation to oblige the publication of building permits, nor does the commitment language specify which local authorities or architects are to be included in the process.

During a hackathon[22] "HackRisks", organised in October 2016 by the Ministry of Environment, data from the 123 datasets[23] related to construction permits was published in open data format[24]. This event occurred outside of the period of assessment, so it will be analysed in the final assessment report.

Early Results (if any)

None at the time of writing.

Next Steps

Commitments 1.1, 1.2 and 1.3 all aim to open data and increase transparency at the local level. While this objective is a valuable step forward, the commitment lacked a plan for capacity building to help local authorities carry out these activities. Going forward, it is recommended that the steps for publishing data are clearly defined and time-bound, training on data literacy for public servants is carried out, and regular updates on the progress from council or working group meetings should be published. Bringing greater focus to how these commitments will be achieved and how communities will secure the resources to create and update their websites, manage records, and monitor compliance with new data/information laws would significantly improve the chances of successful implementation of the actions in this commitment.

1 FR: Dotation globale de fonctionnement, http://www.collectivites-locales.gouv.fr/dotation-globale-fonctionnement-dgf

[2] interieur.gouv.fr

[3] data.gouv.fr

4 Definition of municipality councils. Code général des collectivités territoriales - Article L2121-29
https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070633&idArticle=LEGIARTI000006389895&dateTexte=20141107

5 Global Open Data Index: France, https://index.okfn.org/place/fr/

6 Data on Grants, http://www.dotations-dgcl.interieur.gouv.fr/consultation/dotations_en_ligne.php
http://www.dotations-dgcl.interieur.gouv.fr/consultation/criteres_repartition.php

7 Donnees relatives aux dotations aux collectivites territoriales et a leurs criteres de repartition (referencement),
https://www.data.gouv.fr/fr/datasets/donnees-relatives-aux-dotations-aux-collectivites-territoriales-et-a-leurs-criteres-de-repartition-referencement/

8 The tool is indexed in the government open data portal but does not provide data in open data format, https://www.data.gouv.fr/fr/datasets/donnees-relatives-aux-dotations-aux-collectivites-territoriales-et-a-leurs-criteres-de-repartition-referencement/

9 Example of a local authority financial profile on the tool,
http://www.dotations-dgcl.interieur.gouv.fr/consultation/dotation_departement_csv.php?code=56

10 The Ministry of Financial and Public Accounts is the agency responsible for preparing and implementing the Government's financial, budgetary, and fiscal policies. It is also responsible for all public accounts and the multiannual public finance strategy,
https://www.data.gouv.fr/fr/organizations/ministere-des-finances-et-des-comptes-publics/

11 Balances comptables des communes, https://www.data.gouv.fr/fr/datasets/balances-comptables-des-communes/

12 https://www.ccomptes.fr/Actualites/A-la-une/Premiere-DataSession-a-la-Cour-des-comptes

13 Projet suivi des recommandations et controle citoyen, https://forum.etalab.gouv.fr/t/projet-suivi-des-recommandations-et-controle-citoyen/1237

14 Dossiers legislatifs,
https://www.legifrance.gouv.fr/affichLoiPubliee.do?idDocument=JORFDOLE000029101338&type=echeancier&typeLoi=&legislature=14

15 Cour des comptes, https://www.data.gouv.fr/fr/organizations/cour-des-comptes/#datasets

16 The Digital Bill, http://www.gouvernement.fr/en/the-digital-bill

17 Opendata France, http://www.opendatafrance.net/2016/07/01/opendata-france-partenaire-des-collectivites-pour-louverture-des-donnees-publiques/

18 Décret n° 2016-146 du 11 février 2016 relatif aux modalités de publication et de transmission, par voie écrite et par voie électronique, des actes des collectivités territoriales, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032036829&categorieLien=id

19 This municipality publishes all local decisions online from 2001, https://delib.lorient.fr/

20 NOTRe law, https://www.legifrance.gouv.fr/eli/loi/2015/8/7/RDFX1412429L/jo

21 Decret 2016-146, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032036829&categorieLien=id

22 http://www.developpement-durable.gouv.fr/palmares-du-hackathon-hackrisques

23 #HackRisques: Comment mieux prevenir les risques naturels?, https://meem-mlhd.github.io/hackrisques-data/index.html

24 Permis de construire (PC), permis d'aménager (PA) et déclaration préalable (DP) extracted from the database Sit@del2,
https://www.data.gouv.fr/fr/datasets/permis-de-construire-pc-permis-d-amenager-pa-et-declaration-prealable-dp-sit-del2/

Commitment 2. Increase transparency in public procurement

Commitment Text:

ROADMAP

- *Standardize the format of data of public call for tenders*
- *Release in open data the Official Bulletin of Public Contract Declarations (BOAMP) or those from other publication entities, and publish buyers profiles.*
- *Encourage increased publicity of awarded public tenders*
    - *Make this publication mandatory for tenders above regulation thresholds. Encourage and support buyers to do it also for tenders below regulation threshold and to make buyers profiles accessible.*
    - *Promote open data, particularly by standardizing advertising forms and presenting them in machine readable formats. Data to be opened in priority will be selected after a study phase that will not exceed one year.*
- *Include open data clauses in contracts awarded by public authorities*
    - *Encourage service providers to open data produced during the execution of a contract by defining standard open data clauses specifying the requirements and that public authorities could include in contracts.*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Prime Minister's Office; Ministry of Finance and Public Accounts; Ministry of the Economy, Industry and the Digital Sector

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
2. Overall			✔		✔							✔	No		✔		
2.1. Standardize format for public call of			✔		✔						✔		No		✔		

tenders																	
2.2. Public contractor declarations in open format			✔		✔							✔	Yes			✔	
2.3. Increase publicity of awarded public tenders			✔		✔					✔			No		✔		
2.4. Open data clause in public contracts			✔		✔							✔	No		✔		

Context and objectives

This commitment aims to improve transparency in the public procurement process. The government had established a public procurement economic monitoring centre to oversee collection and analysis of procurement data. The centre acts as a permanent body for consultation, and has provided some contract information in open data format on the www.data.gouv.fr website. This commitment has a **medium specificity**. Activities planned in this commitment are objectively verifiable and seek to further enhance these efforts by standardizing open data format, publicizing awarded public tenders, and adding an open data clause in public contracts. These steps could make public procurement expenditure data measurable and comprehensible to citizens, though the commitment language lacks clearly measurable deliverables and is somewhat vague in terms of which publication entities will be obliged to release data in open format. This commitment is relevant to **access to information**.

The most significant part of this commitment is that specific steps are provided to improve access to information by implementing a legal standard for publishing public calls for tenders in open data formatting. If the commitment is fully implemented, the **potential impact** could be **transformative** because opening public procurement data can constitute an important vector of economic development. The potential of public procurement for the economic development of local territories is estimated at 15 percent of French GDP, meaning more than 200 billion euros per year[1].

This commitment would also be transformative since it aims to strengthen the economic intelligence of all the territories by giving access to data and knowledge around public procurement. According to a report from the Senate published in 2013[2], this knowledge gap prevents private companies from developing implementation strategies because the data they would need to do so is either incomplete, unreliable, or not up to date.

In addition to the objectives of modernising the management of public procurement, this commitment also responds to a lack of data that would allow a better development of public policies, specifically in terms of environment, employment, and strengthening a network of local businesses who could be better informed on calls for tenders.

Completion

Milestone 2.1 Standardize the format of data of public call for tenders

Based on the self-assessment report and stakeholders' views, this milestone is **limited in completion**.

Some pilot projects have taken place to develop frameworks. Etalab and the Brittany Region jointly organized two BarCamps (user-generated open data technology conferences) to work on creating national procurement-specific data standards based on French legal requirements and to ensure compatibility with other international standards, such as the Open Contracting Data Standard (OCDS).

The first BarCamp, on 9 May 2016, focused on creating a common repository for both local and national public bidding data. The beta version was published in Open Data Format on the national open data platform data.gouv.fr.[3]

The BarCamps and prototype of the repository system represent positive steps towards establishing a national standardized framework for publishing public bidding and buyers' information. To be considered complete, the next step is migrating essential public procurement data already available over to the new format in a single standardized online system (on the data.gouv.fr site), which will ensure free and simple access to procurement information and buyers' profiles, such as the unique identification number of the concession contract, the name and number of the granting authority, and the procurement procedure used[4]. This will require determining whether the standards currently being piloted can be applied at both the national and local level, and developing a system to validate previous data.

Milestones 2.2, 2.3, 2.4 - Improvement of the legal framework on public procurement

Milestones 2.2, 2.3, and 2.4 define steps for establishing a legal framework and entail several activities: to release in open data the Official Bulletin of Public Contract Declarations (BOAMP) (2.2), to publicize currently awarded public contracts (2.3), and to include open data clauses in contracts awarded by public authorities (2.4).

Milestone 2.2 and the publication of the information contained in the Official Bulletin of Public Contract Declarations (BOAMP) have been **substantially completed**. Decree n° 2015-899 on publishing all information relating to public procurement in open data format was published on July 2015. Since the publication of Decree n° 2015-899, the data of the Official Bulletin of Public Contract Declarations (BOAMP) has been published and is available[5] on data.gouv.fr. It is updated multiple times per week. Prior to the decree, the license to use the BOAMP data was €10,952 in 2013. The Digital Republic Bill includes a provision that would make the reuse of public information (including BOAMP data) free. At the end of the first year of implementation the Digital Republic Bill had not yet passed.

The Directorate of the Legal and Administrative Information (DILA)[6] is responsible for all information published on BOAMP. The information made available is extensive and includes call for tender notices and state award notices, as well as public-private partnership contracts, public service delegations, and defence or security contracts, (although these are submitted to a limited transparency obligation in a separate decree).[7]

According to the government self-assessment report, **Milestone 2.3**, advertising public procurement contracts and profiles on buyers, has seen **limited completion**. In the Brittany Region, the pilot standardized format and beta online repository have been used to meet the new standards, such as publishing a list of all the contracts awarded the previous year. However, progress is not even across all regions and standardization methods are still being tested.

Milestone 2.4 to require contracts awarded by public authorities to include open data clauses[8] is considered substantially complete by the government self-assessment report.

The objective is to encourage the awarded contracts to publish a certain amount of data that has been produced while executing the contract; in the same way that the municipality of Paris

established in 2014 for local public procurement[9]. To achieve this, the municipality of Paris partnered with CSO Open Data France, to ensure the required data is open to civil society needs.

At the time of writing, the definition of this kind of data has not been decided but the DAJ (Directorate of Legal Affairs) is working to standardize this open data clause in a document that would apply to different sorts of markets[10]. This legal requirement is part of Article 8 in the draft law for a Digital Republic. However, at the end of the first year of implementation (June 2016), the law had not yet been enacted, and therefore this milestone was **limited in completion**.

Many of the activities envisaged by this commitment fall under the existing Public Procurement Contracts Code[11], which already stipulates a number of expected standards. However, this new legal framework adds all the requirements around open data and standards. These include, for example: a list of all the contracts awarded the previous year and the names of the beneficiaries (Article 133), as well as information related to the identification of the buyer, the nature and purpose of the public contract, the procurement procedure used, the main location of the contract, its duration, amount, principal financial conditions and the deliverables. The requirements of the Code are to be fully in place by 1 October 2018[12], after the end of the first OGP action plan cycle.

Early Results (if any)

Before being appointed Director of public procurement of the Brittany Region, Céline Faivre co-founded and chaired a civil society organisation with the objective of strengthening relationships between local administration, civil society, and the private sector around public procurement. This organisation, Breizh Small Business Act[13], conducted a pilot in 2016 in the Region by releasing data from 12 major local authorities in open data format and using the Open Contracting Data Standard to achieve this objective[14]. This two-year pilot project was made possible by gathering together multiple stakeholders, open data experts, and public and private actors. Multiple economic actors in the region actively supported the initiative and participated in the development of the project, by attending the different BarCamps, or by endorsing the regional Public Procurement Charter[15] that was put in place by the organization. It contains six different commitments, one of them being to comply with transparency in public procurement. At the time of writing, 35 stakeholders[16] (private and public actors, plus the regional prefect) have signed the Charter, having used the data that was open.

Next Steps

According to Céline Faivre, this commitment should be taken forward in the next action plan in order to follow the application of the decrees in 2018 and to monitor the implementation of the whole process at all government levels, national and subnational. As a local actor currently leading the first national pilot at a regional level, Faivre regrets that OGP is difficult to approach for local authorities, especially in subjects like public procurement where a more global approach involving the local authorities in a collective effort would be valuable to define ways to collect data. This opinion was shared in a report[17] by the Open Data France Organisation on how to better follow-up with local administrations and authorities in the implementation of open data policies.

All steps taken from central government to closely follow-up with local and regional authorities in setting up and empowering open data process are useful. A legal control mechanism to ensure the new legislation is respected could also be considered in the next steps.

The IRM researcher recommends that any kind of initiatives to follow-up and help local authorities continue in the direction of openness (such as "My Breizh Open Data" project) are

particularly useful and desirable in a national approach to disseminate transparency and accountability values. Additional budgetary and training resources could further help local administrations achieve these goals, especially in rural areas.

1 La note de conjecture France Marches, http://www.francemarches.com/blog/wp-content/uploads/2013/10/NC-FM-Octobre-2013.pdf

2 Passer de la défiance à la confiance : pour une commande publique plus favorable aux PME, https://www.senat.fr/notice-rapport/2015/r15-082-1-notice.html

3 See results, https://www.data.gouv.fr/fr/datasets/referentiel-de-donnees-marches-publics/

4 Information on data required by law for buyers' profiles can be found at: https://www.legifrance.gouv.fr/eli/arrete/2017/4/14/ECFM1637256A/jo#JORFARTI000034492613

5 BOAMP, https://www.data.gouv.fr/fr/datasets/boamp/

6 DILA is a directorate from the central administration of the Prime Minister. DILA performs tasks of legal dissemination, publishing and administrative information.

7 Décret n° 2016-361 du 25 mars 2016 relatif aux marchés publics de défense ou de sécurité: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032296743

8 An example of an open data clause from the procurement contracts of the city of Paris. Articles 17 & 18 of the Digital Republic Bill states that public service delegation contracts and other similar types of contracts have to include open data clauses, which means that the concessionaire has to open data that has been produced or collected in order to insure a level playing field and allow reuse of publicly held information.

9 Paris Data, https://opendata.paris.fr/pages/les-marches/

10 The five categories are: supplies and services, intellectual services, construction work, industrial work and ICT services.

11 Article 131 du Code des Marchés Publics relatifs aux données à publier : https://www.legifrance.gouv.fr/affichCode.do;jsessionid=903DDB67D2C31975439C7E762655213.tpdila16v_1?idSectionTA=LEGISCTA000006132979&cidTexte=LEGITEXT000005627819&dateTexte=20160331

12 Décret n° 2016-360 du 25 mars 2016 relatif aux marchés publics, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032295952&fastPos=1&fastReqId=2066405146&categorieLien=cid&oldAction=rechTextehttps://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032295952&fastPos=1&fastReqId=2066405146&categorieLien=cid&oldAction=rechTexte

13 Breizh Small Business Act, http://breizhsmallbusinessact.fr/les-missions/

14 Observatoire régional de la commande publique, https://breizh-sba.opendatasoft.com/page/home/

15 Charte de la commande publique, http://breizhsmallbusinessact.fr/wp-content/uploads/2016/12/Charte-de%CC%81c-2016.pdf

16 Charte de la commande publique, http://breizhsmallbusinessact.fr/la-charte-de-la-commande-publique/

17 Rapport sur les dispositifs d'accompagnement des collectivités locales à l'ouverture des données publiques, http://www.opendatafrance.net/2016/10/21/remise-du-rapport-sur-laccompagnement-des-collectivites-locales-dans-lopen-data/

Commitment 3. Improve transparency in international development aid

Commitment Text: .
ROADMAP

The French Development Agency will gradually open data on funding granted to sectors under their responsibility in Sub-Saharan Africa, Mediterranean countries, Asia and Latin America. The Ministry of Foreign Affairs and International Development will then add data on projects funded in these zones to expand the site www.transparence-aide.gouv.fr. All this data will be published regularly in the IATI format and hosted or referenced on www.data.gouv.fr. The transparency threshold of €100,000 will be removed by these two stakeholders for projects run by NGOs. Transparency will be applicable whatever the amount from 2016. The Finance and Economy Ministry will continue to reference, on the site www.data.gouv.fr, the definitive declaration of data from France to the OECD, within the shortest deadlines compatible with maintaining the verification and control function for OECD statistical data.

- *Continue the provision of data on public development aid by extending the scope of zones and the types of projects covered*

  2015:

  - *Opening, in June, of the French Development Agency (AFD) data on funding granted within their sector of responsibility in the sub-Saharan African and Mediterranean countries.*
  - *Gradual opening in the second half-year by the MAEDI (Ministry of Foreign Affairs and International Development) data for the African zone (countries to be determined)*
  - *Publication of data relating to priority solidarity fund projects, humanitarian aid, food aid, co-development projects and actions of the DAECT (Delegation for External Action of Local and Regional Authorities) on the portal "data.gouv.fr"*

  2016:

  - *Gradual opening of the MAEDI data on Asia-Pacific, Latin America and the Caribbean (countries to be determined)*
  - *Opening at the end of June, by the AFD data on Asia-Pacific, Latin America and the Caribbean (sovereign sector for the AFD)*
  - *Publication of the AFD and MAEDI open data, in the IATI format, on projects run by NGOs (whatever their amount) in the countries already subject to the publication of this data*

  2017:

  - *Reduction, by the AFD and the MAEDI, of the publication threshold from €100,000 to €50,000 for all projects in the countries already concerned (except NGO projects, published whatever their amount)*

All of these releases should be in open data, published regularly, in the IATI format and for projects of €100,000 or more.

Editorial Note: This is a truncated version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).
Responsible institution: Ministry of Foreign Affairs and International Development; Ministry of Finance and Public Accounts; Ministry of the Economy, Industry and the Digital sector; French Development Agency (AFD)
Supporting institution(s): Ministry of Foreign Affairs and International Development; Ministry of Finance and Public Accounts; Ministry of the Economy, Industry and the Digital sector; French Development Agency (AFD)
Start date: 16 July 2015 **End date:** 15 July 2017

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	
3. Overall			✔		✔			✔		✔			No		✔		

Context and objectives

The objective of this commitment is to improve transparency of development aid by gradually releasing data on projects funded by its three main international development agencies: AFD[1], MAEDI[2], and MINEFI[3]. Specifically, this commitment text pledges to publish the information following International Aid Transparency Initiative (IATI) open data standards and to continue to expand the regional zones and types of projects funded.

In 2015, France spent 9.2 billion (USD) in overseas development assistance (ODA), the equivalent of 0.37 percent of their gross national income (GNI)[4]. Amongst OECD countries, France is ranked 11th in terms of ODA as a percentage of GNI and fifth in terms of volume[5]. As a member of the OECD Development Assistance Committee (DAC), France has pledged to follow a set of international best practices for national development co-operation polices, including disclosure of development aid[6]. Yet French aid agencies consistently underperform in this metric when compared to aid agencies of other OECD countries[7]. In 2014 and 2015, the three main French aid agencies, AFD, MAEDI, and MINEFI, received scores ranging from "fair" to "very poor" on the annual Aid Transparency Index published by the organization Publish What You Fund[8] [9]. Following the recommendation of the Aid Transparency Index report[10], France incorporated in its first national action plan a commitment to address this issue.

In 2014, the Ministry of Foreign Affairs and International Development, MAEDI, piloted an Aid Transparency platform focused on Mali[11] with an interactive map that allows users to easily see projects and spending for bilateral aid, searchable by sector, status, aid type or budget. This project has since been replicated for Burkina Faso, Niger and Mauritania.

Building on the pilot, the activities described in this commitment focus almost exclusively on the release of a series of datasets. The main innovation for this commitment is that the transparence-aide.gouv.fr website allows for individuals to request the release of specific datasets from the 16 priority developing countries under the French cooperation and development policy. The commitment language, however, does not describe any mechanism for individuals to report errors in the data, nor are there any consequences for public officials if they do not release the data or if the data is missing or incomplete. While the release of data is a critical pre-requisite for public integrity and management of public resources, this commitment fails in implementing civic participation and accountability. This commitment is, therefore, only relevant to the OGP values of access to information and technology and innovation for transparency and accountability.

This commitment has medium specificity. Certain aspects of the commitment lack specificity as data releases are offered without indicating their scope or frequency, which prevents the activities from being objectively verifiable. For example, the commitment offers to gradually open MAEDI data for African countries but it does not indicate a timeline.

The potential impact of this commitment is minor. As indicated in the commitment language, the majority of the data being released on www.transparence-aide.gouv.fr is already published on the www.data.gouv.fr website. The reason this commitment is not considered to have no potential impact is that the activities seek to harmonize the data available on both websites and create an opportunity for individuals to request the release of specific datasets. Yet, the lack of accountability or enforcement mechanisms to hold officials accountable, either to the timely release of the data or to the content within the data, undercuts any higher potential impact that the release of this data may have on transparency in development aid.

Completion

Overall, the level of completion of this commitment is limited. While some of the milestones are complete, some work remains to be done for others.

1. **By MAEDI**

On 8 September 2014, MAEDI launched *transparence-aide.gouv.fr,* a global platform publishing Aid Development data in open data with the IATI standard, covering 33 countries across Africa, the Mediterranean Sea, Asia-Pacific, and Latin America and the Caribbean, identifying nearly 1000 development projects implemented in these countries by both MAEDI and AFD.

In addition to the website, the datasets[12] are also published on the government open data platform, data-gouv.fr. Based on desk research, the IRM researcher found that most of the datasets were not published on time as shown in the action plan:

a) On data-gouv.fr

General datasets, such as the Priority Solidarity Fund (FSP) 2015, Humanitarian Aid 2013 + 2014, External Action of local authorities (APD - DAECT) 2014, and co-development projects 2014, were published in January 2016 instead of 2015 as scheduled in the NAP.

Only the database about NGO projects spending in 2015 was published on time in 2016. Data about the 16 priority countries was published in June 2016 instead of 2015.

b) On the MAEDI platform *transparence-aide.gouv.fr*

Not indicating clearly in the NAP the number of countries to be released makes the assessment difficult.

Where the plan asserts "*countries to be determined"* about opening up data for a specific region it is unclear to assess whether or not the commitment is complete or has made some progress.

In January 2017, on the MAEDI platform *transparence-aide.gouv.fr*, the current number of released datasets are:

- Latin America + Caribbean = Two countries. (Brazil + Dominican Republic)

The dataset on Colombia is published on the national platform data.gouv.fr but not on the MAEDI transparency portal.

- Asia-Pacific = Five countries. (Burma / Laos / Vietnam / Cambodia / Afghanistan)

The dataset on Vietnam is published on the MAEDI transparency portal but not on the national platform data.gouv.fr

- Mediterranean Region = One country (Tunisia)

The dataset on Tunisia is published on the national platform data.gouv.fr but not on the MAEDI transparency portal.

- Sub Saharan Africa = 25 countries. (16 priority countries + 9 additional: South Africa, Cameroon, Congo, Ivory Coast / Ethiopia / Gabon / Kenya / Mozambique / Nigeria)

2. By AFD

In April 2015, AFD released an open data platform, opendata.afd.fr, which is making good progress in making its data more accessible since this project provides detailed disaggregated data and allows for the bulk export of data under an open license. The AFD also released an interactive world map[13] of bilateral projects searchable by sectors and countries and a dataviz country dashboard[14] with aggregated data coming from the IMF, the World Bank or the UN.

Not all data published on opendata.afd.fr is published on data.gouv.fr.

- Latin America: Three countries. (Mexico, Colombia and Brazil)

The data on Mexico is not published on the government portal data.gouv.fr

- Mediterranean Sea: Seven countries. (Morocco, Tunisia, Lebanon, Turkey, Autonomous Territories of Palestine, Egypt and Jordan)

The data on Lebanon, Turkey, Autonomous Territories of Palestine, Egypt and Jordan is not published on the government portal data.gouv.fr

- Caribbean: Two countries. (Haïti and Dominican Republic)
- Asia-Pacific: 10 countries. (Afghanistan, Pakistan, Philippines, Sri Lanka, Indonésie, Inde, China, Vietnam, Cambodge, Laos)

The data on Pakistan, Philippines, Sri Lanka, Indonésie, Inde, China is not published on data.gouv.fr

- Sub-Saharan countries: 16 priority countries + 8 additional (Ivory Coast, Nigeria, Ethiopia, Mozambique, Kenya, Gabon, Cameroon and Congo)

Data on the 16 priority countries were published on November 2016, considered late according to the NAP schedule (end of June 2016)

The data used to build the map is well documented[15] and covers a wide range of countries, however it is not published as open data or within a standard and it is not clear how these projects differ from those highlighted on the open-data platform. (Eg. in Senegal, only one project is represented but on reading afd.opendata (and data.gouv.fr), we can find 41 projects in Senegal.

In addition, the map lists a wide range of countries including French Overseas Territories, but this data is available neither in the afd.opendata portal, nor on data.gouv.fr.

III. Conclusion on completion

Limited progress has been made in the first year, and both MAEDI and AFD have to pursue their efforts in 2016-2017 to reach the objectives fixed in the NAP. The self assessment report mentions the progress being limited, and stakeholders like ONE agree with this assessment. As Mae Kurkijan, ONE advocacy manager, reports, "Some progress has been made towards more transparency of International Development Aid Data, specifically with the release of the datasets of MAEDI and AFD on the national open data platform data.gouv.fr for raw data, as well as in the transparency-aide.gouv.fr platform which makes this data readable and accessible. The same applies for the AFD open data platform.

"However, progress remains insufficient and must continue since there were quite some delays on both sides in releasing the data (Africa, Asia-Pacific, and Latin America and the Caribbean,) and the data has not been sufficiently updated. In addition, the multiplicity of data platforms on official development assistance makes it difficult for civil society organizations such as ours to monitor the projects. Why not combine these initiatives on a single platform to facilitate access to information?"

Kurkijan also says her organization uses the data provided by both agencies on a regular basis for advocacy work and the quality of the aid transparency platform is good, but not as good as the project pages on the AFD platform. In both cases, the IATI format is respected.

On AFD's portal, the organization Publish What You Fund notes it is important for them to get detailed data on individual projects and they are satisfied with the way it is currently being done, but efforts must be pursued in order to cover all activities carried out by the agency, especially with the private sector. Data such as budgets or contracts are still missing. The AFD cartography is also being used at PWYF, but they point out important documents, such as monitoring and evaluation reports or impact results, are missing. Additionally, users and aid beneficiaries in certain countries would like to get the information in their local language.

Early Results (if any)

Given the limited completion of this commitment, there are no clear early results related to the release of the data described in this commitment. In December 2016, however, the AFD joined IATI as a new member. While this is directly related to the activities described in the commitment, it underlines the leading role of AFD on these issues and will enable the agency to exchange best practices with other donors within the network and hopefully promote efforts internally as well as with its partners in the field.

Next Steps

In order to meet the objectives of the commitment, both agencies MAEDI and AFD should pay attention to publishing on-schedule and making data available using the IATI format on all platforms.

As stated in the Publish What You Fund report, MAEDI should re-prioritize its IATI publication and focus on publishing more comprehensively to standard, before extending coverage to other priority countries and increase the frequency of its publication. It should also include forward-looking budgets for at least three years ahead. MAEDI should adapt its information systems and processes to support automated and timely publication of high quality data and work closely with the AFD, MINEFI and the IATI Secretariat to improve publication.

Gathering all aid flows under the IATI standard would allow great progress in knowledge, governance and control of aid flows to the country.

This commitment should remain in the next action plan to ensure the update and publication of the data, and push forward the Treasury Agency (MINEFI) to start complying with transparency standards.

Both agencies MAEDI and AFD should extend the scope of the opened data to all data related to public development aid.

Kurkijan from ONE France also notes that no transparency currently exists on the use of the innovative fund, which includes all innovation projects related to development, while its budget is increasing across the years (+110% in 2016). This fund is a sub-category of the Solidarity Fund for Development (Fonds de solidarité pour le développement - FSD) and is currently opaque to NGOs, citizens and to members of Parliament for monitoring purposes.

In its September 2016 report[16] and analysis on France's 2017 budget proposal allocated on International Aid, Oxfam and the NGO Coordination Sud make the same observation and strongly recommend to the government a full transparency.

In this report, they also formulate other recommendations, such as:

- More collaboration between the three agencies MAEDI, AFD, and MINEFI to extend transparency best practices on data publication
- A stronger commitment to publish regularly using the IATI standard
- An effort to adapt internal information systems to increase release and data compatibility
- Centralize all AFD data in one place .

1 France-AFD (France Agency for Development) is a public agency and a development bank. It manages most French bilateral assistance and operates under the dual authority of MAEDI and MINEFI.

2 MAEDI, Ministry of Foreign Affairs and International Development, is responsible for setting France's development cooperation policy. MAEDI mainly manages France's Solidarity Funds, projects relating to humanitarian and food aid, and funds dedicated to democratic governance.

3 MINEFI's Treasury Department (DG Trésor) is responsible for managing a significant proportion of France's ODA, particularly expenditure relating to debt relief and contributions to multi-laterals and IFIs. It is also responsible for reporting France's ODA to the OECD.

4 OECD DAC member profile: France, http://www.oecd.org/dac/france.htm

5 OECD DAC member profile: France, http://www.oecd.org/dac/france.htm

6 OECD library DAC guidelines and reference, http://www.oecd-ilibrary.org/development/dac-guidelines-and-reference-series_19900988

7 French aid transparency among the worst in the world, The Guardian, 4 May 2016, https://www.theguardian.com/global-development/2016/may/04/french-aid-transparency-among-the-worst-in-the-world

8 Aid Transparency Index 2014, http://www.publishwhatyoufund.org/wp-content/uploads/2016/12/2014-Aid-Transparency-Index.pdf

9 2015 EU Aid Transparency Review, http://www.publishwhatyoufund.org/wp-content/uploads/2016/12/2015-EU-Aid-Transparency-Review.pdf

10 Page 10, Aid Transparency Index report > http://ati.publishwhatyoufund.org/wp-content/uploads/2016/03/2014-ATI_Final-report.pdf

11 http://mali.transparence-aide.gouv.fr/projects/

12 L'aide publique au developpement de la France, https://www.data.gouv.fr/fr/datasets/l-aide-publique-au-developpement-de-la-france/

13 AFD Mapping Projects, http://carte.afd.fr/afd/en/

14 AFD Country Dashboards, http://afd.countrydashboards.com/

15 See sample: http://carte.afd.fr/afd/en/project/promoting-bilingual-learning-in-french-speaking-sub-saharan-africa

16 Aide publique au developpement, see chapter 7, p.27: https://www.oxfamfrance.org/sites/default/files/file_attachments/plf-2017-csud-web-1.pdf

Commitment 4: Open access to evaluations of public policies and to their conclusions

Commitment Text:

ROADMAP

• Encourage all actors involved in evaluations to make their work available in the Public Policies Evaluation Observatory, to improve its comprehensiveness and facilitate research through its database (access by keyword, etc.)

