

Independent Reporting Mechanism (IRM): France End-of-Term Report 2015-2017

Sofia Wickberg, Sciences Po Paris

Table of Contents

Executive Summary: France.....	3
About the Assessment	7
Commitment Implementation.....	9
Theme 1: Ensure Accountability	15
Commitment 1. Enable citizens to consult, have a better understanding and reuse financial data and decisions of local and regional authorities	15
Commitment 1.1: Open Regional and Local Authorities' data	15
Commitment 1.2: Publish the decisions and reports of municipal council meetings online	15
Commitment 1.3 Publish information relative to building permits in open data....	15
✪Commitment 2. Increase transparency in public procurement	21
Commitment 3. Improve transparency in international development aid	25
Commitment 4. Open access to evaluations of public policies and to their conclusions.....	29
Commitment 5. Involve citizens further in the work carried out by the Cour des comptes.....	32
Commitment 6. Facilitate access to public officials' transparency obligations	35
✪ Commitment 7. Identify beneficial owners of legal entities registered in France	38
Commitment 8. Transparency in Extractives.....	41
Commitment 9. Increase Transparency in International Trade Commercial Negotiations.....	44
Theme 2: Consult, Debate and Co-create	47
Commitment 10.1 Fix my Neighbourhood	47
Commitment 10.2 Digital Fix-it.....	47
Commitment 11. Co-produce with civil society the data infrastructure essential to society and economy	50
✪ Commitment 12. Further expand the opening of legal resources & the collaboration with civil society on opening the law.....	53
Commitment 13. Leverage previous consultations and reform participatory mechanisms	57
Commitment 14. Strengthen mediation and citizens' ability to act in matters relating to justice	61
Theme 3: Open Digital Resources.....	65
✪ Commitment 15. Strengthen Government policy on the opening and circulation of data.....	65
Commitment 16. Open Calculation Models and Simulators	68
Commitment 17. Transform government's technological resources into an open platform.....	71

Commitment 18. Strengthen interaction with the user and improve public services through e-government.....	73
Theme 4: Open Up Public Administration	76
Commitment 19. Empower Civil Society to Support Schools.....	76
Commitment 20. Diversify recruitment within public institutions	79
Commitment 21. Grow a culture of openness, data literacy and digital technologies	82
Commitment 22. Spread public innovation, and develop research on Open Government.....	85
✪ Commitment 23. Empowering and protecting public officials in preventing conflicts of interest.....	88
Theme 5: Open Government for Climate and Sustainable Development.....	91
Commitment 24. Involve civil society in the COP21 conference and promote transparency regarding the agenda and negotiations	91
Commitment 25. Open Data and Models Related to Climate and Sustainable Development	94
Commitment 26. Initiate new collaborations with civil society to develop innovative solutions to meet the challenges of Climate and Sustainable Development	96
Methodological Note.....	98



Executive Summary: France

Independent Reporting Mechanism (IRM) End-of-Term Report 2015-2017

France’s first action plan was ambitious regarding the number of commitments and issue areas included but was limited by focusing largely on open data reforms. A majority of commitments were substantially implemented thanks to major concurrent legislative reforms. The implementation of new open data rules might be a significant obstacle to be considered in the next action plan.

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. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. France joined OGP in April 2014. This report summarises the results of the period July 2016 to October 2017. “Mission Etalab” is the lead agency coordinating OGP in France. Etalab is part of the Inter-ministerial Director of Digital Information and Communication system (DINSIC), tasked primarily with publishing data and coordinating France’s open government policy across ministries. Etalab is responsible for developing the OGP action plan and coordinating its implementation with ministries and institutions responsible for specific commitments and milestones, though it has little legal power to enforce policy changes within ministries.

It is notable that 2017 was an important electoral year in France, with the presidential and legislative elections held in spring, after an unusually long electoral campaign – most major parties having organised primaries. The second year of implementation was thus marked by this pre-electoral climate.

At the time of writing this report (November-December 2017), the French government had yet to produce and publish its end-of-term self-assessment report, though a draft version of the report was made available to the IRM researcher and is regularly referenced in this report. Etalab created a digital book to provide regular updates on OGP activities; however, this was last updated May 2017. In late March 2018, the government published an end-of-term self-assessment report, though it is currently only available in French.

Three of the action plan’s commitments significantly contributed to open government and create major changes in government practices. Five commitments were considered ‘starred’ commitments by the end of the implementation period.

Table I: At a Glance		
	Mid-term	End of term
Number of Commitments	29	29
Level of Completion		
Completed	1	2
Substantial	10	16
Limited	15	9
Not Started	2	1
Withdrawn	1	1
Number of Commitments with...		
Clear Relevance to OGP Values	24	24
Transformative Potential Impact	6	6
Substantial or Complete Implementation	11	17
All Three (★)	3	5
Did It Open government?		
Major	6	
Outstanding	0	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	12	

As of December 2017, France had published the new action plan for its second cycle of public comments and contributions. The consultation period closed 18 December 2017. In its draft state, the new action plan includes twelve commitments carried over from the previous plan: opening data by default and building a public data infrastructure; transparency in public procurement; transparency in development aid; transparency in public officials' interests and asset declaration; transparency in algorithms; transparency in environmental data; registration of beneficial ownership; public participation in the work of the Supreme Audit Institution (Cour des comptes); public participation in decision-making concerning the ecological transition; assistance to public administration to make better use of public consultations; and fostering innovation. Two commitments are new and focus on transparency of in lobbying activities and the encouragement of open science.

Consultation with Civil Society during Implementation

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

While there was a high level of consultation between government and stakeholders during the action plan development, there was no regular multistakeholder forum for soliciting feedback on the implementation of the action plan. The public, however, was able provide input on action plan implementation through the Etalab website, which offered the possibility to comment on action plan updates. As indicated in the midterm report, Etalab continued to regularly hold in-person meetings with select civil society organisations (CSOs) who were involved either in the plan’s development or implementation. Therefore, the IRM researcher found the level of public influence during action plan implementation to be at the “consult” level (see Table 3 “Level of Public Influence during Implementation”).

During the second year of implementation, the government launched a new form of public consultation called *Ministère ouvert* (Open Ministry), aimed at improving dialogue between different implementing institutions, civil society and experts. The first “Open Ministry” event was organised 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.¹ Minutes of this first event are available online and show the meeting focused on consulting with civil society on the second national action plan (2017-2019), and less about reviewing the current action plan. A second “Open Ministry” was organised on 26 September 2016, during a conference for local governments on citizens’ digital identities in Dijon, with a focus on local government and innovation in the public sector. The IRM researcher was unable to find the minutes of this event but a video of the introductory remarks is available online.² A third “Open Ministry” was organised on 11 October 2016 by the Ministry of Higher Education and Research. This event focused more on the principles of open government and the potential of open government research than on monitoring implementation of current commitments, as can be seen from the programme.³ Lastly, an “Open Ministry” was organised 28 February 2017 to launch the consultation for the second National Action Plan 2017-2019.

A number of civil society organisations decided to boycott the OGP Global Summit in Paris in December 2016 to express their disappointment in the government’s approach to open government. Ten organisations representing a variety of causes including the environment, open source/open Internet, human rights, and transparency signed a press release listing their concern about the government commitment to the principles of OGP and the discrepancy between discourse and action. They point to the lack of follow-up on public consultations and the absence of actual co-creation efforts, as well as to the lacking systematic use of open source platforms.⁴ Other interviewed stakeholders recognised Etalab’s willingness to involve civil society.⁵ However, Sarah Labelle, a social scientist working with Etalab in 2016, notes that Etalab operates, as a heterotopia – existing between the government and civil society and unable to compel the government to engage in more open and participatory practices.⁶ Over the course of researching for this report, the IRM researcher found that many requests for interviews with government and CSO stakeholders went unanswered. The experience of the IRM researcher suggests a decline in civil society involvement over the implementation period and a lack of enthusiasm for the OGP process among stakeholders, including the government.

Table 2: Consultation during Implementation

Regular Multistakeholder Forum	Midterm	End of Term
1. Did a forum exist?	No	No
2. Did it meet regularly?	No	No

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.⁷ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of Public Influence during Implementation of Action Plan		Midterm	End of Term
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.	✓	✓
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

1 “Ministère Ouvert” (21 Jul. 2016), 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.

2 Video available at: <http://www.villes-internet.net/articles/576946b34cb238e86709d67e>.

3 Programme available here: <https://rdv.etalab.gouv.fr/e/9/ce-que-peut-la-recherche-pour-un-gouvernement-ouvert>.

4 The press release is available here: <http://republiquécitoyenne.fr/telechargement/open-government-empty-promise.pdf>

5 Member of Open Source Politics, personal communication (email) with the IRM researcher, 31 Oct. 2017; Staff member of Transparency France, personal communication (email) with the IRM researcher, 7 Nov. 2017.

6 Sarah Labelle, personal communication with the IRM researcher, 2 Nov. 2017.

7 International Association for Public Participation, "IAP2's Public Participation Spectrum" (IAP2, 2014), c.yimcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgment about its potential impact.
- 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
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, France’s action plan contained three starred commitments. At the end of term, based on the changes in the level of completion, France’s action plan contained five starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for France, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture changes in government practice, the IRM introduced a new variable “Did It Open Government?” in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- Worsened: Government openness worsens as a result of the commitment.
- Did not change: No changes in government practice.
- Marginal: Some change, but minor in terms of its effect on level of openness.
- Major: A step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- Outstanding: A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

1 IRM Procedures Manual, <http://www.opengovpartnership.org/about/about-irm>.

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

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarise the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the ‘Did It Open Government?’ variable. For further details on these commitments, please see the French IRM progress report (2017).

The national action plan focuses on five key areas – ensuring accountability; consulting, debating and co-creating; opening digital resources; opening public administration; and opening government for sustainable development.

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
Theme I: Ensure Accountability																					
1.1. Open Regional and Local Authorities' data			✓	✓						✓				✓						✓	
1.2. Publish the decisions and reports of municipal council meetings online			✓	✓					✓			✓		✓					✓		
1.3. Publish information relative to building permits in open data		✓		✓					✓				✓					✓			
2. Increase transparency in public procurement			✓	✓							✓		✓		✓					✓	

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
															End of Term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Improve transparency in international development aid			✓		✓			✓						✓						✓	
4. Open access to evaluations of public policies and their conclusions		✓			✓	✓				✓			✓						✓		
5. Involve citizens further in the work carried out by the 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			✓		✓					✓			✓					✓			

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
																						End of Term
Theme 2: Consult, Debate and Co-Create																						
10.1. Fix My Neighbourhood				✓	Unclear					✓			Withdrawn					✓				
10.2. Digital Fix-It		✓			Unclear					✓			✓					✓				
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			✓		✓	✓					✓				✓					✓		
13. Leverage previous consultations & reform participatory mechanisms			✓		✓	✓					✓			✓						✓		
14. Strengthen mediation and citizens' ability to act in matters relating to justice			✓		✓	✓	✓				✓				✓					✓		

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
Theme 3: Open Digital Resources																					
15. Strengthen government policy on the opening and circulation of data			✓		✓						✓			✓							
16. Open Calculation Models and Simulators		✓			✓					✓				✓					✓		
17. Transform government's technological resources into an open platform				✓	Unclear						✓			✓		✓					
18. Strengthen interaction with the user and improve public services through e-government			✓		✓	✓				✓			✓		✓			✓			
Theme 4: Open up Public Administration																					
19. Empower Civil Society to support schools		✓			Unclear					✓				✓				✓			
20. Diversify recruitment within public institutions				✓	Unclear					✓				✓				✓			
21. Grow a culture of openness, data literacy and digital tech		✓				✓				✓			✓		✓			✓			

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
22. Spread public innovation and develop research on Open Government		✓				✓				✓				✓				✓			
23. Empowering and protecting public officials in preventing conflicts of interest			✓		✓		✓				✓					✓				✓	
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		✓			✓	✓	✓			✓				✓				✓			
25. Open data and models related to climate and sustainable development		✓			✓		✓			✓					✓				✓		
26. Initiate new collaborations with civil society to develop innovative solutions to			✓		✓	✓				✓				✓				✓			

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
meet the challenges of climate and sustainable development															↙						

Theme I: Ensure Accountability

Commitment I. 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 I is broken into Commitment I.1, Commitment I.2, and Commitment I.3, which are assessed individually.

Commitment I.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 I.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

- *Milestone 1.2.1. 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 I.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(s): Ministry of Interior; Ministry of Public Accounts and Action; Ministry of Spatial Planning, Rurality and Local Government; Court of Accounts; and Ministry of Environment, of Energy and of the Sea

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
I.1 Overall				✓	✓					✓					✓						✓	
I.2 Overall				✓	✓				✓			✓			✓				✓			
I.3 Overall		✓			✓				✓				✓				✓					

Commitment Aim:

This commitment aimed to improve transparency at the local government level and to facilitate access to information about local financial management, decision-making and land management, specifically the attribution of building permits. For the purposes of analysis, this commitment is broken into three parts, each addressing a different aspect of local transparency and open data initiatives.

Commitment I.1 sought to improve the financial transparency of local government. Article L.2121-26 of the local and regional authorities' general code requires local governments to communicate information about public finances to citizens upon request. Taking access to information one step further, this commitment provided for the proactive publication of this information in open data format.

Commitment I.2 required for the online publication of municipal councils' deliberations and meeting minutes. This would improve access to information about municipal decision-making as this information was previously posted only in paper version outside the town hall.

Commitment 1.3 aimed to publish information regarding building permits in open data format. Construction permits are approved by the municipality and information about issuance of building permits has been available upon request. This commitment sought to make anonymous data on construction permits available in open data format. This information would facilitate impact studies, enrich national databases, inform social sciences, and allow tax authorities to exercise control on assets.

Status

Commitment 1.1

Year 1: Substantial

This commitment was substantially completed by the midterm. The website for the Ministry of Interior (Mol) features a tool to extract data on general operating grant and the sums given to each local government, as well as the criteria used to calculate the grants. The draft government self-assessment indicates that in order to complete this commitment, data on the grants should be made available in open data format, in a single dataset, and should be indexed on data.gouv.fr, with data on grants given since 2014. The Ministry of Economy and Finance has published account balances of local authorities and groups with special taxation from year 2013. The Year 1 IRM report does not indicate progress regarding the obligation for local executives to present to the local assembly a report on the follow-up from their respective local institutions' audits.

The Ministry of Economy and Finance published the 2015 accounting results for local governments on the data.gouv.fr platform. It remains unclear if any additional data outside year 2015 will be published or if the data used by the supreme audit institution to review local finances will be available to the public.

The commitment activity, which requires local governments with more than 3,500 residents to comply with open data common requirements, was assessed as only 'limited completion' since the Digital Republic bill was not passed by the end of the first year of implementation (June 2016). It would later be adopted in October 2016.

Year 2: Substantial

Commitment 1.1 is very broad and both the government self-assessment and the Year 1 IRM report provide a list of activities to be assessed and coded. While most commitment activities were substantially completed, the progress made during the second year of implementation was not significant enough to justify coding Commitment 1.1 as completed.

Regarding the commitment activities to allow citizens to better grasp the financial details of local and regional authorities:

Publication of general operating grant information: The data extracting tool featured on the website of the Ministry of Interior has been referenced on data.gouv.fr by hyperlinks to the Minister of Interior website. The tool makes it possible to extract financial data in .csv format for the current year. Several datasets on grants and financial balances of local governments (municipalities, intercommunalities, departments, and regions) are available from 2014 to 2017. However, a general overview for each local government is only available for the current year. The physical and financial criteria used to award grants are available for 2016 and 2017. The government self-assessment indicates that the Minister of Interior still needs to centralise the information in one comprehensive dataset, make the data available in an open data format and index it on data.gouv.fr.

- Publication of account balances for local authorities: The Ministry of Economy and Finance has published the account balances of municipalities, departments, regions, groups with specific taxation, and local public institutions on data.gouv.fr in open data format for the years 2012 to 2015. Data for 2016, however, is only available for municipalities.
- Compulsory presentation of audit findings: Article 107 of the law on the new territorial organisation of the Republic (referred to as NOTRe or "our" law in French) modifies Article L 243-7 of the financial jurisdictions code and requires local executives to report on how they followed up on observations and recommendations from local audit institutions. Local executives now must present their reports to the local assembly within a year and send it to the Court of Audit (Cour des comptes). The government self-assessment and IRM Year 1 report note a tracking tool developed during the Court of Audit #DataSession organised in

May 2016 but the IRM researcher was not able to access the tool while writing this report in October 2017.

Regarding activities on regularly providing financial data of financial jurisdictions:

- By October 2017, the Court of Audit had published 82 datasets on data.gouv.fr in open data format, including anonymous decisions of local audit institutions for 2016 and their final observation reports from 2013, 2014, and 2015. According to Etalab,¹ the Court of Audit has published all the underlying data used to produce its reports, including the evaluations produced by the local audit institutions (Cours regionales des comptes). The government self-assessment indicates the Court of Audit should publish updated information about its resources and activities and should provide more historical depth to the information it provides.

Regarding the commitment activities on strengthening legal requirements for open data in local and regional authorities:

- The Digital Republic Law adopted 7 October 2016 now requires local governments with more than 3,500 residents to comply with open data common law. OpenDataFrance, an association created in 2013 to help local governments open their data, has published two guides to assist local governments.²

Commitment 1.2

Year 1: Not started

The NOTRe Law promulgated on 7 August 2015 includes a legal obligation for municipalities to publish information on deliberation and meeting minutes. The implementing decree entered into force in February 2016. By the Year 1 IRM report, it was not clear how many municipalities had started to implement the new requirements, nor how many had a website.

Year 2: Limited

The government self-assessment indicates that Articles 124 and 128 of the NOTRe Law promulgated on 7 August 2015 contain obligations for municipalities to publish online local administrative acts, deliberations and municipal bylaws. The obligation regarding municipal council meetings is actually contained in Article 84.

The decree n° 2016-146 provides for different forms of implementation: municipal council meeting minutes should be published in paper format and in electronic format *if* the municipality has a website; and administrative acts that the municipality *chooses* to publish in electronic format should be published in their entirety in a non-modifiable format. There is ambiguity regarding whether the NOTRe Law and its implementation decree fulfil the requirements laid out in the commitment text to “publish the list of administrative measures, deliberations, and local municipal bylaws in electronic format *alongside* a paper version, and provide permanent access free of charge” (emphasis added). The new text of the local government code (“code général des collectivités territoriales”) states that the publication of administrative acts is guaranteed in paper format and that they *can* be made available in electronic format.³ Similarly, Article 84 indicates that municipal council meeting minutes should be published online *if* the municipality has a website.

There are 36,000 municipalities in France and the new legal framework requires approximately 3,800 municipalities and Public Industrial and Commercial Establishments to open their data.⁴ The IRM researcher conducted a random website search of ten municipalities⁵ and found that all of them published the agenda and minutes of municipal council meetings, deliberations and administrative acts online in .pdf format, with varying degrees of comprehensiveness and quality of the content of meeting minutes.

Commitment 1.3

Year 1: Limited

A working group had been initiated at the time of writing the IRM Year 1 report (December 2016) but no information about this group’s work was available to the public. The objective of the working group was to give access to building permit data by 2017. Concerns over lack of privacy and identifying information in construction permits was posed early in the process and a consequential step was thus to get the validation of the National Commission for Information and Freedom (“Commission nationale de l’information et des libertés” or CNIL) on anonymisation standards. The Ministry of Environment organised the HackRisks hackathon in October 2016 and 123 datasets related to construction permits were made available in open data format.

In the 2015-2017 Midterm IRM report,⁶ the previous IRM researcher gauged this sub-commitment to be overly ambitious for completion within the timeframe.

For more information, please see the IRM midterm report.

Year 2: Limited

Based on the draft self-assessment and publicly available information, there has been no advancement on this commitment since the midterm report, therefore the IRM researcher finds this commitment to remain 'limited' in completion.

The IRM researcher was not able to find any publicly available information on additional progress made concerning the working group. However, during an interview, Etalab signalled that the CNIL had not yet approved the anonymisation standards and that work on this commitment would continue beyond the implementation of this action plan.

One promising new development since the first year of implementation was the opening of the database Sit@del, part of the public statistics system. Sit@del addresses the construction of new buildings, contains data about construction permits, conversion permits, destruction permits, and prior declarations.⁷ Datasets are limited to issued permits and don't include permit requests, separated by municipality.⁸

The Ministry of the Environment organised a hackathon in October 2016, #Hackrisques, where 123 datasets were opened, including Sit@del. Included were datasets of authorised and initiated projects in the Provence Alpes Côte d'Azur and La Réunion regions between 2013 and 2015. At the time of writing this report (December 2017), the datasets were no longer downloadable.⁹

Did It Open Government?

