

Independent Reporting Mechanism (IRM): France Design Report 2018–2020

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Executive Summary: France

France’s second action plan primarily focuses on open data and digitalization efforts. Notable commitments call for publishing data on public procurement, involving the public in sustainable development policies, and setting up a register of lobbyists. Moving forward, the government could diversify the thematic scope of commitments and engage a wider range of civil society.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. France joined OGP in 2014. This report evaluates the design of France’s second action plan.

General overview of action plan

The development of France’s second OGP action plan coincided with a presidential campaign and legislative election, and, later, a change of government. The period of political campaigning and the subsequent change of government contributed to prolonging the elaboration of the plan from February 2017 to April 2018. The new government’s increased focus on the state modernization agenda is reflected in the commitments focusing on e-government and the digitization of public services.

Etalab, an office within the office of the prime minister, leads OGP activities in France. Its mandate largely involves implementing technological solutions to improve transparency. There is no formal multi-stakeholder forum for OGP in France. However, Etalab organized a multi-stakeholder event, the Ministère Ouvert, in February 2017 to initiate a dialogue between government agencies and civil society on the second action plan.

The development of France’s second action plan took place over 14 months and involved consultations held mainly online. Etalab set up the Forum Open d’Etat, a multi-stakeholder platform bringing together government officials, civil society organizations (CSOs), business and citizens to discuss actions taken by public administration. Overall, consultations enriched the content of the action plan. Etalab incorporated some but not all suggestions from CSOs.

Table 1. At a glance

Participating since: 2014
Action plan under review: 2
Report type: Design
Number of commitments: 21

Action plan development

Is there a multi-stakeholder forum? No
Level of public influence: Involve
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 18 (86%)
Transformative commitments: 2 (10%)
Potentially starred commitments: 2 (10%)

Action plan implementation

Starred commitments: N/A
Completed commitments: N/A
Commitments with major DIOG:* N/A
Commitments with outstanding DIOG:* N/A

* DIOG: Did it open government?



France’s second OGP action plan focuses mainly on transparency initiatives, digitalization of public services, and open data. Commitments in the current plan cover topics such as public procurement, development aid, citizen engagement in climate change and sustainable development policies, transparency of algorithms, and openness around lobbying and public officials. Several commitments involve the provision of mechanisms for user feedback. Some initiatives prioritized by civil society groups — including beneficial ownership transparency and reporting by the extractive sector — were not carried over from the previous action plan.

Table 2. Noteworthy commitments

| Commitment description | Moving forward | Status at the end of implementation cycle |
|--|--|---|
| <p>2. Increase transparency in public procurement</p> <p>Centralize and standardize procurement data</p> | <p>The government could clarify what type of procurement data will be included in the single flow. It could also launch an information campaign for the general public and smaller-sized companies, with information on how they can make use of the single flow of data. In addition, more clarity is needed on the training of officials involved in the digitization of public procurement.</p> | <p>Note: this will be assessed at the end of action plan cycle.</p> |
| <p>17. Citizen involvement in decision on energy transition and sustainable development</p> <p>Public monitoring and assessment of the national plans on climate change and United Nations Sustainable Development Goals (SDGs); access to various strategic datasets</p> | <p>The government needs to clarify and operationalize a mechanism for civil society to take part in the monitoring and assessment of the National Plan for Adaptation to Climate Change and in the elaboration of the action plan concerning the SDGs.</p> | <p>Note: this will be assessed at the end of action plan cycle.</p> |
| <p>20. Lobbying transparency</p> <p>Publish information on interest groups undertaking lobbying activities</p> | <p>The government needs to prioritize setting up the register of lobbyists. To achieve higher impact, the register could include information on specific laws that interest groups seek to influence.</p> | <p>Note: this will be assessed at the end of action plan cycle.</p> |