- *Make the Public Policies Evaluation Observatory available to all, as the reference database for public policies evaluations*
- *Systematize the publication of public policies evaluations launched in the context of government modernization programs (when not prevented by legal considerations)*

• Systematize and improve citizens' participation in evaluations coordinated by the SGMAP, for example through opinion surveys, workshops for citizens' juries, etc.

• Improve the traceability of impact on public action of public policies evaluations launched under government modernization programs

Editorial Note: This is a truncated version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of State for State Reform and Simplification attached to the Prime Minister

Supporting institution(s): NA

Start date: Not Specified End date: Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	
4. Overall		✔			✔	✔				✔			No		✔		
4.1. Public Policies Evaluation Observatory		✔			✔				✔				Yes				

4.2. Citizen Participation in SGMAP evaluations		✔				✔				✔			No	✔			
4.3. Improve traceability of public policies		✔			Unclear				✔				No	✔			

Context and objectives

This commitment aims to make public policy evaluation reports more accessible to the general public. To this end, the Secretary-General for Government Modernization (SGMAP) has set up a partnership with the French Evaluation Society (*Société Française de l'Évaluation*, or SFE)[1], an association which has set up a public policies evaluation repository[2]. The repository (called the "Observatoire" in French) consists of a database of public policy evaluations from several agencies at different government levels (state, local authorities, etc.). It also gives users the opportunity to submit a report themselves.

Milestone 4.1 concerns the availability of evaluations at the observatory. There are many public institutions in France that are responsible for publishing public policy evaluation reports. In order to merge the various publishing efforts of these institutions, *SFE*, a private organisation, proposes to collect the evaluations in a single repository. However, a repository of evaluations already exists in the library of public policies evaluation reports, "La documentation Française"[3], which gathers reports available to the public, free of charge, such as the latest annual report of the Cour des comptes[4]. Open source civil society advocates, such as Vincent Chaput, worry about the traceability of reports posted on this platform: "Retrospectively publishing a dataset from a non-auditable platform is not a sufficient guarantee that the data has not been manipulated."[5]

The language of the milestone has **low specificity,** committing the government to make the observatory "available to all" without indicating the means to achieve this goal. For this reason, and because a library of public policy evaluations already exists, the IRM researcher finds this milestone to have **no potential impact**.

Milestone 4.2 commits to introduce citizens' participation in the evaluation of public policies. The commitment text has **low specificity** and does not list concrete activities that SGMAP could implement. This milestone contains an element of **civic participation** but given its lack of precision and what exactly it aims to accomplish only a **minor** potential impact can be foreseen.

Milestone 4.3 aims to monitor the impact of public policy evaluations on public policy. The specificity of the milestone is **low** as it contains no concrete measurable action. This lack of specificity makes its potential impact difficult to evaluate and consequently the IRM researcher finds the commitment to have **no potential impact**. Since the milestone seems to be entirely internal to government, therefore lacking a public-facing element that enables the opening of government activity, it is coded as having **unclear** relevance to OGP values.

Completion

Milestone 4.1 making the Observatory online and accessible free of charge is **complete**. The Observatory was established on 16 October 2015[6]. The repository also allows the general public to propose evaluations to be conducted after creating an account[7]. In terms of usability, the repository lacks a user interface[8]|, which would facilitate the search, sorting, filters, display of descriptions, summary, and annexes. The existing user interface does not allow the use of multiple filters, and in view of the number of reports (2,222 to date), the lack of availability of

these features makes it difficult to search. Furthermore, a number of the reports listed in the repository do not have associated links allowing users to view the various reports directly.

The repository recorded an increase in the number of reports published on its site (from 1,942 documents in July 2016, to 2,222 documents in February 2017[9]). On the other hand, the technology used in the repository is not open source. The software propelling the repository is proprietary, i.e. Microsoft. Proprietary-based services are not perceived as transparent by the public, a point of view repeatedly argued by civil society organizations, such as Regards Citoyens, Framasoft and April. These organizations have drawn these concerns to the attention of the government, for instance in a document[10] published during the OGP summit in Paris in December 2016. Having the information in open data would make it possible to explore, exploit and reuse. In addition, the indexing of metadata remains incomplete (date, status, etc.).

Finally, the URL to access the observatory is very complex (http://ww5.eudonet.com/V7/app/specif/EUDO_03847/ExtranetDocumentaire/Recherche.aspx).

To date, there is no simpler URL for identifying the observatory directly on search engines. It also does not permit identification of the association that produces the observatory, which would lead to a more optimal identification by Search Engine Optimisation.

The Observatory has a feature that allows the public to propose evaluations, but it does not allow users to see the number of evaluations that have been requested (if any) nor who has contributed. Therefore, it is difficult to assess how much the observatory has been used by civil society to submit new evaluations.

Milestone 4.2 involves the conduct of opinion surveys, collaborative workshops, or citizens' juries by SGMAP. The self-assessment report states that citizens' juries are part of Commitment 13 'Capitalize on the consultations carried out and renew the mechanisms of citizen expression'. The self-assessment does not mention surveys of opinions, workshops and "other forms of participation" linked to the evaluation of public policies. Therefore, the level of completion of this step is **not started**.

Regarding **Milestone 4.3**, the government claims in the self-assessment report that the milestone was "being tested with a few ministries" but provides no evidence as to the level of completion of the milestone, nor any additional description of what elements are being tested with these select agencies. Therefore, the milestone was coded as **not** having **started**.

Early Results (if any)

No results were documented at the time of writing (January 2017).

Next Steps

In order to improve the service provided by this platform, steps could be taken to make the repository data available in open source. In addition, some technical improvements could be made to the SGMAP site; in particular to make it easier for the user to view published reports. In addition, it could include more effective searching tools by date, by status or by number of views (popularity).

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1 Launch and publication of the SFE's Public Policies Evaluation Observatory, http://www.modernisation.gouv.fr/la-semaine-de-linnovation-publique/revivez-la-semaine-innovation-publique-2015/observatoire-evaluation-politiques-publiques

2 The observatory is available at, http://ww5.eudonet.com/V7/app/specif/EUDO_03847/ExtranetDocumentaire/Recherche.aspx

3 La Documentation Francaise, http://www.ladocumentationfrancaise.fr/

4 Cour des comptes' Annual Report – 2017, http://www.ladocumentationfrancaise.fr/rapports-publics/174000097-rapport-public-annuel-de-la-cour-des-comptes-2017

5 French civic-tech may turn away from the creation of digital common goods, https://medium.com/open-source-politics/la-civic-tech-fran%C3%A7aise-risque-de-se-d%C3%A9tourner-de-la-cr%C3%A9ation-des-biens-communs-num%C3%A9riques-dont-9ebcf5c55c2e#.91n01aics

6 The Observatory, http://ww5.eudonet.com/V7/app/specif/EUDO_03847/ExtranetDocumentaire/Recherche.aspx

7 SFE, http://ww5.eudonet.com/V7/app/specif/EUDO_03847/ExtranetDocumentaire/Authentification.aspx

8 Application Programming Interface (API)

9 Source: Self-assessment report – https://suivi-gouvernement-ouvert.etalab.gouv.fr/fr/Engagement4.html

10 The French "open government" : an illusion?

https://www.regardscitoyens.org/wp-content/uploads/2016/12/gouvernement-ouvert-leurre.pdf

Commitment 5. Involve citizens further in the work carried out by the Cour des Comptes

Commitment Text:

ROADMAP

1. *Open some of the data collected during inspections and evaluations, as well as data specific to financial jurisdictions.*

The Cour des comptes undertakes to regularly provide the following data sets:

a. *The budgetary data forming the basis of current or past analyses of State's budget execution*

b. *When possible, the data forming the basis of current or past themed investigations of the Cour*

c. *The data forming the basis of current or past work on local finances*

d. *Certain data on activity of the financial jurisdictions, notably the update to the list of publications from the Court and the resources of the financial jurisdictions*

The Cour des comptes will also study, together with the Prime Minister's Office, the establishment of a data portal "data.ccomptes.fr", listed on the government portal (data.gouv.fr), in order to systematize a strategy of data management and the opening of public information.

2. ***Further involve citizens in the work of the Cour des comptes***

This involvement could take several forms:

a. *Opinion surveys in order to better identify the expectations of citizens in relation to the work of the Cour des comptes, both in form and content*

b. *A contributory platform could be introduced to enable feedbacks from citizens' on their concerns*

Editorial Note: This is a truncated version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Cour des Comptes

Supporting institution(s): N/A

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
5. Overall		✔			✔	✔					✔		No		✔		

5.1 Open data collected by Cour des Comptes		✔			✔					✔			No		✔		
5.2 Involve citizens in work of Cour des Comptes		✔				✔					✔		No			✔	

Context and objectives

By definition[1], the Cour des Comptes, the French Supreme Audit Institution, also known as the Court of Auditors, is responsible to deliver a free, independent and collegial assessment of the use of public funds. In addition to operating as an independent jurisdiction separate from the Government and the Parliament, the Court of Auditors is also in charge of auditing, issuing rulings and certifying the State and Social Security accounts, as well as contributing to the evaluation of public policies.

As Jérôme Filippini, the General Secretary of the Court of Auditors, declared in his speech[2] during the OGP summit in Paris, the Court of Auditors has built its mission on openness and transparency ever since its creation. Realizing that the digital transformation offered an opportunity to give full meaning to their founding principles, the Court of Auditors took the initiative, in 2014, of opening a few datasets presenting the result of its work, including a dataset listing all the documents produced[3] by the Court of Auditors and its regional chambers.

Following this first step, the Court of Auditors opened more datasets such as[4] the jurisprudence of financial jurisdictions, with the objective of making it further available through an API, or all data regarding the day-to-day activities of the financial jurisdictions (human resources, budgets, performance).

The evaluation reports produced by the Supreme Audit Institution contain highly detailed and up-to-date data that could be reused in other researchers' analyses or investigations. For example, online independent investigative newspaper Mediapart regularly uses this data[5].

As mentioned, the commitment also aims to invite citizens to take part in the work produced by the Court of Auditors, often perceived as complex for a non-specialized audience. However, the participatory activities envisioned by this commitment, including launching a citizen-feedback platform and the administering opinion surveys, are not very specific. The commitment proposes to launch a contribution platform that would allow the Court of Auditors to receive feedback and citizens to express concerns or comments, but it has yet to be built. Furthermore, the commitment description does not contain details about the implementation, timeline, or potential functionalities. In addition, the commitment proposes conducting opinion surveys on citizens' expectations for the Court of Auditors, but does not include how the surveys will be carried out or how citizens' views will be used.

Similarly, the proposal to open "certain data on activity of the financial jurisdictions" does not specify which data.

Completion

The Court of Auditors had successfully released 43 datasets by July 2016 and 52 by December 2016 (when this report was written).

All datasets listed in the commitment were released on the national open data platform:

- The budgetary data forming the basis of current or past analyses of State's budget execution[6]

- The data forming the basis of current or past themed investigations of the Court[7]
- The data forming the basis of current or past work on local finances[8]
- Certain data on activity of the financial jurisdictions, notably the update to the list of publications from the Court and the resources of the financial jurisdictions[9]

This increased effort was enhanced in May 2016 when a Data Session hackathon was organized during two days in the Court of Auditors in Paris. Bringing together data scientists, magistrates, high-ranking officials and students, the meeting sought to find an audience for the freshly released datasets, as well as improving them or suggesting new ones to open in the near future.

More than 60 participants[10] joined the event, and the data session ended by highlighting six different projects[11] using the above data, such as the creation of a tool that would present the Court recommendations of each report to citizens, a geolocation of reports published by the regional chambers, and the indexation of the jurisprudence on an existing licence-based law specific search engine tool. With the exception of the last one, the majority of the projects are still in a prototype version but the Data Session fulfilled its objective of confronting the data with the needs of users. Some projects were further expanded during an OGP Summit hackathon and won the attention of international participants.

The Data Session was also a key event in the second milestone, followed later in October 2016 by an event called European Heritage Days, during which the Court of Auditors opened its doors to the public and each visitor could meet the staff of financial jurisdictions and exchange views with them. Every year, the Court of Auditors uses this time to consult and collect people's opinions on the work done during the year and gives citizens the opportunity of receiving responses directly from the staff.

In December 2016, the Court of Auditors also participated in the General Interest Entrepreneurship[12] program, coordinated by Etalab. It hired a data scientist for 10 months to develop a tool so the public can more easily extract specific data from the published reports, provide feedback and "interrogate" the database.

Early Results (If any)

Although the Data Session hackathon and the General Interest Entrepreneurship program were not milestones in the commitment text, these activities carried out through Etalab and the Court of Auditors contributed to meeting the commitment objectives of improving transparency and involving citizens in the Court's work. The Court of Auditors successfully managed to engage a broader group of stakeholders by organizing a hackathon and working with Etalab to engage data scientists in assessing the Court's report findings and database. This commitment represents an effective example of setting realistic goals, while remaining agile and committed. It is important to note as well that the Court of Auditors has a substantial degree of influence amongst other institutions, jurisdictions and ministries who could potentially follow their lead and recommendations, and take their commitment in the first NAP as an example.

Next Steps

The work achieved to date with this commitment serves as a solid basis to continue the development and the implementation of Open Government values and principles within an independent and influential administrative body. The Court of Auditors showed great interest in leveraging the initiative, so the IRM researcher recommends that it continues these efforts with further commitments in the second national action plan, which would create new opportunities to innovate and industrialize the projects and processes they have started.

1 Role and definition of the Court of Auditors, https://www.ccomptes.fr/en/Our-organisations/Cour-des-comptes

2 Cour des Comptes, http://www.ccomptes.fr/content/download/97332/2231740/allocution-JF-sommet-OGP-08122016.pdf

3 Productions des chambres régionales et territoriales des comptes, par chambre régionale et par type de production (2010-2015), https://www.data.gouv.fr/fr/datasets/productions-des-chambres-regionales-et-territoriales-des-comptes-par-chambre-regionale-et-par-type-de-production-2010-2015/

4 Allocution de M. Didier Migaud, Premier président de la Cour des comptes lors de l'ouverture de la Conférence de Paris sur l'open data et l'open gov, 24 avril 2014
, https://www.ccomptes.fr/content/download/67049/1843456/file/Discours_PPnt_opendata_conference_de_Paris.pdf

5 Investigation published based on data produced by the Cour des Comptes, https://www.mediapart.fr/journal/culture-idees/030316/l-academie-francaise-une-zone-de-non-droit-en-plein-paris

6 Budget de l'Etat, https://www.data.gouv.fr/fr/datasets/?sort=-created&organization=53698dada3a729239d20331d&tag=budget-de-l-etat

7 La Securite Sociale 2015, https://www.data.gouv.fr/fr/datasets/la-securite-sociale-2015/

https://www.data.gouv.fr/fr/datasets/la-masse-salariale-de-letat-enjeux-et-leviers/

8 Les finances publiques locales 2014, https://www.data.gouv.fr/fr/datasets/les-finances-publiques-locales-2014-2009-2013/

9 Rapport publies par la cour des comptes, https://www.data.gouv.fr/fr/datasets/rapports-publies-par-la-cour-des-comptes/

https://www.data.gouv.fr/fr/datasets/jurisprudence-anonymisee-de-la-cour-des-comptes-2006-2008-et-2010-2015/

10 Feedback on Court of Auditors DataSession by Etalab, https://www.etalab.gouv.fr/datasession-a-la-cour-des-comptes-une-premiere-brique-vers-louverture-des-decisions-de-justice

11 List of projects presented at the Datasession, https://forum.etalab.gouv.fr/c/agenda/datasession-a-la-cour-des-comptes-27-28-mai-2016?order=posts and https://www.etalab.gouv.fr/datasession-a-la-cour-des-comptes-une-premiere-brique-vers-louverture-des-decisions-de-justice

12 Presentation of the General Interest Entrepreneurship program, http://www.modernisation.gouv.fr/ladministration-change-avec-le-numerique/par-louverture-des-donnees-dans-les-administrations/entrepreneur-interet-general

Commitment 6. Access to Public Officials Transparency Obligations

Commitment Text:

COMMITMENT 6. FACILITATE ACCESS TO DATA REGARDING TRANSPARENCY OBLIGATIONS OF PUBLIC OFFICIALS

Roadmap

Publish public data contained in declarations of assets and interests made using an online reporting tool in an open, reusable format (declarations of assets made by members of the Government and declarations of interests of members of the Government, members of Parliament, French representatives in the European Parliament and main local elected officials)

- *With the development of the online reporting tool (ADEL), it will be possible to circulate information in a reusable format within the 2016 year*
- *Efforts by HATVP to convey the information about the online reporting tool to persons bound by reporting obligations will be stepped up. The aim is to ensure a high level of remote reporting and, as a result, a large volume of open-data information*

Editorial Note: This is a truncated version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: High Authority for Transparency in Public Life

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
6. Overall			✔		✔			✔			✔		No		✔		

Context and objectives

This commitment aims to publish information regarding assets declaration and conflict of interest for all elected officials, such as parliamentarians and mayors of cities exceeding 20,000 residents, in an open data format.

In April 2013, in a context of political scandal, tax evasion and concealment of assets abroad involving an elected government official, the High Authority for Transparency in Public Life, or HATVP, was created. This scandal, described as democratic chaos according to the President of the HATVP Jean-Louis Nadal, prompted the government to adopt two laws in six months enabling the control of elected officials to be strengthened.

The Law on Transparency in Public Life was voted in October 2013 and requires members of the Government, deputies, senators, local elected officials and high-ranking officials (i.e. about 14,000 people) to draw up declarations of conflict of interest and assets at the beginning and end of their mandate. The High Authority is therefore responsible for collecting by mail the assets declarations of public officials. It is also responsible for ensuring the tax authorities verify that the tax filers are up to date with tax payments. The tax administration is responsible for initiating the proceedings and reporting on its findings, though the reporting is internal.

The commitment provides for the availability of these declarations to citizens in open data format. Citizens will be able to exercise oversight on online declarations in two ways. The first consists of keeping track of the date of publication of the declarations. The elected representatives have two months to publish their declaration following the start of a mandate, or incur sanctions of up to three years in prison and 45,000 euros in fines[1]. Following the filing dates of the online declarations, civil society associations or citizens may refer non-compliance to the High Authority, which will forward the file to the Public Prosecutor's Office, who has the authority to impose penalties[2]. The second consists of auditing the content of the declarations. Citizens may refer cases concerning false declarations (omission of interest or undervaluation) to the High Authority.

As written, this commitment has a **moderate potential impact**. The information contained in the declarations, both assets and conflict of interest, is significant and constitutes solid evidence to control public officials. This information is being used at judiciary level in order to decide on sanctions. Also, the publication of assets and conflict of interest declarations is a major step forward in increasing transparency, particularly as the public will be able to reuse this data. In addition, publication of the declarations allows the public to monitor non-compliance. But if the High Authority had more autonomy from the Tax Administration to perform the control procedures, by having its own investigative means, a legal framework and more human resources, it would guarantee the full effectiveness of its action, as recommends Transparency International France in an evaluation report of transparency in public life. Transparency International France also reports on the difficulty of on-site consulting for the asset declaration of parliamentarians. The prohibition of note-taking makes it very difficult to exercise citizen control: the declaration must be memorized in order to be able to exploit it.

This commitment is written with **medium specificity** as the objectives and activities are precisely indicated, although the awareness-raising actions carried out by the High Authority are not detailed. This commitment contains values of **access to information**, as well as the use of information technology.

Completion

The commitment saw **limited completion**. Public officials' declarations of conflict of interest are published in .pdf format on the website of the High Authority. Assets declarations are, however, only available to view in person at the prefecture and it is prohibited to use, photograph, reproduce or copy the documents. According to the High Authority's communications officer, "the declarations covered by the open data are all those for which the law provides that they should be published on the High Authority's website". This does not apply to declarations of assets of parliamentarians accessible only in the prefecture and for which any disclosure of the content is sanctioned by law. It should also be noted that the Constitutional Council having censored the publication of declarations of assets (such as goods and real estate) and interests (such as financial participation and salaries) of non-elected people, declarations by senior officials are not made public[3].

An online platform allowing officials to file their declarations online, as opposed to by mail as was previously done, was tested and commissioned during the departmental elections in March

2015. This application has now been completed and will be used again at the end of the second quarter of 2017, when the new parliament and government takes office after the presidential election in May 2017.

Since the .pdf format does not allow for the free reuse of data, the aim of this commitment is for the High Authority to export in open data the information contained in the declarations. The infrastructure is in place and is awaiting the upcoming election deadline to initiate the second phase, which consists of publishing the conflict of interest declarations in an open data format.

With regards to the dissemination activities, the High Authority published a guide to be distributed to government officials. It is unclear how widely this guide was distributed.

Early Results (if any)

No results can be documented since open data declarations have yet to be published and it is too early to gauge the interest that access, even if limited, will generate. However, it is pertinent to note that public knowledge of the availability of these declarations has been echoed in the media and in public debate.

Furthermore, Transparency International France published findings of actions that took place as a result of the new law. These include resignations of senior officials due to conflicts of interest, investigations, and calls on civil society to assert the new oversight right particularly through the use of open data. Recent scandals involving presidential candidates who previously held parliamentary functions prompted civil society and journalists to refer to the High Authority and consult the declarations.

Next Steps

The government could incorporate Transparency International France's proposals on the ethics of public life, the exemplarity of public officials, such as completing the list of elements to be declared under the declarations of interest and improving the citizens' control of declarations of assets which are currently only available for consultation in the prefecture (it is therefore necessary to go on-site). A citizen can always refer to an association authorized to access the data, such as Transparency International France, but this presupposes knowing about that possibility.

Another area for improvement would be to provide the HATPL with additional legal means, in particular the possibility of direct access to taxation data without having to go through the *Direction générale des finances publiques*.

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1 See the text of the law specifying the sanctions,

https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=0FF002F953643ABA86C624C621D37B02.tpdila20v_3?idArticle=LEGIARTI000028057477&cidTexte=LEGITEXT000028057465&dateTexte=20170307

2 See article 23 in section IV. of LOI n° 2013-907 du 11 octobre 2013 relative à la transparence de la vie publique,

https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000028056315

[3] The distinction between declaration of assets and interests is given by article 4 of the 2013 Public life transparency law.

Commitment 7. Identify beneficial owners of legal entities registered in France

Commitment Text:

Identify the beneficial owners of legal entities registered in France.

ROADMAP

Use a centralized registry, composed of various data, including data from the French central public registry for companies called Registre du Commerce et des Sociétés (RCS), in order to keep and provide a widely open access to adequate, accurate and timely information on beneficial owners of companies and other legal entities, consistently with the new 4th Directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing provisions

Editorial Note: This is a truncated version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of Justice; Ministry of Finance and Public Accounts; Ministry of the Economy, Industry and the Digital Sector

Supporting institution(s): N/A

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	
7. Overall			✔		✔		✔	✔				✔	Yes		✔		

Context and objectives

The creation of a publicly accessible central registry of company beneficial ownership information stemmed from a series of national and international commitments on money laundering, tax evasion and corruption. This commitment is linked to a number of EU-wide and G8 agreements, but also takes place in the wake of the Luxembourg Leaks tax scandal in November 2014, which rocked the European Commission and created a demand for greater public scrutiny of corporate tax practices.

At the EU level, the EU's fourth Anti-Money Laundering Directive[1] (AMLD), adopted in October 2014, obliges EU member states to create and maintain central registers listing information on the ultimate beneficial owners of corporate and other legal entities, as well as trusts. In December 2014, after the LuxLeaks scandal, the European Parliament and Council reached political agreement, specifying that the ultimate[2] owners of companies would have to be listed in central registers in EU countries, accessible to people with a 'legitimate interest'. Details,

however, regarding who is considered to have 'legitimate interest' remains unclear. Some stakeholders cite investigative journalists and other concerned citizens as example of individuals with 'legitimate interest', while others argue that being a citizen of an EU member state is itself sufficient proof. Another, separate argument put forth by stakeholders is that the concept of legitimate interest is not consistent with transparency and open government principles and therefore should not be the basis for determining who should be able to access these central registers. Nonetheless, France –together with Denmark and the UK –have signaled they will make their registers fully accessible to the public.

The commitment has a medium specificity. While the commitment activity includes publication of registers on companies and trusts, the details on the quality of the data provided, as well as the timeline for publication, remain unclear.

The commitment sets up the objective to create, publish and open a centralized beneficial ownership register for both companies and trusts. The commitment states the access will be "widely open", which is still not satisfactory for some civil society stakeholders who underline the importance of this register being fully publicly accessible and not in line with the fourth Directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing provisions[3]. Nonetheless, the potential impact of this commitment is **transformative**. Since this information has not been previously available in a central repository in France, let alone made available for external publication, if fully implemented the data released by the two registers will contribute to improving transparency of beneficial ownership of companies registered in France.

Completion

During the first year of the action plan, progress has been limited. There was a failed attempt to create the public register on beneficial ownership for trusts, and at the time of writing of this report the company register had not been created.

On 11 May 2016, the Council of State passed the decree n° 2016-567[4] establishing the legal basis for creating a public register of trusts. A month later, on 21 June 2016, an ordinance[5] defining the access procedures of the register was also published. Although outside of the assessment period of this report, in July 2016 the register containing data on 16,000 trusts was made public[6] on the national tax platform www.impots.gouv.fr

International organization ONE, which campaigns for beneficial ownership transparency, found that the requirement for the French ID limits access[7] to people in France declaring taxes (people with low income do not, the inclusivity of the approach is thus a problem), and also excludes foreigners who do not pay taxes in France. According to ONE, this is a huge barrier for developing countries. Many elites in developing countries own companies in France, and their citizens will be unable to access the register to view information on leaders' ownership and business interests.

Serious concerns and limits of the register for trusts include:

- **Access to personal information** is recorded and stored for one year by the General Direction of Public Finances, DG Finances publiques. Under Article 6: the user ID (tax number), the user IP address, and time data (date and hour), in which the user accessed the register is stored, presenting a serious concern for privacy, consultation anonymity, and how such data may be used.
- **Presentation of data:** the register looks like an opaque search engine that offers no search filters, which makes it seem impossible to get full access to download and extract data. No API was provided.

- **Use and reuse of data**: article 9 of the decree of the Council of State clearly states it is not authorized to create products[8] out of the database, not even if mentioning the source, otherwise users risk penal sanctions based on the right to privacy. This article is contradictory to article 8 which stipulates the "right to use" the data.

One week after the publication of the beneficial ownership public trust register, a US-resident of France sued the government claiming that the publication of her personal data in the public registry compromised her privacy to an unacceptable degree. The French Council of State, which is a supreme court for administrative justice in France and is a legal adviser for the executive branch, concluded that the public disclosure of an individual's testamentary intentions and the resulting pressure justified, firstly, the urgent nature of the decision for the plaintiff, and secondly, the argument based on respect for private life gave rise to doubts on the legality of the executive decree.

Following this decision, the public trust register was suspended[9] by the Constitutional Council in October 2016. On 21 October 2016, the French Constitutional Council ruled that the public registry of trusts was in conflict with the French Constitution. According to a press release from the Ministry of Finance, "the principle of the registry is not undermined but highlights the need to better regulate the dissemination of information related to privacy."

According to civil society stakeholders[10] who support a public registry[11], this commitment is now at risk of not being fulfilled.

According to the CEO of C-Radar, François Brancilhon, the efforts of the entity responsible for the company register, Infogreffe, to release the data[12] have been insufficient: the datasets released as an attempt to publish some information on companies' beneficial owners as open data on the platform data.infogreffe[13] are missing a lot of important details, such as the directors' names, the total number of companies registered in France (the dataset has a limited scope), as well as the update of data.

Regarding the quality of the data collected by the register on companies (Registre du Commerce et des Sociétés - RCS), Transparency International France notes as feedback on the self-assessment report[14] that more work should be done in defining key data in the RCS register and quotes as an example that details on shareholders are currently not included.

Another data quality challenge is the need to standardize the financial data contained in this registry. Currently financial data is in pdf or image format. In a report[15] analyzing the French Law Sapin II[16], the NGO Sherpa recommends that the register on companies (RCS) follows an open data approach. Doing this would require an additional effort to convert this data, as the data first needs to be collected in the right format. So far, no mechanism has been used to standardize the registry's data collection format.

Early Results (if any)

So far, civil society and businesses have been separately pushing the government for greater transparency[17]. A company C-Radar, previously Data Publica, built OpenEntreprise[18], an open API compiling several companies' datasets that recently served to import companies into the OpenCorporates database. Without the Beneficial Ownership data, their services remain incomplete.

At the international level, another important step was made in May 2016, during the Anti Corruption Summit in London, when, together with the Netherlands and Nigeria, France announced it would create public beneficial ownership registers[19]. Following this announcement, decrees specifying access conditions and use of information to be contained in the public registries of trusts were published[20] on 21 June 2016. Some stakeholders point out it took two

years to publish those decrees, taking into consideration that the law was originally promulgated in 2014.

Next Steps

Given the high expectations from civil society and the efforts made so far by the government, this commitment should be taken forward in the next action plan.

The IRM researcher recommends working closely with groups such as the Global Beneficial Ownership Register pilot feedback group[21] and the Global Beneficial Ownership Register Initiative to design specific steps for including in the next action plan. Together with civil society, the government could establish a full workflow, from data collection to the definition of the data structure, in a joint effort. A hackathon or an open ministry event could be undertaken as an additional activity in order to initiate this process. To resolve the questions of privacy, IRM encourages the government and CSOs to continue exploring and creating the right legal framework to set precedents in beneficial ownership.

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1 Access to European Union Law, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015L0849

2 When establishing "ultimate owner" of a company, the register is initially filled out by companies and subjected to a clerk of the commercial court checking (Article L561-47 of the Monetary and Financial Code).

3 Text from the fourth Directive, https://www.legifrance.gouv.fr/affichLoiPubliee.do;jsessionid=46FD86B79975FAC386326EC1CC97C1C4.tpdila07v_1?idDocument=JORFDOLE000032319792&type=echeancier&typeLoi=&legislature=14

4 Decree on Trust Public Registry, https://www.legifrance.gouv.fr/eli/decret/2016/5/10/FCPE1414439D/jo

5 Arrêté du 21 juin 2016 relatif aux conditions d'accès et d'utilisation des informations contenues dans le registre public des trusts, https://www.legifrance.gouv.fr/eli/arrete/2016/6/21/FCPE1610094A/jo

6 Press release of the Ministry of Finance, http://proxy-pubminefi.diffusion.finances.gouv.fr/pub/document/18/21203.pdf

7 Note that even though access to the registry is limited to those with a French ID, Article 1649 AB of the tax code includes a geographical criteria that the register of trust manager has to declare, which means that even those with a low income would appear on the registry even if they do not have a French ID that would allow them to access it.