Commitment 1.1 Access to Information: Major

Commitment 1.2 Access to Information: Marginal

Commitment 1.3 Access to Information: Did not change

The commitment to Open Regional and Local Authorities' data (Commitment 1.1) contributed significantly to opening government with respect to access to information. Previously, limited information was made accessible to citizens regarding the operations of local government. Now, local governments are legally required to publish financial and operational data. OpenData France notes that the threshold for opening data (3,500 residents) represents a significant step forward for transparency at the local level.¹⁰ During the timeframe of the action plan, two important laws were passed which improve access to information from local governments, namely the Digital Republic Law n° 2016-1321 and the NOTRe Law n° 2015-991. Local governments are now required to open data by default which represents a significant improvement in terms of access to information. Stakeholder comments on the Etalab forum recommend specifying the datasets that local governments should prioritise, which would generate more coherence across the country.¹¹ What prevents this commitment from being considered "outstanding" in terms of changing government practice is the question of whether the published data is being reused and thus, useful. The data.gouv.fr dashboard indicates that 69 of the 123 datasets were never reused and that 7 have rarely been reused. The limited use of this disclosed data might also indicate poor advertising efforts on the part of the government. To improve visibility and mobilisation, Transparency France suggests that public authorities identify best practices for existing initiatives.¹²

The commitment to publish the decisions and reports of municipal council meetings online (Commitment 1.2) marginally opened government regarding access to information. The NOTRe Law n° 2015-991 and related decree n° 2016-146 made it mandatory for local governments exceeding 3,500 inhabitants to publish online decisions and meeting minutes; this is an improvement from previously only being required to physically post the minutes at the meeting premises. The ambiguity of the laws' wording, which does actually not systematically require disclosure, weakens their impact. From desk research, the IRM researcher found the decision was largely implemented. However, not all the published data is in open data format (e.g. minutes from municipal council meetings) and the level of detail varies substantially. The quality and quantity of information also varies between localities. Transparency France recommends that the data be standardised and published in open data format.¹³

An important consideration for this commitment is the involvement and resources of local governments. The action plan, midterm assessment or government self-assessment are unclear whether local authorities were consulted and involved in the development of this commitment. Transparency France points to a technical difficulty of this commitment since not all local governments have a website. OpenData France was commissioned by the government to identify needs of local government and make suggestions to support their efforts to open data. The report¹⁴ notes that there is an important discrepancy between large metropolitan areas and smaller rural cities where there is a lack of financial resources and information. OpenData France finds that even in larger cities where the public interest is greater, data often is not standardised, making it harder to reuse the published data. The report recommends the creation of a common local data standard, the creation of an Application Program Interface (API) for the reuse of local data communicated to the prefecture and opened at the national level, and investment in awareness-raising and trainings for local administrators. OpenData France was asked to track nine pilot territories in their effort to open data through trainings and experimentation.¹⁵ Etalab also highlighted the role of local governments through recent mechanisms such as the *développement concerté de l'administration numérique territoriale (DcANT)*.¹⁶

The commitment to publish information on building permits in open data format (Commitment I.3) has not changed government practice regarding access to information, given the lack of progress on the related activities.

Carried Forward?

No, this commitment was not carried forward to the next action plan.

1 Etalab team, personal communication with the IRM researcher, 23 Oct. 2017.

2 These guides are available at: <http://www.opendatafrance.net/ressources/>.

3 Art. 124 paragraph 1, "La publication au recueil des actes administratifs du dispositif des délibérations mentionnées au deuxième alinéa est assurée sur papier. Elle peut l'être également, dans des conditions de nature à garantir leur authenticité, sous forme électronique. La version électronique est mise à la disposition du public de manière permanente et gratuite."

4 OpenDataFrance, "Rapport sur les dispositifs d'accompagnement des collectivités locales à l'ouverture des données publiques" (Oct. 2016), <https://cdn2.nextinpact.com/medias/rapport-odf-ct.pdf>.

5 Aix-en-Provence, Allos, Avignon, Bagnaux, Bordeaux, Cagnes-sur-mer, Corte, Hénin-Beaumont, Lyon, Nice, and Poitiers

6 Independent Reporting Mechanism, *France Rapport D'étape* (OGP, 2017),

https://www.opengovpartnership.org/sites/default/files/France_Progress-Report_2015-2017.pdf.

7 Insee, "Sit @ del2" (Insee, 13 Oct. 2016), <https://www.insee.fr/fr/metadonnees/definition/c2020> (accessed 19 Sept. 2017).

8 See <http://developpement-durable.bsocom.fr/statistiques/ReportFolders/reportFolders.aspx> (accessed 19 Sept. 2017).

9 Ministère de l'environnement, #HackRisques : Comment mieux prévenir les risques naturels?, <https://meem-mlhd.github.io/hackrisques-data/index.html> (accessed 19 Sept. 2017, link broken as of April 2018).

10 OpenDataFrance, *Rapport sur les dispositifs d'accompagnement des collectivités locales à l'ouverture des données publiques*.

(OpenDataFrance, Oct. 2016), <https://cdn2.nextinpact.com/medias/rapport-odf-ct.pdf>.

11 Etalab Forum, *Engagement I* (Etalab, 2016), <https://forum.etalab.gouv.fr/t/engagement-1-permettre-a-tous-de-consulter-de-comprendre-et-de-reutiliser-les-donnees-financieres-et-les-decisions-des-collectivites-territoriales-rapport-dautoevaluation-a-mi-parcours-du-plan-daction-pour-la-france-2015-2017-pour-une-action-publique-transparente-et-collaborative/1902>.

12 OpenDataFrance, *Rapport sur les dispositifs d'accompagnement des collectivités locales à l'ouverture des données publiques*.

13 Etalab Forum, *Engagement I*, (accessed 19 Sept. 2017).

14 OpenData France, *Rapport sur les dispositifs d'accompagnement des collectivités locales à l'ouverture des données publiques*.

15 OpenData locale, "Restitution I d'OpenData Locale" (OpenDataFrance, May 2017),

http://site.infocom94.fr/_attachments/articles-article7/ODL_restitution1_avril%25202017_02mai2017.pdf?open=true.

16 Etalab team, personal communication with the IRM researcher, 23 Oct. 2017.

★ 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.

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

Start Date: Not specified

End Date: Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
★ 2. Overall			✓		✓						✓		✓		✓					✓	

Commitment Aim:

This commitment aimed to improve transparency in public procurement. Though the government has already established a public procurement economic monitoring centre to oversee collection and analysis of data, not all territories have equal access to the data and knowledge around public procurement. According to a 2013 Senate report, 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 current.

According to the Deposits and Consignments Fund (Caisse des dépôts) and the Association of French local authorities (Assemblée des communautés de France), in 2016, €72 billion was spent on public procurement, out of which €39 billion was spent by local governments.¹ Given the amount of public funds spent on public contracts and the potential of public procurement for the economic development of local territories, access to information about procurement processes, open calls, and awarded tenders is particularly important. This commitment aimed to build on the existing legal framework, including the 1993 Loi Sapin and the Public procurement code, European directives (including directive 2014/24/EU), as well as local initiatives such as development in the Bretagne region and the city of Paris.

This commitment sought to: (i) standardise the call for tender and make them more transparent and fair for potential bidders; (ii) improve transparency about buyers and awarded contracts to increase public access to information regarding the use of public funds; and (iii) systematise the opening of information through the inclusion of an open data clause in contracts awarded by public authorities.

Status

Year 1: Limited

The implementation of this commitment was limited at the time of the midterm assessment. Only one commitment activity, concerning the release of public contractor declarations in open data, was coded as substantially completed.

Using the pilot program developed by the region of Bretagne, a frame of reference to standardise the format of public calls for tenders was published on data.gouv.fr in May 2016, following a BarCamp organised by Etalab and the Bretagne region. The BarCamp was held to create national procurement-specific data standards compatible with French law and international standards. To be considered complete, the pilot frame of reference needed to be proven as compatible with national and local data and procedures, and existing public procurement data needed to be transferred to the new format.

Executive order n° 2015-899 was published on the official gazette on 24 July 2015. It requires all information relating to public procurement to be published in open data format. The information contained in the Official Bulletin of Public Contract Declarations (BOAMP) is published on data.gouv.fr. The midterm assessment notes that the data was previously accessible through a payable license that is scheduled to be abolished with the adoption of the Digital Republic Law.

Implementation of the third commitment activity on the publicity of awarded contracts was coded as limited, as the standardisation method was still being tested and implementation was uneven across regions.

Following the example of the city of Paris, the central government aims to require entities, who receive public contracts, publish certain data about the execution of the contract. This commitment is featured in Article 8 of the Digital Republic Law, which had not been adopted at the time of the midterm assessment.

For more information, please see the IRM midterm report.

Year 2: Substantial

The overall completion of this commitment is considered to be substantial at the end of the implementation term. The government has taken steps toward opening data in public procurement since the beginning of the two-year implementation period, a number of laws and decrees have indeed contributed to digitising public procurement procedures and increased their transparency. The commitment is expected to be fully implemented by October 2018. A government spokesperson informed the IRM researcher that the government remained committed to further improve the transparency of public procurement and that dialogue was ongoing among relevant administrations.² However, there is no publicly available data tracing this interagency dialogue. The adoption of the Digital Republic Law n° 2016-1321 in October 2016 marks an advancement for the transparency of public procurement since it provides for the free reuse of BOAMP data. The data published in the BOAMP is now freely available in an API provided by the Directorate of Legal and Administrative Information (DILA).³

Completion of this activity is substantial on paper but, given that the implementation deadline remains a year away at the time of this report, the completion level cannot yet be assessed. Article 107 of the decree n°2016-360 makes it mandatory, at the latest by 1 October 2018, for buyers to

provide free access to data regarding public contracts above the threshold of 25,000€ (pre-tax value). Similarly, Article 34 of decree n°2016-86 established obligations for government concessions and Article 94 of decree n° 2016-361 addressed defence and security contracts. Standardisation of data to be disclosed for regular procurement contracts, defence and security contracts and concessions was achieved through a decree adopted on 14 April 2017, which lists information that should be included on buyer profiles and indicates how the data will be communicated as of October 2018. This information includes the identity number of the contract, the identity of the buyer, nature and type of contract, object of the contract, and the type of procurement procedure. For contracts outside of defence and security, buyers must include, *inter alia*, information regarding dates, expected budgets, location, and information on contractor(s). Buyers also must keep this information current during the implementation of the contract. Buyers have two months to update data, which will remain publicly available for five years after the execution of the contract.

The Digital Republic Law contains legal requirements to include an open data clause in public contracts and states that all public service delegation agreements must include an open data clause requiring contractors to publish information about activities relating to the public contract.⁴ The draft government self-assessment indicates that there are no legislative clauses but that the Secretariat for Digital Affairs was working with the Ministry of Economy and Finance to encourage contractors to open data and that several events were planned. The IRM researcher, however, did not find any publicly available information discussing these events, nor was the IRM researcher able to find any evidence that events were held during the action plan implementation period.

Did It Open Government?

Access to Information: Major

Prior to the implementation of this commitment, there was no legal requirement to publish information on public calls for tender in open data format nor was the format of calls standardised. Implementation of this commitment has spurred movement toward for transparency and access to public procurement processes. Full implementation of the activities will happen outside of the review period. As such, this commitment is a major step toward opening government in terms of access to information.

This commitment was considered to have transformative potential impact given the economic importance of public procurement, especially for the development of local communities. Although many steps were taken toward increased transparency, such as setting a legal obligation to open data about procurement and concession contracts and standardising the data to be disclosed, the implementation of these activities will be completed outside of the review period, which prevents this commitment from reaching its full, transformative potential by the end of the two years.

Besides the lack of full implementation at the national level, there are concerns about the capacity of local governments to implement the relevant activities (see Commitment I). Some local governments have been very active in implementing the new open data requirements; the Bretagne region set up a platform to centralise data regarding its public contracts and concessions.⁵

In December 2016, France joined Contracting 5, an international initiative started by five countries, France, the United Kingdom, Mexico, Ukraine and Colombia, to discuss the development of an international standard for opening information on public procurement. France will lead the initiative in 2018. The IRM researcher did not find any publicly available information on the organisation and its activities, beyond a date of the next meeting in Amsterdam on 27 and 28 of November 2017.⁶

Carried Forward?

Yes, this commitment was carried over to the next action plan. The new commitment addresses implementing international standards (Open Contracting Data Standards), creating a “single data flow” for public procurement data, opening data beyond pivotal data; and encouraging innovative usage of public procurement data.

1 AdCF and Caisse des dépôts, *Baromètre de la commande Publique 2012 -2016* (Feb. 2017), <http://www.adcf.org/files/DOCS/Note-synthese-AdCF-CDC-21fev2017.pdf>.

2 Etalab team, personal communication with the IRM researcher, 23 Oct. 2017.

3 Available here: http://api.dila.fr/opendata/swagger-ui.html#/API_Boamp.

4 “Explication des articles” (accessed 21 Sept. 2017), <http://www.republique-numerique.fr/pages/explication-des-articles>.

5 “My Breizh Open Data” is available at: <https://breizh-sba.opendatasoft.com/explore/?sort=modified> (accessed 1 Nov.2017).

6 Etalab, *Transparence de la commande publique : les enjeux et l’engagement de la France, du local à l’international* (Etalab, accessed 28 Oct. 2017), <https://www.etalab.gouv.fr/la-transparence-de-la-commande-publique-se-transforme-au-service-de-developer-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 MEAE (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 MEAE 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 MEAE 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 MEAE, 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

Responsible Institution(s): Ministry of Europe and Foreign Affairs (MEAE); Ministry of Finance and Public Accounts; Ministry of the Economy, Industry and the Digital Sector (MINEFI); and French Development Agency (AFD).

Start Date: 16 July 2015

End Date: 15 July 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
3. Overall			✓		✓			✓			✓			✓							✓	

Commitment Aim:

This commitment aimed to improve transparency in development aid through the publication of data on projects funded by France’s main development agencies: AFD, MEAE and MINEFI. France is regularly considered to be less transparent than other OECD countries regarding aid transparency, as illustrated by Publish What You Fund’s (PWYF) 2016 Aid Transparency Index assessing AFD as ‘fair,’ MEAE as ‘poor,’ and MINEFI as ‘very poor.’¹

MEADI launched a pilot transparency platform in 2014, on which this commitment is built. The midterm assessment considered the potential impact of this commitment to be minor as it does not provide for the release of new information but rather for the harmonisation of existing data on various websites and its transference to data.gouv.fr.

Status

Year 1: Limited

Completion of this commitment was limited by the midterm IRM assessment. Progress had been made by MEAE and AFD to publish data on development projects but their efforts fell short of the objectives set out in the action plan (a detailed assessment can be found in the midterm assessment). Mae Kurkijan from ONE notes that progress was made regarding the release of datasets but that there were delays from all actors. In addition, Kurkijan considers that the multiplicity of platforms makes it difficult for civil society to monitor development projects. The midterm assessment does not mention MINEFI’s actions. For more information, please see the IRM midterm report.

Year 2: Substantial

The government self-assessment codes this commitment as partial completion. It noted that MEADI has released information regarding priority assistance to 16 sub-Saharan countries on its websites transparence-aide.gouv.fr and that it has opened data on its Priority Solidarity Funds (FSP), co-development projects, humanitarian assistance, food aid and DAECT actions for 2014. The self-assessment also notes that AFD has published data on its assistance to sovereign funds in the sub-Saharan and Mediterranean regions. Since 2016, AFD has published information on its activities in the sovereign sector in the Asia-Pacific, Latin-Americas and Caribbean regions. Lastly, the self-assessment indicates that the Ministry of Finance and Public Accounts (MFCP) participated in negotiating changes to the OECD’s Creditor Reporting System that will now include data on contributions to the private sector in destination countries as well as private funds mobilised by public financing.

One important development since the first year of implementation is the centralisation of information on a single platform managed by AFD following a decision of the Inter-ministerial Committee on International Cooperation and Development (CICID) on 30 November 2016.² AFD

and MEAE have merged their transparency platforms into the OpenDataSoft platform.³ This transparency platform provides data in multiple reusable and open source formats (.xls, .csv, and .rdf) as well as project mapping and an API. The platform features 7 datasets published during the action plan implementation period.⁴ MEAE data covers 36 countries (4 Asian-Pacific; 25 sub-Saharan; 2 Mediterranean; and 5 Latin-American/Caribbean). AFD data covers 64 countries. Data can be accessed through a thematic search.

On data.gouv.fr, AFD has published 70 datasets in .xml format on their assistance to the public sector in various countries. The data was last updated in July 2017. MEAE published 86 datasets on bilateral aid on data.gouv.fr in .xml and .csv format.

PWYF's 2016 Aid Transparency Index finds that France does not fulfil its aid transparency commitments. PWYF is particularly worried about the growing gap between AFD, which had made significant improvements, and MEAE and MFCP, which lag behind.⁵ PWYF praises the efforts made by AFD to improve transparency and recommends: it increase the frequency of its IATI publication to at least quarterly, if not monthly; publish a complete organisation file, including forward-looking budgets for three years ahead; and improve the quality of its IATI publication so that it is comprehensive and consistent for evaluations and tenders, results and impact appraisals. In particular, it should publish disaggregated budgetary data.

PWYF noted that after an improvement in 2014, MEAE's rating fell in 2016. "It still remains unclear whether transparency and open data has been made a priority within the [MEAE] – with appropriate financial and staff resources – so we will take a closer look at their performance in the next few months," said PWYF.⁶ It recommends that MEAE: re-prioritise its IATI publication and focus on publishing more comprehensively according to the internationally agreed common standard, before extending coverage to other priority countries and increase the frequency of its publication; publish a complete organisation file to the IATI Registry, including forward-looking budgets for at least three years ahead; adapt its information systems and processes to support automated and timely publication of high quality data in the IATI Standard; and improve cooperation with the AFD, MINEFI and the IATI Secretariat to improve publication.

Lastly, PWYF assess the performance of MINEFI as very poor and gives it the same recommendations as those addressed to MEAE.⁷

Did It Open Government?

Access to Information: Major

The French government has made significant efforts to improve transparency and facilitate access to information regarding international development aid, largely through the centralisation of data. Prior to this commitment, limited information was disclosed and the data was scattered across multiple platforms. As such, the implementation of this commitment constitutes a major development in terms of access to information. AFD became a member of the International Aid Transparency Initiative in December 2016 during the OGP summit in Paris, reinforcing France's commitment to making development aid more transparent. This decision was welcomed with enthusiasm by Publish What You Fund (PWYF).⁸

The IRM researcher considers the new platform to be quite easy to navigate, with maps and search filters. To help citizens with different knowledge levels about development aid, the platform could provide explanatory and pedagogical information. Grouping data by country could be particularly useful so that the public could get a more complete picture of French aid per country, as pointed out by a member of the Penplusbytes organisation in Ghana.⁹

Through this platform, both MEAE and AFD published new information in open and reusable formats. PWYF notes that the fact that "the platform [is] now combining MEAE and AFD data is definitely an improvement and a welcome one as it makes it easier to have a comprehensive

overview of France's activities in the developing world. It also shows the differences in terms of quality of the data provided by both institutions."¹⁰ Based on desk research, the IRM researcher considers the information to be regularly updated. The granularity of the data could be improved, for example, distinguishing between subsidised loans and non-concessional loans. PWYF also states that greater data detail would facilitate monitoring by third parties and improvement is needed to ensure that all places in which these institutions operate are mentioned.¹¹

The CSO Coordination SUD notes that AFD does not publish all relevant information, such as its provisional budgets. Coordination SUD regrets that not all data is published in a systematic fashion nor in an acceptable format, noting that calls for tender are not included on the platform. In addition, it notes that multilateral contributions, notably those managed by MFCP, are not published on the platform. Lastly, Coordination SUD points to the need to systematically publish the disbursements made through the Solidarity Funds for Development (FSD) so that civil society can monitor allocations of innovation funds (fonds innovants). The organisation recommends that the government ensures that data provided by MEAE, AFD and MFCP is published on the IATI register; completes the centralisation of data on the platform and includes multilateral aid; and publishes details on disbursements.¹²

PWYF adds that "while portals are important tools, we found that more needs to be done by donors to engage directly with people in partner countries to identify their needs, respond to their questions and implement change accordingly so that development outcomes are improved and stakeholders hold [sic] accountable."¹³

Carried Forward?

Yes, this commitment was carried over to the new action plan. The new commitment addresses extending the scope of data to be opened to new geographical zones and new actors (such as Proparco, the private sector financing arm of the AFD); including all relevant data in one single platform; and publishing impact data on AFD projects.

1 Publish What You Fund, *2016 Aid Transparency Index* (Publish What You Fund, accessed 21 Sept. 2017), <http://ati.publishwhatyoufund.org/comparison-chart-2016/>.

2 Comité interministériel de la coopération internationale et du développement, *Relevé de décisions*, (30 Nov. 2016), http://www.diplomatie.gouv.fr/IMG/pdf/161128-releve-de-decisions-cicid-version-longue-propre_cle85fc9d.pdf.