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM recommendations

| |
|---|
| <p>1. Formalize the multi-stakeholder forum, taking advantage of the Forum Open d’Etat to develop future action plans and monitor the implementation of commitments.</p> |
| <p>2. Create momentum around OGP in France by involving high-level governmental officials and reaching out to civil society actors beyond the open data community.</p> |
| <p>3. Future action plans could be designed to ensure the implementation of promises from the Great National Debate. Given popular demand for more citizen voices in decision making, commitments could operationalize pledges such as the facilitation of the referendum of shared initiative, the council of citizen participation and other forms of direct democracy in local and national politics.</p> |
| <p>4. Enhance ethics and integrity in public service. Future commitments could include clarifying ethics rules for elected officials, high level civil servants and the Parliament’s staff. The next action plan could be used to strengthen the role of ethics commissioners within the public service and further enhance the transparency of lobbying activities.</p> |
| <p>5. Align the action plan on existing initiatives and demands from civil society (i.e. ensuring transparency of the beneficial ownership register, open justice, extractive industry)</p> |

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



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

France joined OGP in 2014. This report covers the development and design of France's second action plan for 2018–2020.

The Independent Reporting Mechanism of OGP has partnered with Sofia Wickberg, Sciences Po, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in France

In the last 10 years, France has adopted a series of anti-corruption policies and has made significant investments to modernize its public administration. The current action plan largely focuses on open data and digitization initiatives but leaves room for improving participatory mechanisms, integrity measures in public service as well as transparency in beneficial ownership.

France has a long-standing tradition of representative democracy, citizen participation, and public accountability, dating back to the 1789 Declaration of the Rights of Man and of the Citizen.

The law on freedom of access to administrative documents (1978) regulates access to information in France. These documents created the Commission of Access to Administrative Documents. The 2016 Digital Republic Bill, a major milestone for access to information, widens the scope of online publication of administrative documents. It also mandates that public information be freely reusable and introduces the notion of general interest data. In the latter case, private companies performing public tasks must disclose data under the rules governing administrative documents and public information.

France has been in the forefront of open data in Europe, with the Open Data Barometer ranking the country 10th in 2016. The public open data portal (data.gouv.fr) launched in December 2011. The government regularly updates it, and it hosts more than 19,000 datasets from various sectors, including agriculture, infrastructure, energy, and environment. Acting within the framework of the Digital Republic Bill, the government launched an initiative to promote open data and provide public data as a service. This effort requires the state to open data by default and identify, with the public, which datasets ought to be released. This initiative was part of France first OGP action plan (2015–2017) and resulted in the release of several datasets on the open data platform.

France scores 74 out of 100 on budget transparency on the Open Budget Index.¹ According to the index, the country provides the public with substantial budget information but few opportunities for engagement in the process. The International Budget Partnership has recommended France establish credible and effective mechanisms for public engagement, such as public hearings, and hold legislative hearings on the budgets of specific ministries and agencies. It also recommended establishing formal mechanisms for the public to participate in audit investigations by the supreme audit institution.

Similar to the first action plan, this plan includes a commitment from the Cour des Comptes—the country’s supreme audit institution. France’s commitment in the 2015–2017 action plan—to open inspection and evaluation data and involve citizens in the institution’s work—was only partly completed but led to some positive changes. The commitment in the current plan promises to open additional new data, diversify data dissemination channels, and encourage reuse. However, while the commitment mentions new ways of “informing and consulting citizens,” it falls short of introducing specific mechanisms for citizen engagement.

The 2010s saw an acceleration of legislative initiatives around corruption prevention. The 2013 laws on transparency in public life furthered officials’ obligation to disclose assets, introduced an obligation to declare interests, and created the High Authority for the Transparency of Public Life. In 2016, the law “Sapin 2” established the French Anti-corruption Agency and required lobby groups to disclose information and provide better protection of whistleblowers. Finally, in 2017, the law on trust in political life (No. 2017-1339) provided a more thorough regulation of the activities of elected officials (e.g., prohibition of family employment, transparency of expenses) and political party finances. The current action plan includes a commitment that relates to the implementation of Sapin 2 law and seeks to establish a public lobbying register, opening it up for scrutiny.