8 This expression of products is related to a commercial reuse of the register of trust, which is prohibited. See article 9 of the related executive order, https://www.legifrance.gouv.fr/eli/arrete/2016/6/21/FCPE1610094A/jo

9 Decision of the Constitutional Council on banning the beneficial ownership trust public registry, http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2016/2016-591-qpc/decision-n-2016-591-qpc-du-21-octobre-2016.148055.html

10 ONE France, CCFD-Terre Solidaire, Oxfam, Peuples Solidaires, ActionAid France, Sherpa

11 https://www.asso-sherpa.org/wp-content/uploads/2011/11/Loi-Transparence.pdf

12 Data Publica: C-Radar help Infogreffe respect the law, http://www.c-radar.com/blog/2016/10/11/data-publica-c-radar-aide-infogreffe-a-respecter-la-loi/

13 DataInfogreffe: Les Donnees des Entreprises, https://datainfogreffe.fr/page/index/

14 Transparency International France feedback on the self assessment report's platform, https://forum.etalab.gouv.fr/t/engagement-7-identifier-les-beneficiaires-effectifs-des-entites-juridiques-enregistrees-en-france-pour-lutter-efficacement-contre-le-blanchiment-rapport-dautoevaluation-a-mi-parcours-du-plan-daction-pour-la-france-2015-2017-pour-une-action-publique-transparente-et-collaborative/1908/2

15 https://www.asso-sherpa.org/wp-content/uploads/2011/11/Loi-Transparence.pdf

16 On December 10, 2016, French Law n° 2016-1691 introduced substantial changes to French anti-corruption and transparency laws, in line with international efforts; in promulgating the Law, the French Ministry of Treasury noted that France had previously been subject to criticism by the OECD and various NGOs in respect to its anti-corruption measures.

17 How long will Infogreffe abuse our patience?, http://www.c-radar.com/blog/2016/07/26/big-data-open-data-source-de-valeur-pour-les-entreprises-infogreffe/

18 C-Radar Open Entreprise, https://www.openentreprise.fr/

19 Anti-Corruption Summit, London 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522751/France.pdf

[20] Arrêté du 21 juin 2016 relatif aux conditions d'accès et d'utilisation des informations contenues dans le registre public des trusts
https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=90300AD4BD829BE3634592E48988D846.tpdila07v_1?cidTexte=JORFTEXT000032823826&dateTexte=&oldAction=rechJO&categorieLien=id&idJO=JORFCONT000032823733

21 Private Sector Advisory Group, http://ownershiptransparency.com/wp-content/uploads/2016/11/Global-Register-Private-Sector-Advisory-Group-1.pdf

Commitment 8: Transparency in Extractives

Strengthen transparency in payments and income from the extractive industries.

Commitment Text:

ROADMAP

- *Join the Extractive Industries Transparency Initiative (EITI) and work on the accessibility of open data as part of ITIE and of the declarations of companies, according to chapter 10 of the European accounting directive*
    - *Summer 2015: designate a French high representative for ITIE and set up a project team with the necessary human and financial resources to prepare the French application to join ITIE*
    - *September 2015: establish a national tripartite committee for ITIE*
    - *March 2016: first declaration of companies as required by chapter 10 of the accounting directive*
    - *Before December 2016: presentation of the French application to join EITI*
    - *1st half-year 2017: France becomes a "candidate country" for the EITI*

Editorial Note: 1.This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan). 2. ITIE is the French acronym for EITI. The two acronyms are used interchangeably in the commitment text.

Lead Institutions: Ministry of Foreign Affairs and International Development; Ministry of Ecology, Sustainable Development and Energy; Ministry of Finance and Public Accounts; Ministry of the Economy, Industry and the Digital Sector

Supporting institution(s): NA

Start date: Summer 2015 **End date:** 1st Semester 2017

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	
8. Overall			✔		✔	✔						✔	No		✔		

Context and objectives

France's participation in EITI has been long anticipated by civil society. Publish What You Pay France (PWYP-France published a letter[1] supporting France's EITI candidacy at the end of 2015. President François Hollande first announced[2] France's wish to join EITI in May 2013, but had not yet begun the process by the time France's first OGP action plan was written in 2015.

In 2014, France was one of the first countries to enact the transparency and accountability facets of the EU Directive by publishing public reports for extractive enterprises, which were useful but failed to meet the level of disclosure of "Country-by-Country Reporting" (CBCR)[3]. In 2013, the French parliament reviewed a proposal to require financial establishments to release country-by-country reports providing data about their activity in each of the countries in which they operate. Specifically, it proposed that the following information be made public: the name of the establishment and the nature of its activities, its net banking income (equal to its sales revenue), the number of full-time employees, pre-tax gains or losses, tax returns, and any grants received[4].

That bill was never voted on, and remains a concern of civil society, which hopes that France's membership in the EITI will finally make it happen - to extend CBCR to cover all large multinationals.

If fully implemented, this commitment would have **transformative potential impact**. This commitment aims to implement Directive 2013/34/EU of the European Parliament and the Directive of the EU Council of 26 June 2013 concerning transparency within extractive industries. French civil society (19[5] French CSOs have commonly published a paper supporting the CBCR applied to global companies) considers the implementation of these directives essential to combatting corruption and exposing any cases of opaque practices on the part of French multinational extractive companies, such as Total, AREVA, and Eramet.

This commitment has **medium specificity**. This commitment is relevant to **access to information** and **civic participation**.

Completion

Progress on this commitment remains **limited.** One of the first steps for joining EITI involves forming a multi-stakeholder group composed of representatives from government, private businesses, and civil society to oversee the implementation of EITI processes in the country.

In an effort to begin this process, two inter-administration meetings took place in March and April 2016. Civil society representatives held a roundtable discussion on 3 June 2016, though disagreements about the financial and geographical limits of EITI in France stalled further progress on forming the multi-stakeholder group.

Quentin Parinello, of Oxfam France, reported that Publish What You Pay France was invited by the French government to two meetings organized as part of the EITI joining process. According to Oxfam's account[6], the French government's EITI plan was lacking in both inclusivity and ambition. Few other civil society organizations were present at this meeting and the IRM researcher did not receive responses to requests for additional views from other stakeholders that attended the meeting.

The French government and civil society have been unable to come to an agreement on what France's national priorities should be with regards to extractive transparency. Civil society believes EITI practices should extend to all overseas French territories, namely French Guiana and New Caledonia, to ensure that French petroleum, gas, and mineral companies will be held to a standard of transparency even when operating abroad. The government, meanwhile, would like to limit the EITI to metropolitan France.

No further meetings between the government and civil society have taken place. The Ministry of Economics and Finances - in charge of France's EITI application - has halted the process altogether until after the presidential election, which was held in May 2017.

Early Results (if any)

None at this time.

Next Steps

After the 2017 presidential election, a new administration with new transparency ambitions could lead to new meetings between the government and civil society to negotiate France's national extractive priorities and continue the EITI joining process. While civil society appears open to negotiations and even published an overview[7] of extractive industries in France and the need for greater transparency during the OGP Global Summit in December 2016, the IRM researcher recommends continued efforts in this direction. To move this agenda forward, during the development of the 2017-2019 action plan, it is recommended to start a dialogue with the new government, civil society and transnational extractive companies.

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1 "Implementation of the Extractive Industry Transparency Initiative (EITI) in France", https://www.asso-sherpa.org/wp-content/uploads/2015/12/Note-ITIE-France-PCQVP-PPFJ.pdf

2 Communiqué from the Ministry of Foreign Affairs, 23 May 2013, http://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/aide-au-developpement/evenements-et-actualites-sur-le-theme-du-developpement/autres-evenements-et-actualites-2013-sur-le-theme-du-developpement/article/l-adhesion-de-la-france-a-l

3 The EU Single Market: Country by Country reporting, http://ec.europa.eu/internal_market/accounting/country-reporting/index_en.htm

4 Assemblee Nationale: Amendement no11, http://www.assemblee-nationale.fr/14/amendements/3344/AN/11.asp

5 Publish What You Pay, https://www.asso-sherpa.org/wp-content/uploads/2016/06/14-raisons-pour-un-reporting-public-PPFJ-mai-2016.pdf

6 Etalab Engagement 8, https://forum.etalab.gouv.fr/t/engagement-8-renforcer-la-transparence-des-paiements-et-revenus-issus-des-industries-extractives-rapport-dautoevaluation-a-mi-parcours-du-plan-daction-pour-la-france-2015-2017-pour-une-action-publique-transparente-et-collaborative/1909

7 Overview by ONE France about open data and extractive industries, published in December 2016, http://www.publishwhatyoupay.org/wp-content/uploads/2016/12/Open_Data_Extractives_France.pdf

Commitment 9: Increase Transparency in International Trade Commercial Negotiations

Commitment Text:

Roadmap

- ***Increase transparency on the content of international trade commercial negotiations***
    - *The elements relating to each new international trade negotiation cycle will be made available to the public continuously on the dedicated page on diplomatie.gouv.fr and in open data format on data.gouv.fr*
    - *Additional elements, such as mandates, may be added according to the declassification decisions taken by the European Union*
    - *Elements from past international trade negotiations made available to the public will be added to this corpus, such as negotiating mandates from the European Commission, official position documents and the text of ratified trade treaties*

- ***Ensure as much publicity as possible on evaluations and monitoring of international agreements***
    - *Studies and elements used for the analysis and evaluation of trade agreements ex post and ex ante, whether transverse or sectorial, may also be added*
    - *The Parliament may be informed through the presentation of an annual report on international trade negotiations*
    - *All of the minutes of the committee for the strategic monitoring of trade policy subjects will be made available to the public, together with the annual reports on trade negotiations*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of Ecology, Sustainable Development and Energy; Ministry of the Economy, Industry and the Digital sector; Ministry of State for Foreign Trade, the Promotion of Tourism and French Nationals Abroad, attached to the Ministry of Foreign Affairs and International Development

Supporting institution(s): NA

Start date: Not Specified End date: Not Specified

Commitment Overview	Specificity	OGP value relevance	Potential impact	On-Time	Completion

	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial
9. Overall			✔		✔						✔		No		✔	
9.1. Transparency in International Trade Agreements			✔		✔						✔		No		✔	
9.2. Publicize Evaluations and Monitoring of International Trade Agreements			✔		✔						✔		No		✔	

Context and objectives

This commitment aims to increase transparency in France's international trade policy negotiations by making information about past and current trade negotiations available via two channels. First, on a dedicated page of the website of the Ministry of Foreign Affairs and second, on data.gouv.fr, the national open data portal. The commitment also involves publishing commercial agreements, studies and evaluations, annual reports, and minutes of meetings of the Committee for the Strategic Monitoring of Trade Policy Subjects. The committee is composed of civil society stakeholders, trade unions, and professional unions as well as MEPs, deputies, and senators. The Committee meets regularly to discuss France's stance on treaties.

France is engaged in several multilateral commercial negotiations with strong potential economic impacts. As such, this commitment's objective to improve **access to information** regarding commercial negotiations and their impact on national economic policies qualifies for a **moderate potential impact**. This commitment is important and crucial to many CSOs and NGOs who are in need of accurate and transparent information to follow and monitor treaties' negotiations.

The significance of this commitment emerges in the context of a strong civil society movement[1] opposing international treaties. This movement is shaped by the proliferation of citizen initiatives aimed at obtaining information, leaked or official, on the content of the treaties and disseminating it to the general public. The "Stop Tafta"[2] movement, that brings together more than 150 local organizations and more than 800 local collectives[3] [Tafta (Transatlantic Free Trade Agreement) is another term used for TTIP], led to official requests by local governments, such as the city of Rennes[4], for more transparency. The "Mon Quartier Hors Tafta" campaign recalls that "there was no citizen or local stakeholder consultation on the opportunity to begin these negotiations nor on their objectives"[5]. The campaign also denounces the lack of transparency of the negotiations. This lack of transparency was also decried by academics: "The lack of transparency in TTIP negotiations appears as a will to deceive citizens"[6].

The organization "La Quadrature du Net"[7] publishes on its website comprehensive information regarding the TTIP[8] and CETA[9] treaties, including official documents, translations of the treaties, official communications, and more. It also includes a list of nine leaked CETA documents (the Comprehensive Economic and Trade Agreement (CETA) is a free-trade agreement between Canada and the EU). After MEPs voted in favour of CETA on 15 February 2017[10], the treaty became an integral part of the 2017 presidential election campaign in France[11]. It is therefore important to give citizens the opportunity to keep themselves informed on this topic.

Completion

Milestone 1: Increase transparency on the content of international trade commercial negotiations.

Twenty documents have been published on the open data portal data.gouv.fr on a page dedicated to the TTIP, CETA and TiSA[12] treaties (the Trade in Services Agreement (TiSA) is a proposed international trade treaty between 23 parties, including the EU and the United States). All the documents are published in .pdf format and not in open data. Documents available include five of 14 TTIP negotiation cycle reports, and six of eight sets of minutes of meetings of the committee for the strategic monitoring of trade policy (the rest of the minutes can be found on the Ministry of Foreign Affairs website, see milestone 2 below). Overall, few documents are available on the open data portal and the page has not been updated since 2 December 2015[13]. For these reasons, this milestone saw **limited** completion.

Milestone 2: Ensure as much publicity as possible on evaluations and monitoring of international agreements.

This milestone saw **limited** completion. A page was created on the website of the Ministry of Foreign Affairs (diplomatie.gouv.fr) to provide information regarding the activities of the committee for the strategic monitoring of trade policy[14]. The page shows the minutes of the committee's meetings from October 2014 until July 2016. It also includes seven thematic group reports. However, the annual report on evaluation of international trade agreements has yet to be published.

Early Results (if any)

None at the time of writing. The open data portal lacks information regarding user downloads and, therefore, the reuse of the documents posted is difficult to gauge. Quadrature du Net does not make reference to any documents posted on data.gouv.fr or the Ministry of Foreign Affairs on its website.

Next Steps

Trade negotiations can be hard to follow. The jargon used and the high number of acronyms does not make it accessible to the general public. In particular, the key negotiating texts are difficult to access and use. They are often published as .pdf, which is hard for search engines to find, and hard to use on mobile phones. It is also difficult to locate the various iterations of the treaties and very challenging to track changes between those iterations. There is no system for annotating the treaty with information, such as which countries are pushing for particular options in the text (and why).

A good practice to follow, in order to publish at minimum the text of the treaties in open data as part of the commitment's objective, would be to replicate a collaborative project between the Open Knowledge Foundation and the Sciences Po Medialab in 2015, which aimed to make the COP 21 Paris Agreement documents available in open data format[15]. The site contains several versions of the COP21 negotiations that allow them to be compared[16]. Making the treaties available in this format would make them easier to find in search engines and follow the

evolution of the negotiations, and would constitute a successful first step towards more functionalities.

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1 3.5 Million Citizens tell their MEPs: Say NO to CETA!, https://stop-ttip.org/3-5-million-citizens-tell-meps-say-no-ceta/

2 Stop Tafta: Carte nationale des initiatives locales, https://www.collectifstoptafta.org/le-collectif/les-collectifs-locaux/

3 Régions, Départements et Municipalités s'engageant contre le TAFTA, https://www.collectifstoptafta.org/collectivites/

4 Le Conseil Municipal de Rennes: demande la diffusion publique des éléments de la négociation favorisant un débat public, https://www.collectifstoptafta.org/collectivites/article/rennes-en-vigilence

5 Hors Tafta: Une nouvelle campagne contre les traités transatlantiques, https://www.monquartier-horstafta.org/node/10

6 Traité de libre-échange transatlantique (TAFTA),: l'opacité des négociations en question, http://www.iris-france.org/61578-traite-de-libre-echange-transatlantique-tafta-lopacite-des-negociations-en-question/

7 Se définissant comme une association de défense des droits et libertés des citoyens sur Internet, et fournissant aux citoyens intéressés des outils leur permettant de mieux comprendre les processus législatifs afin d'intervenir efficacement dans le débat public, https://www.laquadrature.net/en/who-are-we

8 La Quadrature du Net: Tafta, https://www.laquadrature.net/fr/TAFTA

9 La Quadrature du Net: Ceta, https://www.laquadrature.net/fr/CETA

10 Traité CETA : les eurodéputés français ont majoritairement voté contre, http://www.lemonde.fr/les-decodeurs/article/2017/02/15/traite-ceta-les-eurodeputes-francais-ont-majoritairement-vote-contre_5080287_4355770.html

11 La Quadrature du Net: Ceta, https://www.laquadrature.net/fr/CETA

12 Corpus de documents relatif aux négociations commerciales internationales en cours (TTIP, TiSA et CETA), https://www.data.gouv.fr/fr/datasets/corpus-de-documents-relatif-aux-negociations-commerciales-internationales-en-cours-ttip-tisa-et-ceta/

13 Corpus de documents relatif aux négociations commerciales internationales en cours (TTIP, TiSA et CETA), https://www.data.gouv.fr/fr/datasets/corpus-de-documents-relatif-aux-negociations-commerciales-internationales-en-cours-ttip-tisa-et-ceta/

14 Comité de suivi stratégique de la politique commerciale, un objectif de transparence, http://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/diplomatie-economique-et-commerce-exterieur/negociations-commerciales/comite-de-suivi-strategique-de-la-politique-commerciale/

15 Climate Treaty Texts from Paris COP21, http://cop21.okfnlabs.org/

16 The 2015 United Nations Climate Change Conference, COP 21 was held in Paris, France, from 30 November to 12 December 2015. It was the 21st yearly session of the Conference of the Parties (COP) to the 1992 United Nations Framework Convention on Climate Change (UNFCCC).

Theme 2: Consult, Debate, and Co-Create

Commitment 10.1: Fix My Neighborhood

Commitment Text:

i. Fix My Neighborhood

ROADMAP

• Launch the "Fix My Neighborhood" call for projects in June 2015

• Make a first version of the digital solution for reporting incidents available in September 2015 (objective: 100 municipalities involved before the end of the year)

• In mid-2016, launch the solutions that may be generalized

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible Institution(s): Ministry of State for the Digital Sector, attached to the Ministry of the Economy, Industry and the Digital Sector; Ministry of State for Urban Policy, attached to the Minister of Urban Affairs, Youth and Sport

Supporting Institution(s): N/A

Start date: Not Specified ..... **End date:** 2016

Commitment 10.2: Digital Fix-It

Commitment Text:

ii. Digital Fix-it

ROADMAP

• An experimental reporting platform will be put in place during 2016

• The platform will be open to the public by the end of 2016

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible Institution(s): Prime Minister's Office

Supporting Institution(s): N/A

Start date: Not Specified ..... **End date:** 2016

Editorial Note: In the action plan, Fix My Neighborhood and Digital Fix It are part of the same overall strategy but represent distinct activities. For coding purposes, the IRM has

evaluated Fix My Neighborhood and Digitial Fix It as separate commitments but combined the narrative analysis.

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	
10.1. Overall				✔	Unclear					✔			No	Withdrawn			
10.2. Overall		✔			Unclear					✔			No	✔			

Context and objectives

Commitment 10.1 has the objective of launching a call for tenders to create and develop at the national level a digital tool to report street incidents and to monitor their resolution. The targeted users are citizens, who will be able to notify public authorities directly from a dedicated mobile application or through an online platform. As presented originally in March 2015, during an inter-ministerial meeting called "Equality and Citizenship", the tool will also help local government services to dispatch alerts to the relevant departments in charge. Commitment 10.1 has a **high specificity**. The objective is clearly stated, as is a timeline and description of different implementation steps, as well as a target number of local governments to implement the tool. Commitment 10.1 is of **unclear relevance** to OGP values. While the tool described in the commitment text aims to provide opportunities to hold officials answerable to their actions (such as responding to citizen complaints in a reasonable timeframe), the actual *activity* described in this commitment is limited to calling for tenders to develop this tool. While the envisioned tool, if fully implemented, could potentially be relevant to public accountability and technology for innovation, these citizen-monitoring activities are not specified in the commitment language and the narrow scope of the commitment activity concerns only internal government work.

Commitment 10.2 has the objective of developing a pilot digital application to allow citizens to report incidences of cybervandalism or other cyber security issues on state-controlled and semi-public websites. The IRM researcher found that **commitment 10.2** has a **low specificity.** While the commitment includes an implementation timeline, it is unclear about the number of local governments expected to implement the solution. Additionally, the text does not define metrics to measure implementation success, such as number of downloads, number of reported cases, or number of resolved cases. The design of the "Digital Fix-It" pilot project is centred on involving citizens in *identifying* and *flagging* cyber security incidents and risks. It is not relevant to civic participation, however, since the commitment, does not create or improve opportunities for citizens to inform or influence decision-making in this issue area. Therefore, commitment 10.2 has **unclear relevance**.

If fully implemented as written, **the potential impact for both commitments would be minor**. As indicated in the text for commitment 10.1, several crowd-sourced, digital public service delivery applications have already been designed and piloted at the municipal level over

the past few years. The development of yet another digital solution would not have a significant impact on improving government responsiveness to citizen complaints in this area. However, the plans to expand the scale and scope of the digital solution justifies coding this commitment as having minor rather than no potential impact. In theory, citizens could use the application envisioned in commitment 10.2 to report serious potential cyber security threats or risks. However, the commitment activity as described seems to serve as a strategy for outsourcing monitoring of public websites rather than opening up government practice in this area.

Completion

According to the self-assessment report in July 2016, six months after the government announced the call for tenders, the Digital State Secretary deemed the 'Fix My Neighborhood' project not appropriate and decided to withdraw the call for tenders. The reason stated was that multiple similar applications already exist in several other municipalities and local governments, and the effort to create a national tool would be redundant.

The government self-assessment report cites the launch of a mobile application called "Ma Préfecture" (My Local Gov) in May 2016 for the Val d'Oise department of the Île-de-France region (which includes Paris) as evidence of limited completion for commitment 10.1. The application contains similar functionalities as the ones identified in the commitment's objectives including a "civic vigilance" module that allows citizens to report civil and public security incidents using geolocation (tree fallen on the road, flood) and the option to upload a photo or a short video to the incident report. The stated deliverable for this commitment, however, was to develop a digital solution for reporting incidents that could be launched for general use. The "Ma Préfecture" application is not in open source and cannot be re-used by other local government regions. Since the call for tenders was withdrawn and the "Ma Préfecture" application does not fulfill the deliverables stated in the commitment text, **commitment 10.1 is coded as withdrawn.**

The government self-assessment report does not reference commitment 10.2 and the IRM researchers were unable to find any publicly available evidence of implementation on a crowd-sourced cyber security digital application. Therefore **commitment 10.2 is coded as not started**.

The Early Results (if any)

None at the time of writing the report.

Next Steps

Given the abundance of applications developed for local governments *and* already in use by local governments, it is unclear precisely why the government continues to devote resources to the "Ma Préfecture" application. For this reason, the IRM researcher does not recommend carrying forward this commitment, as it is currently envisioned. Rather, the IRM researcher recommends carrying out a preliminary survey of what public service delivery/civic tech applications exist, whether they address the needs of the public, and whether they are sufficiently accessible, i.e. open source, reusable, and customisable for each municipality.

If, following the survey, a compelling case can be made for the development and expansion of the "Ma Préfecture" application to all municipalities, the IRM researcher would recommend including this project as a commitment in the next action plan with the following changes made to make the process more measurable, collaborative, and responsive to citizens' needs:

- Examine with the stakeholders of the "Ma Préfecture" application whether it could be translated into open source so it could benefit other local governments.

- Develop milestones to measure the efficiency and utility of the application. This could include studying the analytics and statistics of the number of downloads in iTunes and Google Play, and tracing the number of incidents received, the problems and issues described, and the resolution rate.

On a more general note, the IRM researcher also echoes a recommendation by the civil society organisation Regards Citoyens, which suggests achieving greater transparency by using open source as a default when developing civic tech services associated with open government objectives.

Commitment 11: Co-produce with civil society the data infrastructure essential to society and economy

Commitment Text:

STAKES

*The **new forms of collaboration between administrations and civil society** enable to create new common goods, necessary to public service, society and economy, in faster, more efficient and more cost effective ways than in the past.*

CONTEXT & AIM

With the diffusion of digital power in society, citizens are becoming more and more committed to producing resources that, until now, only public authority could produce. This situation could be a key opportunity for public authority to learn working with civil society. It is not only a source of democratic progress and a resource for improving the quality of public service, but also a means of retaining, in the public area, common assets which could eventually be threatened by the emergence of new de facto digital monopolies.

*For example, in April 2015, the National Institute of Geographical and Forestry Information (IGN), the La Poste Group, the Secretariat-General for Government Modernization and OpenStreetMap France inaugurated a **collaborative national address database containing 20 million open data addresses**. It was released under a "share-alike" license by the French Postal Services (La Poste Group) and the IGN and under an ODBL license by the OpenStreetMap association.*

This agreement initiated a new chapter in the government's open data policy and the policy of open government, which goes beyond access to administrative documents. It involves supporting the creation and maintenance of major collaborative common assets to serve the economic dynamism, the efficiency of public service and the autonomy of citizens.

This effort is continuing with the development, still under ODBL license, of a database including all establishments open to the public, along with their characteristics.

ROADMAP

• Increase cooperation between public players and civil society in constituting essential data infrastructure and key registers

Responsible institution: N/A

Supporting institution(s): Ministry of State for State Reform and Simplification attached to the Prime Minister; Ministry of State for the Digital Sector, attached to the Ministry of the Economy, Industry and the Digital Sector

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity	OGP value relevance	Potential impact	On-Time	Completion

	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
11. Overall		✔			✔	✔					✔		Yes		✔		

Context and objectives

In early 2015, at the same time that government and civil society were co-creating the OGP action plan, the government was also preparing to amend the laws regulating various aspects of the digital economy in France. The Digital Republic Bill[1] was intended to align the French legal data protection framework with EU regulations[2] and aims to improve and protect citizens' rights by adapting the existing legal framework to the realities of a 21st century, highly digitised society.

Of particular interest for this commitment is article 14 in the Digital Republic Bill. Article 14 obliges the state to create a "public service of data", which means the state is responsible for producing and making available certain "reference data" produced by all central administrations and local governments. Under this Bill, all cities with more than 3,500 inhabitants are obliged to publish their reference data in open data[3]. This measure would make a significant amount of previously withheld or restricted public information publicly available. This commitment seeks to address two issues:

1. The highly technical but potentially politically fraught problem of identifying and prioritising essential datasets for release and use by the public; and

2. Find ways to continue involving civil society through the final implementation of the Digital Republic Bill.

This commitment aims to bring together civil society and administrators to co-create a list of essential datasets to be released as "reference datasets", or "key registers" as stated in the text of the commitment. The "*essential data infrastructure"* refers to all the datasets identified as *"reference",* or *"key"* for both national and local administrations.

Based on the description of the commitment activities, the IRM researcher found this commitment to be **relevant to Access to Information and Civic Participation**. By working to identify "essential data infrastructure," the government will be improving both the amount and the quality of information disclosed to the public. By involving civil society in the decision-making process for determining what constitutes "essential" data, the government has created an opportunity for the public to influence decisions on publicly held data.

However, the IRM researcher found this commitment to have **low specificity**. Its language is unclear about whether this co-operation on defining "essential" data infrastructures and key registers is a single event or an ongoing activity. The commitment also fails to define the co-creation activities, the number of administrations to be involved (or which administrators), and the datasets that would be covered by this initiative. At the time this commitment was written (April 2015), the Digital Republic Bill was still undergoing its public consultation process, therefore the vague language for this commitment is a direct result of the lack of specificity and clarity around the aims of the Digital Republic Bill. With subsequent iterations of the Digital

Republic Bill, the language became more specific and during the implementation phase of the commitment, the general concepts were well-defined.

Beyond ensuring continued collaboration between government and civil society on the implementation of the Digital Republic Bill, this commitment will help define a structure for data and datasets that will be a by-default requirement to be published by any administration in the country. Given the far-reaching implications of data publication and re-use for everything from engaging in policymaking to touching upon citizens' rights, if fully implemented, this commitment could have a **moderate potential impact**.

Completion

This commitment has **limited completion**. The first year of implementation was largely focused on reflection and gathering inputs from stakeholders. The government intends to carry out the majority of the commitment deliverables in the second year of implementation. Therefore, the IRM researcher found this commitment to be **on schedule**. During this time, several collaborative co-construction initiatives were carried out at the national level as part of implementation of this commitment:

- As part of the commitment, the publication of the national address database[4] (BAN) was the result of continued co-operation between IGN, La Poste, SGMAP, the association OpenStreetMap France, and local authorities;
- The platform DataAsso[5] has been developed in partnership with a citizens' initiative, the Ministry of Youth and Associative Life, and the Ministry of Interior, to publish a register referencing all the French civil society organisations as open data. This initiative was a pre-existing activity resulting from an earlier openLaw contest sponsored in part by Etalab.

In July 2016, the State Secretariat for Digital Affairs commissioned[6] the organization Open Data France to establish – together with civil society and local governments - a list of essential and reference datasets to be published. Open Data France published[7] the list in a report in October 2016, and its contents and potential subsequent decisions will be analysed in the end of term report.

It is also worth mentioning that according to stakeholders, the work on defining reference datasets has created an ongoing conversation between civil society, local governments, and national administrations. In addition, Etalab has organized multiple initiatives to continue opening more reference datasets. In November 2016, Etalab held two hackathons. The first[8] focused on preparations to open the national company register (SIRENE) containing more than 10 million legal entities. The second[9] involved collaboration between the Ministry of Interior and civil society to co-define the data schema needed to open the data related to polling stations.

Since implementation of both of these initiatives took place after the first year of implementation, they will be analyzed in the end of term report.

Early Results (if any)

None at the time of writing, given that the commitment is still in its early stages of completion.

Next Steps

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6 Lettre de mission, http://www.economie.gouv.fr/files/files/PDF/lettre-open-date-collectivites-locales-juillet-2016.pdf

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✪ Commitment 12: Further expand the opening of legal resources & the collaboration with civil society on opening the law

Commitment Text:

ROADMAP

- *Continue the open-data provision of legal and legislative resources that already exist*
    - *Continue the opening of legal data in reusable formats*
- *Continue the collaborative process with civil society for the production of innovative services and open source tools facilitating the understanding of texts and their preparation*
- *On the Digital Bill, continue the participative process in collaboration with civil society by opening the draft bill ("avant projet de loi") to consultation for citizens to comment it and suggest amendments*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Prime Minister's Office; Ministry of the Economy, Industry and the Digital Sector; Ministry of State for State Reform and Simplification attached to the Prime Minister

Supporting institution(s): NA

Start date: Not Specified End date: Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
✪ 12. Overall			✔		✔	✔						✔	Yes			✔	
12.1. Continue existing open data requirements	✔				✔					✔			Yes		✔		
12.2. Collaborate with civil			✔			✔					✔		Yes				✔

society for innovative tools																
12.3. Participative process on Digital Bill			✔			✔						✔	Yes			✔

Context and objectives

The opening of legal data in France started in 2014 with projects from civil society such as the Manufacture of the Law[1] from the association Regards Citoyens, which allows citizens to follow the evolution of texts voted upon in Parliament. This project uses the data opened by the National Assembly and the Senate[2], and makes it possible to visualise all the modifications –and who made the amendment –to projects or bills until they are promulgated. It was launched on 28 May 2014 at the second Open Legislative Data Conference in Paris: Time has come for Law Tracking.