3 Available here: <https://afd.opendatasoft.com/page/accueil/>.

4 Proparco data from 2014 on aid to private sector (data published upon approval by client); development assistance from the MEAE (the first project dating back from 2006); consolidated data on results from AFD (2012-2016); AFD Distribution of the financing authorisations per instrument (2008-2015); AFD financing authorisations (2012-2015); data on AFD development projects (the first project dating back from 2000); and AFD project evaluations from 2014 onward.

5 Publish What You Fund, *2016 Aid Transparency Index*.

6 Staff member, Publish What You Fund, personal communication with IRM researcher, 8 Nov. 2017.

7 Publish What You Fund, "France" (Publish What You Fund, 2016), <http://www.publishwhatyoufund.org/donors/france/>.

8 Staff member, Publish What You Fund, personal communication with IRM researcher, 8 Nov. 2017.

9 Publish What You Fund, *La France ne respecte pas ses engagements en matière de transparence de l'aide*, (Publish What You Fund, 2016), <http://ati.publishwhatyoufund.org/la-france-ne-respecte-pas-ses-engagements-en-matiere-de-transparence-de-laide/> (accessed 22 Sept. 2017).

10 Staff member, Publish What You Fund, personal communication with IRM researcher, 8 Nov. 2017.

11 *Id.*

12 Coordination SUD, Consultation.gouv, *Plan d'action gouvernement ouvert 2017-2019 : Idéation Consultation en ligne* (2017), <https://democracyos.consultation.etalab.gouv.fr/pgo-ideation/topic/58b7ef19de66ce9b9dc93e2c> (accessed on Septmebr 22 2017).

13 Staff member, Publish What You Fund, personal communication with IRM researcher, 8 Nov. 2017.

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(s): Secretary-General for Government Modernisation (SGMAP) attached to the Prime Minister
 Start Date: Not Specified End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall		✓			✓	✓				✓				✓					✓		

Commitment Aim:

This commitment sought to make public policy evaluation reports more accessible to the general public. Public policy evaluations facilitate relevant and efficient public action, and contribute to better-informed citizens. However, access to evaluations is limited due to the number of actors involved and the different methods used. This commitment aimed to make evaluations accessible to the public, encourage the use of evaluation by public officials and involve citizens in the evaluation of public policies.

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), an association which maintains a repository for public policy evaluations. The repository (called the "Observatoire" in French) is a database of public policy evaluations from agencies at different government levels (state, local authorities, etc.). It also gives users the opportunity to submit a report themselves.

Status

Year 1: Limited

Completion of this commitment was limited at the midterm IRM assessment. There was a significant difference in progress between the commitment activities; the public policies evaluation repository was complete while the other two activities, involving citizens in public policy evaluation and encouraging officials' use of the evaluation repository, had not started.

The Public Policies Evaluation Repository was made accessible online, free of charge. An increasing number of evaluations were published during the first year of implementation. The midterm IRM report notes that the search filters were inadequate given the number of evaluations. Importantly, stakeholders signalled that the technology used in the repository was not open source as the software was proprietary. Lastly, the repository did not have a dashboard to follow the number of downloads and contributions.

The midterm IRM report indicates that there was no public evidence that the other two activities had started. For more information, please see the IRM midterm report.

Year 2: Limited

The government, with SGMAP in the lead, took some steps forward regarding the production and publication of public policy evaluations. However, the government self-assessment does not list any new developments since the midterm assessment. The overall objectives of the commitment were not achieved by the end of the implementation period. Of particular note is the fact that there is no evidence that citizens were given a chance to participate in public policy evaluations nor that the impact of public policy evaluations is more measurable as a result of this commitment.

Based on desk research, the IRM researcher notes that it is now possible to use multiple filters to search through evaluations. However, a significant number of evaluations are not linked to any document or report, making the listing of evaluations less relevant and useful.

Regarding the evaluations launched by the government in 2012 as part of its efforts to modernise public action, 80 evaluations are listed on the dedicated page on the SGMAP's website¹ and 76 feature a public report. The webpage also contains an explanation of the methodology used to evaluate policies, as well as examples of documents and instruments used during evaluations.

The government self-assessment indicates that an independent evaluation of SGMAP's methodology and assessment of public policies has been undertaken by the auditing firm KPMG and Quadrant Conseil between July 2016 and January 2017. The report is available on the SGMAP's website.² The report recommends that:

- transparency and stakeholder participation be reinforced;
- the methodology be more more selective in the evaluation themes as not all policies can be evaluated the same way;
- the methodology become more flexible and less time-consuming; and
- that evaluations be combined with other methodologies.

The evaluation highlights the absence of a monitoring mechanism that would allow for an improved follow-up to policy evaluations. It also notes that innovative data collection techniques (e.g. big data, predictive analysis, or citizen consultations) are not used.³

Finally, the IRM researcher did not find any public information that points to the completion of the activity seeking to make the impact of evaluations on policy more traceable.

Did It Open Government?

Access to Information: Marginal

Civic Participation: Did Not Change

The midterm IRM report considered the milestones of this commitment to have a negligible potential impact because a free library of public policy evaluation reports already exists (La documentation Française⁴) and the activities for increasing citizen participation in SGMAP evaluations and monitoring the evaluations' impact are vague and lack measurable actions. SGMAP has published over 70 public policy evaluations on its website and has started a discussion on how to improve the traceability and impact of public policy evaluations. As such, the implementation of this commitment marginally opened government regarding access to information, given the availability of new information and improvements in the search functions of the Observatory during the second year of implementation. However, civic participation showed no improvement. The evaluation produced by KPMG and Quadrant highlights the absence of public consultations. During Etalab's forum, civil society noted that public evaluations should gather feedback from different stakeholders using a variety of tools, while a participative evaluation should involve stakeholders starting from the very conception of the evaluation in a steering committee.⁵ He mentions Région Rhône-Alpes, Rennes Métropole and Nantes Métropole as local governments having implemented such methods. Civil society also recommends that evaluations not only be commissioned by public authorities but also by civil society, that evaluators be trained in public consultations to make sure both intermediary bodies and beneficiaries are involved in the process, that a digital evaluation method be piloted at the local level, and that all the data surrounding evaluations be opened.

Carried Forward?

No, this commitment was not carried over to the new action plan.

1 Available at <http://www.modernisation.gouv.fr/laction-publique-se-transforme/en-évaluant-ses-politiques-publiques/toutes-les-évaluations-de-politiques-publiques>.

2 Available at <http://www.modernisation.gouv.fr/laction-publique-se-transforme/en-évaluant-ses-politiques-publiques/evaluation-des-politiques-publiques-evaluee-a-son-tour> (accessed 9 Jan. 2018).

3 SGMAP, *L'évaluation des politiques publiques évaluée à son tour : enseignements et perspectives*, (SGMAP, 2017), <http://www.modernisation.gouv.fr/laction-publique-se-transforme/en-évaluant-ses-politiques-publiques/evaluation-des-politiques-publiques-evaluee-a-son-tour> (accessed 22 Sept. 2017); KMPG, Quadrant. *Évaluation de la démarche globale d'évaluation des politiques publiques menée dans le cadre de la modernisation de l'action publique*, (KMPG, 2017), http://www.modernisation.gouv.fr/sites/default/files/fichiers-attaches/evaluation_epp-map_rapport.pdf.

4 Stéphane Saurel, "What is the Budget for the European Union after 2020?" (La Documentation Française, accessed 25 Mar. 2018), <http://www.ladocumentationfrancaise.fr/>.

5 "Thomas" (comment), "Commitment 4: Open access to public policy evaluations and their conclusions: Mid-term self-evaluation report of the Action Plan for France 2015-2017: 'For a transparent and collaborative public action,'" (Etalab, accessed 25 Mar. 2018), <https://forum.etalab.gouv.fr/t/engagement-4-ouvrir-laces-aux-évaluations-de-politiques-publiques-et-a-leurs-conclusions-rapport-dautoévaluation-a-mi-parcours-du-plan-daction-pour-la-france-2015-2017-pour-une-action-publique-transparente-et-collaborative/1905/3>.

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(s): Cour des comptes

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall		✓			✓	✓					✓			✓					✓		

Commitment Aim:

The Cour des comptes – France’s Supreme Audit Institution is responsible for assessing the use of public funds, auditing the State and Social Security accounts, and evaluating public policies. Transparency and accountability are at the core of their mission but the institution is often perceived as complex by the general public audience. This commitment thus aimed to make the Cour des comptes more accessible for the public by opening data produced by the Cour des comptes and inviting citizen participation. The Cour des comptes sought to better include citizens in its activities through a citizen-feedback platform and opinion surveys. Since 2014, the Cour des comptes has opened a few datasets presenting the results of their work, including a dataset listing all the documents produced¹ by the Cour and its regional chambers, the case law of financial jurisdictions, and all data regarding daily activities of the financial jurisdictions. The commitment aimed to further this transparency and open new data. The midterm IRM report found that the milestones lacked specificity and did not contain sufficient details about the implementation, timeline, or potential functionalities.

Status

Year 1: Limited

The completion of this commitment was limited by the midterm assessment. By December 2016, the Cour des comptes had published 52 datasets on data.gouv.fr (more details can be found in the midterm report). In addition to opening new datasets, the institution organised a hackathon in May 2016 with data scientists, magistrates, public officials, and students to identify user needs for data access. In December 2016, the Cour des comptes participated in the General Interest Entrepreneurship program coordinated by Etalab. Lastly, the institution employed a data scientist for ten months to develop a tool for the public to easily extract data from the reports. For more information, please see the IRM midterm report.

Year 2: Limited

In October 2017, the Cour des comptes had published 82 datasets on data.gouv.fr, mostly in .csv format. Etalab indicates that the Cour des comptes had opened all the underlying data used to produce its reports as well as the evaluations from local audit institutions. As noted in the midterm report, the lack of specificity of the first milestone (“open some data...”) makes it difficult for the IRM researcher to assess the completion of this commitment.

Following the DataSession organised in May 2016, five projects were presented to the Cour des comptes:²

- OpenBudget.fr: making local government budgets easier to understand for the public;
- Reco-tracker: making it easier to track if public agencies follow the Cour’s recommendations;
- Datapartage: making it easier to explore the Cour’s data
- FRAP making it easier to geo-reference reports and data; and
- Doctrine.fr: indexing of judicial decisions.

The IRM researcher did not find any public information on the follow-up to this event or on potential support provided to the projects. In June 2017, the Cour des comptes organised a second DataSession together with the Commission d’accès aux documents administratifs (CADA), the prefecture of the Occitanie region and Etalab, with the aim, *inter alia*, to better identify the actors in public transparency in France, to make the Cour des comptes’ data more user-friendly and to track what tax revenue is used for. The event was organised in parallel in Paris and Montpellier. The IRM researcher could not find any public information regarding the results and follow-up to this event. The Cour des comptes hosted an entrepreneur in early 2017 named Frédéric Bardolle. Bardolle worked with Cour des comptes officials to better organise the governance of the institution’s data and developed an API. He also assisted the Cour des comptes in its efforts to open data, both regarding the production of its reports as well as its internal operations.

Did It Open Government?

Access to Information: Marginal

Civic Participation: Did Not Change

This commitment made new data accessible to the public and strengthened the relationship between the Cour des comptes and civil society. As such, this commitment marginally opened government regarding access to information but did not change civic participation.

The Cour des comptes produces many reports and the implementation of this commitment moved the institution toward opening the underlying data for these reports and analyses. The dashboard indicates that 75 of these datasets have never been reused and the other 7 have rarely been reused. There is no publicly available information regarding the criteria for releasing datasets. This raises the question of the relevance of the data opened by the Cour des comptes and awareness-raising efforts undertaken.

According to Etalab, the Cour des comptes has demonstrated a great interest in making its data available and usable. The IRM researcher could not find information regarding the Cour des comptes' strategy for releasing datasets. It does not appear that a mechanism exists to systematically open data. The project undertaken by Frédéric Bardolle should allow for a more systematic opening of data, but the results of his work were not yet known at the end of the implementation term. As mentioned above, the released datasets were barely used by the public, which questions the relevance of the data that has been opened and/or the efforts made to advertise the new data. Regarding civic participation, the Cour des comptes has made new efforts to include civil society in its work through events and collaborations with data scientists. The results of these activities are yet to be seen, therefore it is not yet possible to find that this commitment is a major step forward for government openness.

Carried Forward?

Yes, this commitment was carried over to the new action plan. In the new action plan, the commitment focuses on publicising data opened by financial jurisdictions and improving data quality; on diversifying the methods used to communicate data and encouraging the reuse of opened data; and on testing new ways to inform and consult citizens.

1 "Productions des chambres régionales et territoriales des comptes, par chambre régionale et par type de production (2010-2015)," (data.gouv.fr, accessed 25 Mar. 2018), <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/>.

2 See <https://www.etalab.gouv.fr/datasession-a-la-cour-des-comptes-une-premiere-brique-vers-louverture-des-decisions-de-justice> (accessed 9 Jan.2018).

Commitment 6. Facilitate access to public officials' transparency obligations

Commitment Text:

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

Responsible Institution(s): Haute autorité pour la transparence de la vie publique

Start Date: Not specified

End Date: Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
6. Overall			✓		✓			✓			✓			✓							✓	

Commitment Aim:

This commitment aimed to publish data from public officials' asset and interest declarations in open data format to prevent conflicts of interest and illicit enrichment.

Since 1988, members of the government, elected officials, and the heads of local government have been required to declare their assets before entering their position. This obligation was expanded in 2013 when two laws on public life transparency were adopted 11 October 2013 (n° 2013-906 and n° 2013-907), expanding the obligation to 15,000 officials including close aides to the president, ministers and leaders of two legislative assemblies, magistrates, high-ranking civil servants, and military officials¹ requiring them to declare their interests and existing asset declarations in a timely manner.² The 2013 laws provide for the publication of the interest declarations by members of government, parliamentarians, MEPs, local elected officials, and of the asset declarations of members of government. Asset declarations by parliamentarians are available for consultation in the préfecture of their respective constituencies. The 2013 law also established the High Authority for the Transparency of Public Life (HATVP) who is in charge of collecting and verifying the declarations.

Originally, the declarations were filled out by hand and mailed, which created potential problems of interpreting the handwritten declarations. This commitment provides for the availability of these declarations in open data format to facilitate the possibility for citizens and CSOs to hold officials accountable. For this purpose, the HATVP will develop an online reporting tool (ADEL) for officials

to use when declaring their interests and assets. The commitment also aimed to assist officials in using this tool, ensure they are aware of its existence, and ensure the highest level of remote reporting, precision and standardisation.

Status

Year 1: Limited

This commitment saw limited completion by midterm. Declarations of interests by elected officials and asset declarations by government members were published in .pdf format. The online platform, ADEL, was finalised in 2015 and was increasingly used by public officials to file their declarations, becoming the primary means of declaring by the end of 2015.³ The HATVP published a guide (“guide du déclarant”) to be distributed to public officials required to file declarations but it was unclear how widely the guide was distributed. For more information, please see the IRM midterm report.

Year 2: Substantial

This commitment is complete. An online platform is now in place and n° 2016-570 requires officials file their declaration through this tool. By the end of October 2017, 761 declarations were accessible in open data format.⁴ HATVP officials indicated that new declarations are published every Thursday.⁵

The decree n° 2016-570 promulgated 11 May 2016 mandated the use of the ADEL platform to file declarations beginning 15 October 2016. All declarations published after 1 July 2017 are now available in open data (.xml) format under Etalab’s open licence. The HATVP will transfer all declarations to this format, opening new data each week.⁶ A dataset containing all the declarations currently transferred to .xml is also available.

In the first year of implementation, the HATVP published a guide to help officials file their declarations, specifying how to use the new ADEL platform. Information about the new requirements was published in the Gazette des communes⁷ and in the Courrier des maires et des élus locaux⁸ in May 2016 and February 2017 respectively. It is unclear if an awareness-raising strategy was established or what activities were held to educate officials.

Did It Open Government?

Access to Information: Major

Prior to this commitment, officials’ asset and interest declarations were only available in .pdf format sourced from handwritten forms. N° 2016-570 requires officials to declare their assets and/or interests online on the ADEL platform. As implemented, this commitment has improved significantly the quality and accessibility of information regarding public officials’ declarations, making them more intelligible, standardised and reusable. The IRM researcher considers this commitment to be ‘major’ in opening government practice regarding access to information on officials’ asset and interest declarations.

The HATVP organised a workshop 24 May 2017 with various stakeholders (social scientists, data-journalists, developers, and engineers) to explore how data provided by the HATVP might be improved. Participants suggested that additional aggregate information on declarations could be provided, that a collaborative platform be instituted to improve the agency’s open data initiative and that data visualisation be enhanced to make information easier to communicate to the public.⁹

Policymakers could consider reexploring the accessibility of officials’ asset information to incorporate recommendations from Transparency International France¹⁰ and from the HATVP itself. The asset declarations of most elected officials are still only available for consultation at their respective prefecture, which require an on-site visit. In addition, individuals consulting these declarations are not allowed to take notes or to communicate the information. This is the result of a compromise between the desire for transparency and the need to safeguard officials’ privacy. Major stakeholders, such as those cited above, argue that since publication of asset declarations is the law, they should be online in open data, as is the case for interest declarations and for asset declarations by government members.

Carried Forward?

Yes, this commitment was carried over to the next action plan. In the new action plan, the commitment focuses on making data more intelligible; on diversifying data formats; and on organising a data session to explore new ways of using data.

1 Full list available here: <http://www.hatvp.fr/les-declarants-2/>.

2 The declarations must be submitted within two months of taking office, failing which, they risk three years imprisonment and a 45 000€ fine (five years and 75 000€ for members of government).

3 HATVP, *Rapport d'activité 2016* (HATVP, accessed 15 Sept. 2017), 25, <http://www.hatvp.fr/wordpress/wp-content/uploads/2017/04/RA2016.pdf>.

4 31 interest declarations from the current government, 11 asset declarations from former members of government, 629 interest declarations from members of the National Assembly, 7 interest declarations from senators and 83 interest declarations from local elected officials

5 HATVP official, personal communication with IRM researcher, 3 Nov. 2017.

6 HATVP, *Les déclarations des responsables publics désormais accessibles en open data* (HATVP, 27 Jul. 2017), <http://www.hatvp.fr/presse/les-declarations-des-responsables-publics-desormais-accessibles-en-open-data/> (accessed on 15 September 2017).

7 Brigitte Menguy, *Elus locaux : les déclarations de patrimoine et d'intérêts devront être dématérialisées au 15 octobre* (lagazette.fr, 17 May 2016), <http://www.lagazettedescommunes.com/442322/elus-locaux-les-declarations-de-patrimoine-et-dinterets-devront-etre-dematerialisees-au-15-octobre/> (accessed 15 Sept. 2017).

8 Le Courrier des maires et des élus locaux, *50 questions La transparence de la vie publique*, n°309, (Feb. 2017).

9 HATVP, *#OpenGov : retour sur l'atelier ouvert organisé par la Haute Autorité* (HATVP, 30 May 2017), <http://www.hatvp.fr/presse/opengov-retour-sur-latelier-ouvert-organise-par-la-haute-autorite/> (accessed 15 Sept. 2017).

10 Transparency International France, *Lois sur la transparence de la vie publique et la lutte contre la délinquance financière deux ans après : bilan et perspectives* (Transparency International, 6 Oct. 2015), https://www.transparency-france.org/wp-content/uploads/2016/04/lois_2013_bilan_et_perspectives_06102015-1.pdf (accessed 15 Sept. 2017).

★ 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(s): 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 (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
★ 7. Overall			✓		✓		✓				✓		✓		✓				✓		

Commitment Aim:

This commitment aimed to create, publish, and open a centralised beneficial ownership register for both companies and trusts.¹ The creation of a registry including company beneficial ownership stemmed from a series of national and international commitments on money laundering, tax evasion, and corruption, such as the EU's fourth Anti-Money Laundering Directive (AMLD) adopted in October 2014. This commitment addressed information not been previously available in a central repository in France, much less made publicly available.

A number of aspects of this commitment, as well as relevant international agreements, remain unclear, such as the EU's potential restriction on people with a 'legitimate interest.' Similarly, the commitment states that 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. Nonetheless, since this information has not been available previously in a central repository in France, let alone available for external publication, if fully implemented the data released by the two registers will significantly contribute to improving transparency of beneficial ownership by companies registered in France.

Status

Year 1: Limited

Completion of this commitment was considered limited by the midterm assessment. In July 2016, a public register of trusts was created with data on 16,000 trusts. The register was suspended by the Constitutional Court in October 2016, following a judicial complaint on the grounds of privacy violation. After a failed attempt to create a public register of beneficial ownership for trusts, none of the registers were available at the time of writing the midterm report (December 2016).

Infogreffe, the entity responsible for the company register (“Registre du commerce et des sociétés”), has released datasets in open data format. Stakeholders have noted that important information such as the name of the company director and the number of companies registered in France is missing. There are also issues with the quality of the data. Transparency International France has signalled that key data are not defined. Data was only available in .pdf or image format and was not standardised.