Modernization of the state and the improvement of citizen-state relationships have been priorities of the French government for the last years. Working toward modernization, France joined OGP in 2014, after the creation of the Direction Générale de la Modernisation de l’État in 2005. This office became the Secrétariat Général pour la Modernisation de l’Action Publique in 2012. Since 2017, it has been called the Direction interministérielle pour la transformation publique and the Direction interministérielle du numérique.

Government policies operationalize the state modernization agenda by digitalizing public services and simplifying administrative procedures. The current action plan reflects this focus on digitalization. With the benefits it brings, modernization has created some challenges. In his latest report, the ombudsman (*défenseur des droits*) warned of the risk of excluding citizens from access to public services, due to inequalities in access to technology and insufficient internet coverage throughout the country.² There is a concern that digitalization of public services might become an alternative to traditional public services, instead of a complement to them.³

French constitution and legislative framework protect civil liberties and political rights. However, Freedom House notes that “successive governments have been willing to curtail constitutional protection and empower law enforcement to act in ways that impinge on personal freedoms” as a response to recent terrorist attacks.⁴ The Yellow Vests (“Gilet Jaunes”) movement, and the violent episodes that punctuated some of its events, led the government to propose a new bill “to reinforce and guarantee order during demonstrations.”⁵ The legislation is known as the Anti-casseurs Bill and requires stricter security checks on or near a demonstration area.⁶ The Constitutional Court declared Article 3 of the bill (promulgated on 10 April 2019) unconstitutional, considering it a violation of freedom of speech.⁷ Legal professionals,⁸ Amnesty International,⁹ and large portions of civil society¹⁰ are worried that this legislation could violate the people’s right to demonstrate. This controversy follows years of debates about the risk of governmental action against terrorism posing threats to civil liberties in France.

Another concern has been raised on the law on protection of business secrets (No. 2018-670), adopted in 2018. Journalists and civil society representatives strongly argue that it restricts freedom of expression and journalists’ ability to report on the activities of businesses.¹¹

In response to the Yellow Vests movement, the government launched a three-month-long Great National Debate in January 2019 around four themes: climate change, fiscal policy, the organization of the state and public services, and citizenship and democracy. The Great National Debate took place both in person during town hall meetings and through an online platform.¹² Concerns have been raised about the proprietary platform the government selected, developed by Cap Collectif.¹³ Civil society organizations frequently express concern over the use of proprietary platforms¹⁴—and about how the data will be analyzed.

With the mass protests there has been a growing demand for the introduction of mechanisms of direct democracy in the French political system. The Yellow Vests movement expressed the demand for a Citizen Initiative Referendum, which has progressively scaled up to the public agenda. The conclusions of the Great National Debate echo the demand for direct democracy participatory mechanisms, such as referendums and reforms to the voting system.¹⁵ The debated concluded by President Macron on 25 April 2019 identified measures that the government would strive to put in place, such as constitutional reforms to include citizens in the Social, Economic and Environmental Council and reforms to further decentralize public administration. He also presented measures to improve access to public services in rural areas and reform the civil servant recruitment process, notably by eliminating (or reforming) the Ecole Nationale d’Administration (ENA) or reforming fiscal policy.¹⁶ These measures align well with OGP and could be included as concrete and measurable commitments in the next action plan.

During the interviews conducted by the IRM researcher, civil society actors expressed concern that France’s OGP action plan focuses mainly on e-government and the digitalization of public services.¹⁷ Many ambitious commitments featured in the last action plan have not been carried forward, despite advocacy by civil society organizations. These commitments include transparency of judicial data, extractive sector and beneficial ownership.¹⁸

Government agencies in charge of implementing anti-corruption and public ethics policies also point to several necessary reforms. The ethics commissioner of the National Assembly has indicated the necessity for a clarification and strengthening of rules concerning members of Parliament and their staffs.¹⁹ The High Authority for the Transparency of Public Life advocates the publication of parliamentarians’ expenses, direct communication for professionals and administrations requesting information, and the publication of high-level public officials’ agendas.²⁰

III. Leadership and Multi-stakeholder Process

The development of France’s second action plan took 14 months. Efforts to create a multi-stakeholder forum were soon abandoned with the start of the electoral campaign and, later, with the change of government. Consultations with civil society for the development of this action plan occurred mainly online.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in France.