On the government side, the Directorate of Legal and Administrative Information (DILA) has opened all of its data as part of the open data policy announced following the interministerial Committee for the Modernisation of Public Action (CIMAP) of 18 December 2013[3], when the government made two important decisions: to set up the principle of free re-use of public data[4] by stopping the creation of new royalties, and making certain data free, including those of the DILA[5].

This decision follows the government's awareness of the benefits of opening up public data in general and abolishing a significant barrier to opening up data: fees. This awareness is the result of the recommendations of the Trojette report[6] published in November 2013. Commissioned by the Prime Minister, the report recommends the free availability of public data in several fields, notably statistical, geographical and legal.

In early 2014, the association Regards Citoyens encouraged the efforts of the government towards a more assertive policy on open data[7]. On 24 June 2014, the government published a decree[8] on the abolition of fees for the re-use of legal data before making the LEGI database available[9] on the data.gouv.fr portal.

The LEGI database[10], which includes codes, laws and regulations, has been available online since 2002[11]. With this decree, the publication of laws and decrees in the Official Journal of the French Republic (JORF database)[12], the consolidated text of national legislation and regulations (LEGI database)[13], the deliberations of the National Commission for Informatics and (CILC)[14] database, the collective agreements database (KALI), the reference database allowing thematic search of the texts in force (SARDE)[15] and declarations concerning the creation, modification or dissolution of associations governed by the 1901 Act (ASSOCIATIONS) became open and reusable for free under open license[16]:[17][18] [19].

However, the DILA set up a specific license[20] for this newly opened data that civil society considered incompatible[21] with open data principles because it limited the redistribution of data. This license had ended up being abandoned in favour of the Open License initiated by Étalab. The association Regards Citoyens took the opportunity to publish a guide[22] about the principles of open data for any administration planning to publish data in open format.

This episode showed that, while both civil society and the government had been working on opening data, there was no consultation or co-construction, or experimentation or validation by stakeholders.

The objectives of this commitment are to publish legal data in open data and reusable formats (Milestone 1) as well as to encourage the re-use of data through collaborative innovation and the creation of tools and services that facilitate the preparation and understanding of law-making (Milestone 2). This commitment also aims to experiment with substantial citizen participation in the process of law-making, with the draft law of the Digital Republic Bill, which has been submitted to national citizen contribution via a digital platform (Milestone 3). The commitment therefore has values of **access to information**, **civic participation**, and the use of technology for innovation.

The commitment has **medium specificity**, as it is not precisely specified which legal data already exists or which are intended to be opened in the future. It includes a collaborative approach to be implemented with civil society, but no mention is made of what type of activities would be implemented to pursue this objective. If fully implemented, the third milestone of this commitment, regarding citizens' contribution in the law-making process, could have **transformative potential impact**. This change of method in the construction of the law is an unprecedented[23] case in France. The Digital Republic Bill has allowed a public contribution as part of the innovation often perceived as related to digital initiatives but it mainly came from the Minister, Jean-Vincent Placé himself, who strongly believed in the potential of such a process, and took the time to convince all levels of government. Before that, no minister had taken the time to evaluate possible ways citizens could participate in the elaboration of the law. In an interview[24] given to the newspaper Liberation before opening the public contribution, the Minister explains the Bill itself contains so many aspects that relate to people's personal and professional lives that they should take part in the shaping of the regulation so it fits their needs.

Completion

Milestone 12.1: Open-data provision of legal data

In September 2015, the DILA opened part of the case-law data, which is published on Légifrance for the State Council[25] and the Court of Cassation[26]. Under the Open Law Europa[27] programme held from 17 September to 17 December 2015, the DILA, Open Law association and their partners made several proposals on how to encourage reuse of this new open data.

The database CASS[28], which comprises the decisions of jurisprudence and the decisions of the court of cassation:

- INCA[29], the unpublished decisions of the Court of Cassation since 1989
- CAPP[30], the case law database of the Court of Appeal
- JADE[31], the database of decisions of the Council of State and the Administrative Courts of Appeal

The other legal data made available in June 2015 by decree[32] are:

- the official bulletin of civil and commercial announcements[33] (BODACC)
- the official bulletin of public procurement announcements[34] (BOAMP)
- the official gazette of legal announcements[35] (BALO)

The IRM researcher found that completion for this milestone is **limited**. The commitment text indicates that the government will "continue" to open these datasets, but there is no clear baseline for comparison, nor a clear end point for this project.

Milestone 12.2: Open Source tools

This milestone is **complete**. Pursuing the process of opening legal data, in October 2014, the DILA organized an Open Law Access Award[36] where a number of projects and ideas emerged[37], such as legal monitoring or the understanding of legal work, or the legal framework for digital co-creation. This event has helped bring together a community of innovators around the opening of legal data and represented a major step for the subsequent Open Law events in the collaborative process involving civil society.

Created in January 2015[38], Open Law is an innovation and digital co-creation project designed to encourage the opening up of data and resources on legislation, and to give impulse to collaborative innovation among public administrations, civil society organizations and the private sector, as well as co-ordinating the Legal Tech French community - the tech community interested in law-making - and innovative lawyers.

Between September and December 2015, this community came together again around the Open Law Europa collaborative innovation programme[39], co-organized by the CSO Open Law organization, the DILA and the French Group of Information Industry (GFII), and made several recommendations on how to promote the use and re-use of freshly opened data, such as the case law databases disseminated on the Légifrance website on behalf of the State Council and the Court of Cassation. On 17 December 2015, at the end of the programme, the projects that had been developed were presented, including a "lab"[40], a project listing digital commons on French and European legal data. Projects developed under the Open Law Europa program were:

- Open Collector Doctrine[41]: facilitating identification of, and access to, legal resources;
- Droitdirect[42]: transforming the law to better serve people's needs;
- MetaLaw[43]: standardizing how legal resources are published.

At the same period, Etalab started developing a toolbox for innovative and open source solutions. In January, April and June 2016, Etalab organized three co-construction sessions.

Milestone 12.3: Public Consultation on the Digital Bill

This milestone is **complete**. Public consultation on the Digital Republic Bill was opened on a dedicated platform, allowing tracking of changes to the text of the bill. Information received during the consultation was published on data.gouv.fr[44]. A Digital Republic hackathon took place on 12 December 2015. In May 2016, Etalab presented to the Steering Council for Public-sector Publishing and Government Information[45] feedback received during the consultations on the Digital Bill.

Despite the fact that out of a total of 41 articles in the Bill, five of them came directly from citizens' contributions,[46] a collective of civil society organizations expressed their disappointment with the consultation process[47] in the tribune addressed during the December 2016 OGP summit. They point out that many suggestions made by civil society were not taken into consideration and the software used for the online consultation was not open source. The State Secretary of Digital Affairs said in an interview[48] that the government did their best to integrate citizens' suggestions.
Although outside of the assessment period of this report, the National Assembly passed the Digital Republic Bill into law in November 2016.

A proposal[49] was submitted in parliament on 20 April 2016 to make online public consultations the norm for all bills before they go to Parliament. The proposal was inspired by the success of the Digital Bill consultation, but currently does not give more details regarding the method or timing but shows interest in generalizing the process.

Early Results (if any)

One example of successful reuse of legal data is the DataAsso[50] platform, whose prototype won the DILA Open Law Award for law access in 2014. This platform used OpenStreetMap to show French non-profits with added detailed description about their activities. After winning the prize, the project kept growing until June 2016, and then received funding from a national program[51] funding research and technological innovation projects in some domain identified by the government as strategic: industry, digital, transportation, energy, or health.

Next Steps

The encouraging efforts made by the Open Law programme in contributing to the opening of legal resources, fostering collaboration in the development of tools and services using legal data, and creating a basis for the expansion of digital commons for legal data and resources, show there is an opportunity to continue opening legal data in the next action plan, increasing the participation of other stakeholders.

The upcoming decrees of the Digital Republic Bill are expected to open other legal databases[52] such as the decisions of judicial and administrative courts of appeal and judicial courts (courts of first instance, labor courts, commercial courts, social security courts and administrative courts). This publication would be an important improvement, as currently those databases are subject to high license fees by private providers and are the most important resource that court lawyers and other legal workers use on a daily basis.

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48 Mediapart, https://www.mediapart.fr/journal/france/120716/loi-numerique-axelle-lemaire-s-explique-sur-les-arbitrages-perdus-et-gagnes

49 Assemblee Nationale, http://www.assemblee-nationale.fr/14/dossiers/consultation_publique_textes.asp

50 Data Asso, www.dataasso.fr

51 Investissements d'Avenir, http://www.gouvernement.fr/pia3-5236

52 La loi pour une republique numerique, http://www.economie.gouv.fr/republique-numerique

Commitment 13: Leverage previous consultations & reform participatory mechanisms

Commitment Text:

ROADMAP

1. Capitalize on previous consultations: improve listing and strengthen accessibility to public debates that took place in France

- *Continue the effort of listing public debates in France by extending the "DebatesCore" standard throughout the whole territory, to facilitate collection and accessibility, at a single access point, for consultations performed*

2. Empower public actors to successfully lead public consultations

- *The Secretariat-General for Government Modernization is committed to proposing a simple and agile mechanism for consultation in the form of "Citizens' Workshops"*
    - *Carry out trials, with pilot ministries, of this mechanism, which is more flexible and agile than conventional consultation formats*
    - *Present, to partner administrations, the charter establishing the main principles of "Citizens' Workshops" and their implementation protocol*
    - *Support partner administrations in implementing these workshops*
- *The Ministry of Ecology, Sustainable Development and Energy is committed to offering a "toolbox" to guide the institutions in choosing and implementing participative mechanisms*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Prime Minister's Office; Ministry of Ecology, Sustainable Development and Energy; Ministry of State for State Reform and Simplification attached to the Prime Minister; National Commission for Public Debate

Supporting Institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
13. Overall			✔		✔	✔					✔		No		✔		
13.1. Capitalize on previous consultations		✔			✔					✔			No		✔		

13.2. Empower public actors to lead public consultations			✔			✔				✔			Yes			✔	

Context and objectives

The objective of this commitment is twofold: first, it aims to improve stakeholders' awareness of and access to information on public consultations through digital tools, and second is to enhance the capacity of government agencies and other stakeholders to hold participative consultations on issues of public interest. The essential part around the consultation is the process, and in particular the extent to which public input has a chance of being considered, whether explanations are given when this is not the case and what the commitment is of the administration towards this topic when a consultation is being introduced. What motivates citizens to participate and take part in a consultation is to make sure their voice will be heard. The Code of Public-Administration Relations already includes legal requirements for agencies to publish feedback provided during consultations[1] but *how* administrations provide this essential condition to the success of public consultations is key.

Consultation processes and participation awareness are much more than digital tools and platforms. But the new technology component of this commitment cannot be ignored. Digital tools have been identified as new spaces[2] to improve democratic participation by introducing different mechanisms citizens could use to interact with their representatives.

Milestone 13.1 aims to provide better searching and tracking for public consultations by applying the DebatesCore[3] standard to events listed on the vie-publique.fr platform. DebatesCore was created by the Legal and Administrative Information Department (DILA)[4] to establish a digital standard for consultations, so that consultation tools are better referenced and released in open data. This was expected to resolve ongoing issues with the online inventory of public consultation[5], such as poor traceability and tracking of content.

Milestone 13.2 seeks to improve the capacity of government agencies to engage with the public by piloting citizen consultation workshops in some government agencies and creating a 'toolbox' to help agencies choose appropriate mechanisms for citizen engagement.

As recently as two years ago, there was no civic tech community in France. If a government agency wanted to provide an online public consultation tool to hold consultations or advertise consultation events, they had to contract either a private company, a software provider, or develop their own tool internally. There was no universal publication standard for advertising public consultations, nor was there a universal public consultation platform. In 2012, the Director of Legal and Administrative Information (DILA) launched vie-publique.fr, which manually collects and displays notices of public consultation events. Since the number of online public consultation tools was quite small it was relatively easy for vie-publique.fr to perform this manual collection. However, with the recent emergence of the civic tech scene in France[6], there has been increased interest from government agencies at all levels to explore new forms of online citizen participation in order to improve opportunities for citizen engagement in public policy decision-making. With new open source tools being released by civic tech start-ups, any government agency or local government could more easily create their own public engagement tool. For example, Cap Collectif[7], a start-up specialising in the development of online consultation platforms for government agencies and the business responsible for developing the CNNum online platform for consultation on the Digital Republic Bill[8], claims that they have developed 200+ participative digital applications for use by various agencies at the national and municipal level in France.

With the proliferation of digital consultation platforms, government workers in administrations at both the national[9] and local[10] level, have complained that the existing online platform for notifying and advertising public consultation events, vie-publique.fr,[11] is ineffective because the consultations listed are not displayed in a standardized format and it

is difficult to filter and search for specific events. One of the CSOs, April[12], that advocates for digital public goods, agrees that there are too many consultation platforms and events, though they concede that the existing online consultation platforms are technically effective at gathering their inputs. CSOs involved in digital privacy, net neutrality and fundamental rights[13] [14] believe that the problem of a lack of citizen input in developing policy goes beyond the ability to search for public consultation events. They argue that the key problem is that there is no way for stakeholders to trace how their contributions are incorporated into public policies. There is also a lack of accountability for public officials if they do not consider their inputs during the consultation process. However, it is unclear how the commitment is attempting to tackle this issue, and if this has been identified as such.

The overall specificity for this commitment is **low**. For milestone 13.1, there is no plan or timeline articulated for how the current DebatesCore standard for listing public debates will be expanded to other agencies. There is also no detailed plan for rolling out the standardized, consolidated information on the vie-publique.fr platform. Milestone 13.2 references a pilot program with some measureable outputs, including a charter and implementation protocol for replicating citizen consultation workshops in other agencies. However, it does not specify the nature of these 'citizens' workshops', how citizen feedback received will be assessed or addressed, or how their success will be evaluated at the end of the pilot phase.

Based on a close reading of the commitment text, this commitment is relevant to **access to information and civic participation.** Milestone 13.1 seeks to provide a central listing of all public consultation activities, which would allow for citizens to have better, if not necessarily new, information on public consultations since it would be available in a central repository. One can infer from the title 'Citizens' Workshop' for milestone 13.2 that the activity is intended to somehow engage citizens in the work of government agencies. However, Milestone 13.2's stated activities appear to be focused on internal government improvements – such as developing a charter and protocols for holding these workshops and expanding the workshop model to other agencies. It is somewhat unclear how the workshop would create or improve opportunities or capabilities for the public to inform or influence decisions since citizens do not appear to be involved in any part of the design process for this workshop. However, the commitment text does mention pilot consultation programs within ministries, which would likely involve end users. Therefore, this commitment was found to be relevant to civic participation.

The potential impact for this commitment is moderate. The aim of this commitment is to increase citizens' engagement in consultations and participatory policymaking. The commitment assumes that if more information on existing participatory mechanisms is made available to the public, disaffected stakeholders will have a renewed interest in using public consultations to engage in dialogues with government officials. To resolve that issue the commitment activities focus on improving the search and filter functions for the vie-publique.fr platform. In response to the proliferation of individual online consultation platforms, the design objective of the citizen workshop is to bring together a diverse panel of citizens twice a year to study a specific topic that will be subject to a broader debate. It does not address automation issues, which prevent the vie-publique platform from serving as a central repository for all information on all public consultation events across the multitude of existing online consultation platforms. However, the commitment text does seek to extend the traceability of DebatesCore. Yet it is not clear if 'extending' means extending the functions of traceability or extending the existing DebatesCore functionality to more consultations.

Completion

The first milestone was **not started**; the DebatesCore standard was not expanded. The IRM researcher was unable to find evidence of any new activities related to the development of the standard since 2014[15]. The data.gouv.fr portal was last updated in 2014[16], and no

partnership was established since the addition of the participatory budget of the city of Grenoble on the website[17] in September 2015. The vie-publique.fr portal does not currently provide a list of all public consultations. Over the course of the first year of implementation, the IRM researcher observed that there were regular updates to the public debates listed on the portal[18], though it was clear that only a few government agencies were using the portal to list their events. In an interview with the IRM researcher, the author of the DebatesCore standard said the expansion project had been abandoned because of the difficulty of finding engaged network hosts within other agencies to perpetuate it, among other reasons.

The second milestone regarding the pilot citizens' workshops saw **limited** implementation. The first pilot took place at the Ministry of Health[19]. A panel of 17 members of the public met in May and June 2016[20] to discuss the topic of Big Data in the health sector[21]. The stated outcome of these debates was for the workshop participants to offer guidance on a draft public policy around the stakes and potential issues regarding the use of big data in the health sector. These members of the public, however, were not experts in either open data or health and used talks organized by the government with specialists, researchers, doctors, and digital experts to be able to develop their own opinion on these issues. At the end of the process, however, the participants wrote a report[22] reviewing the workshop and issuing findings. The report says they were selected by the Ministry of Health though the selection criteria and the consultation process was not made available either to them or the general public. They urged the Ministry of Health to follow-up and explain how the opinions of the workshop participants were taken into consideration in drafting the big data and public health policy proposal. The IRM researcher was unable to find evidence of follow-up from the Ministry of Health on this issue. At the time of writing the report, the IRM researcher was unable to find publicly available evidence of a charter establishing principles for citizens' workshops, nor was there any evidence of additional pilot workshops in other ministries or agencies.

Early Results (if any)

None at the time of writing.

Next Steps

In order to fully implement the first milestone with a digital consultation advertisement strategy, the IRM researcher recommends the government to partner with civil society and civic tech organizations to create and set up automatic mechanisms so that new public consultations are listed on a centralized portal as soon as they are created. Developing a publication norm or standard could be inspired by the DebatesCore, instead of focusing only on technical improvements to the vie-publique.fr portal.

Another way to pursue this commitment would be to introduce either legal requirements for publishing feedback on how contributions were handled, and explaining which were and which were not incorporated into laws or policies, who submitted them, and why they were or were not incorporated, or to establish clear guidelines to follow in this regard for any administration willing to pursue a public consultation, where they should commit to publishing feedback on how the contributions were used (or not). For example, the Charter mentioned in milestone 2 could include policies on use and reporting on citizens' feedback, to ensure the policies and platforms are useful and truthful to all stakeholders. Next steps should include more regional and national pilots, clarity, and accountability to those who have participated concerning what happens next with their contributions.

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[1] Open consultations, https://www.legifrance.gouv.fr/affichCode.do;jsessionid=CD7F6D8D656F4C8094DA6D56B34CCB27.tpdila12v_1?idSectionTA=LEGISCTA000031367443&cidTexte=LEGITEXT000031366350&dateTexte=20170517

[2]

3 DebatesCore: La Norme, http://www.vie-publique.fr/forums/debatescore/debatescore-norme.html

4 DILA Missions, http://www.dila.premier-ministre.gouv.fr/activites/missions/

5 Prezi: Debats Publics, https://prezi.com/uphhygwz69q1/debats-publics/

6 Civic tech: ce que le web pourrait changer la democratie, https://www.franceculture.fr/politique/civic-tech-ce-que-le-web-pourrait-changer-la-democratie

7 Toutes les consultations numériques réalisées par Cap Collectif, https://cap-collectif.com/realisations/

8 Consultation platform used for the Digital Republic Bill, https://contribuez.cnnumerique.fr/

9 Director of Legal and Administrative Information (DILA)

10 Municipality of Lille, Projet de reconstruction de la ligne de grand transport d'électricité entre Arras et Lille,

http://www.vie-publique.fr/forums/projet-reconstruction-ligne-grand-transport-electricite-entre-arras-lille.html

11 Vie Publique: Tous les debats et consultations, http://www.vie-publique.fr/spip.php?page=archivesdebats

12 " Le gouvernement multiplie les consultations pour donner l'impression à la société civile qu'elle « co-construit » la politique du pays mais il reste sourd à l'avis des citoyens et à celui de leurs représentants, dès que les questions soulevées ou la tonalité ne lui plaisent pas.",

http://www.april.org/files/20161205-article-pgo.pdf

13 Bilan de la consultation Loi Republique Numérique, https://www.laquadrature.net/fr/axelle-lemaire-ou-pas/ and proposals to the Digital Republic Bill, https://www.laquadrature.net/fr/propositions-consultation-pjl-numerique

14 " Le gouvernement multiplie les consultations pour donner l'impression à la société civile qu'elle « co-construit » la politique du pays mais il reste sourd à l'avis des citoyens et à celui de leurs représentants, dès que les questions soulevées ou la tonalité ne lui plaisent pas.",

http://www.april.org/files/20161205-article-pgo.pdf

15 Publication de la norme DebatesCore, http://www.dila.premier-ministre.gouv.fr/actualites/presse/communiques/publication-de-la-norme-debatescore-pour-un-web-semantique-des-debats-publics

16 Repertoire des debats et consultations publics, https://www.data.gouv.fr/fr/datasets/repertoire-des-debats-et-consultations-publics-vie-publique-fr/

17 DebatesCore: mise en oeuvre, http://www.vie-publique.fr/forums/debatescore/debatescore-appel-commenaires.html

18 Statistiques des débats sur vie-publique.fr, https://web.archive.org/web/20160605235039/http://www.vie-publique.fr/forums/

19 Rapport d'auto évaluation, https://suivi-gouvernement-ouvert.etalab.gouv.fr/fr/Engagement13.html

20 Restitution de l'atelier citoyen sur le big data et la santé, http://www.modernisation.gouv.fr/les-services-publics-se-simplifient-et-innovent/par-la-consultation-et-la-concertation/video-big-data-en-sante-les-coulisses-du-premier-atelier-citoyen

21 Partager ses donnees de sante: pour quels benefices et a quelles conditions?, http://www.faire-simple.gouv.fr/bigdatasante

22 Big Data en sante, http://social-sante.gouv.fr/IMG/pdf/5-_avis_citoyen_big_data_en_sante.pdf

Commitment 14: Strengthen mediation and citizens' ability to act in matters relating to justice

Commitment Text:

ROADMAP

- ***Opening up justice to society via the formation of jurisdiction councils***
    - *Create jurisdiction councils within courts of first instance and courts of appeal to facilitate a joint analysis of common issues such as jurisdictional assistance, access to the law, access to justice, conciliation, mediation, and assistance to victims. Chaired by jurisdiction leaders, these jurisdiction councils will bring together public prosecutors and magistrates, jurisdiction and prison management officials, judicial protection for young persons, local elected representatives and representatives from trade union organizations, local government representatives, and representatives from the legal professions, local authorities, and associations.*
- ***Facilitate access to mediation and conciliation based on the report published by the interministerial mission for the evaluation of mediation and conciliation services in April 2015***
- ***Enable citizens to better assess their chances of success in taking legal action***
    - *In certain civil litigation cases (those relating to alimony, compensatory allowance, compensation for bodily harm, etc.), information on judgments usually handed down by national jurisdictions will be made available to the public*
    - *On a local level, pilot jurisdictions have formed a partnership with universities in order to analyze their jurisprudence. Useful to magistrates to ensure that their judgments are consistent, these analyses will also provide lawyers and citizens with a document that facilitates their procedures and a possible amicable resolution to their dispute*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of Justice

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity	OGP value relevance	Potential impact	On-Time	Completion

	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
14. Overall			✔		✔	✔	✔				✔		No			✔	
14.1. Form jurisdiction councils			✔			✔	✔				✔		Yes			✔	
14.2. Facilitate access to mediation and conciliation		✔			Unclear						✔		No		✔		
14.3. Publish information on judgments and form partnerships		✔			✔					✔			No		✔		

Context and objectives

This commitment aims to improve citizens' access to justice by the formation of jurisdiction councils and publication of civil case judgments by national courts. Specific milestones under this commitment form the part of the broader "Justice of the 21st Century" reform agenda, spearheaded by the Ministry of Justice. The agenda entails reinforcing access to legal information and the courts, improving transparency in the way courts operate and developing alternative modes for dispute resolution.

Milestone 14.1 entails the creation of councils within courts of first instance and courts of appeal to facilitate a joint analysis of issues, including jurisdictional assistance, access to justice and assistance to victims. The purpose of these councils is to debate with civil society members and the all court ecosystem on various subjects. These debates are not linked to current cases; their purpose is to enhance the social insertion of the court on its territory[1]. The milestone has **medium specificity** since it outlines the location and structure of the jurisdictional councils and is relevant to **civic participation and public accountability** since it creates opportunities for stakeholders to influence the scope and context of alternative dispute resolution mechanisms. This milestone represents a positive step towards closing the gap between civil society and the judicial world. The debate about this proposal took place mainly between two key judicial trade unions: the Syndicat de la Magistrature (SM) and Union Syndicale de la Magistrature (USM). SM is the oldest of the judicial trade unions and was instrumental in the reformation of the judiciary and recognition of the rights of judges following the protests and civil unrest in May 1968[2]. However, SM has been steadily losing membership to the more progressive USM since the 1990s. As of June 2010, the last time SM publicly shared its membership numbers, 32.1 percent of judges were SM members compared to 58.9 percent for USM[3]. USM[4] has been firmly opposed to the jurisdictional councils. While SM was initially in favour of them, it now believes these councils will not be useful in terms of fostering more public information about justice[5]. If fully implemented, the **potential impact** of this milestone

is **moderate** if CSOs had permanent representatives in these councils, if meetings were to be held on a regular basis, and if it had actual attributions.

Milestone 14.2 entails following through on recommendations from a report evaluating mediation and conciliation services to assess to what extent citizens can settle disputes without necessarily going to court. This commitment has **medium specificity** and, if the recommendations of the interministerial report are fully implemented, would have a **moderate potential impact** in improving access to justice. Its main purpose is to diminish the number of cases that actually go to trial, in a context where the courts are severely clogged by the amount of pending cases. The activities described in the milestone involve internal reforms to the judiciary. While these internal reforms are important pre-requisites for better access to information and public accountability, it is **unclear how this milestone is relevant to OGP values**.

Milestone 14.3 envisions publishing information on national court judgments on certain civil or administrative litigation cases. In addition, it sets out to form partnerships between pilot jurisdictions and universities in order to analyze the consistency of jurisprudence practices exercized across different courts. This commitment has **low specificity**. If implemented, it would have a **minor potential impact.** It could open opportunities for systematic analyses of the decisions taken (by court, for example) and thus expose possible inequalities.

Completion

Overall this commitment is **substantially completed.**

Milestone 14.1: Form jurisdiction councils was **substantially completed**.

A pilot experiment of jurisdiction councils started on January 2015 in three courts of appeal and 17 regional courts[6]. Three steering committees were held, with representatives from all courts involved in the experiment, on 8 December 2014, 4 May 2015 and 12 May 2016. The 20 court councils held discussions on cross-cutting problems. On 28 April 2016, the Ministry of Justice issued a decree[7] extending the establishment of the councils to all courts, including all regional courts and courts of appeal. These councils have permanent members among the judges, but the other members – from other public administrations such as the penitentiary administration, from local councils, CSOs, representatives of law professionals – are invited on an *ad hoc* basis. There is thus no possibility for non-permanent members to build expertise and push an agenda in these councils. The commitment is thus substantially completed though at the end of the first year of implementation, no evaluation of this reform has been carried out.

Milestone 14.2: Facilitate access to mediation and conciliation made **limited completion** during the first year of implementation.

The Ministry of Justice's decree introduced measures which need to be taken in order to establish alternative methods for settling disputes. The bill on modernising 21st Century Justice, which was in draft form as of June 2016[8] and was passed in November 2016 –outside the assessment period for this report –contains clauses for encouraging the development of mediation services. One of the innovations in the bill was that, in certain instances, such as when the stake of the suit is beyond 4000 €, it is now mandatory, and free, to try a conciliation before being able to go to a court. Mediation was also made possible in administrative courts as a result of the bill[9]. The administrative judge can force the parties in a case to go through mediation before the case goes to court. On experimental grounds, prior mediation also becomes mandatory for four years for very specific cases. This is deemed a very significant change by prominent lawyers[10]. At the end of the first year of implementation, the Ministry of Justice indicated that conciliators were being hired. The commitment is thus completed in legal terms,

and has the potential to yield significant impact in terms of workload for the judicial system once the provisions of the bill are implemented.

Milestone 14.3: Publish information on judgments and form partnerships with universities has **limited completion**.

The Ministry of Justice created an information portal, justice.fr, for litigants as part of this commitment, which is the first stage of the PORTALIS project for reforming the Ministry's civil case applications. The portal offers three simulators (maintenance/alimony, legal aid and seizure of remunerations). They allow a potential plaintiff to estimate the amount he could get in those cases.

As of July 2016, court decisions of court of appeals and court of first instance have not been published because the Digital Republic Bill, which includes decrees defining the data to be included in the portal, had not yet been passed. According to the government self-assessment report, work is under way to make judicial decisions available in open data. However, the report does not list any specific activities or a timeline for when the decisions will be published. Etalab representatives clarified that the first step is the publication of new decisions; then, depending on the content of decrees and means allocated, older decisions will be considered for future publication.

The Digital Republic Bill, which was in its drafting stage as of 1 July 2016 and was later passed into law in November 2016, lays the ground for the open data publication of justice decisions[11]. However, the law makes provisions for anonymizing the decisions, and provides that a prior risk analysis in terms of anonymization has to be made before actually opening the data. This provision has raised concerns not only among CSOs, but also by Axelle Lemaire, the junior minister in charge of that law[12], that it could prove a substantial obstacle to the effective publication of justice decisions.

At the time of writing, though, the decrees necessary for these provisions to be implemented have not yet been published, or submitted to the CNIL and the Council of State, which must give their opinion on the draft decree. It is thus not expected that they could be published before the next general election, in May 2017.

According to the government self-assessment report, partnerships are being developed at local level to publicize court case law on specific cases. However, the report does not name any universities that have formed such partnerships. Several initiatives have been launched to study how big data, open data and algorithms could change the law and the judicial system[13]. Etalab itself has initiated some of these partnerships[14].

Early Results (if any)

Since the two laws that implemented these commitments (Law for Modernising the Justice in the 21st century and the Digital Republic Law) were passed quite late in the cycle of the first national action plan, there are few early tangible results. The /justice.fr portal is one of them, which is now directly aimed towards citizens and litigants, and offers good access to useful information for them.

Next Steps

The IRM Researcher recommends that:

- The functioning of the jurisdiction councils be independently assessed, and that changes to their composition, functioning, and attributions be made according to that assessment. In particular, all members of councils, not only the judges, are permanent, and that the councils have more frequent meetings than the yearly one the law provides for.

- Regarding the open data publication of judgements, it would be advisable to have Etalab in charge of their publication, under the Open Licence, which is a standard licence applied to datasets on data.gouv.fr, and that the largest possible amount of information be published. More importantly, the risk analysis on anonymization should be done on general classes of judgements, not on particular instances, so that there is more information about what kind of information and what kind of judgements may be freely accessed by the public.