Year 2: Substantial

In the second year, the government took steps to resolve the privacy concerns identified in the October 2016 Constitutional Court decision and identify beneficial owners of legal entities registered in France. Revised implementation decrees enacted during the second year set timelines and requirements for the creation of two registers to list the beneficial owners of legal persons and trusts respectively.² The deadline for complying with the new requirements are outside of the review period and since neither register will be open for public access, it is not possible to assess the level of compliance. Decree n° 2017-1094, however, lists the people and entities with access to the information contained in the registers¹. The IRM researcher, therefore, finds this commitment to be substantially completed.

Following the Constitutional Court’s decision of October 2016, declaring the second paragraph of Article 1649 AB unconstitutional, the article was replaced by Article 10 of Decree no. 2016-1635 dated 1 December 2016, which transposes and implements provisions from the EU fourth anti-money laundering directive (EU Directive 2015/849, 20 May 2015) into French domestic law. The decree creates a register of beneficial owners for credit institutions, electronic currency institutions, and banking intermediaries. The full list of entities can be found in of Decree no. 2016-1635 , Article 2. The decree requires French and foreign companies and corporate groups to identify and register their ultimate beneficial owners by 1 August 2017 for new companies and 1 April 2018 for existing companies.

The decree also resolves the privacy issue identified by the Constitutional Court decision by specifying that registers of beneficial owners will not be open to the public, but will be accessible to the persons and entities listed in Decree n° 2017-1094 dated 12 June 2017 when acting in accordance with their authorised powers. Citizens justifying a legitimate interest in the information can request access to the register through a judicial ordinance.³ During an interview, the Etalab team indicated that case law would clarify what is meant by “justifying legitimate interest.”

Two texts currently cover the issue of beneficial ownership: Law n°2016-1691, referred to as “loi Sapin II,” adopted 9 December 2016 and decree n°. 2016-1635 adopted 1 December 2016. There are thus two laws that provide guidance on beneficial ownership and can create confusion. Etalab clarified that decree n°2016-1635 and its related decree, n° 2017-1094 dated 12 June 2017, were the standard which would be implemented.

Did It Open Government?

Access to Information: Marginal

Information on beneficial owners was not previously available in a central repository in France. This commitment thus represents a significant improvement in identifying beneficial owners. The commitment states that the register should provide “widely open access.” The initial statement is ambiguous and it is thus difficult to assess the selected system against the initial goal of the national action plan. However, it is clear that the envisioned beneficial ownership register would be widely

¹ The list includes, but is not limited to, jugdes, customs officials, officials from the Public finance general directorate, law enforcement officials

open to the public. Despite the valid privacy concerns raised by the Constitutional Court, the lack of public access to centralised information makes it difficult to consider that these activities significantly opened government practice in this policy area. As such, this commitment marginally opened government regarding access to information.

Ordinance no. 2016-1635 and Law n°2016-1691 require companies and trusts to communicate information about their beneficial owners to the Commercial Court; this is progress in France's struggle against money-laundering and tax evasion. The EU Directive 2015/849/UE encourages member states to provide wide access to information contained in the register but the legal framework in France only provides access to a select group of entities. Citizens with a legitimate interest in the information are required to make a request to access this information through a judicial ordinance. The ambiguity of the term "legitimate interest" makes it hard to understand who is allowed to make an access request.

Carried Forward?

No, this commitment was not carried over to the next action plan.

1 Art. L. 561-2-2 of the Monetary and Financial Code defines a beneficial owner as "the natural person who directly or indirectly controls the client or the natural person on whose behalf a transaction or activity is being conducted."

2 Etalab team, personal communication with IRM researcher, 23 Oct. 2017.

3 Infogreffe, *Registre des bénéficiaires effectifs* (Infogreffe, 25 Jul 2017), <https://www.infogreffe.com/registre-des-beneficiaires-effectifs> (accessed on 28 September 2017).

Commitment 8. Transparency in Extractives

Commitment Text:

Strengthen transparency in payments and income from the extractive industries.

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: 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>). ITIE is the French acronym for EITI. The two acronyms are used interchangeably in the commitment text.

Responsible Institution(s): Ministry of Foreign Affairs and International Development; Ministry of Ecology, Sustainable Development and Energy; Ministry of Finance and Public Accounts; and Ministry of the Economy, Industry and the Digital Sector

Supporting Institution(s): N/A

Start Date: Summer 2015 End Date: September 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Overall			✓		✓	✓						✓		✓				✓			

Commitment Aim:

This commitment aimed to strengthen transparency in payments and income involved in the extractive industry by joining the Extractive Industries Transparency Initiative (EITI). This commitment sought to implement Directive 2013/34/EU of the European Parliament and Directive of the EU Council of 26 June 2013 concerning transparency within extractive industries. French civil society considers the implementation of these directives essential to combatting corruption and exposing cases of questionable practices by French multinational extractive companies. Nineteen

French CSOs published a paper supporting the CBCR –Country-by-Country Reporting – as applied to global companies.

President François Hollande first announced France’s wish to join EITI in May 2013 but the process was not begun by the time of drafting France’s first OGP action plan. In 2014, France was one of the first countries to enact the transparency and accountability elements of the EU Directive by publishing public reports of extractive enterprises, which were useful but failed to meet the level of disclosure of CBCR. In 2013, the French parliament reviewed a proposal to require financial establishments to release reports on each country in which they operate. However, this bill was never voted on.

Status

Year 1: Limited

Implementation of this commitment was limited by the midterm assessment. The process lacked inclusiveness and stakeholders were unable to agree on priorities and geographical delimitation. In an effort to form a multistakeholder group, two inter-administration meetings took place in March and April 2016 and civil society representatives held a roundtable discussion on 3 June 2016. Disagreements about the financial and geographical limits of EITI in France stalled further progress on forming the multistakeholder group. Civil society believes EITI practices should extend to all overseas French territories, particularly 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 “mainland” France (*France métropolitaine*).

Oxfam France noted that the project lacked ambition and did not take into account the views of the 15 CSOs that constitute Publish What You Pay (PWYP) France. The organisation says that the process was not sufficiently inclusive and that many relevant groups were not invited to the table. The Ministry of Economy and Finances - in charge of France’s EITI application - halted the process altogether in anticipation of the presidential election of May 2017.

For more information, please see the IRM midterm report.

Year 2: Limited

The IRM researcher did not find any publicly available information signalling that further steps were taken by France to establish a multistakeholder group and move toward joining EITI during the implementation period. The government self-assessment indicates that completion is limited and that efforts toward accession to EITI have been suspended indefinitely. The self-assessment recognises that this commitment will not be fulfilled if sufficient resources are not allocated to these activities. Then Minister of Economy and Finances announced during the OGP Summit in December 2016 that the revision of the Mining Code, then discussed in Parliament, should move the process of accession forward and allow France to join EITI by the end of 2017.

Etalab indicated that there are still disagreements between the government and civil society as to the perimeters of EITI in France, and that fiscal secrecy remains an obstacle. The team indicated that there was a leadership issue and that joining EITI is currently at a standstill. Quentin Parrinello from Publish What You Pay France notes that the government has not made any progress toward joining and implementing EITI. He adds that after the roundtable organised in June 2016, there was no outreach to civil society, and that informal statements from French officials suggested that France would not implement EITI despite continuing to promote it on an international level. However, no official declaration has been shared with civil society to formally announce this decision.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Due to a lack of implementation, the IRM researcher concludes this commitment did not open government practice regarding access to information or civic participation.

It is important to note that during this implementation period, circumstances relevant to the successful implementation of this commitment have become more restrictive. The law “Sapin 2,” adopted December 2016, initially contained an article on publicly reporting industry involvement in

each country, a critical component for joining EITI and therefore related to this commitment. Though this country-by-country report was limited in scope, the Constitutional Court as an obstacle to free enterprise censured the article.¹ CSOs like CCFD-Terre solidaire consider this a political decision since the Constitutional Court had previously declared that freedom of enterprise was not absolute. Additionally, constitutional experts have declared that country level reporting and fiscal openness was not unconstitutional.²

Carried Forward?

No, this commitment was not carried over to the next action plan.

¹ Cour constitutionnelle, Décision n° 2016-741 DC du 8 décembre 2016, <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2016/2016-741-dc/decision-n-2016-741-dc-du-8-decembre-2016.148310.html> (accessed on 17 December 2017).

² La Croix, *Loi Sapin 2* □: « la censure du reporting pays par pays est une décision désastreuse » (La Croix, 9 Dec. 2016), <https://www.la-croix.com/Economie/France/Loi-Sapin-2-censure-reporting-pays-pays-decision-desastreuse-2016-12-09-1200809335> (accessed 28 Sept. 2017).

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(s): Ministry of Ecology, Sustainable Development and Energy; Ministry of the Economy, Industry and the Digital sector; and 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): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. Overall			✓		✓					✓			✓				✓				

Commitment Aim:

This commitment aimed to increase transparency in France's international trade policy negotiations by publishing information about past and current trade negotiations, evaluations, and monitoring of international agreements, including meeting minutes from the Committee for the Strategic Monitoring of Trade Policy Subjects. This commitment's objective was to improve access to information regarding commercial negotiations and their impact on national economic policies. The significance of this commitment emerges in the context of a strong civil society movement opposing international treaties and the opacity of negotiations, shaped by the proliferation of citizen initiatives aimed at obtaining information on the content of the treaties and disseminating it to the general public. An example is the "Stop Tafta" movement which opposes the Transatlantic Free Trade Agreement, otherwise known as the Transatlantic Trade and Investment Partnership (TTIP). The organisation "La Quadrature du Net" publishes on its website comprehensive information regarding the TTIP and CETA treaties¹ including official and leaked documents, translations of the treaties, official communications, and more.

Status

Year 1: Limited

The completion of this commitment was considered limited at the midterm assessment. Twenty documents had been published in .pdf format on the open data portal data.gouv.fr on a page dedicated to the TTIP, CETA and TiSA (the Trade in Services Agreement) treaties. Available documents included five of 14 TTIP negotiation cycle reports and six of eight sets of meeting minutes from the committee for the strategic monitoring of trade policy (the rest of the minutes were found on the Ministry of Foreign Affairs website). Overall, few documents were available on the open data portal and the page had not been regularly updated. Regarding evaluations and monitoring of international agreements, a page had been created on the website of the Ministry of Foreign Affairs (diplomatie.gouv.fr) to provide information on the committee for the strategic monitoring of trade policy. 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 evaluating international trade agreements had not been published. For more information, please see the IRM midterm report.

Year 2: Limited

The government self-assessment codes this commitment as substantially complete but does not provide any evidence of new activities implemented since the midterm assessment. The IRM researcher therefore finds completion of this commitment remains limited.

The dedicated page for data on trade negotiations on data.gouv.fr still contains twenty documents and nothing indicates that the page had been updated since 2 December 2015.

The government-self assessment does not provide any new information regarding the publicity of evaluations and monitoring of agreements. The dedicated page for MEAE contains links to the minutes of meetings that took place in 2014. The IRM researcher did not find any information about current activities of the monitoring committee.

Did It Open Government?

Access to Information: Did Not Change

Under the leadership of then Secretary of State Matthias Fekl, France committed to making trade negotiations more transparent.² Etalab noted that since Mr. Fekl left the Secretariat of External Commerce in March 2017, the issue of transparency of trade negotiations lost traction despite France's international commitments.

The lack of transparency in trade negotiation content and the lack of sustained publicity of trade agreement monitoring and evaluations lead the IRM researcher to conclude that it did not contribute to open government with respect to access to information.

Carried Forward?

No, this commitment was not carried over to the next action plan.

¹ CETA, the Comprehensive Economic and Trade Agreement, is a free-trade agreement between Canada and the EU

² France Diplomatie, “Politique commerciale - Transparence - Entretiens de Matthias Fekl avec le comité de suivi stratégique (28 au 30 octobre 2014)” (France Diplomatie, 2014), <https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/diplomatie-economique-et-commerce-exterieur/accords-de-libre-echange/comite-de-suivi-strategique-des-sujets-de-politique-commerciale/article/politique-commerciale-transparence-116729>; “OGP in the News - Week of November 7, 2016” (OGP, 11 Nov. 2016), <https://www.opengovpartnership.org/stories/ogp-news-week-of-november-7-2016>.

Theme 2: Consult, Debate and Co-create

Commitment 10.1 Fix my Neighbourhood

Commitment Text:

i. Fix My Neighbourhood

ROADMAP

- Launch the "Fix My Neighbourhood" 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

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, 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 Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
10.1 Fix my Neighbourhood				✓	Unclear					✓			Withdrawn					✓				
10.2 Digital Fix-it		✓			Unclear					✓			✓					✓				

Commitment Aim:

This commitment sought to launch a call for tenders to: 1) develop a national digital tool to report street incidents and monitor their resolution; and 2) develop a pilot digital application to allow

citizens to report incidences of cybervandalism or other cyber security issues on state-controlled and semi-public websites.

Fix my Neighbourhood (Commitment 10.1) aimed to help local government dispatch alerts to the relevant departments and provide opportunities to hold officials answerable for their actions.

However, the text is limited simply to publishing a call for tenders for tool development; the commitment is thus of unclear relevance to OGP.

Digital Fix-it (Commitment 10.2) sought to develop 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 activities and timeline are unclear as is the relevance of this commitment to OGP values.

Status

Commitment 10.1

Year 1: Withdrawn

The government self-assessment reports that the Ministry of State for the Digital Sector no longer considers Fix my Neighbourhood as relevant since similar tools already exist. The midterm assessment notes that this sub-commitment has been withdrawn.

Commitment 10.2

Year 1: Not Started

At the time of the midterm assessment, the IRM staff was unable to find publicly available evidence that the government has started the Digital Fix-it project. The government self-assessment did not reference Digital Fix-it. Therefore, the commitment was considered “Not Started.”

Year 2: Not started

The information provided by the government in its self-assessment and desk research done by the IRM researcher indicate that this commitment was never started.

The government self-assessment indicates that the Ministry for Digital Affairs refocused on the development of a toolbox for local governments and on supporting civic tech organisations. Etalab wishes to make use of public consultation tools developed by non-governmental actors (civil society organisations and civic techs) to facilitate the work of the public administration and create bridges with the public. Thus, the platform consultation.etalab.gouv.fr has replaced Fix my Neighbourhood. The platform features four tools following certain criteria including open algorithms and privacy of personal data and which are bound to evolve. Civil society organisations that were not directly involved in the development of this platform were unaware of its existence and of the intention of the government to redirect this commitment to support civic techs.¹

The new objective is relevant to OGP values but does not relate to the initial commitment, therefore these efforts cannot be taken into account in the assessment.

The self-assessment codes the sub-commitment on Digital Fix-it ‘not started.’ The IRM researcher submitted a request for additional information on implementation to the National Agency on the Security of Information Systems (ANSSI) but no information could be found on the agency’s reaction.

Did It Open Government?

Access to Information: Did not change

Civic Participation: Did not change

Public Accountability: Did not change

Given the lack of implementation and the obscure relevance to OGP values, this commitment has not changed government practices and thus not contributed to opening government.

The government self-assessment points to a redirection of efforts to support the French civic tech with the development of public consultation tools. The new objective of this commitment fits with OGP values of civic participation but cannot be taken into account in terms of opening up government practice since it has not yet been implemented.

Carried Forward?

The original commitment was not carried over, but the refocussed commitment was integrated in the new action plan, with a focus on the development of the consultation.etalab.gouv.fr platform and the organisation of public events.

I Members of Démocratie ouverte, personal communication with IRM researcher, 27 Oct. 2017.

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

Commitment Text:

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.

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(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

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Overall		✓			✓	✓					✓			✓						✓	

Commitment Aim:

This commitment aimed to involve civil society in the development of central and local governments' data infrastructure. Through the Digital Republic Bill, which would require the state to generate and release data as a public service and to make reference data open by default, this commitment sought to ensure that the process of identifying and prioritising essential data involved civil society. The commitment, however, was unclear regarding activities and outputs.

Status

Year 1: Limited

The first year of implementation largely focused on reflection and gathering inputs from stakeholders. The government intended to carry out the majority of the commitment deliverables in the second year of implementation. During this time, the government joined several national-level, collaborative initiatives, such as the publication of the national address database (BAN), a result of continued cooperation between the National Geographic Institute (IGN), La Poste, SGMAP, the association OpenStreetMap France, and local authorities.

In July 2016, the State Secretariat for Digital Affairs commissioned the organisation Open Data France to establish, along with civil society and local governments, a list of essential and reference datasets to be published. Open Data France published the list in an October 2016 report.

It is also worth mentioning that according to stakeholders, the collaboration to define reference datasets created an ongoing dialogue between civil society, local governments, and national administrations. In addition, Etalab organised multiple initiatives to continue opening more reference datasets. In November 2016, Etalab held two hackathons. The first focused on preparations to open the national company register, SIRENE, containing more than 10 million legal entities. The second involved collaboration between the Ministry of Interior and civil society to define the data schema needed to open polling station data.

Year 2: Substantial

The government self-assessment considers this commitment complete due to the opening of nine reference datasets. The commitment text however concerns cooperation with civil society rather than the opening of new data. Due to the ambiguous commitment text and the scarcity of public information, the IRM researcher considers the commitment to be substantial rather than complete. Etalab is responsible for the newly established public service of data, created by Article 14 of the Digital Republic Law. In September 2017, there were nine datasets available on the data.gouv.fr platform: the national address database, the national company register SIRENE, the Official Geographic Code, the digital cadastral plan, the graphic parcel register, reference data for the state's administration, large scale reference data, the National Association Directory, and the Operational Directory of occupations and employment. Six of these datasets had been identified as key reference datasets in the impact study of the Digital Republic Law (all except the geographic code, the administration data, and the Operational directory).¹ The datasets had all been updated within the last six months.

The government self-assessment notes that prior to the production of Decree n°2017-331, adopted 14 March 2017, Etalab organised a public online consultation from 29 September 2016 to 20 October 2016 on the list of relevant reference data, the conditions of data provision, and the quality criteria. Etalab received 160 contributions from public officials (40%), private citizens (30%), private companies (20%), and associations (10%). The dataset containing the contributions has not been cleaned and does not link the contributions to actors or groups. There is no public information on the mechanism used by Etalab to take these contributions into account in the implementation decree. An interview with a former government stakeholder confirmed that civil society contributions were important in selecting the essential datasets but indicated that other factors also played a part, such as the availability and quality of the datasets, the amount of available resources to maintain them, and their recognised structural value.²

A bylaw published 14 June 2017³ sets the rules regarding the publication of reference data as well as provides information about producing reference data, the frequency of updates, and methods of accessing the data. It provides a list of minimum metadata and indicates which datasets are to be updated daily, weekly, or monthly. It also states that reference data should be made available as a downloadable dataset and through an API.

Did It Open Government?

Access to Information: Major

Civic Participation: Marginal

During the implementation period, the government opened several sets of reference data and consulted the public on the development of the country's essential data infrastructure. As such, the commitment is a step forward for government openness in access to information. This commitment marginally opened government with respect to access to civic participation, since stakeholders were consulted on identifying key data but it is unclear how these inputs were included in the criteria for releasing information nor is there information about the mechanisms used to include public contributions in decision-making.

As a result of this commitment, the government discloses more information than previously, and does so in an open data format. The Digital Republic Law, Article 14, provides for public access to reference data while the bylaw published 14 June 2017 provides operational and technical guidance for the publication of reference data. The dedicated webpage on data.gouv.fr contained nine datasets in September 2017 and five of them had been reused at least once, with the result published on data.gouv.fr.

Regarding civic participation, the government appears to have made an effort to consult civil society in identifying key data but the IRM researcher did not find any public information on the criteria for selecting which data would be considered as reference data. The consultation findings¹ list many datasets that contributors identified as key but that were not included in the final reference data. Moreover, the commitment title reflected ambition greater than simply a public consultation as the data infrastructure was to be co-constructed.

Carried Forward?

Yes, this commitment was carried over to the next action plan. In the new action plan, the commitment focuses on opening new datasets; on improving the open data platform (data.gouv.fr); on assisting government agencies with opening their data and fostering dialogue with public officials; and on evaluating the impact of the efforts already taken in opening data.

¹ National Assembly, *Projet de loi pour une République numérique – étude d'impact* (9 Dec. 2015), <http://www.assemblee-nationale.fr/14/projets/pl3318-ei.asp> (accessed 30 Sept. 2017).

² Former member of the Prime Minister's cabinet, personal communication with IRM researcher, 6 Nov. 2017.

³ Arrêté du 14 juin 2017 relatif aux règles techniques et d'organisation de mise à disposition des données de référence prévues à l'article L. 321-4 du code des relations entre le public et l'administration, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034944648&dateTexte=&categorieLien=id> (accessed 30 Sept. 2017).

¹ Available at <https://www.etalab.gouv.fr/consultation-spd> (accessed 13 April 2018)

✦ 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(s): 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): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
✦ 12. Overall			✓		✓	✓					✓				✓				✓		
															✓						

Commitment Aim:

This commitment sought to publish legal information in open data and reusable formats and encourage the reuse of data through collaborative innovation and tools that facilitate the process and understanding of law-making. This commitment also aimed to experiment with increased citizen participation in law-making through the draft Digital Republic Bill, which has since been opened up to review by citizens via a digital platform. This changed method of law-making is unprecedented in France.