Leadership of OGP activities in France has not changed since the first action plan. Etalab has led France’s OGP activities. Etalab is part of the Interministerial Directorate of Digital Information and Communication system (DINSIC), a service of the prime minister. It operates under the authority of the Ministry of Public Action and Accounts. Etalab’s tasks primarily involve publishing data and coordinating France’s open government policy across ministries. Etalab staff host and moderate OGP events. The second action plan was launched by Henri Verdier, the former director of the DINSIC, together with François de Rugy, president of the National Assembly. De Rugy presented the separate action plan that was developed for the National Assembly. Etalab allocated two staff to coordinate and oversee the implementation of the action plan.

Etalab has little legal power to enforce policy changes in other agencies within the government. Currently, its mandate largely involves implementing technological solutions to improve transparency, but it does not have the leverage to compel other administrations to put forward or implement commitments. Thirteen of the 21 commitments are carried out by the Ministry for the Digital Sector, to which the DINSIC belongs, and six of them exclusively concern this ministry. More than half of the commitments are however co-created with other ministries or agencies. Partly as a result of Etalab’s limited mandate, the action plan heavily focuses on open data, technology, and digitalization of public services. Fewer commitments focus on anti-corruption, accountability, and civic participation mechanisms. The government intends to have intergovernmental coordination through the nomination of data administrators in all government agencies and the development of a network of data administrators.

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP’s Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. France **did not** act contrary to OGP process.²¹

Please see Annex I for an overview of France’s performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.²² 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 “collaborate.”

| Level of public influence | | During development of action plan |
|---------------------------|---|-----------------------------------|
| 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 | |

Multi-stakeholder forum

France does not have a formal multi-stakeholder forum (MSF) for OGP, nor does it have a law that requires an MSF or an informal mechanism to ensure regular meetings with stakeholders. However, Etalab organized a multi-stakeholder event, the *Ministère Ouvert*, in February 2017. The government looked back on the elaboration and implementation of the first action plan and initiated a dialogue between government agencies and civil society about themes to include in the second action plan.²³

The *Ministère Ouvert* was public and open for participation. More than 100 participants from 25 civil society organizations and government administrations (e.g., Ministry of Foreign Affairs, Ministry of Interior) attended. No public list of participants exists, but some of the online minutes from the workshops list the civil society organizations present.²⁴ Many of these organizations have been involved in OGP since France joined the partnership. According to a staff member of Transparency International France, a national chapter of Transparency International, the event was substantially rich and diverse in its composition. The staff member noted that this diversity allowed stakeholders from different thematic spheres or sectors of society to have exchanges, which does not happen often.²⁵

The event was opened by Jean-Vincent Placé, secretary of state for state reform and simplification, and Laure de Bretèche, secretary of state for the modernization of public action.²⁶ Four workshops were organized during the event to: (i) look back on the process and implementation of the first action plan, (ii) develop a more impactful and innovative second action plan, (iii) identify new themes for the second action plan, and (iv) involve a larger audience in the elaboration of the second action plan.²⁷

The IRM researcher could not find any public information concerning the formal procedure for participation, other than that it was public and open.²⁸ The IRM researcher also could not find information on the rules followed during the event for discussion and decision-making. One of the aims of the event involved developing guidelines for future consultations.

There was only one multi-stakeholder event. Following this event, consultations on the action plan were held online,²⁹ as described below.

Apart from the multi-stakeholder event, Etalab set up the Forum Open d'Etat, the methodology of which was defined on March 2018. This multi-stakeholder forum brings together government officials, civil society organizations, business owners, employees, and citizens. Users can discuss actions taken by relevant administrations and agencies, as well as problems they seek to solve, following Chatham House rules.³⁰ The Forum meets regularly to discuss various themes that concern the second OGP action plan. Moreover, Commitment 12 of the current action plan aims to strengthen this forum. The government could leverage this preexisting forum as a platform to discuss the implementation of OGP commitments.