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[1] Description of the purpose of these councils. http://circulaires.legifrance.gouv.fr/pdf/2016/08/cir_41268.pdf

2 Le role du syndicalisme judiciaire 1945-2005, http://orbi.ulg.ac.be/bitstream/2268/66670/1/Syndicalisme%20judiciaire%20Lausanne%202006.pdf

3 Syndicat de la Magistrature: Archives, http://syndicat-magistrature.org/archives.html?debut2=0#pagination2

4 USM: Le Conseil de Juridiction, http://www.union-syndicale-magistrats.org/web2/themes/fr/userfiles/fichier/reserves/rapports/2014/justice_xxieme9sept2014.pdf

5 Syndicat de la Magistrature: Justice du 21eme siècle, http://www.syndicat-magistrature.org/Justice-du-21eme-siecle-vivement.html

6 See the report of this experiment, http://www.textes.justice.gouv.fr/art_pix/JUSB1622161N.pdf.

7 Decrets, arretes, circulaires, https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000032459686

8 Loi no 2016-1547, https://www.legifrance.gouv.fr/affichLoiPreparation.do?idDocument=JORFDOLE000030962821&type=general&typeLoi=proj&legislature=14

9 Code de justice administrative, https://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000033424092&idSectionTA=LEGISCTA000033424090&cidTexte=LEGITEXT000006070933&dateTexte=20170317

10 La Procedure de mediation devant le juge administratif, http://www.arnaudgossement.com/archive/2016/11/28/la-procedure-de-mediation-devant-le-juge-administratif-loi-d-5880223.html

11 Loi no 2016-1321, https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=799CBE8E635512A3F5FE76DC9548B34E.tpdila21v_3?idArticle=JORFARTI000033203068&cidTexte=JORFTEXT000033202746&dateTexte=29990101&categorieLien=id and https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=799CBE8E635512A3F5FE76DC9548B34E.tpdila21v_3?idArticle=JORFARTI000033203071&cidTexte=JORFTEXT000033202746&dateTexte=29990101&categorieLien=id

12 Au Senat, la lointaine mise en Open Data des decisions de justice, https://www.nextinpact.com/news/99620-la-lointaine-mise-en-open-data-toutes-decisions-justice.htm

13 See for example, http://www.gip-recherche-justice.fr/events/law-and-big-data-how-information-analytics-will-change-the-law/.

14 Hack Your PhD, http://hackyourphd.org/2015/11/hackrepnum-un-hackathon-recherche-autour-de-la-loi-sur-le-numerique-samedi-12-decembre-a-la-paillasse/.

Theme 3: Open Digital Resources

✪ Commitment 15: Strengthen Government policy on the opening and circulation of data

Commitment Text:

ROADMAP

1. *Continue the opening of data that have a strong economic and social impact, particularly "pivotal data"*
2. *Strengthen open data in local and regional authorities: Enshrine in law the obligation to publish the public information of local authorities of more than 3,500 inhabitants (including municipalities and public institutions for inter-municipal cooperation)*
3. *Enshrine in law the principles of default opening of public data (with closure being exceptional) and its unrestricted and cost-free reuse*
4. *Improve the opportunity study on the opening of "general interest data"*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institutions: Ministry of State for State Reform and Simplification attached to the Prime Minister; Ministry of State for the Digital Sector, attached to the Ministry of the Economy, Industry and the Digital Sector

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
✪ 15. Overall			✔		✔							✔	No			✔	
15.1. Open Pivotal Data		✔			✔					✔			No		✔		
15.2. Open Data for Local and Regional Authorities			✔		✔							✔	Yes				✔
15.3. Default Opening of Public Data			✔		✔							✔	Yes				✔
15.4. Study Opening		✔			Unclear					✔			No		✔		

General Interest Data

Context and objectives

This commitment aims to put in place the legal framework to implement open data policy. It seeks to do this by enshrining the principles of pro-active data disclosure in law, as well as ensuring access to data is free and unrestricted. This commitment is a precondition to the implementation of others, such as Commitment 1 regarding the opening of budget data at the local level.

On 18 June 2013, France adopted the G8 charter regarding the release of public data[1], which includes a pro-active disclosure principle and encourages open and reusable data formats.

In addition, the Valter law[2] of 28 December 2015 guarantees free access to government-held data. However, according to the civil society organisation Regards Citoyens, the Valter law is not sufficient[3]. The organisation calls for more ambition and proposes 10 recommendations[4], including to "develop a culture of open data within the administration" and to "impose open data by default on agencies to encourage them to proactively release open data using an open license."

The **overall specificity of the commitment is medium**. Milestones 15.1 and 15.4 are of low specificity since they do not outline in detail which datasets should be released and how the study on "general interest data" could be conducted. Milestones 15.2 and 15.3 are somewhat specific in that they commit to enshrining open data in law, but milestone 15.2 in particular is neither descriptive nor specific about what it will enshrine in law. This vagueness is due to the fact that the law in question, the Digital Bill of the Republic, was still in draft form when this commitment was conceived and therefore the perimeters, such as the types of authorities subjected and the open data by default principle to be incorporated in the law, were not yet clear.

Overall, this commitment could be potentially **transformative.** Before the start of this action plan, there was no government-wide policy of open data by default and, in turn, no obligation for government-held data to be made available to the public. This commitment bridges the critical step between passing a law and its successful implementation, by creating time-bound activities for following through on the priorities for implementation enshrined in law. The milestones are broad, they seek to improve on existing inter-agency data-sharing provided for by the General Data Administrator[5], and are deep in that they seek to apply this open-by-default policy at the local level to address critical issues, such as: road traffic management, measurement of air pollution, and energy efficiency of public buildings.

Completion

Milestone 15.1 aims to continue the opening of data that has a strong economic and social impact, particularly "pivotal data". The 2015 annual report of the General Data Administrator[6] distinguishes "pivotal data" from "reference data". Pivotal data is data that allows to link several datasets. Reference data is defined as "frequently used by multiple private and public stakeholders and for which the quality and availability are critical for these uses, such as geographical references of the state"[7].

Completion level during the first year of implementation is **limited**. Between July 2015 and July 2016, no pivotal data was open. In January 2017, outside the period covered in this report, The National Institute of Statistics and Economic Studies (INSEE) opened its SIRENE database. SIRENE is a directory of French companies and establishments, and its opening is critical for monitoring beneficial ownership in France[8].

Milestone 15.2 aims to strengthen open data in local and regional authorities. This milestone is **completed**. Article 106 of the NotRe law[9] (Nouvelle organisation territoriale de la République), enacted on 7 August 2015, requires Public Institutions for Inter-municipal Cooperation (EPCI), as well as local and regional authorities with more than 3,500 residents

to make public information available in open data format. The decree of 11 February 2016[10] specifies the rules for the application of the law.

The law aims for a progressive publication of main administrative documents by 2018. At this time, all other documents containing economic, social, sanitation and environmental information will be published.

Milestone 15.3 to enshrine in law the principles of default opening of public data was **completed.** Article[11] of the Digital Republic Law established the principle of opening government data by default. Article L324-1 of CRPA states that the public data is freely reuseable by principle. Some exceptions are possible. Conditions to insert fees are also provided in this article. Legal standards (open, reuse friendly, machine readable) regarding open data format are mentioned in article L300-4.

Milestone 15.4 to improve the opportunity study on the opening of general interest data saw **limited** completion during the first year of implementation. In June 2015, the Ministry of Economics and Finance gave the Council of State, General Council of the Economy and General Inspection of Finances a mission dedicated to the study of legislative and regulatory measures necessary for the opening of data[12]. This study, commissioned prior to the period of implementation under consideration, was requested because the CADA law of 1978[13] regarding access to information is applicable only to public bodies such as ministries, local and regional authorities, and independent administrative authorities.

Some of the conclusions from this mission[14] inspired a law regarding the obligation of private contractors to open certain types of data that might be "in the general interest"[15]. The law also states that in instances where the government contracts the provision of public services to third parties, the contractor should provide the public sector with data in a format compatible with open data standards. The type of data to be released could be environmental, transportation, energy, or water. For example, when a municipality contracts a private company for trash collection, the municipality could request the company to provide them with company data. The law makes the availability of this data in an open data format easier to obtain[16].

Early Results (if any)

None at the time of writing.

Next Steps

Regarding public interest data, the Cytermann mission report (proposition n°17[17]) recommended to "promote the concept of data in the public interest, notably given France's presidency in the OGP". This would be for the purpose of collecting good practice from the international community regarding steps to open data in the private sector and to identify issues of public interest related to certain categories of data. This recommendation can be pursued through the various peer-learning channels offered by OGP. The Open Data software companies made use of these channels during a recent roundtable at the OGP Paris Summit[18].

There is still a need to identify pivotal data, reference data, and data in the public interest. This would require adoption of a decree.

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2 Loi n° 2015-1779 du 28 décembre 2015 relative à la gratuité et aux modalités de la réutilisation des informations du secteur public,

https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031701525&categorieLien=id

3 Projet de loi Données publiques : une transposition ambitieuse est encore possible pour l'Open Data!,

https://www.regardscitoyens.org/projet-de-loi-donnees-publiques-une-transposition-ambitieuse-est-encore-possible-pour-lopen-data/

4 10 priorités pour améliorer la démocratie (5 novembre 2014),

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6 Rapport du Chief Data Officer, http://www.gouvernement.fr/sites/default/files/liseuse/6252/master/projet/Rapport-au-Premier-ministre-sur-la-gouvernance-de-la-donn%C3%A9e-2015.pdf

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10 Décret n° 2016-146 du 11 février 2016 relatif aux modalités de publication et de transmission, par voie écrite et par voie électronique, des actes des collectivités territoriales et des établissements publics de coopération intercommunale, https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=03C5065BFD55CAF29F548C6942A8D2FC.tpdila14v_1?cidTexte=JORFTEXT000032036829&dateTexte=&oldAction=rechJO&categorieLien=id&idJO=JORFCONT000032036284

11 Article 14 de la Loi n° 2016-1321 du 7 octobre 2016 pour une République numérique, https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=02D2675D1C5B02791140BAF8D03246E.tpdila20v_3?idArticle=JORFARTI000033203033&cidTexte=JORFTEXT000033202746&dateTexte=29990101&categorieLien=id

12 La mission Cytermann établie par le Conseil d'État, le Conseil Général de l'Économie et l'Inspection Générale des Finances

13 La Cada, http://www.cada.fr/la-cada,3.html

14 Rapport relatif aux données d'intérêt général - Septembre 2015, http://www.economie.gouv.fr/files/files/PDF/DIG-Rapport-final2015-09.pdf

15 Loi n° 2016-1321 du 7 octobre 2016 pour une République numérique, Chapitre Ier, Section 2 : Données d'intérêt général, Article 17, https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=EBB087BA2D28080B2087E190064E8C8.tpdila23v_1?idArticle=JORFARTI000033203041&cidTexte=JORFTEXT000033202746&dateTexte=29990101&categorieLien=id

16 Ordonnance n° 2016-65 du 29 janvier 2016 relative aux contrats de concession, article 53-1, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031939947&categorieLien=id

17 Page 74. Proposition 17, http://www.economie.gouv.fr/files/files/PDF/DIG-Rapport-final2015-09.pdf

18 OGP 2016 – Communication, a key to success for open government, https://www.opendatasoft.com/2016/12/21/ogp-2016-communication-for-open-government-success/

Commitment 16: Open Calculation Models and Simulators

Commitment Text:

PROMOTE THE OPENING OF CALCULATION MODELS AND SIMULATORS

ROADMAP

- *Extend the opening of models to other areas of public action*
  - *Continue to work with the different administrations to support them in opening their calculation and simulation models*
- *Produce simulators from existing open models*
  - *Leverage the OpenFisca platform to extend it to other areas of legislation and propose adaptations of simulators useful to citizens, economic players and public players. For example, simulation model for energy costs, extension of local taxation, pension calculations, etc.*

Editorial Note: This is a truncated version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of State for State Reform and Simplification attached to the Prime Minister

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion		
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial
16. Overall		✔			✔						✔		Unclear			✔
16.1. Extend the opening of models to other areas of public action		✔			✔					✔			Unclear		✔	
16.2. Produce simulators from existing open models			✔		✔						✔		Yes			

Context and objectives

This commitment aims to support the opening and development in open source, under a free license, of calculation models currently used by many public services. The objective is to multiply the uses and reuses by different administrations, and ultimately to develop simulation tools or platforms in different domains (social, education). In the social field, this commitment is aimed at continuing the development and replication of OpenFisca, an open simulation engine of the socio-fiscal system, and building simulation tools or platforms above it.

France has a highly developed system of social benefits, but not all people who might potentially use these rights do so - for a number of reasons. For example, the complexity of the procedures may discourage many of them or many are unaware that they qualify to receive aid (this is called "non-use of rights"). To remedy this, mes-aides.gouv.fr was built with OpenFisca as its engine and allows to simulate on a simple user interface, in a single questionnaire, the main social benefits a household can claim, integrating the *Revenu de Solidarité Active (RSA)*, family allowances or housing, universal medical coverage and linking all the various benefits that can be paid by the State.

The first step in this commitment is to propose open calculation simulators on the OpenFisca model for other areas of public action. To do this, Etalab (as a sub-part of the Secretary for State Reform and the project lead on OpenFisca) is committed to working with different administrations. This milestone does not specify the mechanisms through which Etalab will work with the agencies to reach that goal, how the different agencies are identified or approached, and by which process a project to open up a calculation model is set up and validated. As a result of this lack of information, the IRM researcher found the level of specificity of the milestone to be **low**.

This step of the commitment proposes the opening of access to **information**. The potential impact of this step is **minor** since it is not possible to assess the number of potentially affected administrations that could be involved in the implementation of the commitment. However, if a wide expansion of such a methodology of openness in the administration is achieved, it could potentially be transformative in view of the stakes of the commitment.

The second step of the commitment consists of using OpenFisca as a basis for extending the development and use of simulation tools such as the mes-aides.gouv.fr site to other areas. OpenFisca is a pioneer platform and the emergence of new open calculators, with the underlying algorithms publicly shared with researchers, scientists, economists, and any interested citizens. Prior to this commitment, it was already possible to simulate subsidies on the CAF website[1]. For example, citizens could use it to find out if they qualify for housing assistance and to calculate the amounts, according to criteria such as income. However, there was no official website linking all the various benefits that could be paid by the State. The same thing has been done with the mes-aides.gouv.fr site, which also includes the *Revenu de Solidarité Active (RSA)*, family allowances, housing, universal medical coverage, etc. With these examples cited, this portion of the commitment is considered of **Medium** specificity. However, no target to measure the number of potential applications or domains considered is specified in the commitment, which makes it difficult to foresee more than a potential Moderate impact.

Completion

Regarding the first milestone, several new simulators were made available in open format. However, since the commitment did not establish a measure of how many simulators the government intended to make available, the level of completion of the first milestone is difficult to ascertain and this report considers it of **limited** completion.

The most important opening of the calculation models to other fields of public action is that of the tax code, a world first[2]. It was initiated during a hackathon[3] on 1 and 2 April 2016, in an

event that intended to make available the source code of the tax calculator of the *Direction générale des finances publiques (DGFiP)*. This openness has been widely publicized, including several dozens of mentions in the national or specialized press, and on national television[4]. Some ministers[5] also attended.

It is also noted that the source code of the Post-Bac Admission (PBA) platform[6] of the National Education is expected to open, a plan which has been widely sought by civil society[7]. To enroll in the university, prospective students choose three options in order of preference in a software program called Post-Bac Admission Platform.[8] One of these options is granted and the prospective student is assigned to a university. To distribute candidates equally in universities, an algorithm exists to sort the candidates according to "priority rules"[9]. However, this algorithm has been contested because it is not only complex[10] and opaque, but also contrary to the law that guarantees non-selective access. In particular, the Platform's algorithmic process for assigning students to the most highly demanded faculties and departments is non-transparent; leading some to criticize that seats may not be distributed impartially. To address this, the Platform code could be made open so the criteria would be more transparent.

Prior to this commitment, only one piece of the source code corresponding to the ranking of candidates in non-selective channels had been published. The opening of the source code of the assignment modules is scheduled and in progress. With the opening of the calculator code, students will finally have a transparent explanation about the results of their choices. In addition, researchers and others interested will be able to reflect on the improvement of this calculator. Another example concerns the opening of the INES simulator of the National Institute of Statistics and Economic Studies (INSEE)[11], which simulates direct social and tax levies and social benefits based on data representative of the French population.

The second milestone was **completed**. The language of the milestone aimed to extend OpenFisca to other areas of legislation and this was accomplished. In addition to the mes-aides.gouv.fr platform, several versions and reuses based on OpenFisca have emerged, such as a hiring cost simulator[12] that allows companies to estimate the cost of hiring, to know how much the employee will receive in net salary, etc. Other examples include the effective tax rate[13], which allows individuals to visualize the evolution of the effective tax rate according to salary and capital, or an alimony comparator for divorced couples. And finally, the Institute of Public Policies has also modeled projects of political reforms using the calculator. Also worthy of note is that the French Movement for a Basic Income[14], uses OpenFisca in order to model its tax reform project. A user interface is expected but will not start until the model is finalized.

Civil society encourages and welcomes the development of these simulators. For Frederic Couchet, the general delegate of the Free Software Promotion Association (April), OpenFisca is undeniable progress: "The publication of the source code under a free license is essential to the functioning of a modern democracy"[15].

Early Results (if any)

The examples offered above also serve to illustrate how the calculators are useful to the population. Another way to visualize the first results of this commitment is tracking the number of visits to the mes-aides.gouv.fr site, which has not stopped progressing[16] since its launch (up to 300,000 visits/day on average in July 2016). This shows that the calculators respond to a real need and there were no reports of malfunctions, which suggests that the systems are working well.

Next Steps

The project has sparked interest in other countries. During the hackathon of the OGP World Summit in December 2016, a replication prototype of OpenFisca was extended to Senegalese

law[17] and Tunisian law[18] and won the Hackathon OGP Toolbox award[19]. OpenFisca's developers have been actively working to facilitate the creation of a replication of the code for a new country willing to adapt the code to its legislation, lowering the barrier to entry, for example by bringing back to basic data the fundamental functionalities that allow to define what is specific to each country. The Etalab team plans to make a template package available soon for any new country that would like to use OpenFisca for its needs[20].

In addition, continuing to work on strengthening the existing collaboration with administrations, such as the Direction générale des finances publiques (DGFiP), would improve the success of what has already been launched (such as Code Impôts) and allow expansion into new areas of public demand.

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1 Caf simulator, https://www.caf.fr/aides-et-services/les-services-en-ligne/estimer-vos-droits

2 Le Parisien, 2 April 2016, Finances: des geeks cogitent sur vos impots,http://www.leparisien.fr/high-tech/finances-des-geeks-cogitent-sur-vos-impots-02-04-2016-5680861.php

3 #CodeImpot : A hackathon around the opening of the source code of the tax calculator,

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5 Franceinfo: Un hackathon pour mieux comprendre l'impot, http://www.francetvinfo.fr/economie/un-hackathon-pour-mieux-comprendre-limpot_1712373.html

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7 Article in Le Monde: Post-bac Admission, the ministry pushed to unveil the algorithm that guides high school students,

http://www.lemonde.fr/campus/article/2016/09/19/admission-post-bac-le-ministere-somme-d-apporter-transparence-et-legalite-a-la-plateforme_4999798_4401467.html

8 hPost-bac Admisssion, https://www.admission-postbac.fr/index.php?desc=quoi

9 Some fields of study are in demand (medicine, sports, law or psychology) and there are more applications than places available.

10 Infography: PBA, the pre-registration platform in higher education,

http://cache.media.enseignementsup-recherche.gouv.fr/file/Vie_etudiante/28/2/Algorithme_APB_general_586282.pdf

11 The INSEE microsimulation model simulates the effects of the French social and fiscal legislation,

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13 Change in the effective tax rate on wages and capital,

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14 French Movement for a Basic Income,

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15 When the State turns to open source software with OpenFisca and Mes-aides, https://blogs.mediapart.fr/frederic-couchet/blog/080415/quand-letat-souvre-au-logiciel-libre-avec-openfisca-et-mes-aides-0

16 Open statistics from mes-aides.gouv.fr, http://stats.data.gouv.fr/index.php?module=CoreHome&action=index&idSite=9&period=year&date=2015-04-30#/?module=Dashboard&action=embeddedIndex&idSite=9&period=year&date=2016-09-31

17 Simulateur d'impots, http://senegal.mes-aides.beta.gouv.fr/

18 Elysee on Twitter: OpenFisca, https://twitter.com/Elysee/status/806602988546641921

19 SGMap on Twitter: Hackathon, https://twitter.com/sg_map/status/807258963440005120

20 Interview with the Etalab developer team

Commitment 17: Transform government's technological resources into an open platform

Commitment Text:

ROADMAP

1 Validate the strategic framework "Government as a Platform and France Connect" and apply its main principles during the year 2015 in the general reference systems or standards documents issued by the DISIC (Interministerial Directorate for Information and Communications Systems)

2 Launch France Connect on the portal www.service-public.fr/langue/english/

- *The France Connect project will hold first trials in autumn 2015, followed by a launch in January 2016 on the portal www.service-public.fr (several million users)*
- *Generalization will take place from 2016*

3 Launch public forge on Etatplateforme.gouv.fr website, along with a repository of open API before the end of the 2015 year, in order to encourage the creation, in a collaborative manner, of new public services

4 Launch several cycles of awareness-raising for the development of APIs and the creation of new services amongst actors in the public sphere and its partners

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Prime Minister's Office; Ministry of State for State Reform and Simplification attached to the Prime Minister

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
17. Overall				✔	Unclear						✔		Yes			✔	
17.1. Validate strategic framework				✔	Unclear					✔			Yes				✔
17.2. Launch France Connect portal			✔		Unclear					✔			Yes				✔
17.3. Launch public forge				✔	Unclear					✔			Yes				✔

17.4. Launch awareness raising cycles			✔		Unclear		✔			Yes			✔	

Context and objectives

This commitment seeks to develop digital services as well as put in place an E-government state portal. France Connect is a tool that is meant to allow users (individuals and representatives of legal entities) to obtain a digital identity granted by the state, which can be used to access all digital public services, with a secure "single sign-on" principle. This tool allows access to various administrative services online without having to create a new account every time a different service is sought.

The portal Service-public.fr is France's official portal, which was created in October 2000 and re-designed in 2009. It serves as the main platform for accessing various government services for citizens and businesses. It became the reference site for users of administrative services, with more than 222 million visits[1] in 2014.

The commitment language has high **specificity** overall. The first three milestones outline activities with technical specifications and end dates. The fourth milestone is of medium specificity; it aims to launch several cycles of awareness on new services but it does not specify what these activities would be and when they would take place.

This commitment is **not clearly relevant to OGP values**. The envisioned activities are e-government initiatives that simplify access to online public services. While these are important measures for integrating and harmonizing government-held information across different government institutions, the commitment does not clearly articulate how these efforts will lead to opening up the government by disclosure of more public interest information, or how it creates opportunities for civic participation or public accountability.

The potential impact of this commitment is **moderate**. France already has fully transactional e-services (e.g. filing taxes online, applying for social benefits, requesting certificates and registration of vehicles). The creation of a single sign-on system can be an important step for improving ease of accessibility for various services offered online.

Completion

Milestone 17.1 to validate the strategic framework "Government as a Platform and France Connect" is **completed**. Validation of the policy framework of the State portal and of France Connect was formalised by a 20 April 2016 order[2]. It is a first step towards implementation of France Connect and includes the general interoperability framework, a framework of technical recommendations listing norms and standards that support administrative information systems. A final version of the document was made available online on 27 April 2016[3].

Milestone 17.2 to launch France Connect on the government services portal was also **completed.** A decree authorised the launch of France Connect in July 2015. France Connect was integrated in service-public.fr in March 2016[4]. After a pilot phase, France Connect was launched officially on 29 June 2016[5] by the Secretary of State for Reform and Simplification and the Digital State Secretary.

Milestone 17.3 to launch an API repository as well as to develop an intra-governmental collaborative management system (La Forge) was fully **completed**. "La Forge" was the early name of the project, which led to the creation of api.gouv.fr. Forge allows multiple developers to participate in the portal's integration. According to the government self-assessment report, this system was dropped. Government representatives clarified that the project was dropped because the end goal, the api.gouv platform, was operational. The api.gouv.fr portal, which registers all of the APIs that were developed and all of the services using these APIs, was launched on 21 June 2016[6] by the Secretary of Modernisation of Public Action.

Milestone 17.4 to launch awareness raising was **substantially implemented**. According to the self-assessment report, a special tool named ATENA (*dispositif d'Accompagnement à la Transformation Numérique des Administrations*) that accompanies new digital services was created in 2015[7].

Early Results (if any)

A few months after the launch of France Connect, a few partnerships were born. The city of Nîmes[8], followed by the Alpes-Maritimes county[9], and the national consultative service "Faire Simple" (easy use)[10] all use France Connect. Other organizations that use France Connect include some services on the Ministry of the Interior driver's license website[11] and the social security and pensions agency[12].

Next Steps

This commitment was largely completed by the end of the first year of implementation therefore the IRM researchers do not have additional recommendations for next steps in terms of implementation. As noted above, however, as this commitment is written it is not clear how the activities are relevant to OGP values. If the government wishes to continue developing e-government services in the next action plan, the IRM researchers recommend including activities that create opportunities for citizens to collaborate on the design or prioritization of e-services. Alternately, the next step with e-services could be for citizens to provide feedback or alert the relevant authorities if there are suspected abuses of power by public servants in public service delivery.

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1 Service Public 2016 : une nouvelle ambition autour de trois projets, https://www.service-public.fr/partenaires/communaute-partenaire/actualites/service-public-2016-une-nouvelle-ambition

2 Arrêté du 20 avril 2016 portant approbation du référentiel général d'interopérabilité, https://www.legifrance.gouv.fr/eli/arrete/2016/4/20/PRMJ1526716A/jo

3 La deuxième version du référentiel recensant les normes et standards à privilégier pour favoriser les échanges entre administrations est sortie, http://modernisation.gouv.fr/ladministration-change-avec-le-numerique/par-son-systeme-dinformation/le-referentiel-general-interoperabilite-fait-peau-neuve

4 Service-public.fr fait la jonction avec France Connect, http://www.itespresso.fr/service-public-fr-jonction-france-connect-123661.html

5 Inauguration de France Connect le 29 juin 2016, http://modernisation.gouv.fr/ladministration-change-avec-le-numerique/par-son-systeme-dinformation/franceconnect-deja-100-000-utilisateurs-vingtaine-services

6 api.gouv.fr : le portail d'API du gouvernement, premier pas vers un Etat-plateforme, http://www.usine-digitale.fr/article/api-gouv-fr-le-portail-d-api-du-gouvernement-premier-pas-vers-un-etat-plateforme.N398057

7 Atena: L'etat Plateforme en Action, http://atena.blog/index.php/2017/02/16/atena-letat-plateforme-en-action/

8 NÎMES, PREMIÈRE VILLE À INTÉGRER FRANCE CONNECT, http://etatplateforme.modernisation.gouv.fr/actualite/nimes-premiere-ville-a-integrer-france-connect

9 Social-Solidarite: Mes demarches, https://extranet-social.departement06.fr/mesdemarches/application/accueil.do;jsessionid=E123B8E199AACBC69C7293A123CC4286.jvm7?fs=_509

10 Faire simple, http://www.faire-simple.gouv.fr/

11 Permis de conduire, https://tele7.interieur.gouv.fr/tlp/

12 L'assurance retraite, https://www.lassuranceretraite.fr/portail-services-ihm/index.html#/authentifier

Commitment 18: Strengthen interaction with the user and improve public services through e-government

Commitment Text:

ROADMAP

Improve satisfaction measurement and take into account user feedback, involve stakeholders into services design and transformation

- *Launch the publication by each ministry of key figures on the use of public services on their various channels*
- *Map inflows and outflows, in order to measure the integration of various public sites according to theme or time of life, and, in doing so, detect websites that are not directly involved in assisting users with sufficient or relevant hypertext*
- *Extract statistical data from software common to government websites (around 650 sites, some of which have been monitored for over 10 years), and analyze them using data sciences methods*
- *Develop and roll out co-construction methods (OpenLab, design, user-civil service workshops…)*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Prime Minister's Office; Ministry of State for State Reform and Simplification attached to the Prime Minister

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
18. Overall			✔		✔	✔				✔			No		✔		
18.1. Publish key figures for each ministry			✔		✔					✔			No	✔			
18.2. Map website integration			✔		Unclear					✔			No	✔			
18.3. Extract and analyze data from			✔		Unclear					✔			No		✔		

government websites																		
18.4. Co-construction methods			✔			✔				✔			No		✔			

Context and objectives

As noted in the commitment text, France has a well functioning e-government environment, including well-designed digital public services platforms. France is ranked fourth best in a recent UN e-government survey[1]. In 2013, the Legifrance site[2] received nearly 100 million visits and service-public.fr[3] more than 200 million. Additionally, more than half of French citizens now pay their taxes online, 93 percent apply for an online criminal record, and 86 percent of farmers apply for aid under the Common Agricultural Policy (PAC) online[4].

At the time that this commitment was developed, the government had three main tools for monitoring the use and effectiveness of e-government services:

1. **The public services digital dashboard[5]** provides a list of 25 public services and indicates whether they can be conducted online and the rate of online interactions for each of them (e.g. citizens can file tax declarations online and 30 percent of citizens use the online option)
2. **The government websites traffic audience measurement[6]** tracks the number of visitors to all government websites, including government information websites such as agriculture.gouv.fr, culture.gouv.fr, and legifrance.gouv.fr
3. **The digital barometer[7]** is an annual face-to-face survey of 2,000 citizens assessing general digital access issues and digital inclusion (such as access to internet or internet-connected devices, ease of navigation, how citizens engage with or use different services)

Yet it remains difficult for stakeholders to target areas for improvement in this sector because the government only publishes key user figures (user satisfaction rates, use rate compared with other channels, popular or most-used services) for a select group of public services, and does not clearly define or track all possible online public service interactions.

In September 2014, the government introduced a Digital Public Services Strategy in order to simplify access to digital public services and increase the number of public service interactions that can be conducted online[8]. Thierry Mandon, then Secretary of State for Simplification, presented the Digital Public Services Strategy as an opportunity to make digitalization of public service delivery a tool for transforming and modernizing the state. The target is that within one year of implementation, 100 percent of governmental procedures that do not require in-person identity verification would be able to be conducted online. Of particular interest for this commitment is the requirement within the digital public services strategy to include a mechanism for gathering user inputs.

The commitment has two distinct activities: the first is to improve existing digital services by collecting and analysing key use figures and statistics for the digital services platforms, and the second is to build new digital services that are responsive to user needs by engaging stakeholders in a collaborative digital service design process. The commitment is relevant to **access to information** and **civic participation** since it describes activities that will disclose more information on how effectively these digital public services platforms serve users and creates opportunities for citizens to inform decisions on how e-government services will be designed. The commitment has a **medium specificity**, it describes the actions and activities to be conducted by analyzing the data, but it does not specify the exact number of websites analyzed, nor does it specify what constitutes "key figures" for each of the ministry websites that will be included in the published data. The commitment does not specify for which service(s) in particular the "user feedback" will be taken into account, nor

does it specify how co-construction methods will be implemented to improve public services.