The opening of legal data in France started in 2014 with civil society projects such as “Manufacture of the Law” from the association Regards Citoyens, which allows citizens to follow the evolution of texts voted upon in Parliament¹. 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 after the 18 December 2013 meeting of the inter-ministerial Committee for the

¹ Available at <https://www.lafabriquedelaloi.fr/> (accessed 13 April 2018)

Modernisation of Public Action (CIMAP). At this meeting, the government made two important decisions: to set up the principle of free reuse of public data by stopping the creation of new royalties; and making certain data free, including those of the DILA.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm. Regarding open data provision of legal data, the DILA opened some case law data in September 2015, which is published on Légifrance on behalf of the State Council and the Court of Cassation. Under the Open Law Europa programme, DILA, the Open Law association, and their partners made several proposals on how to encourage reuse of this new information. The government also encouraged the development of open source tools. Created January 2015, Open Law is an innovation and digital co-creation project designed to encourage the opening up of data and resources on legislation, and to encourage collaborative innovation among public administrations, civil society organisations and the private sector. Open Law also coordinates the Legal Tech French community and innovative lawyers. Lastly, the public consultation on the Digital Republic Bill was opened on a dedicated platform, tracking changes to the text of the bill. Information received during the consultation was published on data.gouv.fr and a Digital Republic hackathon took place on 12 December 2015. The National Assembly passed the Digital Republic Bill into law in November 2016. A proposal 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. For more information, please see the IRM midterm report.

Year 2: Substantial

At the end of the implementation period, this commitment is considered to be substantially completed. The government engaged in activities aiming to facilitate access to information, such as the adoption of the Digital Republic Law, and to encourage civic participation through new public consultations on bills. The Digital Republic Law is still not fully implemented, especially regarding opening judicial decisions, therefore the commitment is not considered to be fully completed. In the second year of implementation, the Digital Republic Bill was adopted (November 2016) with two articles addressing access to judicial decisions. Articles 20 and 21 provide for open access to judicial decisions, within the limits of respect for people's privacy. Personal privacy a concern for State Secretary for Digital Affairs Axelle Lemaire, who was worried that analysing decisions for personal privacy issues would be an obstacle to open data.¹ Moreover, regarding jurisprudential data, the government published a white paper in January 2017, formulating the results of the open caselaw programme. This paper² informed discussions on the implementation of the Digital Republic Law. A decree specifying the implementation of the opening of legal resources of the law has yet to be adopted.³ Information from the Ministry of Justice, gathered by Xavier Berne, indicates that the implementation of these articles would need to be gradual and would most probably take several years.⁴

In May 2017, the new Minister of Justice commissioned a study on the implementation of Articles 20 and 21 of the Digital Republic Law by Loïc Cadiet, a law professor at La Sorbonne. Sorbonne worked with a member of the Council of State, a member of the Court of Cassation, a representative of the national bar association, a representative of the National Commission of Information and Liberties (CNIL), and representatives from various courts and administrative jurisdictions. The initial publication of the report was planned for the end of October 2017⁵ but has been rescheduled for the end of November 2017.⁶

Regarding open source tools, an OGP Open Toolbox, developed by Etalab, French civic tech groups, and international partners, was presented at the OGP Summit in December 2016. The association, OGPToolbox.org, was created in February 2017 to ensure the toolbox was implemented and used. In February 2017, the OGP Toolbox contained 1,230 tools. The responsibility for the toolbox was moved from the state to civil society. Stakeholders have indicated that the management of the toolbox has been put on hold for the moment.⁷ The objective of OGP Toolbox is to identify promising open source tools and to function as a repository. The association hopes to assist CSOs and public institutions worldwide in choosing the most appropriate advocacy and training tools to progressively open data and facilitate civic participation and public accountability. A board member of

OGPToolbox stated that the association has helped setting up the cooperative Mednum,⁸ which specialises in digital mediation. OGP Toolbox will start soon a project assisting the Conférence d'Afrique Francophone sur les Données Ouvertes (CAFDO) in providing the coordinating organisation (to be announced) with the necessary digital tools and knowledge to promote open data in francophone Africa.⁹

Lastly, public consultations have been used to encourage the public to participate in law-making for a few additional bills since the pilot consultation on the Digital Republic Law. The government self-assessment lists the biodiversity and citizenship equality laws as examples. A synthesis report is available for the consultation on the equality and citizenship law.¹⁰ The consultations are organised either through a dedicated website, as was the case for the Digital Republic Law, or through the organisation Parlement & Citoyens,¹¹ as was the case for the biodiversity law.

Did It Open Government?

Access to Information: Marginal

Civic Participation: Marginal

A number of developments have facilitated access to legal information. DILA has opened access to new legal information and an Open Law organisation was set up by Etalab, DILA and NUMA². The adoption of the Digital Republic Law also is a significant step toward creating a legal obligation to improve access to legal information. However, at the end of the action plan implementation period, the law has yet to be fully implemented and therefore, there remains no decree mandating the opening of judicial data.

At the outset of this commitment, its potential impact was assessed as transformative but the major concern for implementation of the commitment was that it relied heavily on the successful passage of the Digital Republic Bill, which had not happened by the midterm report. The Bill was passed during the second year of implementation but in the interim nine months between the adoption of the Bill and the end of the action plan period, actual change in government practice in terms of access to information was marginal as the law is not yet fully implemented and faced privacy challenges in the Constitutional Court.

The government has taken several steps to collaborate with civil society, especially the civic tech community, and develop tools to facilitate public participation. The government held a number of public consultations on bills prior to parliamentary debates, which is a new government practice. The consultations, however, are still experimental and there is a need to institutionalise the process. Transparency International France recommends that a reference document and a standard methodology be developed for public online consultations,¹² which indicates that standardised methodology for consultations does not yet exist. The midterm assessment and the government self-assessment refer to a proposal submitted to Parliament on 20 April 2016 to make online public consultations the norm for all bills before parliamentary debates. The proposal was forwarded to the Law Commission though at the time of writing this report, it does not seem to have been taken any further.¹³ As such, this commitment marginally opened government with respect to civic participation.

Carried Forward?

No, this commitment was not carried over to the next action plan.

1 NextImpact, *Mise en Open Data des décisions de justice : un rapport attendu pour fin octobre* (Sept. 2017), <https://www.nextinpact.com/news/105283-mise-en-open-data-decisions-justice-rapport-attendu-pour-fin-octobre.htm>.

2 Available here: <http://fr.calameo.com/read/005075651e5c75eb4e579> (accessed 1 Oct. 2017).

3 Ministère de l'économie et des finances, *La loi pour une République numérique* (17 May 2017), <https://www.economie.gouv.fr/republique-numerique> (accessed 1 Oct. 2017).

4 NextImpact, *Mise en Open Data des décisions de justice : un rapport attendu pour fin octobre*.

² Company specialised in digital innovations.

-
- 5 La Gazette des communes, *Où en est l'ouverture des données de jurisprudence ?* (29 Sept. 2017), <http://www.lagazettedescommunes.com/526366/ou-en-est-louverture-des-donnees-de-jurisprudence/> (accessed 1 Oct. 2017).
- 6 NextImpact. *Le rapport sur la mise en Open Data des décisions de justice reporté à fin novembre* (6 Nov. 2017), <https://www.nextinpact.com/brief/le-rapport-sur-la-mise-en-open-data-des-decisions-de-justice-reporte-a-fin-novembre-1031.htm>.
- 7 Members of Démocratie ouverte and Open source politics, personal communication with IRM researcher, 27 Oct. and 1 Nov. 2017.
- 8 More information available here: <https://lamednum.coop/>.
- 9 Board member OGP Toolbox, personal communication with IRM researcher, 9 Nov. 2017.
- 10 Available here: <https://www.egalite-citoyennete-participez.gouv.fr/media/default/0001/01/e758ede1b4919b5139ddb39e3eda5aacd82b522e.pdf> (accessed 1 Oct. 2017).
- 11 Available here: <https://parlement-et-citoyens.fr/projects> (accessed 1 Oct. 2017).
- 12 Transparency International France (comment), "Engagement 12 : Poursuivre l'ouverture des ressources juridiques et la collaboration avec la société civile autour de l'élaboration de la loi | Rapport d'autoévaluation à mi-parcours du Plan d'action pour la France 2015-2017 "Pour une action publique transparente et collaborative"" (Etalab, July 2016), <https://forum.etalab.gouv.fr/t/engagement-12-poursuivre-louverture-des-ressources-juridiques-et-la-collaboration-avec-la-societe-civile-autour-de-lelaboration-de-la-loi-rapport-dautevaluation-a-mi-parcours-du-plan-daction-pour-la-france-2015-2017-pour-une-action-publique-transparente-et-collaborative/1914/2> (accessed 1 Oct. 2017).
- 13 National Assembly, "Généralisation de la consultation publique en ligne, par l'internet, sur les textes de loi avant leur examen par le Parlement" (accessed 1 Oct. 2017), http://www.assemblee-nationale.fr/14/dossiers/consultation_publicue_textes.asp.

Commitment 13. Leverage previous consultations and 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(s): 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): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
13. Overall			✓		✓	✓					✓			✓					✓		

Commitment Aim:

This commitment aimed to improve stakeholders’ awareness and access to public consultations through digital tools and enhance the capacity of government agencies and other stakeholders to

hold participative consultations. This commitment would provide better searching and tracking for public consultations by applying the DebatesCore standard to events listed on the vie-publique.fr platform. DebatesCore was created by the Legal and Administrative Information Department (DILA) 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 consultations, including poor traceability and tracking of content. The second objective is to improve the capacity of government agencies to engage with the public by piloting citizen consultation workshops and creating a toolbox to help agencies choose appropriate mechanisms for citizen engagement. The ultimate 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.

Status

Year 1: Limited

The implementation of this commitment was limited by the midterm assessment. The first milestone was not started since 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. During the first year of implementation, the IRM researcher observed regular updates to the public debates listed on the data.gouv.fr portal, 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 one reason the expansion project had been abandoned was the difficulty of finding agency contacts to regularly upload their information.

The second commitment activity regarding the pilot citizen workshops saw limited implementation. An initial pilot workshop of 17 participants was held at the Ministry of Health, with the stated outcome of offering guidance on a draft public policy addressing use of big data in the health sector. However, participants were not experts in either open data or health. At the end of the process, the participants wrote a report reviewing the workshop and issuing findings. The report says they were selected by the Ministry of Health though specific selection criteria but details of the workshop 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 results of the workshop were incorporated in drafting the health policy proposal. The IRM researcher was unable to find evidence of any follow up by the Ministry of Health. At the time of the midterm report, the IRM researcher was unable to find publicly available evidence of a charter establishing principles for citizen workshops, nor was there any evidence of additional pilot workshops in other ministries or agencies.

For more information, please see the IRM midterm report.

Year 2: Limited

Implementation of this commitment remains limited. The government self-assessment¹ points to the new website of the National Commission of Public Debate (CNDP), which archives CNDP's public consultations on environmental issues. Other consultations have been accessible on DILA's website, [Vie Publique](http://ViePublique.fr),² since 2012. The IRM researcher finds no significant change in the centralisation and accessibility of information regarding public debates. The self-assessment notes that the DebatesCore norm has not been implemented. However, Etalab indicates that the norm has not been abandoned but is being redeveloped for easier use.³ Etalab notes that the most essential aspect of the tool should be to make public consultations accessible to attract new audiences. During the second year of implementation, Etalab, CSOs and civic techs developed a platform, consultation.etalab.gouv.fr, to encourage administrations to use public consultations.

With regards to citizen workshops, the Secretariat for the Modernisation of Public Action (SGMAP) has organised a second citizen workshop (two weekends between April to June 2017) on the role of schools in preventing addictions in youths¹. The recommendations of the Citizen Workshop are

¹ The Citizen Workshops are composed of a panel of 10 to 30 citizens supposed to be representative of socioeconomic diversity. The methodology of the Citizen Workshop is available at <http://www.modernisation.gouv.fr/sites/default/files/fichiers-attaches/boite-outils-demarches-participation.pdf>, pp. 6-7 (accessed 13 April 2018). Little information is available about the selection of the sample. The list of participants' first names

available online². A third citizen workshop will be launched November 2018 but the topic has yet to be announced. The SGMAP has set itself the goal of organising two citizen workshops per year; it lacks resources to host any more despite numerous requests from administrations. An explanation of these workshops is available via an online toolbox that also contains various participatory methods that could be used by the government.⁴ Some requirements are imposed on the hosting administrations, such as the obligation to provide access to all information relevant to the workshop, consider the findings of the workshop, and provide feedback to participants on how their suggestions will be used.⁵

In 2015, the Ministry of Ecology launched a discussion on the development of a public participation charter. The charter was developed with the help of two committees – a restricted committee of participation experts and a steering committee of stakeholders, including contractors, ministerial officials, associations, practitioner networks, the CNDP and researchers – and three participatory workshops gathering a total of 230 people in Paris, Lyon and Bordeaux³. The charter was finalised in 2016 as a non-legal, voluntary tool to encourage exemplary participation. In November 2016, there were only 27 organisations, from the central and local governments as well as from the private sector, adhering to the charter.⁶ On 21 April 2016 and 3 August 2016, the government passed two decrees enabling citizens and parliamentarians to demand that the CNDP hold a public debate on identified projects.⁷ It also created follow-up mechanisms with guarantors recruited to follow implementation and inform the public. The guarantors go through a competitive recruitment process and, when selected, receive trainings to familiarize with their role, which is to ensure that the public has sufficient information prior to public consultations to be able to take part in public debates. There are currently 251 guarantors⁴. The CNDP also developed a number of innovative tools to generate public debates, such as the DP-Bus or itinerant debates on trains.

Did It Open Government?

Access to Information: Did Not Change
Civic Participation: Marginal

The Director of Legal and Administrative Information (DILA) launched *vie-publique.fr* in 2012 to collect and display notices of public consultations and the CNDP has published a list of public consultations predating this national action plan. The innovation proposed by this commitment, standardising DebatesCore for all online consultations, was not implemented and there was no significant change in the level of centralisation and accessibility of information regarding public consultations. Etalab, however, created a platform of tools developed by non-government stakeholders to encourage government agencies to voluntarily increase access to information. As implemented, the activities did not actually change government practice as agencies are not required to use the platform tools. Therefore, there was no change in the status quo and this commitment did not open government with respect to access to information.

With respect to civic participation, steps were taken to develop new channels for public participation in policymaking through citizen workshops. SGMAP partnered with CNDP in 2016 to encourage citizen participation and the Ministry of Health held a pilot consultation in 2016. As noted in the midterm assessment, it is essential to publish the consultation process, consider the public input, explain when suggestions are not adopted, and discuss the role of the administration in the discussed topic. The report produced by the participants in the pilot project signalled that such follow up does not happen and that they remain unaware of how their contributions were used. SGMAP commissioned an independent evaluation of its pilot workshop in addition to the evaluation provided by the participating citizens.⁸

is found at the end of their report, available at

http://www.drogues.gouv.fr/sites/drogues.gouv.fr/files/atoms/files/avis_citoyens.pdf (accessed 13 April 2018)

² Available at http://www.drogues.gouv.fr/sites/drogues.gouv.fr/files/atoms/files/avis_citoyens.pdf (accessed 13 April 2018)

³ Ministère de l'écologie. La Charte de la participation publique. 2016, available at <https://www.ecologique-solidaire.gouv.fr/charte-participation-du-public> (accessed 13 April 2018)

⁴ CNDP. Liste nationale de garants. Available at <https://www.debatpublic.fr/garants/> (accessed 13 April 2018)

The Ministry of Ecology did publish a charter on the participation of the public, which addresses participation beyond citizen workshops and is a collection of good practices rather than a mandatory document. As such, this commitment marginally opened government regarding civic participation, since it introduced new government practices that have yet to be institutionalised.

Stakeholders note that there is now a movement toward more public consultations as in the case of the Digital Republic Bill and the French National Food Conference⁹. Consultations are not yet centralised and ministries and administrations each create their own consultation platforms. There is also an accessibility issue for online consultations and the risk that it excludes certain groups. A stakeholder mentioned the public-private cooperative Mednum,¹⁰ which could train groups to use digital tools and enliven consultations.¹¹ The government should identify the best methods for advertising public consultations and making them accessible as there does not seem to be a clear strategy at the time of this report.

Carried Forward?

No, this commitment was not carried over to the next action plan.

1 "Engagement 13 : Capitaliser sur les consultations menées et rénover les dispositifs d'expression citoyenne" (accessed 18 Dec. 2017), <http://suivi-gouvernement-ouvert.etalab.gouv.fr/fr/Engagement13.html>.

2 "Débats et consultations" (accessed 18 Dec. 2017), <http://www.vie-publique.fr/forums/>.

3 Members of the Etalab team, interview with IRM researcher, 23 Oct. 2017.

4 Available here: <http://modernisation.gouv.fr/sites/default/files/fichiers-attaches/boite-outils-demarches-participation.pdf>.

5 SGMAP official, personal communication with IRM researcher, 3 Nov. 2017.

6 Ministère de la transition écologique et solidaire, *La charte de la participation du public* (17 Nov. 2016),

<https://www.ecologique-solidaire.gouv.fr/charte-participation-du-public#e4> (accessed 2 Oct. 2017).

7 CNDP, "Communiqué de presse, décret paru au journal officiel le 27 avril 2017 de nouvelles compétences pour la commission nationale du débat public" (CNDP, 27 Apr. 2017).

8 SGMAP official, personal communication with IRM researcher, 3 Nov. 2017.

9 Information available here: <https://www.egalimentation.gouv.fr/>.

10 Information available here: <https://lamednum.coop/>.

11 Member of Open Source Politics, personal communication with IRM researcher, 1 Nov. 2017.

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(s): Ministry of Justice

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
14. Overall			✓		✓	✓	✓				✓				✓		✓				

Commitment Aim:

This commitment aimed to improve citizens' access to justice by forming jurisdiction councils and publishing civil case judgments by national courts. Specific commitment activities form part of the broader "Justice of the 21st Century" agenda led the Ministry of Justice. The agenda includes reinforcing access to legal information and the courts, improving transparency in court procedure, and developing alternative modes for dispute resolution. It includes the creation of councils within courts of first instance and courts of appeal to facilitate a joint analysis between citizens and magistrates of issues, including jurisdictional assistance, access to justice and assistance to victims. These councils will facilitate dialogue between civil society members and members of the court. The commitment also involves follow-up on an evaluation of mediation and conciliation services. This report assessed how citizens might settle disputes outside of court, thereby relieving the overburdened judicial system. Lastly, the commitment aimed to publish information on national court judgments on certain civil or administrative litigation cases, and at forming partnerships between jurisdictions and universities to analyse the consistency of jurisprudence practices across different courts.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm assessment. After a pilot experiment of jurisdiction councils in January 2015, the Ministry of Justice issued a decree extending the establishment of the councils to all courts. The midterm assessment notes that the only permanent members on these councils are the judges, thus there is little possibility for other members to collect support and push an agenda since their participation is ad hoc.

On mediation and conciliation, completion was only limited. A law to modernise 21st century justice was in draft form as of June 2016 but was not passed until November 2016, outside the midterm assessment period. This law includes the development of mediation services and, in certain instances, it is now mandatory and free to try a conciliation before going to court. The law also facilitates mediation in administrative courts and an administrative judge may require parties to try mediation before going before the court. On experimental grounds, mediation has a requirement, for a four years test, for very specific cases relating to civil servants' personal situation¹. At the end of the first year of action plan implementation, the Ministry of Justice indicated that conciliators were being hired. The commitment was thus completed in legal terms but was yet implemented.

Lastly, the publication of certain civil and administrative judgements was limited. The Ministry of Justice created an information portal, justice.fr, for litigants as part of this commitment. This was 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) that allow a potential plaintiff to estimate the amount she or he might be awarded if successful. Court decisions had not yet been published as the Digital Republic Law, defining the relevant data and facilitating the publication of judicial decisions in open data format, had not yet been adopted. One problem identified in the midterm assessment was the lack of provision for anonymisation and identification risk assessment prior to publication, that had raised concerns both from CSOs and Axelle Lemaire, then minister in charge of the law. By the midterm assessment, the decrees necessary for these provisions to be implemented had not yet been published or submitted to the Commission for Information and Liberties (CNIL) and the Council of State, which must give their opinion on the draft decree.

According to the government self-assessment, local-level partnerships are developing to publish some caselaw. However, the report does not name any universities that have formed such partnerships to carry this work forward.

Year 2: Substantial

¹ [Association des Médiateurs des Collectivités Territoriales](http://www.amct-mediation.fr/m%C3%A9diation-et-justice-administrative). Mediation et justice administrative. Available at <http://www.amct-mediation.fr/m%C3%A9diation-et-justice-administrative> (accessed 13 April 2018)

This commitment remains substantially implemented by the end-of-term assessment due to the lack of public information on the implementation of the law to modernise justice.