Participation and engagement throughout action plan development

The public consultation process for the development of the second action plan started with the Ministère Ouvert in February 2017 and lasted during the presidential and legislative elections. The period of political campaigning and the subsequent change of government interrupted the consultation process. This period also prolonged the elaboration of the second action plan, from February 2017 until the publication of the new action plan in April 2018.

The government organized only one in-person meeting during the consultation, with the aim of elaborating the second action plan, as described above. Two public consultations were thus organized online. The first one occurred from 15 March to 21 April 2017. That consultation collected ideas for the second action plan. The second one occurred from 30 November to 18 December 2017. It collected feedback on the commitments developed by Etalab on the basis of internal and public consultations.

Members of civil society who participated in the consultations noted that relations with Etalab are very good. They felt that the agency is generally open to suggestions from civil society and willing to consider them.³¹ Civil society organizations such as Transparency International France stated that Etalab made continuous efforts to get feedback from civil society through email exchanges.³² They noted that Etalab also reached out to new audiences and organized workshops (Forum Open d'Etat) in cities other than Paris.³³

Civil society organizations expressed regret that no momentum was created around the OGP, that the community did not grow beyond the narrow circle that was already involved, and that the process seemed disconnected from the country's political reality and society's demands.³⁴ Transparency International France actively participated in the early consultations but progressively withdrew from the process to focus efforts elsewhere.³⁵ The IRM researcher did not receive feedback from many civil society organizations contacted about the action plan.³⁶

The first online consultation collected broad ideas for the next action plan. It occurred during the period of political campaigning leading up to the national elections. Etalab decided not to postpone the consultation, but due to the rules applying to periods of electoral campaigns, the administration could not communicate widely about the public consultation being held. The government published information regarding the consultation on Etalab's website³⁷ and on Twitter. It also used word of mouth.³⁸ The online consultation generated 80 proposals, 45 percent of which came from civil society organizations, 24 percent from the digital sector, 22 percent from individuals, and 9 percent from public agencies. The proposals, as well as a synopsis of the online consultation, can be found online.³⁹

After the consultation, the new government had been put in place. The summary of the consultation was sent to different government agencies. Etalab took various proposals to relevant government agencies to see how these could be turned into a commitment. Etalab recognized that the lack of political support resulting from the change in government made difficult attempts to encourage government agencies to take up public suggestions and be ambitious in their commitments. Some ministries were reluctant to participate, while others, such as the Ministry for the Ecological and Solidary Transition, were more collaborative.⁴⁰

The commitments of the draft action plan were validated during an interministerial meeting, where the level of representation of the various agencies was heterogeneous.⁴¹ The validation was slow and delayed the process of elaboration of the new action plan.⁴² In comparing the synthesis of

contributions to the first version of the action plan, it is notable that only five dimensions out of 14 of the action plan reflect public proposals.⁴³

The second online consultation offered an opportunity for the public to comment on the draft action plan. The government opened the consultation for a little more than two weeks in December 2017. Participants could not modify the commitments, but a red flag could be raised in case of disagreement. Etalab received 24 comments on seven of the commitments, which they transferred to the relevant government agencies. Etalab published a table with the public comments, as well as responses from government agencies.⁴⁴ The comments helped Etalab clarify some of the commitments. The government made a few changes based on feedback from civil society. For example, the publication of data on phytopharmaceutical products in Commitment 17 was Greenpeace's proposal.

An interministerial meeting was organized by Mounir Mahjoubi, then secretary of state for digital affairs. This meeting aimed to validate the action plan after new commitments were added by his cabinet, reflecting its agenda regarding the digitalization of the state. These new commitments were not submitted for public consultation and were directly included in the action plan.⁴⁵

The final commitments of the action plan reflect the fact that the plan was designed in an electoral transitional period. The team in charge of OGP in France did not change but the political backing of the process did. The action plan design was initiated at the end of the mandate of the previous government. The new administration adapted the process to its priorities on digitalization and e-government.