If fully implemented, this commitment could have a moderate potential impact on resolving the issue of lack of tracking data on the use and efficacy of digital public services. Additionally, if end-users are involved in the design of these services, it could significantly contribute to resolving access problems, particularly if the co-construction activities include consulting a wide variety of stakeholders, particularly those with disabilities or other access problems. However, the lack of specificity regarding the types of data to be collected and the format of the co-construction actions reduce the overall potential impact of this commitment to **minor**.

Completion

Overall, this commitment is **limited in completion**.

Milestone 18.1 about publishing key figures on the use of public services on their various channels was **not started.** The IRM researcher notes that during this period, there was no standard definition for "key figures" or other usage indicators for online public services. While individual ministries may be internally tracking performance of their public service tools, at the end of the first year of implementation, the IRM researcher was unable to find publicly available evidence that key figures from each ministry on the use of public services were published. The government self-assessment report argues that this commitment has achieved substantial completion, but the evidence provided is an update to the digital public services dashboard, which took place in September 2016, three months after the period covered in this report. This update to the dashboard will be included in the analysis for completion at the end of term. The government self-assessment report also noted that a standard usage indicator for online (digital) public services would be announced at a meeting of the Information and Communication Systems Steering Committee (CSIC) during the second half of 2016. This will also be analyzed in the end of term report.

Milestone 18.2 was not started. According to Joel Gombin[9], a data science expert, at present, the data released in the digital services dashboard makes it possible to map the number of visitors to specific ministry websites and the frequency of visits. However, the data collected is not sufficient to track how visitors navigate between government websites or even inside one given website. The government self-assessment report confirmed that mapping activities did not take place during the first year of implementation.

Milestone 18.3 about extracting and analyzing statistical use data from software common to government websites has **limited completion.** The commitment specifies the perimeter to be "*around 650 sites.*" In July 2016, the government published analytics about the audience of approximately 100 government websites[10]. The July 2016 data offers increased levels of granularity for statistical data on government websites; where the information used to be available only at the month-level, it is now down to daily analytics numbers for each of the websites. However, the data is available only at the website level, not on individual pages within the websites, except for the 50 most visited ministry web pages per day. The same goes for referrers, sources and supports used to visit the website. At the daily granularity, data related to 97 different websites is published. More detailed data on user statistics is offered only for the main government portal gouvernement.fr, although it is only at a monthly granularity.

Milestone 4 has limited completion. The SGMAP has organised multiple and regular Open Labs events[11] for Simplified Public Procurement projects (MPS in French). The Open Labs are collaborative co-construction workshops for identified stakeholders of a given project: civil servants from local government, software companies, lawyers, communication experts, designers, etc. For the Simplified Public Procurement E-service, those Open Labs were running on a regular basis, every two weeks for six months[12].

The SGMAP has also organised similar co-design workshops during the design of the France Connect project, the national single sign-on service. This service aims to have one single identifier number to access digital public services, so citizens do not have to create a different account for each service or website. In addition, it allows better navigation and access. France Connect has implemented an extensive program of several monthly co-design workshops[13].

The government's self-assessment report specifies that a methodology for combining user feedback has been implemented for the redesign of service offers, such as the application service for scholarships and enrolment in secondary and higher education (with the Ministry of National Education, Higher Education and Research), and the application for pensions (with the National Pension Fund).

At the time of writing, there was no publicly available information with specific metrics regarding the attendance of those workshops, feedback from the participants, or how exactly those workshops ultimately helped the project and product design.

Early Results (if any)

During the first year of action, several new digital administrative services were released. This was in part due to an embedded start-up programme called "Start-up d'État[14]" where several teams made up of civil servants of different skills join a state incubator for six months to develop an administrative service or to build a product in less than six months, based on the same agile methodology used in the private sector. This program has existed since mid-2015 and inspired the co-construction methodology, though it does not involve civil society or other non-government stakeholders. One of the early practical results is the design of the tax imposition portal Impôts.gouv.fr , which was improved following an Open Lab organized by the digital services teams.

Next Steps

As the key figures described in the commitment remain vague, the IRM researcher recommends prioritizing identification of standard definitions for what constitutes "key figures" and publishing a list of key figures tracked for digital public services on ministry websites. Currently, only the digital use rate is being assessed. It would be useful to expand the metrics to others that measure user satisfaction, accessibility, and whether online registrations were ultimately completed, in order to be able to fully analyze the actual use of digital public services.

Having this data open and up to date is of key public interest as it makes it possible to better understand the use and audience of each government website and service.

The "Start-up d'État" program could be transformed by having civil society and/or regular users provide input at the project submission and implementation phases.

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1 UN E-Government Knowledge Database, https://publicadministration.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2014

2 Lois et reglements, http://www.legifrance.gouv.fr/

3 Service public: Connaitre vos droits, http://www.service-public.fr/

4 Le numerique: instrument de la transformation de l'Etat, http://www.gouvernement.fr/action/le-numerique-instrument-de-la-transformation-de-l-etat

5 Digital public services website with visualisations and the list of services, http://www.modernisation.gouv.fr/ladministration-change-avec-le-numerique/par-des-services-numeriques-aux-usagers/tableau-de-bord-des-services-publics-numeriques-edition-2016

6 Web analytics figures described in the dataset page on the open data portal, https://www.data.gouv.fr/fr/datasets/audiences-quotidiennes-des-principaux-sites-web-gouvernementaux/

7 Digital Barometer data on the open data platform,

https://www.data.gouv.fr/fr/datasets/barometre-du-numerique-2007-2016-1/

8 France's digital public policy history and description, http://www.gouvernement.fr/action/le-numerique-instrument-de-la-transformation-de-l-etat

9 Joel Gombin is part of Datactivi.st. The IRM researcher specifically called his expertise on assessing this dataset.

10 Audience des sites gouvernementaux, https://www.data.gouv.fr/fr/datasets/audiences-quotidiennes-des-principaux-sites-web-gouvernementaux/

11 Open Labs meeting minutes example, http://prefectures-regions.gouv.fr/hauts-de-france/content/download/30048/205364/file/Open%20Lab%20MPS%20du%2009%20janvier%202017.pdf

12 STARTUPS D'ÉTAT : L'AGILITÉ AU PROFIT DE NOUVEAUX SERVICES NUMÉRIQUES, http://www.modernisation.gouv.fr/ladministration-change-avec-le-numerique/par-des-services-numeriques-aux-usagers/startups-d-etat

13 Evenements France Connect, https://franceconnect.gouv.fr/evenements

14 Nous creons des services publics numeriques, https://beta.gouv.fr/

Theme 4: Open Up Public Administration

Commitment 19: Empower Civil Society to Support Schools

Commitment Text:

ROADMAP

1. *Empower young people to get involved via new civic service missions within schools.*

The Ministry of National Education, Higher Education and Research has a recruitment objective of 5,000 young people for civic service at the beginning of the 2015-2016 school year and 10,000 volunteers in 2016-2017. By the beginning of the 2017 school year, the objective is to offer 37,000 missions including missions run by associations within the school and university field.

Civic service within schools is aimed at young people between 18 and 25 years old. It is a voluntary commitment that can last from 6 to 12 months (average commitment being about 8 months), from October/November 2015 to June 2016. The missions take place in elementary schools, high school, information and orientation centers or local education authorities. Priority is given to missions in elementary schools, priority education and boarding schools.

The voluntary work is done in most cases by pairs of volunteers when the mission is carried out before pupils and aims to allow experience of social diversity and contact with the public and other volunteers of diverse backgrounds.

The nine main types of mission of volunteers for civic service are: contribution to educative, teaching and civic responsibility activities in primary school; support to projects for education in citizen matters; support to actions and projects in the fields of artistic and cultural education and sport; support to actions and projects for education in sustainable development; organization of the national education department's civic reserve; contribution to the organization of the free time of boarders in developing new activities; prevention of addictions; information and support to young people who are failing at school or who wish to resume qualifying training; help with providing information and orientation to pupils.

2. *Allow citizens to support schools in the transmission of the Republic's values: the national education department's civic reserve.*

This new arrangement (as outlined in the circular dated May 12th 2015 31) allows adults who desire to have the opportunity to dedicate their time and provide their experience to serve schools, particularly in the following fields of expertise:

- *Education in citizen matters and secularism ("laïcité"),*
- *Education in gender equality,*
- *Education in the media and information,*
- *The fight against racism, anti-semitism and all forms of discrimination,*
- *The connection between schools and the professional world.*

For schools, this is an opportunity to mobilize and benefit from civil society's strengths beyond the various components of the educational community and actors who also act in of associations, civic service or in the form of ad hoc intervention. Teachers may therefore regularly call upon external speakers to illustrate their teaching within classes. The associations, and more generally, all people and legal entities wishing to promote the national education department's civic reserve can be associated as civic reserve's ambassadors. Several institutions are already involved in the national education department's civic reserve (National School of administration, Conferences of the university presidents, CDEFI, CEMEA, League of education, CNOUS, "les Francas", French network of educational cities,

Association of members of the Order of Academic Palms). Reservists are also called upon, if they wish, to intervene in extracurricular activities.

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible Institutions: Ministry of National Education, Higher Education and Research; Ministry of Urban Affairs, Youth and Sport

Supporting Institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
19. Overall		✔			Unclear					✔			Yes			✔	
19.1. Empower Youth		✔			Unclear					✔			Yes		✔		
19.2. Empower citizens to support schools		✔			Unclear					✔			Yes			✔	

Context and objectives

This commitment seeks to allow citizens to contribute to youth education. The commitment contains two milestones: 1) to create a volunteer civic service program for youth; and 2) to involve citizens in teaching civic education courses in schools.

The civic service program was created in 2010, though at the time the Ministry of National Education was not one of the hosts for civil servants. Civic service is also a response to the long-standing social issue of the high level of youth unemployment[1]. The government sees it as a means of providing first access to professional experience, as well as a way of tackling social exclusion of youth groups.

In theory, the program offers youths aged 16 to 25 (and 30 for persons with disabilities) the opportunity to perform work for six to 12 months in one of nine priority areas defined by the government, including education, health, culture and leisure, environment, international development and crisis emergency response. Civic service can be performed either through a public agency at the local level, or with civil society or non-governmental organisations pending an approval process.

The state pays participants between €580.55 and €688.21 per month[2]. Participants do not need to have any special competencies or skills to be recruited for civic service. However, a preparatory and mentoring phase is offered, as well as civic and citizenship training, and support for future projects.

In a speech[3] given one month after the January 2015 Paris attacks, President Hollande established a connection between the massive and spontaneous march[4] for peace and solidarity with the victims, the citizens' desire to help and serve the common good in the country, and the need for a civic service for the youth in order to reinforce national cohesion and share common values.

Civic service was extended in this way to all citizens willing to share what the government identified as the values of the French Republic in education activities within national schools. This program is called citizen reserve for education. Future participants can enrol through a digital platform[5]. Teachers can thereafter choose within this reserve to ask participants to make short presentations in class or facilitate a workshop. Civic reservists in education may also take part in extracurricular activities in preschools, and in primary schools.

Both milestones have **low specificity**. The milestone language provides a description of the reserve but does not specify whether the aim of the commitment is to create the reserve, or to reach particular targets in terms of the number of people enrolled.

This commitment is of **unclear** relevance to OGP values. While the commitment strives to engage young people in civic education and could help solve needs in schools throughout the country, it does not create new opportunities for opening the decision-making processes to more citizens.

The potential impact of this commitment is **minor**. While the engagement of youth in community service and encouraging citizens to teach civic education are well intended initiatives, these efforts are not new. Without evidence on how the civic service program has worked so far, it is not clear if increasing the number of participants represents an ambitious step.

Completion

Milestone 1 is proceeding on schedule and, as planned for the first year, saw limited completion. According to the Ministry of National Education, the objective to recruit 5,000 youths for the 2015-2016 school year was almost completed, with 4,657 individuals recruited[6]. The second year of implementation aims to recruit a further 10,000 youths for the 2016-2017 school year. The national education website provides further information regarding the profile of recruited youths[7], mostly young women (75 percent) aged around 20 working in primary schools

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The **Milestone 2** language did not provide indicators to assess completion. However, if the aim of the milestone was to create the reserve[8], it saw **substantial implementation** during the first year of the action plan implementation. A circular dated 12 May 2015 outlined the arrangements for the reserve, and an 11 April 2016 decree established a High Commissioner for Civic Engagement[9]. The High Commissioner would be placed under the Prime Minister's office and be in charge of the creation and promotion of the civic reserve. In the second year of implementation, the Equality and Citizenship law of 27 January 2017 provided a legislative background for the reserve, going beyond the Ministry of National Education, and ensuring the reserve's continuity.

Early Results (if any)

The reserve was more popular among participants than teachers. Teachers were not selecting enough reserve ambassadors, which frustrated the reservists, according to discontent discussed during parliamentary debate leading to the adoption of the Equality and Citizenship law[10].

The lack of use of the reserve can be explained by increased security measures in schools, particularly following the 13 November 2015 terrorist attack, since it has become significantly more difficult to get authorization for non-staff persons to enter schools.

It could also be attributed to the fact that the areas of expertise of participants overlap with that of teachers. As a result, teachers did not see the benefit of bringing in external partners, whom in the past they could have invited to participate without having to go through the reserve. Therefore, the usefulness of the reserve was called into question by some teachers, trade unions, and reservists themselves. A qualitative or quantitative review of the reserve seems necessary to determine if and how it could be used in the future.

Next Steps

The government mentions in its self-assessment report that it will mainstream this commitment's actions in its next action plan, without providing more specific details[11]. Given that this commitment is not specifically relevant to OGP values, it is recommended that it is not included in future OGP action plans unless there are actions specifically intended to open government. Regardless, the IRM researcher suggests to first perform an evaluation of both the civic service and the reserve, as no such evaluation has been performed to date, to determine the best steps forward for this program. Involving reserve participants, or their associations, in the definition of the objectives and modalities of their missions, either within the Ministry of National Education, or through the High Commissioner for Civic Engagement, could contribute to finding more sustainable solutions.

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1 Youth unemployment rate has remained more than 20% over the past 15 years, much than the EU average (12%), https://data.oecd.org/unemp/youth-unemployment-rate.htm

2 Service Civique: Les conditions pour m'engager, http://www.service-civique.gouv.fr/page/les-conditions-pour-m-engager

3 5e conférence de presse du président François Hollande - Jeudi 5 février 2015, http://www.elysee.fr/conferences-de-presse/article/5e-conference-de-presse-du-president-francois-hollande-2/

4 National Education Ministry: News, http://www.education.gouv.fr/cid88822/discours-de-la-ministre-de-l-education-nationale-de-l-enseignement-superieur-et-de-la-recherche-synthese-des-assises-departementales-et-locales-la-sorbonne-paris-le-12-mai-2015.html

5 Digital platform to enroll for civic service, http://www.lareservecitoyenne.fr/

6 National Education Ministry: News, http://www.education.gouv.fr/cid101358/le-service-civique-dans-l-education-nationale.html

7 National Education Ministry: News, http://www.education.gouv.fr/cid101358/le-service-civique-dans-l-education-nationale.html

8 National Education Ministry: Encart, http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=88574

9 Decret no 2016-433, https://www.legifrance.gouv.fr/eli/decret/2016/4/11/VJSJ1609360D/jo

10 Quelques exemples, http://www.lefigaro.fr/actualite-france/2016/04/13/01016-20160413ARTFIG00013-les-rates-de-la-reserve-citoyenne.php, http://www.liberation.fr/france/2016/04/06/reserve-citoyenne-j-en-ai-assez-de-cette-mascarade-j-abandonne_1444274, http://www.lemonde.fr/education/article/2016/01/04/apres-charlie-la-reserve-citoyenne-a-l-epreuve-du-reel_4841222_1473685.html,

11 https://suivi-gouvernement-ouvert.etalab.gouv.fr/fr/Engagement19.html

Commitment 20: Diversify recruitment within public institutions

Commitment Text:

ROADMAP

1. *Develop new access channels to the civil service, to improve its opening to society*
    - *In the Bill on ethics and the rights and obligations of civil servants, insert measures to renew access channels to civil service and open them a larger diversity of profiles*
    - *Renew the preparatory classes mechanism for access to competitive examinations of category A in the three branches of the civil service, particularly by increasing by 25% the number of places offered in the integrated preparatory classes preparing candidates for the competitive examinations for entry to the civil service from 2015. The objective for 2016 is to double the number of students, to reach 1,000 places*
    - *Develop apprenticeship in the civil service by multiplying by 10 the number of apprentices, to reach an objective of 4,000 by the beginning of the 2016 school year and 10,000 for 2017*
2. *Address discriminatory biases upon entry into the civil service*
    - *Upon request from the Prime Minister, launch an expert appraisal mission on discrimination issues*
    - *Modify the texts on juries and selection committee's composition for each ministry to open them to at least one member outside the recruiting administration*
    - *Generalize training courses on discrimination prevention for all future members of juries and selection committees*
    - *Generalize the procedures for the quality certification of human resources departments in order to evaluate all their procedures with regard to any discriminatory risks*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry for Decentralization and the Civil Service

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete

20. Overall				✔	Unclear		✔			No			✔	
20.1. Develop new access channels to civil service				✔	Unclear		✔			Yes			✔	
20.2. Address discrimination in civil service			✔		Unclear		✔			No		✔		

Context and objectives

This commitment aims to diversify government civil service recruitment. It contains two milestones, 20.1: to develop new channels for entry into the civil service and 20.2: to address the discriminatory biases in the recruitment process.

The lack of civil servant diversity has been the subject of public debate in France. A 2004 report prepared for the Ministry of Public Function and State Reform studied the education level, social background, and ethnicity of 38,000 civil servants.[1] It found that recruitment requirements have become stricter regarding education levels, and candidates report facing gender, age, ethnic and disability discrimination. In July 2016, another report found that the civil service does not reflect the makeup of society and that the profile of civil servants at the state and local level is not that of the average French person[2].

Schools that train civil servants, such as the National School of Administration (ENA)[3], are often criticized for their lack of diversity[4]. There are 75 public service schools in France which train future civil servants and that might be affected by the activities proposed in this commitment.

The language of the **first milestone** is **highly specific** as it details objectives and targets to be accomplished for creating new entry points for candidates in public service schools. The **second milestone** is of **medium specificity**, as it outlines activities to be carried out for addressing discrimination but without sufficient detail on how generalization of training courses or quality certification for human resource departments will take place.

The commitment does not describe which discrimination issues have been identified in the civil service recruitment process and how appropriate and far reaching the proposed measures could be for tackling the identified problem. Due to the complexity of reasons that contribute to diversity issues in the civil service, it is not clear how modifying the access to entrance exams or training courses for the relevant HR personnel can address such issues. Therefore, the **potential impact of the commitment overall is minor.** Still, diversifying the entry qualification examinations could contribute to making them accessible to candidates with more diverse professional backgrounds.

This commitment is **of unclear relevance** to OGP values, as the proposed initiatives are all internal to government and refer to new modalities and channels to apply to either civil service positions or to enroll in a preparatory school. However, it is pertinent to note that the importance of diversifying civil service access and education has been taken seriously by the new generation of civil society organizations. In 2016 and 2017, at least two organizations were created with the objective of helping address diversity issues. Those organizations aspire to play an active role in supporting individuals interested in joining the civil service at some point in their career, in the private sector or civil society.
They are also interested in providing information and individual guidance to any person interested in taking examinations to enter high-ranking public service schools.

Completion

Milestone 20.1 aims to open access to the civil service through what is called the "troisième concours" (a pre-existing third entrance exam and additional channel for entrance to the civil service) and was **substantially implemented overall**. This exam is aimed at external candidates coming from civil society, trade unions, or those who have one or more mandates as assembly members at the local level. This is an improvement from the traditional two entrance examinations, which are offered only to civil servants coming from within the administration or to university graduate students. The "third entrance exam" is considered an effort to recruit diverse candidates with different profiles and skillsets, and thus fits the commitment and the milestone's objective to increase diversity in recruitment.

This milestone would allow access to the third entrance exam in all three public spheres: the first sphere being the State level, the second being the local level and the third being the hospital public service. In addition, the length of an apprenticeship contract or a professional contract is taken into consideration in the calculation of the length of professional experience required to take the third exam. This milestone opens the opportunity for people with education or professional backgrounds outside the typical public service schooling route to join the civil service.

As stated in the government self-assessment report, Article 159 of the Equality and Citizenship Act,[5] enacted on 27 January 2017, establishes that the third exam will allow candidates from more socio-economic backgrounds and different levels of education to apply to the public service[6].

The second activity consisted of increasing by 25 percent the number of spots available in preparatory classes for entrance exam A (the highest level entrance exam) and saw limited implementation. In 2017, outside the period of implementation under consideration in this report, ENA offered 24 spots in its preparatory class, an increase from the 17 offered in 2016 and 2015 respectively[7]. While this activity aimed to double in 2016 the number of students to reach 1,000 spots, it is difficult to quantify. Not all schools publish data on student matriculation and available school data has only been published in open data format up to 2014[8].

The third activity in this milestone aimed to increase the number of apprenticeships in public service, particularly at the state level. The government ran a national-level campaign[9] to promote the recruitment of apprentices. An official report, published in June 2016, indicated a 370 percent increase in apprenticeship in the public service in 2015, from 763 in 2014 to 3,589 in 2015. In 2015, 4,390 apprenticeships were signed[10].

Milestone 20.2 saw limited implementation overall. The first activity consisted of launching an appraisal mission about discrimination issues, and two missions were launched[11]. Olivier Rousselle, a State Council member, was in charge of one of the missions and its report was published on 16 February 2017, outside the period covered by this assessment[12]. The other mission was led by Yannick L'Horty and was handed to the Prime Minister on 12 July 2016[13].

The second activity - modifying the guidelines on jury and committee composition of each ministry - was not integrated into law. However, recommendations for amendments to the legislation were proposed in the Rousselle report[14], which recommended amending the legislation to open juries and recruitment committees to at least one person outside the administration. The institutionalization of this measure within the national public service could be mandated by a State Council decree.

Regarding the training course on discrimination prevention of all future members of jury and selection committees, a sensitization module has been in existence since 2014, prior to the implementation of this commitment. It is mandatory and applies to all new state agents and focuses on the values of the Republic, human rights, the fight against stereotypes and biases, as well as codes of conduct. The IRM researcher could not find any other modules created as part of the implementation of this commitment[15].

The last activity sought to generalize the diversity certification in human resources departments. The diversity certification[16], training to raise awareness of diversity issues available to civil servants, is a measure implemented in 2013 by the interministry delegation to fight against racism and anti-semitism[17], as part of a larger action plan that France committed to at the United Nations Human Rights Council in 2008.

The language of the milestone does not specify which agencies are targeted by this measure, nor does it provide a timetable for its implementation. An existing diversity certification was implemented in 2008[18] and 2014[19]. The 2016 report of the diversity certification in the civil sector indicates that in July 2016, 15 public servants had the certification[20]. This number is difficult to contextualize given that there are no previous statistics that would allow it to be put into perspective.

Early Results (if any)

The importance of diversity within the public sector and within public service schools was highlighted by the creation of associations that promote equality. While this is not directly linked to commitment in itself, it shows an increased interest in the topics by young and committed generations who are taking the lead for more visibility and attraction of the public sector. One such association, La Cordée[21], wants to develop formal proposals to policymakers on this topic[22].

Next Steps

Opening up and increasing diversity within the civil service in order to make the profile of civil servants more accurately reflect the diversity of citizens that they serve is an admirable goal. The underlying assumption of this objective, however, is that greater diversity will translate to more openness. But there is no clear articulation of how one thing would lead to the other and, therefore, of how the activities described in this commitment would make government practice more transparent and accountable. The IRM researcher recommends revising the commitment to maximize the benefits of having a more diverse civil service workforce, including through more engagement opportunities. This commitment could be taken further in the next NAP, with a commitment tackling diversity issues in the public sector. The aim of raising awareness of discrimination bias will be implemented in the next action plan, fitting with OGP values of public participation (for instance, with one or several associations mentioned in the early results section) and accountability (having the schools publishing the related data about diversity recruitment by default in a comprehensible and reusable way).

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1 FOUGERE Denis, POUGET Julien, L'emploi public s'est-il diversifié?, http://www.ladocumentationfrancaise.fr/rapports-publics/054000049-l-emploi-public-s-est-il-diversifie-sexe-niveau-d-etude-origine-sociale-et-origine

2 Trop de discriminations au sein de la fonction publique,

http://www.la-croix.com/France/Trop-discriminations-sein-fonction-publique-2016-07-13-1200775620

3 FR: Ecole Nationale de l'Administration

4 L'ENA, prestigieuse et critiquée,

http://www.la-croix.com/France/Politique/LENA-prestigieuse-critiquee-2016-09-01-1200786043

5 Chapitre III : Dispositions relatives à la fonction publique de la loi n° 2017-86 du 27 janvier 2017 relative à l'égalité et à la citoyenneté,

https://www.legifrance.gouv.fr/eli/loi/2017/1/27/LHAL1528110L/jo#JORFSCTA000033934962

6 Article 159 de la loi n° 2017-86 du 27 janvier 2017 relative à l'égalité et à la citoyenneté,

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7 L'ENA en chiffres, http://www.ena.fr/L-ENA-se-presente/ressources-ena/ena-chiffres

8 Les classes préparatoires aux grandes écoles,

https://www.data.gouv.fr/fr/datasets/les-classes-preparatoires-aux-grandes-ecoles-cpge-00000000/

9 Contrat d'Apprentissage, http://www.contratdapprentissage.fr/apprentissage-dans-la-fonction-publique.php

10 L'Apprentissage dasns la function publique, http://www.fonction-publique.gouv.fr/apprentissage-dans-la-fonction-publique

11 Présentation des missions Rousselle et L'Horty, http://www.fonction-publique.gouv.fr/ecoles-de-service-public-et-la-diversite-presentation-des-missions-rousselle-et-lhorty

12 Lettre de mission du rapport Rousselle,

http://www.fonction-publique.gouv.fr/files/files/carrieres_et_parcours_professionnel/formation/EMRH/rp2/LM-Rousselle.pdf

13 Conclusions du rapport de Yannick L'Horty sur les discriminations dans l'accès à l'emploi public, http://www.fonction-publique.gouv.fr/rapport-de-yannick-lhorty-sur-discriminations-dans-lacces-a-lemploi-public

14 Les écoles de service public et la diversité. Mission présidée par Monsieur Olivier Rousselle, Conseiller d'État, http://www.fonction-publique.gouv.fr/files/files/publications/rapports-missionnes/Rapport-Rousselle-2017.pdf

15 Formation contre les discriminations - page officielle du Ministère de la Fonction Publique,

http://www.fonction-publique.gouv.fr/formation-contre-discriminations

16 Formations contre les discriminations, http://www.fonction-publique.gouv.fr/formation-contre-discriminations

17 Dilrah, http://www.gouvernement.fr/dilcrah

18 Décret n° 2008-1344 du 17 décembre 2008 relatif à la création d'un label en matière de promotion de la diversité et de prévention des discriminations dans le cadre de la gestion des ressources humaines et à la mise en place d'une commission de labellisation,

https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000019951112&categorieLien=id

19 Décret n° 2014-335 du 14 mars 2014 relatif à la commission de labellisation du label diversité,

https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000028724603&categorieLien=id

20 Rapport 2016 du label diversité dans la Fonction Publique,

http://www.fonction-publique.gouv.fr/files/files/publications/coll_les_essentiels/label-diversite-2016.pdf

21 La Cordée Alumni #égalitédeschances #diversité,

https://twitter.com/LaCordeeAlumni

22 Communiqué officiel: « La Cordée » : promouvoir l'égalité des chances par ceux qui l'ont vécue, https://www.facebook.com/notes/la-cord%C3%A9e-les-anciens-de-la-cpena/communiqu%C3%A9-officiel-la-cord%C3%A9e-promouvoir-l%C3%A9galit%C3%A9-des-chances-par-ceux-qui-lont-/1251833468234754

Commitment 21: Grow a culture of openness, data literacy and digital technologies

Commitment Text:

ROADMAP

1. *Produce, jointly with civil society, training modules on open data, the use of data and open government, targeting public officials*
2. *Include more modules on the use of data and open government in initial and continuing training programs provided by national and regional civil service training schools*
    - *Include these modules in the curricula of the Ecole Nationale de l'Administration (ENA), of the Ecole de la Modernisation de l'Etat (EME) and in any other schools that wish to support these programs*
3. *Increase awareness on digital issues for central administration managers and support the implementation of digital transformation projects:*
    - *Identify requirements, practices, difficulties and desires of central administration managers concerning digital transformation issues for society and public policies within their scope of action*
    - *Set up a first seminar in Autumn 2016, for awareness-raising, training and action on digital issues they have identified and wish to address*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry for Decentralization and the Civil Service; Ministry of State for State Reform and Simplification, attached to the Prime Minister; Ecole Nationale d'Administration (ENA)

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
21. Overall		✔				✔				✔			No		✔		
21.1. Open Data Training Modules		✔				✔				✔			No		✔		

21.2. Open Data Modules for Civil Service Training			✔		Unclear		✔			Yes				✔
21.3. Awareness of Digital Issues		✔			Unclear		✔			No	✔			

Context and objectives

The objective of this commitment is to increase the digital literacy of public officials, as well as civil service students who are prospective public officials.

Digital literacy, defined as the set of competencies required for full participation in the digital society, has become a core skill for the workforce and citizens in general. Beyond those citizens who still do not have access to the Internet, the European Commission assessed in 2017 that around 45 percent of Europeans have only basic digital skills despite all sectors of the economy becoming digital[1]. It has been argued that the public sector and elected officials in France have massive knowledge gaps when it comes to digital literacy. An article by Laure Belot, a journalist at *Le Monde*, claimed that even the political and social elite in France are overwhelmed by digital technology[2].

This commitment attempts to tackle the lack of digital literacy by producing training modules on open data and open government for current public officials and civil servants, as well as including modules on these issues in the initial training of future public officials and civil servants.

The specificity of this commitment is **overall low**. Milestone 21.1 is about developing training modules with civil society, but it does not spell out which civil society organizations will be involved in the joint production of training modules, the role of the CSOs (are they providing technical training, or providing a focus on participatory consultation, or evaluation or public feedback mechanisms?), nor how many modules are planned to be developed and by when. Milestone 21.2 is more specific in that it identifies two schools that will include the training modules in their curricula. Milestone 21.3 is of low specificity as it aims to increase awareness on digital issues but does not outline how the needs of central administration managers will be identified and addressed. The milestone does not articulate how the seminar in autumn 2016 would address the identified needs and how many public officials it would target.

It is largely not relevant to OGP values, though there are some elements that are **relevant to civic participation**. The language in milestone 21.1 does include engaging civil society to train public officials, which is a way of participating and being heard. However, there is not a specific description of what this would entail. Overall, the commitment activities focus on changing internal government practices and reinforcing affirmative attitudes towards openness in data and digital information, but do not actually disclose more information or improve the quality of information disclosed to the public. These culture change activities are a critical first step towards improving access to information, but this commitment itself is not relevant to access to information because the activities do not include publishing resources or data.