As noted in the midterm assessment, Decree n°2016-514, issued 26 April 2016, generalises the creation of jurisdiction councils to all regional courts (tribunaux de grande instance) and courts of appeal. The IRM researcher did not find any public information on the extent to which these jurisdiction councils had been created but found scattered evidence of the creation of such councils in various courts.¹ An interview with a magistrate revealed that the jurisdiction councils were still largely unknown to judicial officials.² An internal note from the Ministry of Justice gives a positive evaluation of these jurisdiction councils, provides details on how to organise them, and encourages their expansion.³

Decree n° 2017-566, implementing the law on modernising 21st century justice, issued 18 April 2017, provides for mediation in litigation before an administrative judge. The implementation schedule for this law states that the list of mediators should have been published in January 2017,⁴ but no additional public information could be found.

The government self-assessment does not provide any new information since the midterm assessment. Regarding the publication of judicial decisions, the assessment of Commitment 12 in this report provides an overview of the current situation. In brief, Articles 20 and 21 of the Digital Republic Bill provide for open access to judicial decisions and the new Minister of Justice commissioned a study on the implementation of these articles in May 2017, which should be handed in by the end of October 2017.⁵

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Public Accountability: Did Not Change

The law on modernising justice and the Digital Republic Law contain major steps forward regarding access to judicial decisions and access to justice. However, the clauses relevant to this commitment have not yet been implemented and, as noted in the midterm assessment, the implementation of this commitment will reveal its impact. Questions remain. Will civil society be able to permanently participate in the jurisdiction councils? Will judicial decisions be opened and provide sufficient information? As such, this commitment has not yet opened government regarding access to information, civic participation or public accountability.

Jurisdiction councils have only started to form in various courts during Summer 2017. It is thus too early to assess if they will change government practices. As noted in the midterm assessment, the two key judicial trade unions, the Syndicat de la Magistrature (SM) and Union Syndicale de la Magistrature (USM), both expressed reservations as to the usefulness of these councils for improving access to, and information about justice.

Regarding the enabling of citizens to assess their chances of success in taking legal action, some jurisdictions had established partnerships with universities before the development of the national OGP action plan, such as the court of appeal of Montpellier and Reims.⁶ However, the government self-assessment does not provide any additional information on the extension of these partnerships. The IRM researcher thus considers that this sub-commitment did not contribute to change government practice in this policy area.

Carried Forward?

No, this commitment was not carried over to the next action plan.

1 E.g. TGI d'Evry, <http://unafam.91.free.fr/04-lettres%20adherents/2016/2016-09-00-lettre.pdf>; TGI de Draguignan, Une nouvelle présidente au tribunal de grande instance de Draguignan; <http://www.varmatin.com/justice/une-nouvelle-presidente-au-tribunal-de-grande-instance-de-draguignan-170152>; TGI de Toulouse, <https://www.ladepeche.fr/article/2017/09/29/2654990-conseil-jurisdiction-doit-ouvrir-justice-vers-exterieur.html> (accessed 2 Oct. 2017).

2 Magistrate, member of Anticor. personal communication with IRM researcher, 11 Oct. 2017.

3 Bulletin, “Officiel du Ministère de la Justice, Note du 26 juillet 2016 relative à la mise en œuvre des dispositions du décret n° 2016-514 du 26 avril 2016,” http://www.textes.justice.gouv.fr/art_pix/JUSB1622161N.pdf. (accessed 29 September 2017)

4 Légifrance, *Echéancier de mise en application de la loi* (23 Aug. 2017),

https://www.legifrance.gouv.fr/affichLoiPubliee.do;jsessionid=2B1AB79A526C62E128619EEEEED095E24.tpdila08v_3?idDocument=JORFDOLE000030962821&type=echeancier&typeLoi=&legislature=14 (accessed 2 Oct. 2017).

5 La Gazette des communes, *Où en est l’ouverture des données de jurisprudence ?* (29 Sept. 2017),

<http://www.lagazettedescommunes.com/526366/ou-en-est-louverture-des-donnees-de-jurisprudence/> (accessed 1 Oct. 2017).

6 Ministère de la Justice, *Synthèse des contributions des juridictions*, (16 Jun. 2014),

<http://www.justice.gouv.fr/publication/justice21-synthese-contributions-juridictions.pdf> (accessed 2 Oct. 2017).

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 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

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
✦ 15. Overall			✓		✓						✓				✓				✓		

Commitment Aim:

This commitment aimed to create a legal framework to implement an open data policy. It seeks to do so by entrenching the principles of proactive data disclosure in law, as well as ensuring access to data is free and unrestricted. This commitment is a precondition to the implementation of other commitments in the action plan, such as Commitment I regarding the opening of budget data at the local level. Before this action plan, there was no government-wide policy for defaulting to open data and, in turn, no obligation for publishing government-held data. This commitment creates formal, time-bound requirements to bridge the critical stage between passing a law and its successful implementation.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm assessment. Its milestones were implemented to varying degrees. For example, during the first year of implementation, no pivotal data were opened and steps toward completion were not yet taken. However, a milestone concerning opening local data was completed through the adoption of the NOTRe Law in August 2015, which requires public institutions for inter-municipal cooperation, local and regional authorities (with more than 3,500 residents) to make public information available in open data format. Similarly, the default opening of public data was ensured by the adoption of the Digital Republic Law in October 2016. Lastly, the midterm assessment considered that only limited advancements were made regarding studying the opening of general interest data.

Year 2: Substantial

This commitment is still considered as substantially implemented by the end-of term assessment. The government self-assessment also codes all the milestones as substantially completed. Adoption of the Digital Republic Law in 2016 was a significant development to improve access to information, but implementation of the law has not started.

Pivotal data has started to be opened. Etalab defines “pivotal data” as synonymous to reference data and mentioned the public service of data and the nine reference datasets that have been opened (see Commitment 11)¹. An example of progress is the National Institute of Statistics and Economic Studies (INSEE) opening SIRENE, which is a directory of French companies and establishments that is critical for monitoring beneficial ownership in France.

Article 6 of the Digital Republic Law requires that administrations – except legal persons with less than 50 agents or employees¹ – publish online data having an economic, social, sanitary or environmental interest, with the exception of information that concerns procedural secrets, economic and financial information, or commercial and industrial strategies if the service is subject to competition. The Digital Republic Law’s second section concerns the requirement to publish public interest data relating to concession contracts (Article 17) – extending open data requirements to private contractors, the energy industry (Article 23), to judicial decisions (Articles 20 and 21), and to state’s property (Article 24).

Article 6 of the Digital Republic Law also addresses local governments. It abrogates the provisions of Article 106 of the NOTRe Law and imposes the ‘default open data’ rule to local governments of more than 3,500 residents. Decree n° 2016-1922, issued 28 December 2016, specifies the law’s implementation. Commitment 1 of this national action plan seeks to implement this Decree. Stakeholders from civil society note that the ‘default open data’ rule is not respected in practice because local government, with the exception of several bigger cities, do not have the financial and technical capacity to implement the new law.² As indicated in the evaluation of Commitment 1, a support pilot mission was launched by the government in nine local governments to help them implement the new law and open the necessary data. The execution of the project was delegated to Opendata France. The project was ongoing when this report was written (October 2017) and the conclusions of the pilot experimentation should be presented in December 2017.³

The ‘default open data’ rule does not seem to be fully implemented in the central government either. All administrations with more than 50 staff are required to open certain data: all documents communicated following a Freedom of Information request (by April 2017); all documents listed as public information (by October 2017); their databases (by October 2018); all data of particular economic, social, sanitary or environmental interest (by October 2018); and the rules that define the algorithms that guide individual decisions (by October 2018).⁴ Journalist Xavier Berne tested the implementation of the new law by comparing documents requested by citizens to CADA, the Commission d’accès aux documents administratifs. The documents requested by citizens should be published online per the new law, and the websites of the relevant ministries, but Berne found that very few of these documents had been posted online.⁵ Officials interviewed by the journalist point to the absence of sanctions to explain the low level of implementation. Berne states a lack of knowledge

¹ Members of the Etalab team, interview with IRM researcher, 23 Oct. 2017.

and awareness among public officials is another factor that explains the low level of implementation². Additionally, he finds that Etalab, responsible for implementation of this commitment, had limited financial and human resources to devote to the commitment activities.⁶

Did It Open Government?

Access to Information: Marginal

As outlined in the midterm assessment, prior to this action plan, there was no government-wide policy of open data by default and therefore no obligation to publish government-held data. Developments made by the government under this commitment, and the adoption of the Digital Republic Law in particular, are a step forward for government openness regarding access to information. However, the Digital Republic Law still needs to be fully implemented; therefore the commitment's scope and scale remain limited and has only contributed marginally to open government. The potential of full implementation remains transformative.

The Digital Republic Law entrenches in law the principle of default open data, which is a significant change in government practice. It contains clauses on the opening of public information in central and local governments as well as public interest data produced by private contractors.

Although these are important improvements to increase access to information and government openness, the legislation still includes a number of exceptions concerning strategic information. In addition, it remains unclear how the government will support local entities in their efforts to open data. Indeed, interviews with stakeholders reveal that the new by default clause is not respected and that both national administrations and local governments experience financial, technical, and cultural difficulties in implementing the new law. Stakeholders identified significant cultural obstacles to the implementation of the Digital Republic Law, including a general lack of awareness of the benefits of open data and government within the government and civil society, therefore leaving a small community of interested parties.⁷ Bloom, an ocean protection association, shared the obstacles they met when trying to access information on the attribution of European fishing subsidies in France: (i) the poor governance of data leading to a diluted responsibility for managing and sharing data; (ii) the poor quality of the data received, which reduces its usability; and (iii) the absence of visibility of public data, making it difficult to know what data is available and can be requested, and from whom. The last point was shared by other stakeholders as well.⁸

Carried Forward?

Yes, this commitment was carried over to the next action plan. In the new action plan, the focus is on opening new datasets; on improving the open data platform (data.gouv.fr); on assisting the government agencies and local governments to open their data and fostering dialogue with public officials; on designating specialised data administrators in Ministries; and on evaluating the impact of the efforts undertaken so far to open data.

1 See decree n° 2016-1922 issued 28 December 2016.

2 Member of Open Source Politics, personal communication with IRM researcher, 31 Oct. 2017.

3 Opendatafrance, *Le planning*, <https://bourgogne.gitbooks.io/presentation-opendatalocale/content/le-planning.html> (accessed 2 Oct. 2017).

4 Xavier Berne, *Mais que faut-il pour que l'État se mette à la transparence ?* (NextImpact, 30 Oct. 2017), <https://www.nextinpact.com/news/105503-mais-que-faut-il-pour-que-letat-se-mette-a-transparence.htm>.

5 Xavier Berne, *On a testé les premiers pas de l'Open Data « par défaut »* (NextImpact, 20 Sept. 2017), <https://www.nextinpact.com/news/105213-on-a-teste-premiers-pas-lopen-data-par-defaut.htm>.

6 *Id.*

7 Member of Open Source Politics, personal communication with IRM researcher, 31 Oct. 2017; Former member of the Prime Minister's cabinet, personal communication with IRM researcher, 6 Nov. 2017.

8 Member of Bloom, personal communication with IRM researcher, 2 Nov. 2017; Former member of the Prime Minister's cabinet, personal communication with IRM researcher, 6 Nov. 2017.

² *Ibid.*

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(s): Ministry of State for State Reform and Simplification attached to the Prime Minister

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
16. Overall		✓			✓						✓				✓				✓		

Commitment Aim:

This commitment sought to open and develop calculation models currently used by many public services in open source, under a free license. The objective was to increase use of the models by different administrations, and ultimately develop simulation tools or platforms in different areas like social or education affairs. In the social field, this commitment aimed to continue the development and replication of OpenFisca, an open simulation of the socio-fiscal system, and build simulation tools or platforms.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm. Several new simulators were made available in open format, including the source code for the tax calculator of the Direction générale des finances publiques (DGFIP). The midterm assessment also indicates that the source code for the Post-Bac Admission (PBA) platform, notably the algorithm that assigns prospective students to

universities, of the National Education Ministry was expected to be opened during the second year of implementation.

OpenFisca was extended to other areas of legislation. Several versions and reuses of OpenFisca have emerged including: the mes-aides.gouv.fr platform, which calculates individuals' social benefits and provides information on how to access these benefits; a hiring cost simulator (<http://embauche.smap.fr/>) that allows companies to estimate the cost of hiring and the employee's net salary; the effective tax rate, which allows individuals to visualise the evolution of the effective tax rate according to salary and capital; and an alimony comparator for divorced couples. For more information, please see the IRM midterm report.

Year 2 : Substantial

The completion of this commitment is considered substantial, mostly due to the extension of OpenFisca and the publication of new codes.

During the second year of implementation, the Department of public finances (Direction générale des Finances publiques) published the source code for the calculation of household income taxes for the years 2010 to 2015, in addition to the already-published code for 2014.¹

In October 2017, the OpenFisca platform contained simulators on social assistance (mes-aides.gouv.fr), on hiring costs, effective tax rates, on the dependent spouse allowance reform, and on capital and labour tax rates.

In the summer of 2016, the National Statistics Institute and the Ministry of Social Affairs published the source code for their microsimulation model Ines, which calculates social contributions and social assistance programmes.² The simulator code is available through a platform managed by the association Adullact, which requires the creation of an account.³ A journalist tried to access the source code and notes the response time from the platform administrator could be rather slow.⁴ The issue of opaque models and algorithms gained notoriety in the second year of implementation when the Admission Post-Bac (APB) platform failed to find suitable university placements for thousands of students.⁵ The Minister in charge, Ms. Frédérique Vidal announced that the APB platform would be replaced by a new platform backed by an ethics committee.⁶ The previous Secretary of State for Higher Education and Research had commissioned Etalab to make recommendations on how to open the source code and data of the APB platform. Etalab published a report in April 2017 of their findings, including the need to publish the source code in an open format and develop future versions in a collaborative manner.⁷ The APB platform was abandoned in October 2017 and will be replaced by a new platform called Parcoursup.⁸ The IRM researcher could not find sufficient information to gauge if Etalab's recommendations were considered in developing the new platform.

Did It Open Government?

Access to Information: Marginal

Prior to this commitment, only limited information was provided regarding the source codes of public services, calculations and simulations. The opacity and complexity of the procedure related to social benefits resulted in people not using these rights. As the midterm assessment reports, there was traffic to the simulators developed under this commitment – an average 300,000 visits per day in July 2016 on mes-aides.gouv.fr, suggesting that these simulators meet a real demand. However, given the few source codes and simulation models that have been opened, this commitment remains limited in scope and scale. As such, it marginally opened government with respect to access to information.

Carried Forward?

Yes, this commitment was carried over to the next action plan. In the new action plan, the commitment focusses on evaluating existing algorithms in collaboration with civil society; on providing recommendations to public administrations on the use of algorithms; on developing a guide on open source code; and on organising hackathons on the opening of algorithms.

¹ Etalab, *Ouverture du code du calcul de l'impôt sur le revenu, années 2010 à 2015* (Etalab, Sept. 2017), <https://www.etalab.gouv.fr/ouverture-du-code-du-calcul-de-limpot-sur-le-revenu> (accessed 1 Nov. 2017).

2 NextImpact, *Le modèle de simulation Ines, de l'INSEE et la DREES, passe en open source* (NextImpact, Jun. 2016), <https://www.nextinpact.com/news/100233-le-modele-simulation-ines-l-insee-et-drees-passe-en-open-source.htm> (accessed 1 Nov. 2017).

3 Available here: <https://adullact.net/projects/ines-libre>.

4 NextImpact, *Le modèle de simulation Ines, de l'INSEE et la DREES, passe en open source* (NextImpact, Jun. 2016), <https://www.nextinpact.com/news/100233-le-modele-simulation-ines-l-insee-et-drees-passe-en-open-source.htm> (accessed 1 Nov. 2017).

5 Camille Stromboni, "APB 2017 : plus de 65 000 jeunes toujours sans affectation dans l'enseignement supérieur" (Le Monde, 22 Jul. 2017), http://www.lemonde.fr/bac-lycee/article/2017/07/22/apb-2017-22-891-candidats-sont-d-ores-et-deja-inscrits-en-procedure-complementaire_5163736_4401499.html?xtmc=admission_post_bac&xtcr=66 (accessed 17 Dec. 2017).

6 Séverin Graveleau, "La CNIL remet en cause le fonctionnement de la plate-forme APB" (Le Monde, 29 Sept. 2017), http://www.lemonde.fr/campus/article/2017/09/29/la-cnil-remet-en-cause-le-fonctionnement-de-la-plate-forme-apb_5193207_4401467.html#sjzCyY5TsG0kiX6c.99 (accessed 5 Oct. 2017).

7 Etalab, *Rapport de la mission Etalab sur les conditions d'ouverture du système Admission Post-Bac* (Etalab, 2017), https://www.data.gouv.fr/s/resources/rapport-sur-les-conditions-douverture-du-systeme-admission-post-bac/20170421-101632/20170420_Rapport-Etalab-missionAPB-VF.pdf (accessed 1 Nov. 2017).

8 Ministère de l'éducation nationale, *Plateforme d'admission dans l'enseignement supérieur : nouvelle formule, nouveau nom* (2017), <http://www.education.gouv.fr/cid122995/plateforme-d-admission-dans-l-enseignement-superieur-nouvelle-formule-nouveau-nom.html> (accessed 17 Dec. 2017).

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/anglais/

- 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(s): Prime Minister's Office; Ministry of State for State Reform and Simplification attached to the Prime Minister

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
17. Overall				✓	Unclear						✓				✓		✓					

Commitment Aim:

This commitment aimed 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 state-granted digital identity, which can be used to access all digital public services with a secure single sign-on. This tool allows access to various administrative services online without having to create separate accounts.

The envisioned activities were e-government initiatives that simplify access to online public services. While these are important measures for integrating and harmonising government-held information across government institutions, the commitment does not clearly articulate how these efforts will

open the government by disclosure of more public interest information, or how it creates opportunities for civic participation or public accountability.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm assessment. The strategic framework, “Government as a Platform and France Connect,” was validated by a 20 April 2016 decree.¹ A final version of the general interoperability framework was made available online on 27 April 2016. A decree authorised the launch of France Connect in July 2015 and, after a pilot phase, France Connect was launched officially on 29 June 2016 by the Secretary of State for Reform and Simplification and the Digital State Secretary. In addition, the api.gouv.fr portal, which registers all APIs that were developed the services using these APIs, was launched on 21 June 2016.

The last milestone of this commitment, regarding the awareness-raising activities, was the only milestone not considered completed by the midterm assessment. According to the government self-assessment, a special tool named ATENA (dispositif d’Accompagnement à la Transformation Numérique des Administrations) that accompanies new digital services was created in 2015.

Year 2: Complete

This commitment is now considered fully implemented. Most milestones had already been completed by the midterm assessment. The government self-assessment indicates that information and awareness-raising events are organised on a monthly basis.

In addition to raising-awareness, efforts have been made to develop new tools and APIs to facilitate access to certain services. The self-assessment indicates that 70 relevant projects aiming at creating new services had been identified through the ATENA (dispositif d’Accompagnement à la Transformation Numérique des Administrations) tool. More information can be found on the ATENA blog <http://atena.blog/index.php/2017/02/16/atena-letat-plateforme-en-action/>.

Twenty projects received financial support from “Investing in the Future” programmes through the “Digital identity and user relationship” and “Tell us once” calls for projects.

Did It Open Government?

Access to Information: Did Not Change

This commitment sought to develop digital services and facilitate citizens access to public services. Its envisioned activities are e-government initiatives and not immediately relevant to OGP values. The government successfully implemented the milestones of this commitment but they do not contribute to improving access to information as no new information has been disclosed. Nor do they facilitate civic participation or public accountability. Etalab noted that this commitment’s activities can help open government, for example, by changing administration procedures and improving their collaboration through APIs.²

Carried Forward?

Yes, this commitment was carried over to the next action plan, with a focus on further development of the FranceConnect platform and the development of priority public services on the platform.

¹ “Arrêté du 20 avril 2016 portant approbation du référentiel général d’interopérabilité” (Legifrance, 2016), <https://www.legifrance.gouv.fr/eli/arrete/2016/4/20/PRMJ1526716A/jo>.

² Member of the Etalab team, interview with IRM researcher, 23 Oct. 2017.

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

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
18. Overall			✓		✓	✓			✓				✓				✓				

Commitment Aim:

The commitment aimed to improve existing digital services by collecting and analysing key use statistics of digital services platforms, and by building new digital services in response to collaborations with users. The two objectives of the commitment are to disclose more information on how effectively these digital public services platforms are used and to create opportunities for citizen input on the design of e-government services. A central aspect of the commitment revolves around analysing website usage but the text does not specify the exact number of websites to be analysed, nor does it define the "key figures" to be published about ministry websites. The commitment does not specify which services will be addressed by user feedback, nor does it detail the collaboration involved in improving public services. This commitment was a step forward in

tracking data on the use and efficacy of digital public services and toward increasing access to e-government services.