Members of civil society recognize that investments are being made in certain policy programs, such as the modernization of public administration. However, they expressed concerns that the action plan overall focuses on solving isolated problems and lacks ambition regarding digital commons and public participation.⁴⁶ Civil society organizations also informed the IRM researcher that some important commitments from the previous action plan, concerning beneficial ownership or open justice, were not carried forward.⁴⁷

According to Etalab, a number of civil society organizations (CSOs) took part in the Forums Open d'Etat, such as Contexte, Fréquences Ecoles, Octopus Mind or Oxfam. During the interviews conducted for this report, civil society representatives however noted that OGP has lost momentum since the last action plan. Many CSOs expressed disappointment with the results of the previous action plan and thus paid limited attention to the development of the second plan.⁴⁸ According to the CSO Citoyens, so far, OGP has been a time-consuming exercise that has not led to any concrete or binding commitments for the government.⁴⁹ Similarly, Bloom, an organization actively involved in the first action plan, progressively reduced its engagement in OGP due to limited resources and lack of concrete results regarding access to data on public subsidies to the fisheries which was an important issue for this organization.⁵⁰

Co-creation and participation recommendations throughout development

France showed evidence of achievement and strong performance in areas of online consultation during the design of the action plan. For example, a significant amount of information regarding the input received and the government's response to that input was communicated on Etalab's website.

Some areas where France can improve are:

- Development of a formal multi-stakeholder forum for the design of its next action plan,
- Use of the Forum Open d'Etat as a platform for the multi-stakeholder forum,
- Frequency of consultations, and
- Involvement of civil society in the decision-making process.

In order to improve performance on these areas the IRM researcher suggests that moving forward, the following actions be taken:

- The government could consider organizing in-person meetings to elaborate the next action plan, to create momentum and stimulate civil society's interest.
- To engage stakeholders and reach new audiences, the government could consider broadening the scope and raising the ambition of OGP engagement, beyond e-government and open data commitments.
- The government could consider developing a shorter and more targeted action plan that includes priority policy areas clearly relevant to OGP principles to facilitate the public's understanding of OGP.