If fully implemented, this commitment would have a **minor potential impact.** At the start of this commitment implementation period, the culture of openness, data literacy, or open government was not common knowledge for the majority of students of public affairs. Such training modules simply did not exist in the curriculum of high ranking administration schools and the creation and implementation of such a culture was seen as highly beneficial and would impact all levels of government. However, the commitment language is quite vague regarding the scope of the government stakeholders that would be

obliged to participate in these modules. It is unclear how or if civil servants that use data or are in a position that requires interacting with the public to share government-held information would be especially targeted for training modules.

Completion

Milestone 21.1 has limited completion. Civil society, in partnership with public institutions, developed training modules but attracted few civil servants. This is in part because the French government was ultimately not the driving force behind the training programs. To be fully implemented, the training modules need wider dissemination and support from all levels of government. In addition, another challenge emerged in relation to the technical level of some of the modules. For example, the data science module developed by Datactivist was highly technical and targeted civil servants who already had a good sense of data literacy rather than a broader, less technical audience. The risk of developing such modules is attracting only those civil servants who already have good technical skills and openness culture, and missing the opportunity to attract a wider group through modules designed for all levels and skills, from basic to advanced courses.

During the first year of implementation, several training modules were developed:

- In March 2016, the National Conservatory for Arts and Crafts in Paris and Bretagne launched a one-year vocational certificate "National innovation and digital data"[3], conducted mostly online[4]. It targets civil servants and aims to develop data skills.
- Open Data France, the association of local authorities committed to advancing open data, launched training with Datactiv.ist[5] named "Introduction to R and Data Science"[6], targeting local civil servants. Although outside of the assessment period for this report, the training consisting of two modules of three days each, was conducted in November and December 2016 in Paris, gathering from 10 to 15 civil servants depending on each module.
- The Next-Generation Internet Foundation (*Fondation Internet Nouvelle Génération (FING)*), a Paris-based NGO working on the use of technology, has designed the Infolab program to develop data literacy within a variety of organizations in the public[7] and private sectors. According to the online calendar of the Infolab programme, 10 training events[8] were organised in 2015 and 12 in 2016[9].

Milestone 21.2 is complete. On 6 and 19 May 2015, the National School of Administration (École nationale d'administration) launched a continuing training program entitled "Ouvrir et partager des données publiques" (opening and sharing public goods)[10]. Lancelot Pecquet, researcher and founder of Will Strategy, is the main trainer of this program. Since then, ENA conducted this training on 31 May 2016[11], even though open data and digital subjects are not fully integrated into the official curricula at ENA and EME.

At Sciences Po in Paris, two classes provide initial and continuing training to civil service students on the use of data and open government. Since 2014, the Governing the Large Metropolis master program has offered a workshop named "Open Data for Urban Research". In 2015[12] and in 2016[13], a class named "the State and Digital Revolution" ("État et révolution numérique") is offered to Public Affairs students. It is taught by Mohammed Adnène Trojette, the author of a report to the Prime Minister on open data and pricing, and by Lancelot Pecquet, who also teaches open data at the National School of Administration.

At the Regional Institute of Administration (Institut Régional d'Administration) in Nantes, students organized a two-day seminar at the end of the training on how digital technologies can transform government administration. Open data was one of the topics of this seminar[14] and a poll of students was conducted showing that half of the students knew of open data as a concept but had never used it in their studies[15].

Milestone 21.3 is not started. According to the self assessment report, a seminar was held in 2016 gathering all directors of central administration on topics of digital innovation

and e-government. The IRM researcher was unable to find any publicly available information on decisions made during this seminar, though there is general information on the seminar on a YouTube channel[16].

Early Results

None at the time of writing.

Next Steps

This commitment should be considered as an ongoing effort to build a culture of data literacy and digital technologies within the public administration. Although several initiatives have already been launched to support this objective, they do not have the scope to lead to large-scale change within government. Therefore, the IRM researcher suggests that this commitment is taken forward into the next action plan.

Future commitments in this area could include more online training tools such as MOOCs and blended learning so that the training can encompass larger parts of the French public administration. It is recommended that this training targets professionals within the administration who already work with data, such as librarians and archivists.

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1 The Digital Skills and Jobs Coalition, https://ec.europa.eu/digital-single-market/en/digital-skills-jobs-coalition

2 Les elites debordees par le numerique, Le Monde, http://www.lemonde.fr/technologies/article/2013/12/26/les-elites-debordees-par-le-numerique_4340397_651865.html

3 "Innovations territoriales et données numériques"

4 Le Cnam: Open Data, http://formation.cnam.fr/par-ecole/ecole-ms/villes-echanges-territoires/certificat-de-specialisation-innovations-territoriales-et-donnees-numeriques-777352.kjsp

5 Disclaimer: Datactivi.st hired the researcher assessing this action plan but the researcher was not involved in designing this training program. However the researcher attended the training module.

6 Formation "Introductiom a R: le couteau Suisse de l'open data et de la data science", http://datactivi.st/formation.html

7 In 2015, a tentative mapping of Infolab was conducted. It identifies nationally two "infolabs" in the public sector (Etalab and Commission Nationale Informatique et Libertés) and six in local public sector organisations (CRIJ Rhones-Alpes, CRIJ Poitou-Charentes, Grand Poitiers, département de la Gironde, région PACA).

8 Le portail de la communaute des infolabs, http://infolabs.io/agenda/year/2015

9 Le portail de la communaute des infolabs, http://infolabs.io/agenda/year/2016

10 Club RH, http://www.lagazettedescommunes.com/360573/lena-sur-le-chemin-escarpe-de-la-formation-a-lopen-data/

11 http://www.ena.fr/content/download/4768/73442/version/1/file/Programme%20Partage%20des%20données.pdf

12 SciencesPo, http://formation.sciences-po.fr/enseignement/2015/OAFP/3610

13 SciencesPo, http://formation.sciences-po.fr/en/enseignement/2016/oafp/3610

14 IRA de Nantes on Twitter, https://twitter.com/iranantes/status/747438344339095552

15 Institut Regional d'Administration, http://www.ira-nantes.gouv.fr/seminaire/open-data/ii-lopen-data-un-service-aux-usagers/

16 YouTube, https://www.youtube.com/channel/UCZoqLAc2uVDBovmcWEFCknA/videos

Commitment 22: Spread public innovation, and develop research on Open Government

Commitment Text:

ROADMAP

1. *Drive the development of territorial public innovation*

- *Constitute a national network of "public accelerators": creation of territorial innovation platforms, "structures for sharing expertise and resources between administrations, elected representatives, State services, civil society and private organizations in a region, to accelerate innovative projects in the general interest". Prototypes are being implemented in several territories at the initiative of local authorities and private players*
- *Make the digital a driver for transformation in the territories through "territorial hackathons" modeled on Etalab's practices and intended for local authorities.*
- *Develop a reference social network and national web platform for the projects and actors of regional and local innovation*

2. *Set up a program of applied research on open government*

- *In partnership with the Interdisciplinary Research Centre, organize collaborative events and explore the mobilization of collective intelligence and communities of citizens for the creation of public innovations, the co-construction of public action and open government*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry for the Decentralization and the Civil Service; Ministry of State for State Reform and Simplification, attached to the Prime Minister

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
22. Overall		✔				✔				✔			Yes		✔		
22.1. Drive development of national public innovation		✔				✔				✔			Yes		✔		
22.2. Applied research on open		✔				✔				✔			Yes		✔		

government program

Context and objectives

As part of the innovation policy decided in the Interministerial Committee for State Modernization on 18 December 2013, the government designed two programs to support innovation in public life and public policy design. One program is called Réacteur Public[1], and seeks to create a network to facilitate dialogue between state administration and local authorities, and to find and share solutions in the domain of public innovation. The second program is called Futurs Publics[2], and operates as a lab for State public innovation. Both programs work through peer-learning and research, as well as the creation of a common knowledge base drawing on researchers' experiences and case studies. Currently, neither mechanisms nor physical spaces involving research in public innovation and experimentation exist at the state or local authority level.

The commitment's objectives are twofold. First, it aims to help local authorities to develop digital innovation in the public sector by creating innovation platforms, supporting local hackathons and developing a social network for local innovation. Second, it tries to promote better understanding of open government by supporting research on the topic. Ultimately, this commitment builds on the notion that digital innovation must be spread more evenly in the public sector, especially at the local level. This objective was the topic of a report written by Akim Oural, deputy mayor of Lille for digital technology, and sponsored by the French government. Entitled "Power to Innovation! Reinvent public action for territories"[3], it advocates for innovation to spread within local authorities across the country. It also acknowledges that the transformative effects of digital technology within government require further research. In that sense, this commitment is experimental: it aims to open new paths for digital innovation in the public sector.

This commitment is relevant to **civic participation** as the initiatives broadly outlined involve civil society or citizens' participation. The commitment entails bringing together local and state authorities in the challenge to conduct action-research programs to test new innovation methods for designing public policy involving all public stakeholders.

The commitment is written with **low specificity**. It talks about public innovation and experimentation, and proposes to organize events to spread innovation activities, such as hackathons across different territorial units of the country. It also proposes to facilitate a network of identified actors who can promote the culture of innovation in public management. However, both milestones are broadly formulated and do not provide sufficient details on the proposed activities or the intended results.

Since the activities are not clearly identified, it is difficult to assess if the commitment would lead to any major changes in terms of involving citizens in government decision-making processes. Documentation created during the network events or the hackathons could contribute to creating a common knowledge base around public innovation. Therefore, the **potential impact** of the commitment would be **minor.**

Completion

Milestone 1: Drive the development of territorial public innovation

The commitment completion is **limited**.

Two calls for proposals financed by the Future Investments Program (Investissements d'Avenir) were launched in 2016[4]:

- "Professional territorial communities": It seeks to foster collaborative ways of working within local administrations. Candidates could apply to participate in two application sessions: June and October 2016.

- "Territorial Innovation laboratories": It seeks to create spaces for creativity and innovation for public agents and civil society. Candidates could apply until September 2016.

On 9 May 2016, SGMAP, Bretagne Regional Council, and Breizh Small Business Act association in Rennes[5] organized a hackathon on the topic of open contracting data. According to Etalab,[6] it gathered 70 participants who worked in four thematic groups.

The government self-assessment report mentions that seminars were organized by the association La FING[7] within the Infolab program. However, these seminars are mostly training and do not correspond to the actions planned in this milestone: creating a national network of innovation incubators, hackathons and a social network for local innovators.

Milestone 2: Set up a program of applied research on open government

This milestone is **limited** in completion. At the end of the first year of implementation, a formal research program had not been established. However, as noted in the government self-assessment report, a partnership agreement was concluded with CNRS (National Centre for Scientific Research) to embed a researcher on open government in the Etalab team. Sarah Labelle, a researcher in communication studies at Paris 13 University, was seconded for six months to the Etalab team[8] to research open government. Her work was featured during an event[9] organized in October 2016 to debate and discuss emerging participative practices taking place in local administrations as well as in the private sector.

On 26 May 2016, CRI (The Center for Research and Interdisciplinarity) organized, jointly with the French Embassy in London and the innovation foundation Nesta[10], the seminar "Digital Government: Next Steps & Potential Futures," which gathered 26 researchers from France and the UK. Open government was one of the topics of the seminar alongside cybersecurity, blockchain, and e-voting[11].

Early Results (if any)

The research part of this commitment has not led to any significant publications.

Next Steps

As the implementation of this commitment is limited, it should be taken forward in the next action plan in order to scale up the results of the Future Investment Program's call for proposals on local public innovation. If this commitment is included in the next action plan, it should clearly identify ways in which citizens and various civil society groups will be involved in the co-design of public policies in innovative ways. A more ambitious commitment with clear deliverables should be defined with stakeholders.

In addition, organizing new hackathons for local authorities could help to develop new ways of using open data. To encourage further innovation, local authorities could establish prizes for winners of hackathon challenges.

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1 Réacteur public: État et collectivités s'unissent pour mieux innover, http://www.modernisation.gouv.fr/les-services-publics-se-simplifient-et-innovent/par-la-co-construction/reacteur-public-etat-et-collectivites-unis-pour-mieux-innover

2 Futurs publics: innover pour moderniser l'action publique, http://www.modernisation.gouv.fr/les-services-publics-se-simplifient-et-innovent/par-la-co-construction/futurs-publics-innover-pour-moderniser-action-publique

3 L'innovation au pouvoir!,http://www.modernisation.gouv.fr/sites/default/files/fichiers-attaches/innovation_territoriale-rapport-2015-04.pdf

4 L'action publique se transforme, http://www.modernisation.gouv.fr/laction-publique-se-transforme/avec-les-administrations-et-les-operateurs-publics/investissements-davenir-deux-appels-a-projets-accompagner-transition-numerique-administration-territoriale

5 Breizh Small Business Act, http://breizhsmallbusinessact.fr/les-missions/

6 Le Blog d'Etalab, https://www.etalab.gouv.fr/retour-sur-le-barcamp-la-commande-publique-augmentee-par-la-donnee

7 FR: Fondation Internet Nouvelle Generation/ New Generation Internet Foundation, http://fing.org/?lang=fr

8 Institut des sciences de la communication, http://www.iscc.cnrs.fr/spip.php?article2163

9 Journée d'études: Coproduire le nouveau. Monde industriel et monde politique face à l'impératif participatif, https://latts.fr/journee-detudes-coproduire-le-nouveau-monde-industriel-et-monde-politique-face-a-limperatif-participatif/

10 "Nesta is an innovation foundation. We back new ideas to tackle the big challenges of our time". - See more at, http://www.nesta.org.uk/about-us#sthash.Puqs8gHT.dpuf

11 France in the UK, http://www.ambafrance-uk.org/Franco-British-Workshop-Digital-Government-Next-Steps-Potential-Futures

✪ Commitment 23: Empowering and protecting public officials in preventing conflicts of interest

Commitment Text:

ROADMAP

- *Appoint an official, a service, or a legal entity under public law to provide agents under their authority with all relevant advice in respect of ethical obligations and principles*
- *Introduce legal provisions to better prevent conflicts of interests and to protect civil servants*

  - Put in place a system for agents responsible for certain functions to declare their interests

  - Reinforce and widen the area of competence of the ethics committee, which will be expanded to include the prevention of conflicts of interest and reinforced in the area of the control of civil servant's transitions to the private sector

  - Introduce a protection mechanism in the general statute of officials, so as to allow an agent acting in good faith to report the existence of a conflict of interest without fear of reprisals

Editorial Note: This is a truncated version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Secretariat of State in charge of Digital, to the Minister of the Economy, Industry and Digital; Secretariat of State in charge of City Policy to the Minister of the City, Youth and Sports

Supporting institution(s): Ministry for Decentralization and the Civil Service

Start date: Not Specified End date: Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion		
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial
✪ 23. Overall				✔	✔		✔					✔	Yes			
23.1 Ethical Obligations Official				✔	✔		✔					✔	Yes			
23.2 Conflict of Interest Legal Provision				✔	✔		✔					✔	Yes			

Context and objectives

The aim of this commitment is to contribute to the prevention of conflicts of interest and is organized around two main points: (1) strengthening the ethics commission, which is responsible for controlling the departure of public officials to the private sector, and (2) the

introduction of legal provisions on conflicts of interest that include the protection of whistleblowers and reporting conflicts of interests without fear of reprisal for senior officials.

The strengthening of legislative provisions on the transparency in public life and the taking into account of conflicts of interest among parliamentarians and the public service was a priority of the law of October 11, 2013 on the transparency in public life[1] specified in Commitment 6.

In France, the priority to restore confidence in the public service was reiterated by President Hollande, who undertook to introduce broad ethical rules to all public actors, both civil servants and magistrates (including prosecutors and judges).

More than five laws[2] on the protection of whistleblowers exist, but they contain heterogeneous provisions depending on the scope of the law and whether the concerned entity is public or private. The new Law of April 20, 2016, created as part of this commitment, includes provisions on ethics and defines civil servants' rights and obligations relating to asset declarations. This provision was also specified in the 2013 Law, which created a statutory right for all public officials to benefit from ethical advice, the first step in this commitment. The ethics officer can advise public servants on how to comply with ethical obligations, which may be useful in view of the complexity of certain rules. Secondly, the Law strengthens the powers of the ethics commission[3], which is responsible for submitting an opinion when an officer wishes to practice in the private sector. Such opinions are legally binding, and officials who do not act in accordance with the opinion of the commission would be subject to disciplinary proceedings. This enforcement power given to the Ethics Commission makes this commitment relevant to public accountability.

Concerning the second objective of introducing legal provisions on conflicts of interest for the first time, the concept of conflicts of interest is introduced in the general statute of civil servants and obliges them to prevent or put an end immediately to such situations[4]. In addition, the protection available to public officials who report a crime or offense is extended to include reporting of conflicts of interest. Indeed, whistleblowers cannot be punished or discriminated against in their career[5]. This protection will also apply to the military. Moreover, it will be for the author of the disputed measure to prove the absence of a conflict of interest and not the whistleblower.

As explained in Commitment 6, public servants will be required to complete a Declaration of Interest prior to their appointment. A list of such roles is set by decree. This measure is the legislative basis of the commitment. It will then return to the High Authority for Transparency in Public Life as an examiner.

Some measures, such as those concerning whistleblowers, meet the demands and recommendations of Transparency International France, as presented in its report on exemplary public officials, during the hearing of the text at the National Assembly. Given the important new protections this law affords whistleblowers, and the new requirements for disclosure of conflicts of interest, the IRM researcher found this milestone to have transformative potential impact.

All the points outlined in this undertaking cover several important aspects of an ethics law designed to prevent conflicts of interest as part of a larger national system concerning transparency in public life. The different measures introduced with the legislative provisions have a high specificity in the commitment and intersect directly with other commitments (see commitment 6 for obligations to declare interests, Article 10 on the law of ethics in public life, and Article 11 on the powers of the ethics committee).

However, some aspects of the commitment remain vague regarding the scope and application of appointing ethical referents. Some questions remain, such as how this measure will be introduced, and how ethical referents are to be trained.

Completion

This commitment was substantially completed during the first year of implementation of the 2015-2017 action plan with the promulgation of the law of 20 April 2016[6]. Its implementation will take place during the second year of implementation of the action plan by the decree[7] of 29 January 2017, which specifies how the law is to be implemented, in particular the list of senior officials that will be required to file a Declaration of Interest.

Early Results (if any)

The first results of this commitment cannot yet be measured as the decree of application was just published in 2017. During implementation, data on the use of whistleblower rights would be important to monitor, including case studies on how rights and obligations have been applied in practice. Similarly, the High Authority should track the number of declarations of interest users consulted online.

A recent scandal[8] concerning the departure of a senior public official to the private sector is currently being reviewed in the courts. This particular case concerns the departure of the Managing Director of Arcep[9] (*Autorité de régulation des communications électroniques et des postes*) to Google France. The controversy centers around the fact that the official in question previously held a strategic government position regulating net neutrality, and is now being hired by Google France as the director of public affairs. As of May 2017, the official has not been charged as no conflict of interest has been proven yet. This case illustrates though that more transparency is still needed on the criteria under which the ethical committee validates or denies the transfer of a high-ranked public official to the private sector.

Next Steps

In a thematic approach to corruption, a number of improvements could be made in a second action plan, such as citizen participation, through the establishment of a mechanism or the creation of an independent body for the gathering and treatment of citizen alerts, as recommended by Transparency International France in its report on transparency in public life[10]. To enhance the protection of whistleblowers in the public sector, the CSO Anticor published a position paper[11] where it highlights possible areas of improvement for more protection: specificity extension of law texts towards the provisions against unfair dismissal, the possibility of compensation (taking example on the UK law) or the sanction of retaliation against the whistleblower.

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1 Loi n° 2013-907 of October 11, 2013 on the transparency in public life, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000028056315

- 2Law n°2007-1598 of November 13, 2007 on the fight against corruption
- Law n°83-634 of July 13, 1983 concerning the rights and obligations of officials
- Law n°2013-1117 of December 6, 2013 on combating tax evasion and serious economic and financial delinquency
- Law n°2011-2012 of December 29, 2011 on strengthening health security of medicinal and health products
- Law n°2013-316 of April 16, 2013 on the independence of the health and environmental expertise and the protection of whistleblowers

3 According to article 10 of the 2016 law, there is a mandatory commission referral in every case of revolving door. This commission referral was optional before. You can refer to point III. V. and VI. of article 10.

4 Article 2 of Law n° 2016-483 of April 20, 2016 on ethics and the rights and obligations of officials, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032433852&fastPos=1&fastReqId=24764597&categorieLien=id&oldAction=rechTexte

5 Article Art. L. 4122-4 of Law n° 2016-483 of April 20, 2016 on ethics and the rights and obligations of officials referred to in (4)

6 Law n° 2016-483 of April 20, 2016 on ethics and the rights and obligations of officials, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032433852&fastPos=1&fastReqId=24764597&categorieLien=id&oldAction=rechTexte

7 Decree n° 2017-105 of January 27, 2017 concerning the pursuit of private activities by public servants and certain contract agents under private law who have ceased to hold office, cumulative activities and the Public Service Ethics Commission, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033936795&fastPos=1&fastReqId=2112598429&categorieLien=id&oldAction=rechTexte

8 "It is extremely rare that the ethics committee blocks a transfer", http://www.lefigaro.fr/secteur/high-tech/2017/01/25/32001-20170125ARTFIG00162-le-transfert-du-dg-de-l-autorite-des-telecoms-vers-google-france-en-suspens.php

9 The Autorité de régulation des communications électroniques et des postes (Arcep) is an independent administrative authority.

10 Transparence de la vie publique, et maintenant, https://www.transparency-france.org/wp-content/uploads/2016/04/rapport_2013_transparence_de_la_vie_publique_et_maintenant.pdf

11 Plaidoyer Anticor, http://www.anticor.org/presentation/plaidoyer-anticor/

Theme 5: Open Government for Climate and Sustainable Development

Commitment 24: Involve civil society in the COP21 conference and promote transparency regarding the agenda and negotiations

Commitment Text:

ROADMAP

- *Bring together civil society's representatives before each informal negotiating meeting*
    - *A first meeting was organized before the informal session on climate negotiations on 6-8 May 2015, with civil society (French and international NGOs, representatives of unions at the UN…) in order to present the work and the state of progress of negotiations and take part in the discussion*
    - *New meetings will take place alongside the forthcoming negotiation sessions*
- *Create a participatory platform to mobilize civil society in preparation for COP 21, which may be extended to other consultations*
    - *Between June and November 2015, draft a first version, with the aim of:*
        - *raising awareness of environmental dialogue and the main stakes of the energy transition*
        - *organize a network involving inhabitants, action groups, project holders, companies, local authorities and stakeholders*
        - *facilitate contacts and cooperation between the various players in environmental e-citizenship, including through online exchanges*
        - *create decentralized cooperation and develop a community of players in environmental e-citizenship*
        - *collect the suggestions and opinions of Internet users to allow the collaborative listing of local initiatives and constitute a broad database*
    - *Develop of a second version of the platform in order to ensure that citizens' mobilization lasts beyond COP 21. This second version could be extended further to support future citizens' consultations led by the Ministry of Ecology, Sustainable Development and Energy*
- *Continue the consultation on climate issues in order to follow up on from the global citizens' debate on 6 June 2015, which assembled more than 10,000 citizens from 75 countries*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of Foreign Affairs and International Development; Ministry of Ecology, Sustainable Development and Energy; National Commission for Public Debate

Supporting institution(s): NA

Start date: Not Specified **End date:** Not Specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
24. Overall		✔			✔	✔		✔		✔			No		✔		
24.1. Bring together CSO representatives before informal negotiating meetings		✔				✔				✔			No		✔		
24.2. Civil Society Participatory Platform for COP21		✔			✔	✔		✔		✔			Yes				✔
24.3. Continue consultation on climate issues		✔				✔				✔				Unclear			

Context and objectives

This commitment was included in the action plan in light of the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21/CMP11), hosted and chaired in Paris in December 2015. The aim of this conference was to achieve a new international agreement on climate, applicable to all countries, with the aim of keeping global warming below 2°C.

This commitment aimed to mobilize civil society for the COP21, including through an online platform. Therefore, the commitment is relevant to OGP values of **access to information, civic participation and the use of technology**. Given the high interest of civil society in previous COP and the forthcoming Paris Agreement on the first global climate deal, climate activists were already self-mobilized for the COP21. Civil society, both French and international, had been preparing for the conference in many different ways, both through offline and online engagement. This commitment added little to the already ongoing massive mobilization efforts by civil society, therefore the IRM researcher found the potential impact of this commitment to be **minor**.

Activities envisioned in the commitment have **low specificity** as they do not contain details on how many meetings are planned and which civil society representatives would be invited, or what mechanisms would be used to sustain citizens' engagement beyond COP21.

Completion

Milestone 24.1 on organizing meetings with civil society is completed to a **limited** extent. A meeting with representatives of civil society took place in an informal consultation session

on 15-16 April 2016 in Paris[1] to discuss how future informal meetings with civil society should take place in future COP conferences. The outcome of the meeting was an agreement on the process for organizing these meetings, including:

- "agreeing on a guidance document as a base to conduct the informal meetings
- starting the informal meetings process as early as possible ahead of the COP conference
- utilizing various inputs and submissions
- making sure those inputs are incorporated into the negotiations."

In the run-up to the conference, and independent of the government, French and international civil society organized numerous actions, debates and initiatives in and around Paris during the two weeks of the COP21. These activities were mainly centred around four events: the People's Climate Summit[2], the Global Village of Alternatives[3], the Climate Action Zone[4] - where daily general assemblies took place - and ultimately the Global March for Climate. At no point was the government involved in the above activities. A month before the COP21, on 13 November 2015, terror attacks hit Paris, leading the government to introduce the State of Emergency that was in force during the COP21[5] conference. This caused restrictions and bans on public protests, including the Climate March[6]. This decision was perceived by civil society and activists as a threat to freedom of expression and to the values of transparency and accountability communicated by the government[7]. This made it more difficult to engage civil society organizations in activities led by the government during the COP21.

Milestone 24.2 was **completed**. The Ministry of Ecology, Sustainable Development and Energy created a participatory platform to mobilize civil society in preparation for COP 21. The platform can be used by citizens to give their ideas and comment on environmental issues[8]. Concrete results of conversations taking place on the platform are not available. However, IRM researchers note that this platform was not used to consult citizens for the important Bill on Biodiversity[9] during the consultation period from 21 December 2015 to 8 January 2016. Senators used another platform for the consultation on the bill because the bill had a specific purpose regarding global issues of COP21[10]. The development of the second version of the platform was not started during the first year of implementation.

The third milestone to continue the global citizen debate on Climate and Energy was **unclear**. Due to the general language used in the commitment, it is not clear which particular events this entailed or what specific mechanisms would be used for sustaining citizen engagement beyond the conference. The National Commission for Public Debate (CNDP) organized a debate and presented its results at COP21. In order to continue the debate[11], the CNDP held a session[12] during the OGP summit in Paris in December 2016 on the topic: "How to involve citizens in meeting the commitments made by governments in the Paris Agreement?" However, this took place outside of the first year of implementation and, therefore, it does not affect completion coding.

Early Results (if any)

On environmental issues, the amount of public consultation has increased due to a favorable legal framework. The Ministry for Environment also published a chart for public participation which provides that participation must result in input in government policy. The National Commission of Public Debate is also highly associated with this process.

Next Steps

The IRM researchers do not recommend carrying this commitment forward in the next action plan in its current form, unless the results of debates and the COP21 participatory platform unveil important projects to be supported by the government. This will be reviewed in the End of Term report.

1 Informal consultations conducted on the review of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, to be carried out at COP22,

https://unfccc.int/files/meetings/marrakech_nov_2016/application/pdf/wim_summary.pdf

2 Citizen Climate summit, Le Monde, http://www.lemonde.fr/cop21/video/2015/12/04/cop21-un-sommet-a-montreuil-pour-faire-entendre-la-voix-des-citoyens_4824562_4527432.html

3 Global Village of Alternatives,

https://alternatiba.eu/en/global-village-of-alternatives/

4 Climate Action Zone,

http://ouishare.net/fr/events/poc21-zone-action-climat-le-104

5 COP21 climate marches in Paris not authorized following attacks, The Guardian,

https://www.theguardian.com/world/2015/nov/18/cop21-climate-marches-paris-attacks

6 Naomi Klein - What's really at stake at the Paris climate conference now marches are banned, The Guardian,

https://www.theguardian.com/commentisfree/2015/nov/20/paris-climate-talks-protesters-hollande-violence

7 La Quadrature du Net, https://www.laquadrature.net/en/la-quadrature-leaves-the-state-of-emergency

8 Votre Energie pour la France, http://votreenergiepourlafrance.fr/campagnes/

9 Loi pour la reconquête de la biodiversité, de la nature et des paysages. Legislative process available at, http://www.senat.fr/dossier-legislatif/pjl14-359.html

10 Participez a l'elaboration de la loi, https://www.parlement-et-citoyens.fr/

11 Le debat citoyen planetaire, https://www.debatpublic.fr/debat-citoyen-planetaire-world-wide-views-climat-lenergie

12 OGP16 summit, https://fr.ogpsummit.org/osem/conference/ogp-summit/program/proposal/119

Commitment 25: Open Data and Models Related to Climate and Sustainable Development

Commitment Text:

ROADMAP

• Provide on the platform data.gouv.fr data, models and simulators regarding climate, energy transition and sustainable development

• Release and publish data from impact assessment studies realized by the Ministry of Ecology, Sustainable Development and Energy

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of Ecology, Sustainable Development and Energy; Minister of State for State Reform and Simplification attached to the Prime Minister

Supporting institution(s): NA

Start date: Not Specified End date: Before December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion		
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial
25. Overall		✔			✔			✔		✔			Yes			✔
25.1 data.gouv.fr Platform		✔			✔			✔		✔			Yes			✔
25.2 Publish impact assessment studies Data		✔			✔			✔		✔			Yes		✔	

Context and objectives

This commitment aims to raise awareness on climate issues, with the help of open data to produce up-to-date and informative data visualizations with a new range of datasets, and opportunities for third party actors to suggest innovative solutions to climate challenges, using the newly released data.

It envisages two activities: 1) to provide models and simulators regarding climate and sustainable development on the government open data platform; and 2) to publish data from impact assessment studies carried out by the Ministry of Ecology, Sustainable Development and Energy.

The first activity has a low specificity as the number of datasets aimed at being published is not indicated, no information is provided about which administration or agency are they coming from, and there is no publication timeline. Given the **low specificity** of this milestone, the IRM researcher finds the **potential impact** to be **minor**.

The second activity is also not very specific, as it does not give details on what impact assessment studies will be disclosed and how. Overall, it remains unclear what measurable specific changes are possible through implementation of this commitment, and the overall **potential impact** is expected to be **minor**.

Completion

Milestone 1 is about providing models and simulators regarding climate and sustainable development on the open data platform and it is **substantially completed**. According to the government self-assessment report, "over 500 datasets on climate, energy and sustainable developments were posted on data.gouv.fr". Sorting of datasets according to the tag "climat" produces 27 results, sorting the datasets on the tag "energy" leads to 81 results and sustainable development gives 52 results. If other datasets related to those three topics exist, they are difficult to identify.