Status

Year 1: Limited

Completion of this commitment was limited by the midterm assessment. The government had not yet started publishing key figures on the use of public services. The IRM researcher noted that during this period, there was no standard definition for “key figures” or other usage indicators for online public services, and was unable to find public evidence that each ministry had published their key figures. The government self-assessment argues that this commitment achieved substantial completion, but the evidence provided is an update to the digital public services dashboard, which took place in September 2016, outside of the period covered by the midterm report. A data science expert noted that the dashboard enables tracking the number of visitors to specific ministry websites and the frequency of visits but is insufficient to track how visitors navigate between government websites or even inside a single ministry’s website. The government self-assessment confirmed that mapping activities did not take place during the first year of implementation.

Regarding the statistical analysis of data from government websites, the government made limited steps forward. While the commitment specifies “around 650 sites,” in July 2016 the government only published audience analytics for approximately 100 government websites. However, the data offers increased levels of granularity for statistical data on government websites including analytics on a monthly and daily level. The data is available only at the website level and not on individual pages, except for the 50 most visited ministry web pages per day. The same goes for referrals, sources and supports used to visit the website. Data related to 97 different websites is published on a daily level.

Lastly, the SGMAP had organised multiple and regular open labs for Simplified Public Procurement projects; the labs allow collaboration between stakeholders on project construction. It also organised similar co-design workshops during the creation of the France Connect project, the national single sign-on service. At the time of the midterm report, 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 impacted the project.

Year 2: Substantial

The completion of this commitment is still considered limited by this end-of-term assessment. The government self-assessment does not provide any evidence of new developments for this commitment.

The main development in the second year of implementation were updates to the digital public services dashboard published in September 2016 (3rd edition) and in May 2017 (4th edition). The dashboard helps administrations adjust their digital services to meet users’ needs. The dashboard contains the results of an annual telephone survey of 1006 private individuals and 600 private companies. The survey asks for users’ habits and satisfaction, and, for 30 specific services, administrative statistics on the actual portion of digitalised services undertaken in the last year. The IRM researcher could not find the dashboard data in open data format and the methodological note lacks detail, especially regarding information taken from the administration.

The government also started to provide data on total visits, visit frequency, and the audience of ministry websites through a dashboard and .csv datasets on data.gouv.fr. There are three datasets on monthly visitors to the prime minister’s website, gouvernement.fr: (i) a dataset for webpages on governmental actions, decisions and policy; (ii) a dataset on audience by theme; and (iii) a general dataset on the audience. These contain very limited information and the granularity is low (e.g. the latter merely contains the pages viewed, visits, cumulated visits, pages/visit, duration, and bounce rate). There is also a dataset of the daily visits to all governmental websites.

The IRM researcher did not find any evidence that the data provided by the government could allow mapping of web traffic or a measure the integration of governmental websites.

Lastly, the Secretariat for the Modernisation of Public Action (SGMAP) has developed multiple tools to better serve the end-user when developing or reforming services. They use various methodologies to measure user satisfaction, such as an opinion barometer for instance. The SGMAP’s role is to assist other administrations in changing their work methods and they have

developed a kit to better measure and account for user feedback¹ and a list of guidelines for taking the user into account in digitalised public services². The SGMAP also functions as an incubator for developing new digitalised public services.³ The team also developed a co-construction method that can be used by other administrations.⁴

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

The objective of this commitment was to digitalise public services and provide an opportunity for end-users to influence this digital transition. It relates to OGP values as far as it had the potential to track user data and increase access to public services. Given that the government failed to complete most milestones, this commitment did not open government practice with respect to access to information and civic participation.

The IRM researcher did not find any evidence that these activities created an opportunity for the public to influence decisions. The digital public services dashboard provides information on user satisfaction but at a very general level. The questionnaire asks users if they were satisfied with their experience when they opened an account or searched for information; the IRM researcher did not find evidence of an opportunity given to users to provide more precise feedback. The lack of information provided on the co-construction events and methods further support coding the changes to government practices and openness as ‘did not change’ since these participation opportunities were one-off events and do not seem to indicate a change in government practice to include regularly user co-construction and feedback in public service design.

The government does provide information on the audience of governmental websites or on the use of digital public services. The data is general and insufficiently granular to be useful. The IRM researcher did not find any public information regarding the reuse of these datasets. It is thus hard to assess the relevance of the information provided. As such the changes can only be considered as minor.

Carried Forward?

Yes, this commitment was carried over to the next action plan, with a focus on the development of a list of services accessible online, on the publication of an open and collaborative dashboard on digital public services and on the publication of civil society and user feedback.

¹ Available here: <http://www.modernisation.gouv.fr/la-qualite-des-services-publics-samelioire/par-la-consultation-et-lecoute/kit-satisfaction-des-usagers>.

² Available here: <http://www.modernisation.gouv.fr/ladministration-change-avec-le-numerique/par-des-services-numeriques-aux-usagers/les-10-principes-dune-demarche-en-ligne-exemplaire>.

³ More information available here: <https://beta.gouv.fr/>.

⁴ Available here in bêta version: <http://comment-faire.modernisation.gouv.fr/index.html>

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 Institution(s): Ministry of National Education, Higher Education and Research; Ministry of Urban Affairs, Youth and Sport
 Supporting Institution(s): N/A
 Start Date: Not Specified End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
19. Overall		✓			Unclear					✓					✓			✓				
															✓							

Commitment Aim:

This commitment sought to allow citizens to contribute to youth education through two milestones: 1) create a volunteer civic service program for youth; and 2) 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 can be performed either through a public agency at the local level, or with CSOs and NGOs pending an approval process. The government sees it as providing direct access to professional experiences, as well as a way of addressing the social exclusion of youth groups. In theory, the program offers youths aged 16 to 25 (and 30 for persons with disabilities) the opportunity to work for six to twelve months in one of nine priority areas defined by the government including education, health, culture and leisure, environment, international development and crisis emergency response.

In a speech given one month after the January 2015 Paris attacks, President Hollande established a connection between the massive and spontaneous march for peace and solidarity with the victims, citizens' desire to help and serve the common good of France, and the need for a civic youth service to reinforce national cohesion and shared 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 the citizen reserve for education. Future participants can enrol through a digital platform.

While the commitment strives to engage young people in civic education and could help schools throughout the country, it does not create new opportunities for opening the decision-making processes to more citizens. 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.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm assessment. 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. The second year of implementation aimed to recruit a further 10,000 youths for the 2016-2017 school year. The aim of the second milestone, to

create the reserve, 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. 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. For more information, please see the IRM midterm report.

Year 2: Substantial

This commitment remains substantially implemented at the time of the end-of-term assessment. The government self-assessment provides no evidence that new steps were taken toward full completion of this commitment. The website dedicated to the civic service in education for youth was last updated in October 2016, providing the information listed in the midterm assessment.

The civic reserve has been institutionalised through the Law on Equality and Citizenship n°2017-86 adopted 27 January 2017. The civic reserve for the national education is enacted through Article L.911-6-1 of the education code. According to an article published in Libération, in April 2016 there were about 5,000 volunteers in the civic reserve. When the article was published, volunteers began to get frustrated, as no meaningful action had occurred, despite being enrolled for months; this suggests the policy is mostly symbolic.¹

Did It Open Government?

Access to Information: Did not change

Civic Participation: Did not change

Public Accountability: Did not change

In the midterm IRM report, this commitment was assessed as not relevant to any OGP values since the commitment activities did not create any new opportunities for citizens to engage in the decision-making process for civic education. Moreover, the IRM researcher did not find any information regarding any evaluation of the programs or on concrete, positive results of these activities. As such, this commitment, as implemented, did not open up government practice in terms of access to information, civic participation, or public accountability.

Carried Forward?

No, this commitment was not carried over to the next action plan.

¹ Marie Piquemal, "Réserve citoyenne : «J'en ai assez de cette mascarade, j'abandonne»" (Libération, 6 Apr. 2016), http://www.liberation.fr/france/2016/04/06/reserve-citoyenne-j-en-ai-assez-de-cette-mascarade-j-abandonne_1444274 (accessed 5 Oct. 2016).

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(s): 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 (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
20. Overall				✓	Unclear					✓					✓			✓				

Commitment Aim:

This commitment aimed to diversify recruitment of government civil service through two channels: (i) develop new channels for entry into the civil service; and (ii) address the discriminatory biases in the recruitment process.

The lack of civil servant diversity has long 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. 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 is not representative of the French population and that the profile of civil servants at the state and local level is not that of the average French person.

Schools that train civil servants, such as the National School of Administration (ENA), are often criticized for their lack of diversity. 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 commitment does not describe which discrimination issues have been identified in the civil service recruitment process or whether the proposed measures are appropriate 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 access to entrance exams or training courses for the relevant HR personnel can address such issues.

This commitment is of unclear relevance to OGP values, as all proposed initiatives are internal to government and refer to avenues to apply to either civil service positions or to enrol in a preparatory school.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm assessment. A “troisième concours” (a pre-existing third entrance exam and additional channel for entrance to the civil service) was created for external candidates coming from civil society, trade unions, or those who have one or more mandates as assembly members at the local level, including apprenticeship and professional contracts. Article 159 of the Equality and Citizenship Act enacted 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, in all three public spheres: the State level, the local level, and the hospital public service.

Regarding an increased number of available seats in preparatory classes for entrance exam A (the highest level of entrance exam), implementation was limited. In 2017, ENA offered 24 spots in its preparatory class, an increase from the 17 offered in 2016 and 2015. While this activity aimed to double the number of enrolled students in 2016 to 1,000, 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. Regarding an increase in public service apprenticeships, the government ran a national-level campaign to promote recruitment of apprentices. An official report, published in June 2016, indicated a 370 percent increase in public service apprenticeships, from 763 in 2014 to 3,589 in 2015. In 2015, 4,390 apprenticeships were signed.

Two appraisals of discrimination issues occurred. Olivier Rousselle, a State Council member, was in charge of one appraisal and its report was published 16 February 2017. Another appraisal was led by Yannick L'Horty and was handed to the Prime Minister on 12 July 2016. The Rousselle report recommended amending the legislation to open juries and recruitment committees to at least one person outside the administration. Institutionalisation of this measure within the national public service could be mandated by a State Council decree. A mandatory sensitisation training and a diversity certification were already in existence before the national action plan was developed. For more information, please see the 2014–2015 IRM midterm report.

Year 1: Substantial

This commitment remains substantially implemented by the end of the term. Based on desk research, there were no significant developments in the second year of implementation.

The issue of access to public service has been integrated in the Law n° 2017-86 on Equality and Citizenship, adopted 27 January 2017. The government self-assessment indicates that five additional

seats were created in the ENA preparatory classes and 86 in the preparatory classes for the Regional Administrative Institute (IRA). Data was provided on the preparatory classes from 2010 to 2014 but has not been updated since 2014. The government self-assessment also indicates that the objectives for 2016 have been fulfilled, with an increase of almost 25%,¹ and 10,000 apprenticeships expected for 2017. The IRM researcher did not find any publicly available information in the number of apprenticeships created during the second year of implementation of the action plan. The Ministry of Public Service was active in a number of reforms to modify access to civil service, including the composition of juries which should be more professionalised since the circular of June 24 2015.²

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Public Accountability: Did Not Change

Increased access to, and diversity within, the civil service is important for maintaining trust in public institutions and the legitimacy of public authority. However, as indicated in the midterm IRM report, this commitment largely focused on internal government reforms and hence was not relevant to OGP values. As implemented, the commitment activities made some preparatory steps towards more significant reforms to the civil services, such as the inclusion of more diverse publics but did not create opportunities for citizens to further engage in decision-making regarding diversity in the civil service, nor were there public-facing mechanisms established to hold public officials accountable when addressing discriminatory practices within the civil service. Therefore, the commitment did not clearly relate to OGP values. Moreover, the IRM researcher did not find any information regarding any evaluation of the initiatives. As such, this commitment did not contribute to open government.

Carried Forward?

No, this commitment was not carried over to the next action plan.

¹ Ministère de la fonction publique, *Les nouveaux apprentis dans la fonction publique en 2015* (2016), <https://www.fonction-publique.gouv.fr/files/files/statistiques/stats-rapides/apprentis-2015.pdf> (accessed 6 Oct. 2017).

² Ministère de la décentralisation et de la fonction publique, *Guide pratique Des concours administratifs à l'usage des présidents et membres de jurys* (2015), https://www.fonction-publique.gouv.fr/files/files/publications/coll_outils_de_la_GRH/guide-concours-administratifs-jurys-2015.pdf (accessed 6 Oct. 2017).

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(s): 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): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
21. Overall		✓				✓				✓				✓				✓			

Commitment Aim:

This commitment aimed to increase the digital literacy of public officials, as well as civil service students who are prospective public officials. Digital literacy, defined as a set of competencies required for full participation in the digital society, has become a core skill for the workforce and

citizens in general. It has been argued that the public sector and elected officials in France have significant knowledge gaps in 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.¹ This commitment aimed to address this insufficiency 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.

Overall, the commitment activities focus on changing internal government practices and reinforcing affirmative attitudes toward openness in data and digital information, and do not disclose a significant amount of new information or improve the quality of disclosed information. One of the commitment activities does include engaging civil society to train public officials, which is participation. However, there is no specific description of what this would entail. These activities are a critical first step toward improving the culture of access to information, but by itself they are not relevant to access to information because the activities do not include publishing resources or data.

Status

Year 1: Limited

Completion of this commitment was limited at the time of the midterm assessment. During the first year of implementation, several training modules were developed:

- the National Conservatory for Arts and Crafts in Paris and Bretagne launched a one-year vocational certificate, “National innovation and digital data,” for civil servants;
- Open Data France launched a training with Dataactiv.ist² called “Introduction to R and Data Science” for local civil servants; and
- the Next-Generation Internet Foundation (FING) designed the Infolab program for the public and private sectors.

Most of these trainings were developed by civil society in partnership with public institutions and attracted few civil servants. The French government was not the driving force behind the trainings and did not sufficiently advertise the programs. In addition, the midterm assessment noted that the trainings were too technical and targeted civil servants who already had a good sense of data literacy rather than a broader, less technical audience. Trainings for civil service schools were more successful, with the National School of Administration (ENA) launching a continuing training program entitled “Ouvrir et partager des données publiques” (opening and sharing public goods). At Sciences Po Paris, two classes provide training to civil service students on the use of data and open government.

Lastly, at the Regional Institute of Administration (IRA), students organised a two-day seminar on how digital technologies can transform government administration. According to the self-assessment, the government held a 2016 seminar for directors of central administrations; the seminar discussed digital innovation and e-government but no public information on decisions made during this seminar was available.

Year 2: Limited

Completion of this commitment is still considered limited at the end of term. The government began training and awareness-raising initiatives but these were hindered by a lack of high-level support and resources.

Etalab works with a network of open data (not open government) correspondents in each ministry and organises monthly meetings to facilitate communication and collaboration within this group. There is also a network of ministerial data administrators for higher level civil servants. Stakeholders note that the awareness and interest for open data and open government is not equal across ministries.³ Etalab still lacks sufficient leverage to centralise and spread information in an efficient manner⁴ and stakeholders recognised that despite the efforts of the Etalab team, awareness and uptake remain anecdotal. One of the problems identified by stakeholders is the general lack of high-level support for the topic overall as well as for the activities of the open data correspondents in each ministry.⁵ The Etalab team is currently working on an open data guide to train administrators and raise awareness about the benefits of open data.

On the issue of data literacy, Etalab works with intermediaries, such as Opendata France, for local governments. OpenDataFrance organised a training of trainers on open data and data literacy in Aix-

en-Provence in September 2017 and in Valence in July 2017. Ten people became trainers after these sessions. Additional sessions will be organised in Paris in October 2017.⁶

Did It Open Government?

Civic Participation: Did Not Change

As written, this commitment was found not largely relevant to OGP values, since the activities were restricted to reforming internal government procedures. Given the lack of a digital culture and awareness within the administration, the activities of this commitment are not completely irrelevant.⁷ However, they do not fit OGP standards for impacting government beyond internally-focused activities. The lack of public information regarding high-level activities concerning digital knowledge and training makes it difficult for the IRM researcher to gauge completion of this activity.

One potential avenue for increased civic participation was the involvement of civil society in producing open data training modules. However, as indicated in the midterm assessment, these trainings developed by civil society attracted few civil servants (the target audience) and based on public information, there is no clear evidence of the trainings leading to any significant change in government practices. As such, this commitment did not contribute to opening government with respect to civic participation. It should be noted that the need for training and awareness-raising was seen as central by a large number of stakeholders. Sarah Labelle, a scholar on the Etalab team in 2016, identified insufficient knowledge about open data as an important obstacle to opening government in France.⁸ Opendata France came to the same conclusion regarding local governments.⁹

As noted in the midterm assessment, 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. This commitment constitutes a step towards data literacy in the civil service, which in turn is a pre-requisite for contributing to better access to information and a more open government in general.

Carried Forward?

Yes, this commitment was carried over to the next action plan, with a focus on the designation of data administrators in all ministries and on the creation of digital service incubators in all ministries.

1 Laure Belot, "Les elites debordees par le numerique" (Le Monde, 6 Apr. 2016).

http://www.lemonde.fr/technologies/article/2013/12/26/les-elites-debordees-par-le-numerique_4340397_651865.html (accessed 6 Oct. 2017).

2 Disclaimer: Dactactivi.st, the organization involved in training local civil servants on statistical analysis tools, hired The IRM researcher, Cecile LeGuen, responsible for assessing year 1 implementation of the OGP Action Plan. However, the researcher was not involved the design of this training program. However the researcher attended the training module.

3 Member of Open Source Politics, personal communication with IRM researcher, 31 Oct. 2017; Former member of the Prime Minister's cabinet, personal communication with IRM researcher, 6 Nov. 2017.

4 Etalab team, personal communication with IRM researcher, 23 Oct. 2017.

5 Former member of the Prime Minister's cabinet, personal communication with IRM researcher, 6 Nov. 2017.

6 OpenDataFrance, *OpenDataLocal : le promotion de formateurs* (OpenDataFrance, 27 Sept. 2017), <http://www.opendatafrance.net/2017/09/27/opendatalocale-le-promotion-de-formateurs/> (accessed 6 Oct. 2017).

7 Former member of the Prime Minister's cabinet, personal communication with IRM researcher, 6 Nov. 2017.

8 Sarah Labelle, personal communication with IRM researcher, 2 Nov. 2017.

9 OpenDataFrance, *Rapport sur les dispositifs d'accompagnement des collectivités locales a l'ouverture des donnees publiques* (OpenDataFrance, Oct. 2016), <https://cdn2.nextinpact.com/medias/rapport-odf-ct.pdf>.

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(s): Ministry for the Decentralization and the Civil Service; Ministry of State for State Reform and Simplification, attached to the Prime Minister

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
22. Overall		✓				✓				✓				✓				✓			

Commitment Aim:

The commitment aimed to help local authorities develop digital innovation in the public sector by creating innovation platforms, supporting local hackathons, and developing a social network for local innovation. Secondly, it sought to promote better understanding of open government by supporting research on the topic. This commitment is based on the idea that digital innovation must be spread evenly across the public sector, especially at the local level. The commitment activities include joining

local and state authorities in the challenge to identify and test new methods for designing public policy involving all public stakeholders.

Status

Year 1: Limited

Completion of this commitment was limited at the time of the midterm assessment. Two calls for proposals financed by the Future Investments Program (Investissements d'Avenir) were launched in 2016: "Professional territorial communities" and "Territorial innovation laboratories.¹" A hackathon on open contracting data was organised by SGMAP, Bretagne Regional Council, and Breizh Small Business Act association in Rennes organised and gathered 70 participants who worked in four thematic groups.

Regarding the program of applied research on open government, no formal research program had been established at the end of the first year. However, a partnership agreement was concluded with CNRS (National Centre for Scientific Research) to include a researcher (Sarah Labelle from the University Paris 13) on the Etalab team. Her work was featured during an event organised in October 2016 to debate and discuss emerging participative practices taking place in local administrations as well as in the private sector. Lastly, the Center for Research and Interdisciplinarity (CRI), the French Embassy in London, and the innovation foundation, Nesta, organised a seminar entitled "Digital Government: Next Steps & Potential Futures," with 26 researchers from France and the UK.

Year 2: Limited

Completion of this commitment is still considered limited in accordance with the government self-assessment. Several activities were undertaken during the implementation period but they do not fulfil the objectives that the government set out in the commitment text.

The calls for proposals financed by the Future Investments Program selected twelve initiatives in the "Territorial innovation laboratories" category, of which three had a digital component, mostly focussed on generating collaboration between public and private actors on digital issues. The IRM researcher, however, was not able to find any publicly available information regarding initiatives awarded in the "Professional territorial communities" category.