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- ¹ "Open Budget Index France," International Budget Partnership, <https://www.internationalbudget.org/budget-work-by-country/findgroup/group-data/?country=fr>.
- ² Défenseur des Droits, *Dématérialisation et Inégalités d'Accès aux Services Publics*, 2019, <https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport-demat-num-21.12.18.pdf> (accessed on 14 February 2019).
- ³ Nadège Vezinat, "Le Crépuscule des Services Publics," *La Vie des Idées*, 26 February 2019, <https://laviedesidees.fr/Le-crepuscule-des-services-publics.html> (accessed on 26 February 2019).
- ⁴ "Freedom in the World 2018: France," Freedom House, <https://freedomhouse.org/report/freedom-world/2018/france> (accessed on 26 February 2019).
- ⁵ LOI No. 2019-290 du 10 April 2019, "Visant à Renforcer et Garantir le Maintien de l'Ordre Public lors des Manifestations (1)," <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000038358582&dateTexte=&categorieLien=id> (accessed on 29 April 2019).
- ⁶ Sénat, "Proposition de Loi Modifiée par l'Assemblée Nationale, Visant à Renforcer et Garantir le Maintien de l'Ordre Public lors des Manifestations." Enregistré à la Présidence du Sénat le 5 February 2019, <https://www.senat.fr/leg/pp18-286.html> (accessed on 26 February 2019).
- ⁷ Conseil Constitutionnel, "Décision No. 2019-780 DC du 4 April 2019," <https://www.conseil-constitutionnel.fr/decision/2019/2019780DC.htm> (accessed on 29 April 2019).
- ⁸ Mark Rees, "Ce que Prévoit la Proposition de loi Anti-casseurs, Adoptée par les Députés." Next Inpact, 6 February 2019, <https://www.nextinpact.com/news/107579-ce-que-prevoit-proposition-loi-anti-casseurs-adoptee-par-deputes.htm> (accessed on 26 February 2019).
- ⁹ "La Casse du Droit de Manifester," Amnesty International France, 31 January 2019, <https://www.amnesty.fr/liberte-d-expression/actualites/la-casse-du-droit-de-manifester> (accessed on 26 February 2019); "Loi Anti-casseurs: Amnesty International Dénonce une Atteinte à la Liberté de Manifester," *France Info*, 30 January 2019, https://www.francetvinfo.fr/economie/transports/gilets-jaunes/video-loi-anti-casseurs-amnesty-international-denonce-une-atteinte-a-la-liberte-de-manifester_3166741.html (accessed on 26 February 2019).
- ¹⁰ Pecquet, Lancelot, lecturer and founder of Will Strategy, email communication with IRM researcher, 5 February 2019.
- ¹¹ Christophe Deloire, "La Loi Sur le 'Secret des Affaires' Suscite une Inquiétude Importante et Légitime," *Le Monde*, 25 May 2019, https://www.lemonde.fr/idees/article/2018/05/25/la-loi-sur-le-secret-des-affaires-suscite-une-inquietude-importante-et-legitime_5304542_3232.html; Renaud Lecadre, "Secret des Affaires: Les Députés Choissent la Loi du Silence," *Libération*, 13 June 2019, https://www.liberation.fr/france/2018/06/13/secret-des-affaires-les-deputes-choisissent-la-loi-du-silence_1658932 (accessed on 6 May 2019).
- ¹² "Le Grand Débat National," Gouvernement, 2019, <https://www.gouvernement.fr/le-grand-debat-national> (accessed on 26 February 2019).
- ¹³ Xavier Berne, "La Plateforme du 'Grand Débat' s'Ouvre aux Contributions en Ligne, sous les Critiques," Next Inpact, 21 January 2019, <https://www.nextinpact.com/news/107533-la-plateforme-grand-debat-souvre-aux-contributions-en-ligne-sous-critiques.htm> (accessed on 26 February 2019).
- ¹⁴ Chaput, Valentin, Open Source Politics, email communication with IRM researcher, 20 February 2019.
- ¹⁵ OpinionWay, *Traitement des Données Issues du Grand Débat National "La Démocratie et la Citoyenneté"*, April 2019, <https://granddebat.fr/media/default/0001/01/377c26e1790fcf1228051347a5a0dcdb650f0acb.pdf> (accessed on 6 May 2019).
- ¹⁶ "Conférence de Presse à l'Issue du Grand Débat National," Elysée, 25 April 2019, <https://www.elysee.fr/emmanuel-macron/2019/04/25/conference-de-presse-grand-debat-national> (accessed on 29 April 2019).
- ¹⁷ Pecquet, Lancelot, lecturer and founder of Will Strategy, email communication with IRM researcher, 5 February 2019.
- ¹⁸ Foucraut, Elsa, Transparency International France, interview with IRM researcher, 22 February 2019.
- ¹⁹ Agnès Roblot-Troizier (Déontologue de l'Assemblée Nationale), *Un Nouvel élan pour la Déontologie Parlementaire*, 2019, http://www2.assemblee-nationale.fr/static/15/deontologue/rapport_activite_300119.pdf (accessed on 6 May 2019).
- ²⁰ HATVP, *Rapport d'Activités 2017*, <https://www.hatvp.fr/rapport/#popup2> (accessed on 6 May 2019).
- ²¹ Acting Contrary to Process - Country did not meet (1) "involve" during the development or "inform" during implementation of the NAP, and (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.
- ²² "IAP2's Public Participation Spectrum," IAP2, 2014, http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.
- ²³ "Ministère Ouvert: Lancement de la Mise à Jour du Plan d'action National pour une Action Publique Transparente et Collaborative," *Le Blog d'Etalab*, 20 February 2017, <https://www.etalab.gouv.fr/ministere-ouvert-lancement-de-la-mise-a-jour-du-plan-daction-national-pour-une-action-publique-transparente-et-collaborative> (accessed on 12 January 2019).
- ²⁴ Les Petits Frères des Pauvres, Agora Lab TV, OGP Toolbox, Open Education, Démocratie Ouverte, Parlements Citoyens, Cap Collectif, -openorg.co, Transparency International, Bloom, Open Data France, Wikimedia.
- ²⁵ Foucraut, Elsa, Transparency International France, interview with IRM researcher, 22 February 2019.