Météo France opened its models and simulators on the government open data platform, data.gouv.fr, and on its own platform, donneespubliques.meteofrance.fr. Those models are prediction and atmospheric forecasting models and simulators, and were published in July 2015. They existed previously but required a fee for access. All models are now open and free of charge.

The modules allow for calculations on the evolution of temperatures, humidity, wind speed, etc. These are made from observations made at relatively short intervals, which means that these datasets are updated several times a day.

The rest of the data foreseen in milestone 1 was put together in a list on the government open data portal for the_Climate Change Challenge (see *inter alia* the data labelled badge C3) and represents 458 datasets, which were presented during a series of hackathons, which Etalab helped to organize at this occasion. As of July 2016, data on air quality models was missing from the platform.

Milestone 2 consists of publishing impact assessments by the Ministry and was **limited in completion.**

Although outside the timeframe for the midterm assessment of the action plan, the bill on biodiversity was promulgated on 8 August 2016 and aims to protect, restore, and enhance biodiversity and in particular to avoid, reduce and compensate for the negative impacts of certain human activities on the environment. Among other things, the law establishes the creation of the French Agency for Biodiversity, the reparation of ecological harm, the implementation of the Nagoya Protocol, and among the expected 35 implementing decrees, one of them is the direct foundation of milestone 2.

The bill stipulates that raw data from impact studies made by the Ministry of the Environment, Energy, and Marine Affairs should be published as open data and then lead directly to the National Natural Heritage Inventory maintained by the French Natural History Museum. To complete this objective, the decree provides the creation of a digital tool to collect the impact studies in a standardized way (the law also provides for the creation of an open data schema for the raw data) that will directly fill the database. However, as of July 2016, no impact assessments have been published, and this commitment remains limited in completion.

The government self assessment report explains that the Ministry of the Environment, Energy and Marine Affairs has initiated the implementation of a participatory and collaborative design thinking in order to associate different users and stakeholders to the design of the future tool that will serve to collect the data from the impact studies.

On 4-5 June 2016, the Ministry of the Environment Energy and Marine Affairs organized a hackathon on biodiversity data, in order to promote the use of the data from the National Natural Heritage Inventory.

During the OGP summit in Paris in December 2016, the Ministry held a session to present this initiative and exchange experiences in design thinking a public service around open data. But as this is not included in the first year assessment period, further analysis will come in the final report.

Early Results (if any)

Although it falls outside of the period covered by this report, the Ministry organized a data visualization event in November 2016 to demonstrate how published datasets can be used. Opening of new datasets via hackathons and the Green Tech Verte project allowed the selection of start-ups to address the challenges identified in eight key sectors. One of the winners, Biosentinelle, is now part of a green tech incubator created by the Ministry.

Next Steps

Commitment 26: Initiate new collaborations with civil society to develop innovative solutions to meet the challenges of Climate and Sustainable Development

Commitment Text:

ROADMAP

- ***Launch and organize the first stages of the C3 operation throughout 2015***
- ***Reward the winners of the C3 operation during the COP21 Conference***
  - *Laureates of the C3 challenge organized in parallel by the Mexican government will also be present in Paris*
- ***Continue the operation in 2016 and 2017***
  - *Monitor and support the best innovative projects capitalize on the best challenges to issue new calls for proposal, perpetuate online tools for expression by citizens*

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the French National Action Plan (https://www.opengovpartnership.org/country/france/action-plan).

Responsible institution: Ministry of Ecology, Sustainable Development and Energy, Ministry of State for State Reform and Simplification, attached to the Prime Minister; Météo France; Institut national de l'information géographique et forestière (IGN); Centre National d'Etudes Spatiales (CNES)

Supporting institution(s): NA

Start date: Not Specified **End date:** 2017

Commitment Overview	Specificity				OGP value relevance				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
26. Overall			✔		✔	✔				✔			Yes			✔	
26.1. 2015: launch stage 1 of C3 operation			✔			✔				✔			Yes				✔
26.2. Reward C3 operation winners at COP21				✔	Unclear					✔			Yes				✔
26.3. 2016-2017: Continue C3		✔			✔	✔				✔			Yes			✔	

Context and objectives

The C3 (Climate Change Challenge) is an initiative to mobilize citizens, public and private actors and experts to take action on climate change. The initiative aimed to organize a series of meetings and a competition to foster collaboration to come up with innovative solutions for the challenges of climate change and sustainable development. This program was launched in May 2015[1] in the context of preparation for the international COP21 conference[2] and occurred in four different French cities during three major milestones: a vision camp, which encompasses collaborative and creativity workshops aimed at understanding needs, a challenge workshop to clarify and enrich ideas and challenges, and an innovation hackathon to develop the selected solutions.

The language of the commitment was of **medium overall specificity**, but highly specific for the second milestone, an awards event.

The first step, milestone 26.1, was organized simultaneously in four cities.

Completion

Milestone 26.1: Launch and organize the first stages of the C3 operation throughout 2015 is **complete**. From the start, it was decided that out of all the challenges and solutions presented, only three would be selected to participate and be presented during the COP21 conference. In order to promote the use of open data during the challenges, the government published more than 500 datasets related to climate and environment under the "C3" list on the government open data platform[3].

The three stages of C3, which consist of the organization of three workshops, are: a - the expression of needs, b - the clarification of needs and turning them into actionable projects and finally, c - a hackathon to develop the ideas identified in phase 2. Those stages were carried out in four cities (Paris, Lyon, Toulouse and Nantes) in 2015, even though two of the meetings were held before the publication of the action plan on 15 July 2015. The first stage of C3, "Vision Camp", was launched in May 2015, the second stage, "Challenge Workshop", was organized on 7-9 July 2015, and the third stage, "Innovation Jam", was held on 6-8 November 2015. The first stage resulted in identifying eight priority themes, ranging from biodiversity to health and the economy. The second stage consisted of workshops that helped clarify the problems identified during the first stage to pre-identified challenges using the open datasets made available by the government, formulating them into challenges to be solved. The third stage, Innovation Jam, was a hackathon where teams with multiple areas of expertise had to develop solutions in 36 hours. For example, one of the challenges was to increase opportunities for organic farming. The data used for solving this challenge was data produced by the Agency for the Development and the Promotion of Organic Agriculture on the areas currently used for organic farming, the number of organic farmers and the number of animals raised organically. Workshops were attended by citizens, students, experts, and public and private sector representatives.

During the events, more than 200 people participated through 29 teams[4].

While the activities carried out through competitions engaged citizens, they did fulfill the "open dialogues between climate change stakeholders and government in a participatory approach" envisioned by this commitment.

Milestone 26.2: Reward the winners of the C3 is **complete**.

Twenty-nine projects were created by 150 participants of the Innovation Jam.[5] Projects were submitted to a panel of judges and the six winners were awarded on 5 December 2015 at a side event of the COP21. Examples of the winning projects are: GreenMyCity,

aimed at facilitating exchange between residents to develop urban gardens[6]; and BlaBlaCarottes, which will launch an app that visualizes locations of organic farms so that people driving to work in the countryside can pick up organic produce directly from farms[7].

Milestone 26.3: Continue the "100 projects for the climate"[8] competition in 2016 and 2017 remains ongoing. The July 2016 envisioned activities were completed, therefore this milestone is considered **substantially completed**. In 2016, the Ministry of the Environment, Energy and Marine Affairs issued two calls for best projects on energy consumption and biodiversity. A dedicated website was created enabling citizens to vote for the 100 best projects fighting climate change. The winners were selected in July 2016[9]. The project covers a wide range of environmental issues, including reforestation, poverty reduction, sustainable agriculture, waste collection, prevention of food waste, recycling, clean cook stove, threats to biodiversity, fair trade, green transportations, electric cars, and sustainable energy. In the second year of implementation the Ministry for Environment has sought to improve dialogue and participation in decision-making outside the competition by organizing a public consultation on this platform. It also organizes calls for projects like "creating educational garden in elementary schools". At the midterm, all activities to be carried out by July 2016 were complete.

Early Results (if any)

The C3 project inspired the Minister of the Environment, Energy and Marine Affairs to launched a GreenTech initiative[10] dedicated to green technologies, especially around the opening of an incubator for green tech startups[11]. One of the winners of the C3 Challenge, Biosentinelle[12], has integrated the green tech incubator.

The Ministry organised two initial hackathons on energy consumption in May 2016[13] and on biodiversity data in June 2016[14]. However, there are no concrete early results from this commitment since the green tech incubator was only opened in September 2016.

Next Steps

For months the C3 challenge mobilized creative and expert teams around the challenges to either educate, raise awareness, prevent, control and adapt to climate change and to keep those efforts beneficial to the community, as a large part of the projects and teams came from different territories, regions and cities. Though not all of the projects were selected for further development at the national level, the IRM researcher recommends that subnational governments and organizations working at the subnational level review the runner-up projects to see if the prototypes can be successfully applied to solve local challenges.

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1 Launch event of the Climate Change Challenge in Toulouse, http://www.lamelee.com/evenement/detail/climate-change-challenge-c3-a-toulouse?day=5&year=2015&month=05

2 The 2015 United Nations Climate Change Conference, COP 21 was held in, Paris, France, from 30 November to 12 December 2015. It was the 21st yearly session of the Conference of the Parties (COP) to the 1992 United Nations Framework Convention on Climate Change (UNFCCC).

3 Recherche, http://www.data.gouv.fr/fr/search/?badge=c3

4 L'intelligence collective au service du climat, http://www.socialgoodweek.com/c3challenge-lintelligence-collective-au-service-du-climat/

5 Paris – Climate Change Challenge, http://c3challenge.com/projets/

6 GreenMyCity, https://www.greenmycity.eu/solution/oasis-urbaines/

7 BlablaCarottes, http://blablacarottes.strikingly.com/

8 100 projets pour le climat, http://www.100projetspourleclimat.gouv.fr/fr/

9 100 projects pour le climat: The winning projects, http://100projetspourleclimat.gouv.fr/en/winners

10 La Greentech verte, http://www.developpement-durable.gouv.fr/greentech-verte

11 http://www.developpement-durable.gouv.fr/51-nouveaux-laureats-greentech-verte

12 Bio Sentinelle combines an application of augmented reality and activities to know, preserve and restore biodiversity in a territory, http://www.developpement-durable.gouv.fr/51-nouveaux-laureats-greentech-verte

13 Hackathon CompteurConnect, http://www.developpement-durable.gouv.fr/hackathon-compteurconnect

14 Hackbiodiv hackathon, http://www.developpement-durable.gouv.fr/hackathon-hackbiodiv

IV. Country Context

France has historically had a strong tradition of democracy, citizen participation and government accountability. The Declaration of the Rights of Man, dating back to 1789, recognizes the right of citizens to participate in government decision-making and to hold public officials accountable[1]. These principles were further solidified by the CADA Act of 17 July 1978 (Commission d'Accès aux Documents Administratifs). Often cited as a precursor text for transparency in French public administration, this law asserts the existence of a "right to information for everyone"[2]. In 2005, by transposing the European directive PSI of 2003[3], France added a new section to the 1978 Act to recognize a new right to reuse public sector information.

Several important reform initiatives predated France joining the Open Government Partnership (OGP) in 2014. From the early 2000s France has been modernizing its public administration with the aim of reinforcing fiscal transparency and access to information. The organic law passed in 2001 aimed to improve the management of public services and fiscal accountability by introducing a performance-based approach at the national level. The general revision of public policies (RGPP) was initiated in 2005 by the General Directorate of State Modernization (DGME) and its successor, the Modernization of Public Action (MAP), through the creation of the General Secretariat of the Modernization of the State (SGMAP) in 2012. These efforts, coupled with the transition from a print-based government to e-government and then digital government[4], have helped establish a participatory approach for designing more efficient public services.

Transparency Bills

An important initiative for promoting integrity in public life was the passage of the Transparency Bills in October 2014, which mandate the disclosure of assets and interests by senior public officials. This law came into existence following the Cahuzac scandal[5], revolving around a former Minister of Finance who owned an undeclared bank account in Switzerland. The new legislative framework requires 10,000 highest ranking public officials, both elected and appointed, to declare their assets and interests. The law has created an independent administrative authority called the High Authority for Transparency of Public Life, which is in charge of verifying the accuracy of two types of declarations. This institution is one of the designated agencies in the OGP action plan responsible for the implementation of the commitment 6 on facilitating access to data regarding transparency obligations of public officials. This commitment builds on the transparency measures introduced by the recent legislative amendments and represents an attempt to make information on public officials' wealth available in open, easily accessible and reusable format.

Anti-corruption legislation and institutional framework

France has a strong legal framework for countering corruption. The Penal Code criminalizes active and passive bribery, as well as bribery of national and foreign officials. France also criminalized 'illicit enrichment' under certain circumstances: this means accumulating wealth or sustaining a lifestyle without being able to justify its origins, and at the same time being in habitual relations with a person who commits serious criminal offences. This offence is punishable by three years' imprisonment and a €75,000 fine.

In 2007, amendments were introduced to the Labor Code creating protection for private-sector employees and of contractual staff within the public sector who report corruption. According to the law, if an employer imposes a disciplinary sanction, it must prove that the sanction is not linked to whistleblowing by an employee. However, the EU Anti-Corruption Report on France (2014) pointed out that there is no specific provision "to protect whistleblowers within the public service, nor on the practical implementation of the protection provided in the labor code." The act on the transparency of public life[6], passed in

December 2016, has recently introduced a ban on dismissing whistleblowers in the public administration.

Recent years saw high-level cases, investigations and prosecutions into allegations of corruption. The existence of such investigations is a sign of efforts to detect, prosecute and adjudicate cases even when high-level decision-makers are involved. This is at least partly due to initiatives such as the BCLC, as well as to the French system of independent investigative judges. Legislative framework and institutional mechanisms are in place in France to ensure conduct of investigations, prosecution and adjudication of corruption cases by the judiciary.

Furthermore, after the Cahuzac scandal, a National Financial Public Prosecutor was created[7], which can launch public prosecution for important cases of corruption. At the same time, a specialized section was created inside the national directorate for judicial police, specializing in corruption investigations[8].

Despite the strong anti-corruption legislative and institutional framework and track record of corruption prosecutions, the Corruption Perceptions Index places France 23rd, behind other Western European countries, including the UK, Netherlands and Germany[9]. While petty corruption is not an issue in the French public administration and the justice system, corruption is perceived to be a problem where business and politics intersect. In 2013, 57 percent of citizens believed their government was to a large extent or entirely controlled by a few big interests, while 46 percent of companies agreed that the only way to succeed in business in their country was to have political connections[10]. Public procurement, financing of political parties and lobbying are among the issues where public and private interests are closely intertwined. While the French OGP action plan included specific commitment on making procurement data more accessible, it does not contain any commitments for improving the transparency of political party financing or lobbying activities.

Financing of Political Parties

Cases on illegal political funding have involved several high-ranking politicians and, in some cases, have led to launching investigations[11] including against sitting politicians. According to the EU Anti-Corruption Report on France (2014) the current legal framework on transparency of funding of political parties still appears insufficient in certain areas. GRECO's 2011 compliance report highlighted the need to address its recommendations on the activities of third parties, the transparency of political parties' financial information in election campaigns, the role of party agents and the rules governing party members' and elected representatives' subscriptions[12]. The same report also concluded that the oversight body, the National Commission for Campaign Accounts and Political Funding (CNCCFP) has few legal resources and limited access to documentation on parties' accounts. According to GRECO, the CNCCFP 'does not review parties' expenses, cannot demand the submission of certain documents and does not have the authority to verify supporting documents or conduct on-site checks, and cannot call on the assistance of the judicial investigation services if it has any serious doubts'[13].

Transparency of Lobbying

Civil society watchdogs have long called for better regulation of lobbying activities. The scale of lobbying by interests groups has become increasingly evident in France. For example, according to the report by Transparency International, in 2013, the law of separation and regulation of banking activities was weakened following intense lobbying by the banking sector[14]. The final text fell far short of the original draft, which had been heralded as ambitious and would have gone a long way to creating a stronger barrier between banks' investment and trading activities, on the one hand, and commercial banking activities, on the other, thus protecting ordinary consumers if banks performed poorly on the financial markets. The law, as it was eventually passed, has been criticized as "of minimal impact" and "essentially cosmetic"[15].

According to the EU Anti-Corruption Report Chapter on France, transparency of lobbying is not expressly regulated by national law; there is no mandatory registration or obligation of public servants to report contacts with lobbyists[16]. Since 2009, lobbying has been regulated to some extent in the National Assembly and in the Senate, which provides for voluntary inscription in a public register. By the end of 2013, around 250 lobbyists were registered on the Parliament list and just over 100 on the Senate list, though this does not reflect the real extent of lobbying activities in France[17]. According to the report by Transparency International, other than the Assembly and the Senate, there are almost no rules in other public institutions, which nevertheless play an important role in decision-making processes (such as the Elysée, ministerial offices, independent administrative authorities, expertise agencies, local authorities, etc.). Those rules that do exist are often limited to lobbyists and do not address the practices and responsibility of the public decision-makers[18].

Public Procurement

Public procurement is the sector most affected by corruption. A little over one-third of surveyed French managers reported that they have lost contracts due to competitors resorting to corruption[19]. Businesses claim that public funds are sometimes diverted to companies, individuals or groups due to corruption, and that government officials tend to show favouritism when deciding on contracts[20]. France's procurement provisions are in-line with the EU Directive on Remedies to protect bidders from unfair competition[21].

Public procurement in France is regulated by the 1993 law (Loi Sapin) and by the Public Procurement Code (2013), however, many of the requirements in the code are not sufficiently implemented in practice. It provisions that there must be advertised public calls for procurement bids and to publish calls for tenders over €90,000, along with the buyers' profile. The OGP action plan builds on previous activities initiated passage of the Code and the creation of the Public Procurement Economic Monitoring Center. The action plan furthers these efforts by committing to publish awarded public tenders and adding an open data clause in all public contracts. The main onus of the commitment is to create a standard open data format for publishing all procurement data, according to the Open Contracting Data Standard (OCDS).

Conflict of interests and asset disclosure

The implementation of the OGP action plan coincided with major reform of the system of declarations of interests and assets. After the passage of the Law on Transparency in Public Life it is an obligation to disclose assets and interests by senior public officials. The new legislative framework requires 10,000 highest ranking public officials, both elected and appointed, to declare their assets and interests. Under the new legislation, elected officials have to submit both declarations. However, these declarations do not include data about assets held by their household or family members[22].

The French asset disclosure system covers, among others, candidates for the office of President of the Republic, members of government, the Senate, the National Assembly, France's Members of the European Parliament, Presidents of Regional Councils, Presidents of General Councils, other elected officials of local authorities, in particular those with a special status, and more recently, heads of public enterprises.

As of 2012, in France between 70-80 percent of elected parliamentary officials held at least one other office, which was at that time in line with French law[23]. This figure has been in decline since the passage of the law on 7 February 2014, which forbids officials from holding both parliamentary mandate and a local executive office. The law, however, comes into force in 2017 – after the first year of implementation of this national action plan. Additionally there is a law which states that revolving door practices are punishable as public officials must respect a three-year cooling-off period during which they cannot join a private company with which they concluded contracts, or which was supervised by them while in the public position[24]. Yet, the application of this law is weak, as evidenced by a recent

example of the general director of ARCEP, the public agency in charge of telecommunications, leaving his position only to then be hired by Google[25]. French media has reported on cases of public officials switching jobs for companies in the sector which they had been in charge of regulating.

In mid-September 2013, the National Assembly adopted a legislative package on conflicts of interest. The National Assembly also adopted two laws against holding multiple offices ("non-cumul des mandats").

Corporate secrecy and beneficial ownership

In November 2015, Transparency International (TI) assessed G20 members for compliance with the High-Level Principles on Beneficial Ownership Transparency and found that France was only 50 percent compliant with the principle on acquiring accurate beneficial ownership information, with TI reporting: 'Current laws and regulations do not require legal entities, other than those with anti-money laundering obligations to maintain information on beneficial ownership'[26]. Even where legal entities were required to collect information on the legal owners of shares – and, in some cases to publish details through the company registry – the owners might not be natural persons and the information might not be enough to identify the actual beneficial owners, or be inaccurate. However, TI concluded: 'Access to beneficial ownership information is likely to improve when France implements the Fourth EU Directive on Anti-Money Laundering.'

Improved access to government information and increased citizen engagement could be used for tackling some of the critical issues identified above, that are at the heart of citizens' concerns in France. France joined the Open Government Partnership (OGP) in April 2014, pledging to use the platform to "improve the relationship between the state and the citizens" and to "reinvigorate democracy". The first French action plan, which was developed in 2015, covers a wide range of areas, including some of the critical ones mentioned above, such as public procurement, conflict of interest and asset disclosure, whistleblowing, beneficial ownership transparency and others. However, some other issues, such as transparency of lobbying, or funding of political parties, have not been covered by the scope of the action plan.

French administration has undertaken several important initiatives to improve the transparency of government data and to develop open data. In 2011, the government created Etalab[27], a department of Prime Minister's Office in charge of open government data. Etalab has been coordinating France's government action plan since France joined OGP in 2014. Etalab launched data.gouv.fr in December 2011. In 2013, France adopted the G8 Charter on open data[28]. In December 2015, France passed a law[29] to transpose the PSI directive of 2013[30] and asserted, in particular, the principle to reuse freely public open data. Provisions regarding the right to access and re-use of public sector information are now incorporated in the new Code of Public and Administration relations, which entered into force on 1 January 2016.

Stakeholder priorities

During the stakeholders' meetings, representatives of civil society organizations expressed their concern about real ownership of the action plan. They argue for a better methodological approach of OGP process in France[31]. In particular, they insisted on the need to reduce overly technical aspects of the action plan, to formulate all the commitments in plain language, and to avoid long formulation of some commitments as this length can demotivate the citizenry in the consultation process. Finally, it was pointed out that each milestone and commitment should be easily measurable with clear indicators to follow the implementation of the action plan.

Second, stakeholders expressed the need to guarantee, for current and future action plans, an effective implementation of France's commitments. Especially they mentioned that, in the future, France should develop a better framework to ensure an effective open data and civic

participation policy. They pointed out that this framework should respond to the following issues:

- Improving open data framework by specifying: which data should be disclosed? When? How often? How to do it in order to respect legal requirements? What controls and sanctions are there if one does not respect its legal requirements?
- Guaranteeing the integrity of open data and civic participation process through the use of open source tools. In other words, the aim is to help citizens trust both open data and civic e-consultations processes through the use of open source tools.

Scope of action plan in relation to national context

Relying on participants' observations[32], IRM points out, regarding the scope of France's action plan, that:

- The current action plan does not incorporate several proposals made by civil society during the preparation process;
- The current action plan does not incorporate some major issues for France, such as big data uses in public administration (to what extent and how big data could be a chance for public administrations, or the question of cloud computing in the public sector (security problems, development…). Initiatives have been taken by various public actors though to start reflecting on these issues[33].

Moreover, IRM researchers highlight that the next action plan should address the following issues:

- ***Deepen the scope of existing commitments*** which are of major interest to civil society, such as public procurement, transparency of public officials' declarations of assets and interests, beneficial ownership and transparency of the extractive sector. Some participants of the civil society stakeholder meetings expressed the need to reinforce participatory budgets and to replace all current consultative commissions by e-consultations opened to the citizenry[34];
- ***Extend the scope of the action plan not only to all central administration, but also to other public actors*** (see section V on general recommendations);
- ***Incorporate more commitments related to public integrity and the fight against corruption*** in the scope of the action plan. Especially, participants pointed out the need to collect and disclose information related i) to lobbies and interest groups, and ii) to convictions for corruption or regarding probity requirements.

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1 Declaration of the Rights of Man, Article 14 and 15, http://avalon.law.yale.edu/18th_century/rightsof.asp

2 "Le droit des administrés à l'information est (...) garanti." (article 1 of the 1978 law), https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000000339241

3 Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information.

4 See William Gilles, Le modèle français de l'administration numérique: réalités et enjeux, 4 Revue de l'Institut du Monde et du Développement (RIMD) (2012)

5 For further information about the Cahuzac scandal see, https://www.mediapart.fr/journal/france/dossier/dossier-le-compte-cahuzac.

6 Loi no 2013-907, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000028056315

7 Loi Organique no 2013-1115, https://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=JUSX1310899L and https://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=JUSX1310649L.

8 Decret no 2013-960, https://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=INTC1317526D

9 Corruption Perceptions Index 2016, http://www.transparency.org/news/feature/corruption_perceptions_index_2016

10 Global Corruption Barometer (GCB), 2013

11 See, for the Front national, https://www.mediapart.fr/journal/france/dossier/les-affaires-financieres-du-front-national. Regarding Sarkozy's 2007 campaign, https://www.mediapart.fr/journal/france/dossier/notre-dossier-largent-libyen-de-sarkozy. Regarding an alleged financing of Sarkozy by Lilianne Betancourt, https://www.mediapart.fr/journal/france/dossier/notre-dossier-sarkozy-de-laffaire-bettencourt-laffaire-bismuth. Regarding the financing of Sarkozy's 2012 campaign, https://www.mediapart.fr/journal/france/dossier/notre-dossier-le-scandale-bygmalion.

12 GRECO (2011) Third Evaluation Round. Compliance Report on France. Strasbourg: Council of Europe, 1 April, see especially pp 10-17.

13 GRECO (2011) Third Evaluation Round. Compliance Report on France. Strasbourg: Council of Europe, 1 April, see especially pp 10-17.

14 Lobbying in Europe, Transparency International, http://www.transparency.org/whatwedo/publication/lobbying_in_europe

15 "The Fire Power of the Financial Lobby: A Survey on the Size of the Financial Lobby at the EU Level", Corporate Europe Observatory, 9 April 2014, http://corporateeurope.org/financial-lobby/2014/04/fire-powerfinancial-lobby

16

17 Senat: Public Register of Lobbyists. (2012) Available from, http://www.senat.fr/role/groupes_interet.html.

18 Lobbying in Europe, http://eurlobby.transparency.org/

19 Control Risks, 2015-2016, https://www.controlrisks.com/~/media/Public%20Site/Files/Reports/20151016corruptionsurvey2015WEB.pdf

20 Global Competitiveness Report 2015-2016, http://reports.weforum.org/global-competitiveness-report-2015-2016/

21 OECD 2012, http://www.oecd.org/daf/anti-bribery/Francephase3reportEN.pdf

22

23 For the exact figures see: Commission de rénovation et de déontologie de la vie publique: Pour un renouveau démocratique. 2012 p.58, http://www.commission-rdvp.gouv.fr/

24

25 NextInpact, https://www.nextinpact.com/news/102929-remous-autour-depart-directeur-general-l-arcep-chez-google.htm

26 France Beneficial Ownership Transparency, http://www.transparency.org/files/content/publication/2015_BOCountryReport_France.pdf

27 Decree n° 2011-194.

28 Open Data Charter, adopted on June 17-18, 2013, at the Lough Erne Summit.

29 Law No. 2015-1779 of 28 December 2015.

30 Directive 2013/37/EU on the reuse of public sector information.

31 "The Fire Power of the Financial Lobby: A Survey on the Size of the Financial Lobby at the EU Level", Corporate Europe Observatory, 9 April 2014, http://corporateeurope.org/financial-lobby/2014/04/fire-powerfinancial-lobby

32 To write the followings developments, IRM researchers analyzed participants' observations made both during Government consultations (to build the current action plan, to comment the self-assessment report, to prepare the future action plan) and IRM consultations.

33 See https://www.cnil.fr/fr/ethique-et-numerique-les-algorithmes-en-debat and https://www.senat.fr/presse/cp20160629f.html.

34 Proposal from Regards Citoyens, 21 January 2015 (contribuez.numerique.fr).

V. General recommendations

1 Increase transparency in the process of development and implementation of the action plan

- Better define priorities
- Make use of open source portals for consultation and stakeholder feedback
- Ensure transparency regarding follow-up on proposals submitted by civil society
- Ensure transparency on offline action plan development process - publish meeting minutes and interviewees' list
- Create an online platform showing real-life action plan implementation progress, follow-up on decrees, etc.
- Expand the OGP process to French territories to avoid perception of the process as being "Parisian" and "Opaque" which could lead to a lack of interest
- Communicate major calendar steps

2 Improve civic participation in co-creation process

- Access to information cannot exist without corresponding civic participation mechanisms
- Include civic participation when elaborating commitments
- Promote the means and capacity for action
- Specify the impact of participatory efforts and consultations by informing stakeholders on how comments have been taken into consideration
- Go from basic consultation to effective collaboration
- Identify areas where participation of the general public is desirable against those that require more expertise and would therefore be aimed at civil society.

3 Broaden open government to new themes and actors

- It is not all about open data
- Seek civil society participation outside the "usual suspects"
- Improve communication related to the initiative through awareness-raising and by using the media
- Promote and mobilize the capacity of stakeholders to take action
- Include new themes, such as corruption prevention measures and budget transparency

4 Mobilize administrative agencies

- Form CSO/government agencies/researchers' working groups
- Include more leading institutions
- Encourage collaboration between ministries
- Sensitize agencies on OGP strategic value and issues
- Clearly identify responsible individuals within agencies, points of contacts, and individuals in charge of follow-up

5 Increase ambition of the action plan

- Include more ambitious commitments
- Ensure that all milestones are relevant to OGP values
- Better assess deadlines in implementing the engagements
- Include themes requested by civil society according to the local context: lobbying, parliamentary transparency, state budget transparency, fishing subsidies, beneficial ownership

Table 5.1: Top Five SMART Recommendations

1. Increase transparency in the process of development and implementation of the action plan
2. Improve civic participation in co-creation process
3. Broaden open government to new themes and actors
4. Mobilize administrative agencies
5. Increase ambition of the action plan

VI. Methodology and sources

The IRM mid-term report is written by well-respected governance researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Each report undergoes a 4-step review and quality control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole
3. Pre-publication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report

This review process, including the procedure for incorporating comments received, is outlined in greater detail in section III of the Procedures Manual[1].

Interviews and focus groups

Each IRM researcher is required to hold at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment or accessible online.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is

- Hazel Feigenblatt

- Hille Hinsberg
- Anuradha Joshi
- Ernesto Velasco
- Mary Francoli
- Jeff Lovitt
- Showers Mawowa
- Fredline M'Cormack-Hale
- César Nicandro Cruz-Rubio
- Brendan Halloran

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

1 Link to procedures manual

VII. Eligibility Requirements Annex

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Table 7.1: Eligibility Annex for France

Criteria	2011	Current	Change	Explanation
Budget transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	2	2	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (8.53) [5]	4 (8.82) [6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	14/16 (88%)	14/16 (88%)	No change	75% of possible points to be eligible

1 For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

2 For more information, see Table 1 in http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/.

3 The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and draft laws at http://www.right2info.org/access-to-information-laws.

4 Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in Government at a Glance 2009, (OECD, 2009), http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), http://bit.ly/1cIokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

5"Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), http://bit.ly/eLC1rE.

6 "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), http://bit.ly/18kEzCt.