Sarah Labelle spent five months with the Etalab team, splitting her time between supporting the team's operations and conducting her research. Her activities focused on developing a framework to understand civil servants' training needs, developing communication material, and providing visual supporting materials for meetings. She worked with Opendata France to develop a series of modules that have since been tested.¹ Her main suggestion from this time spent with the Etalab team is that such innovations should be influenced both by research (data science, computer science, sociology, political science, communication, etc.) and the host administration.

Regarding the commitment activity to develop a formal research program, the IRM researcher could not find any publicly available information on whether this was started.

Did It Open Government?

Civic Participation: Did Not Change

This commitment aimed to improve opportunities for the public to inform or influence decisions through territorial public innovations and investment in applied research on the topic of open government. The limited completion of the activities makes it hard to observe any significant change in government practices. The activities that were implemented, namely the call for proposals and the short-term integration of a researcher within the Etalab team did not contribute to any significant changes in government practice regarding civic participation because the scope of the activities was too limited. Insufficient publicly-available information exists on any permanent adoption of the activities implemented. As such this commitment is considered to have not opened government practice with regards to civic participation.

¹ In French, *territoire* refers to a sub-national geographic area.

Carried Forward?

Yes, this commitment was carried over to the next action plan. In the new action plan, this commitment is focussed on the General Interest Entrepreneurs (EIG) (*Entrepreneurs d'intérêt general*), which the government want to institutionalise through consistent funding and the development of an alumni network. The commitment also mentions an objective to develop bills and regulations based on the EIG experience to foster technological innovation in public administrations. The new action plan contains a commitment on the development of an "open science" ecosystem, with planned actions such as increasing transparency of research funding, develop an open archive and promote open access to research.

| More information can found here: <http://opendatalocale.net/index.php/jeu-serieux-les-explorateurs-des-donnees-territoriales/> (accessed 2 Nov. 2017).

✦ 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*

Responsible Institution(s): Ministry of Public Action and Accounts

Start date: Not specified End date: Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
✦ 23. Overall				✓	✓		✓					✓				✓					✓	

Commitment Aim:

This commitment aimed to update the ethical rights and obligations of civil servants and to strengthen preventive measures against conflicts of interests. The commitment builds on recent efforts to reinforce transparency, such as the laws on the transparency in public life adopted 11 October 2013. The commitment has three main objectives: (i) assisting civil servants with ethics advice; (ii) extending interest and asset declaration obligations; and (iii) introducing a whistleblower protection mechanism. The commitment creates an ethics advisor in all ministries and expands the ethics commission's authority to ensuring stability in these new positions and creating a new advisory role regarding codes of conduct for public services. This commitment promises legal innovation: modifying the statute for civil servants to emphasise six core values (dignity, fairness, integrity, probity, neutrality, and separation of church and state); introducing preventive measures against conflicts of interest; and widening whistleblower protection over officials reporting conflicts of interest.

Status

Year 1: Complete

This commitment was complete by the midterm assessment. The promulgation of Law n°2016-483 in April 2016 on the ethics, rights, and duties of civil servants contains provisions on: (i) the definition of a conflict of interest and civil servants' duties to prevent them; (ii) the extension of whistleblower protection over conflicts of interest; (iii) the mandatory declaration of assets and interests for certain high-level civil servants; (iv) the extension of the ethics commission's authority to ensure stability in ethics-code advising to public services; and (v) the creation of an ethics advisor position in all national and local administrations. The midterm report could not assess the implementation of the law since it fell outside its timeframe. Decrees n° 2016-1967, n° 2016-1968, n° 2017-105, and n° 2017-519 specify how the law will be implemented. For more information, please see the IRM midterm report.

Year 2: Complete

According to the government self-assessment, the government considers the first milestone of its roadmap (ethics advisors) to be complete. The second milestone, comprising civil servants' declarations, the extended authority of the ethics commission, and the protection of whistleblowers to be substantially implemented. The government issued four decrees detailing how the law will be implemented.

Decree n° 2017-519, introducing ethics advisors in national and local administrations, specifies that the ethics advisor can be (i) one or several individual(s) presently or formerly working for the administration; (ii) a committee of individuals internal or external to the administration whose prerogatives are set by the head of the administration; or (iii) a sharing of the function between several administrations. The IRM researcher did not find sufficient public information to assess if these ethics advisors were nominated by the time of this report (September-October 2017). Decrees n° 2016-1967 and n° 2016-1968 provide a list of targeted civil servants, such as managing directors of national administrations, ministerial procurement officers, and general secretaries for regional affairs, who are required to declare interests and assets.¹ The High Authority for the Transparency of Public Life (HATVP) notes that the key change in the April 2016 law is the establishment of obligations and control mechanisms proportional to the degree that civil servants are exposed to conflicts of interest. The 11 October 2013 law requires elected officials to file their declarations with the HATVP; the 20 April 2016 law makes the requirement more personal, requiring officials to file their declarations with their superior and are only to be sent to the HATVP in case of doubt.² The law also authorised the HATVP and the Ethics Commission to exchange information, and leaders of these agencies signed a protocol to reinforce their collaboration on 27 September 2017.³

Decree n°2017-105 extends the responsibilities and competences of the Ethics Commission and modifies its composition. As a result of this decree, the Ethics Commission is now authorised to examine public official leaving public service to work in the private sector, the competitive public sector (*service public concurrentiel*), or to start their own company. The examination of these cases by the Ethics Commission is now mandatory, following which, the commission gives a judgment within two months.⁴ This judgement is mandatory if the commission expresses reservations or judges the case to be incompatible with ethical standards.⁵ The new law also prolongs the timeframe for direct referral (*auto-saisine*) by the commission. In addition, the commission is now allowed to request from private and public persons all the documents and information it deems necessary for its work. In its 2015 annual report, the Ethics Commission comments on the new law and regrets that certain lucrative activities undertaken by civil servants remain out its realm of control, namely those with micro-enterprise status (formerly auto-enterprise).⁶ Since 2016, full-time civil servants cannot be involved in micro-enterprises, with a few exceptions like consulting projects or teaching.⁷ Regarding whistleblower protection, the new 2016 law states that no measures can be taken as reprisal against an official who reports facts that could constitute a conflict of interest – a protection that previously only concerned the reporting of criminal offenses. The IRM researcher could find no public information on measures to strengthen whistleblower protection as a result of this law.

Did It Open Government?

Access to Information: Did not change
Public Accountability: Major

When France joined OGP, the government initiated a series of reforms to increase transparency in public life but the ethical rights and obligation of civil servants required updating. There was no definition in the general statute of civil servants of what constituted a conflict of interest and whistleblowers reporting conflicts of interest were not protected.

Adoption and implementation of Law n°2016-483 on the ethics, rights and duties of civil servants clarified ethical standards in the public sector and, as such, contributed to opening government regarding public accountability, but the developments remain limited in scope. There is now a definition of “conflict of interest” and the new legal framework creates obligations and control mechanisms proportional to the risk that civil servants are exposed to conflicts of interest. Through ethics advisors, a mechanism is legally provided to help civil servants understand and deal with ethical problems. However, the absence of information on the mechanisms proposed to protect whistleblowers, the vagueness as to the prerogatives and training of ethical advisors, and the obscure modification of the Ethics Commission make it difficult to assess implementation at this stage. The IRM researcher did not find any information on how these developments specifically affect the composition and resources allocated to the commission which could represent a risk of undermining the work of the commission. Therefore, this commitment is considered to have contributed to a major, rather than an outstanding, opening of government practice in this area.

The commitment was also coded as relevant to access to information. However, most activities constituted internal reforms with no additional information available to the public. Though some civil servants will be required to declare their interests and assets, this information will not be published as the declarations are addressed to their superiors and to the HATVP only if necessary. Therefore, the IRM researcher finds government practice, in terms of increasing access to information in this area, was not changed.

Carried Forward?

No, this commitment was not carried over to the next action plan. The new action plan however contains a commitment on increased transparency of lobbying.

1 Decree 2016-1967, chapter I and articles 1 – 5 of Decree 2016-1968.

2 Gabriel Poifoulot, *Probité de la vie publique : vers une harmonisation du cadre déontologique applicable à l'ensemble des responsables publics* (HATVP, 28 Jul. 2016), <http://www.hatvp.fr/presse/vers-une-harmonisation-du-cadre-deontologique-applicable-a-lensemble-des-responsables-publics/> (accessed 11 Sept. 2017).

3 HATVP, *La Haute Autorité et la Commission de déontologie renforcent leurs relations* (HATVP, Sept. 2017), <http://www.hatvp.fr/presse/la-haute-autorite-et-la-commission-de-deontologie-renforcent-leurs-relations/>.

4 Commission de déontologie de la fonction publique, *Rapport d'activité 2015 Accès des agents publics au secteur privé Rapport au Premier ministre* (accessed 11 Sept. 2017), https://www.fonction-publique.gouv.fr/files/files/publications/coll_outils_de_la_GRH/deontologie/2015-rapport-deontologie.pdf.

5 Les centres de gestions de la fonction publique territoriale de Bretagne, *Analyse détaillée de la loi déontologie Impacts statutaires – FPT* (10 Oct. 2016),

https://portail.cdg35.fr/beacdf17e90166e1ba64332030865eexy/iedit/11/76162_105288_fi_deontologie_Mutualisee_V6.pdf (accessed 11 Sept. 2017).

6 Commission de déontologie de la fonction publique, *Rapport d'activité 2015 Accès des agents publics au secteur privé Rapport au Premier ministre*.

7 More information can be found here: <https://www.legalstart.fr/fiches-pratiques/autoentrepreneur/fonctionnaire-autoentrepreneur/>.

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(s): Ministry of Foreign Affairs and International Development; Ministry of Ecology, Sustainable Development and Energy; National Commission for Public Debate

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
24. Overall		✓			✓	✓	✓		✓				✓				✓				

Commitment Aim:

This commitment aimed to mobilise civil society for COP21 by, among other tools, an online platform. The 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 change, applicable to all countries, with the aim of keeping global warming below 2°C.

Given the high interest of civil society in previous COPs and the Paris Agreement, climate activists were already mobilised for COP21. Civil society, both French and international, had been preparing for the conference, both through offline and online engagement. This commitment added little to the already ongoing massive mobilisation efforts by civil society. Commitment activities contained no details on how many meetings were planned, which civil society representatives would be invited, or what mechanisms would be used to sustain citizens’ engagement beyond COP21.

Status

Year 1: Limited

Completion of this commitment was limited at the time of the midterm assessment. A meeting with representatives of civil society took place in an informal consultation session on 15-16 April 2016 in Paris to discuss how future informal meetings with civil society should be held at COPs. Participants agreed on the process for organising 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; and 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 organised numerous debates and initiatives to be held in and around Paris during the two weeks of COP21. At no point was the government involved in the above activities. The terror attacks of November 2015 led to a State of Emergency that continued during COP21 and restricted public protests, including the Climate March, and obstructed civil society engagement in COP21 activities.

The Ministry of Ecology, Sustainable Development and Energy created a participatory platform to mobilise civil society in preparation for COP 21. The platform can be used by citizens to offer ideas and comments on environmental issues but the platform was not used for input on the Bill on Biodiversity; a separate platform was used for this purpose between 21 December 2015 and 8 January 2016. Results of conversations from this platform were not available and the development of the second version of the platform was not started during the first year of implementation.

Year 2: Limited

Completion of this commitment is still coded as limited at the end of term. The government self-assessment marks the commitment as completed but does not provide any evidence of new activities being implemented since the midterm assessment. Most activities of this commitment relate to COP21 and were thus bound to be achieved in the first year of implementation.

Decree n° 2016-1060, issued 3 August 2016, concerns access to information and public participation in decision-making on environmental issues. Implementing measures are specified in Decree n° 2017-626 issued 25 April 2017 and provide new tools for civil society to participate in the elaboration of environmental policies, clarify the procedures of public consultations, establish what documents should be shared beforehand, and largely digitalize public consultations to facilitate access.

During the first year of implementation, the National Commission for Public Debate (CNDP) organised a debate and presented its results at COP21. In order to continue the debate, the CNDP held a session 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?" The IRM researcher did not find any public information on the outcomes of this session.

The IRM researcher found no public information on the development of a second version of a platform facilitating citizen participation in environmental policy.

In the second year of implementation, the government self-assessment mentions that, after consulting public and relevant stakeholders, the Ministry of Environment, Energy and the Sea (MEEM) published a public participation charter with four articles: Article 1 states that public participation requires a clear and shared framework; Article 2 adds the requirement of a constructive mind-set; Article 3 states that such participation requires the government to seek and facilitate a wide mobilisation; and Article 4 that public participation should encourage citizens' power of initiative.¹

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

This commitment first and foremost concerned the preparation for COP 21 and the negotiations during that conference. Given that the commitment is context-bound, it did not have the ambition to change long-term government practices. However, the activities undertaken during COP21 could be said to create a precedent for including the public in international negotiations.

None of the activities undertaken in the framework of this commitment led to more or better information disclosed to the public. As such, this commitment did not open government regarding access to information.

Public consultation has increased on environmental issues due to a favourable legal framework. MEEM developed a public consultation website in 2013 following Law n° 2012-1460, adopted 27 December 2012, on public participation. The website is still actively used but cannot be considered in the IRM coding since it was developed prior to the OGP action plan. Excepting the public participation charter, the IRM researcher found no new tools or platforms to encourage public participation on environmental policy. Decrees n° 2016-1060 and n°2017-626 facilitate public consultation and coordinate action on environmental issues but the measures are yet to be implemented.

Carried Forward?

Yes, this commitment was carried over to the next action plan. In the new action plan, the commitment focuses on including public contributions in the monitoring and evaluation of the National Plan for Adaptation to Climate Change; on coordinating ministries for the OGP action plan; and on raising public awareness to encourage participation.

¹ The charter is available here: https://www.ecologique-solidaire.gouv.fr/sites/default/files/Charte_participation_public.pdf (accessed 9 Oct. 2017).

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(s): Ministry of Ecology, Sustainable Development and Energy; Minister of State for State Reform and Simplification attached to the Prime Minister

Supporting Institution(s): N/A

Start Date: Not Specified

End Date: December 2015

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
25. Overall		✓			✓			✓		✓					✓				✓		

Commitment Aim:

This commitment aimed to raise awareness of climate issues using open data to produce current and informative data visualisations paired with a new range of datasets, as well as providing opportunities for third parties to suggest solutions to climate challenges, using this newly-released data.

It includes two activities: 1) provide models regarding climate and sustainable development on the government open data platform; and 2) publish data from impact assessment studies carried out by the Ministry of Ecology, Sustainable Development and Energy.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm. Out of the 500 datasets on climate, energy and sustainable development that were supposed to be published to *data.gouv.fr* according to the government self-assessment, the midterm assessment found 27 of these datasets were tagged as "climate," 81 datasets as "energy," and 52 datasets were tagged as "sustainable development." If other datasets related to those three topics exist, they were said to be difficult to identify. Météo France published its models on *data.gouv.fr* and its own platform, *donneespubliques.meteofrance.fr*,

providing prediction and atmospheric forecasting models and simulators. 458 datasets were compiled on the government's open data portal for the Climate Change Challenge and were presented during a series of hackathons, which Etalab helped organise. As of July 2016, data on air quality models was missing from the platform.

Year 2: Substantial

Completion of this commitment is still coded as substantial at the end of term. The most significant development in the second year of implementation was the adoption of the law on biodiversity n° 2016-1087 on 8 August 2016.

The government self-assessment reports that raw data from impact studies should be transferred to the Museum of Natural History and published in open data format. The IRM researcher however finds the law (Article 7) to have a slightly different meaning, namely that raw data on biodiversity, gathered by project managers – public or private – during an impact assessment shall be included in the national inventory of natural heritage, managed and validated by the Museum of Natural History. The IRM researcher could not find any public information on the publication of this data. The law on biodiversity also created the French Agency on Biodiversity, but it is not clear how this agency is relevant to OGP values.

In October 2017, there were 33 datasets tagged "climate," 83 datasets tagged "energy," and 97 datasets tagged "sustainable development." The government self-assessment indicates that data on air quality should be available on data.gouv.fr. The IRM researcher finds that the information provided through the data.gouv.fr link consists only of a map of air quality in metropolitan France and that no dataset was available. Information is provided by PREV'AIR, the national platform on air quality prevision.

Did It Open Government?

Access to Information: Marginal

This commitment opened a number of new datasets on climate and sustainable development. However, the relevance of the data opened in the framework of this commitment remains unclear. As such, this commitment marginally opened government regarding access to information. Despite the new datasets available on data.gouv.fr in open data format, the lack of specificity of this commitment's activities and the difficulty of measuring resulting changes in government practices limits the impact of the commitment, as pointed out in the midterm assessment. Moreover, the IRM researcher could not find any public information on the criteria and logic of selection of data to be publish, nor on the regularity of which the data should be updated.

Carried Forward?

Yes, this commitment was carried forward to the next action plan. In the new action plan, the commitment focuses on making an inventory of the data produced by the Ministry of Ecological Transition and by the Ministry of Territorial Cohesion; on opening new data on waste management, construction permits, pesticide sales; and on giving public access to data on environmental impact.

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(s): 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): N/A
 Start Date: Not Specified End Date: 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
26. Overall			✓		✓	✓				✓					✓			✓			

Commitment Aim:

The C3 (Climate Change Challenge) is an international initiative to mobilise citizens, public and private actors and experts to take action on climate change. The commitment aimed to organise meetings and a competition to foster collaboration to come up with innovative solutions for climate change and sustainable development. These activities were launched in May 2015 in preparation for COP21 and occurred in four different French cities for three major milestones: a vision camp, which includes collaborative creativity workshops on climate change needs, a challenge workshop to clarify and enrich ideas and challenges, and an innovation hackathon to develop selected solutions.

Status

Year 1: Substantial

This commitment was substantially implemented by the midterm assessment. The first stages of C3 operation were launched and the winners of the C3 challenge were awarded during COP21. This momentum continued with the “100 projects for the climate” competition.

The three stages of C3, which consist of organising three workshops, are: the expression of needs; the clarification of needs into actionable projects; and 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. However, two of these meetings were held before the publication of the OGP action plan on 15 July 2015. The first stage of C3, “Vision Camp,” was launched in May 2015, the second stage, “Challenge Workshop”, was held 7-9 July 2015, and the third stage, “Innovation Jam,” occurred 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 clarified the problems identified during the first stage using the open datasets published by the government and shaping them into solvable challenges. The third stage, Innovation Jam, was a hackathon where teams with multiple areas of expertise had to develop solutions in 36 hours. These three workshops were attended by citizens, students, experts, and public and private sector representatives. During the events, more than 200 people participated through 29 teams.

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. The project covered a wide range of environmental issues, including reforestation, poverty reduction, sustainable agriculture, waste collection, prevention of food waste, recycling, clean cookstoves, threats to biodiversity, fair trade, green transportation, electric cars, and sustainable energy.

Year 2: Substantial

This commitment is still considered substantially implemented by the end-of-term assessment. Most activities of the commitment were completed during the first year of implementation. The C3 initiative was scheduled to be implemented in 2015 and the winners of the challenges were to be announced during COP21. The momentum was planned to be extended into the second year of implementation but the lack of specificity in the commitment makes it difficult to gauge completion. Building on the momentum of COP 21, “100 projects for climate” aimed to encourage citizen-led initiatives to combat global warming. The initiative enabled citizens to vote for their 100 favourite innovative solutions from around the world. The selected projects were presented at COP22 in Marrakech, held on 7-18 November 2016.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

This commitment was considered to be relevant for access to information and civic participation. However, the activities undertaken as part of this commitment concerned civic participation far more than access to information. Even regarding civic participation, the activities were time-bound and the government did not play a leading role. As such, this commitment did not open government regarding access to information or civic participation.

This commitment encouraged a participatory approach to environmental issues and promoted civil society-led solutions. However, the activities were timebound and it is unclear if they contributed to permanent changes in government practices. In addition, the “100 projects for climate” is an international initiative led by France and it is hard to identify engagement of the French government beyond this coordination.

Carries Forward?

No, this commitment was not carried over to the next action plan.

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress by civil society, the private sector, or international organisations; and the previous IRM progress report.

This report is based on a desk review of governmental programmes, laws and implementation decrees; a review of Etalab's digital monitoring platform; stakeholder interviews and monitoring of the media; and institutional and CSO websites.

Sofia is a PhD student in political science at Sciences Po in Paris, where she is affiliated with the Centre for European Studies and the Laboratory for Interdisciplinary Evaluation of Public Policies. Her research focuses on the politics of anticorruption and the definition of corruption as a public problem in Western Europe. Her work has been published in *Ethique Publique*, Palgrave MacMillan, and the Presses de l'Université de Laval. Before starting her PhD, she worked as a research officer for Transparency International's secretariat in Berlin. She is a founding member of the Interdisciplinary Corruption Research Network (<https://www.icrnetwork.org/>) and regularly collaborates with the OECD, the U4 Anti-Corruption Resource Centre, and Transparency International.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.