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- ²⁶ “Ministere Ouvert: Retour sur les Ateliers Initiant la Mise à Jour du Plan d’action National,” Le Blog d’Etalab, 10 March 2017, <https://www.etalab.gov.fr/ministere-ouvert-retour-sur-les-ateliers-initiant-la-mise-a-jour-du-plan-daction-national> (accessed on 12 January 2019).
- ²⁷ Summaries of these workshops can be found here: <https://www.etalab.gov.fr/ministere-ouvert-retour-sur-les-ateliers-initiant-la-mise-a-jour-du-plan-daction-national> (accessed on 12 January 2019).
- ²⁸ Etalab. Présentation de la consultation. <https://gouvernement-ouvert.etalab.gov.fr/pgo-ideation/topic/58a6d4a1551aa25e8301506c> (accessed on 25 October 2019).
- ²⁹ “Contributions a la Consultation: ‘Plan d’Action Gouvernement Ouvert 2017–2019: Ideation,’” Republique Francaise, <https://www.data.gouv.fr/fr/datasets/contributions-a-la-consultation-plan-daction-gouvernement-ouvert-2017-2019-ideation-2/>; and Etalab, *Plan d’Action National 2017–2019 pour une Action Publique Transparente et Collaborative*, 31 March 2017, <https://www.etalab.gov.fr/wp-content/uploads/2017/05/20170531-OGP-Plan-daction-2017-2019-Synth%C3%A8se-contributions-phase-id%C3%A9ation-version-web.pdf>.
- ³⁰ “Les Forums Open d’Etat—Les Rencontres du Gouvernement Ouvert,” Republique Francaise, <https://www.etalab.gov.fr/forum-open-d-etat> (accessed 12 May 2019).
- ³¹ Chaput, Valentin, Open Source Politics, email communication with IRM researcher, 20 February 2019; and Foucraut, Elsa, Transparency International France, interview with IRM researcher, 22 February 2019.
- ³² Foucraut, Elsa, Transparency International France, interview with IRM researcher, 22 February 2019.
- ³³ Chaput, Valentin, Open Source Politics, email communication with IRM researcher, 20 February 2019.
- ³⁴ Pecquet, Lancelot, lecturer and founder of Will Strategy, email communication with IRM researcher, 5 February 2019.
- ³⁵ Foucraut, Elsa, Transparency International France, interview with IRM researcher, 22 February 2019.
- ³⁶ Such as Regards Citoyens, Greenpeace, Publish What You Fund, Oxfam.
- ³⁷ On a dedicated page: <https://gouvernement-ouvert.etalab.gov.fr/pgo-ideation> (accessed on 12 January 2019).
- ³⁸ Banzet, Amélie; Bras, Mathilde; and Kahn, Victor, Etalab, interview with IRM researcher, 20 November 2018.
- ³⁹ Respectively here (<https://www.data.gouv.fr/fr/datasets/contributions-a-la-consultation-plan-daction-gouvernement-ouvert-2017-2019-ideation-2/>) and here (<https://www.etalab.gov.fr/wp-content/uploads/2017/05/20170531-OGP-Plan-daction-2017-2019-Synth%C3%A8se-contributions-phase-id%C3%A9ation-version-web.pdf>).
- ⁴⁰ Banzet, Amélie; Bras, Mathilde; and Kahn, Victor, Etalab, interview with IRM researcher, 20 November 2018.
- ⁴¹ Ibid.
- ⁴² Ibid.
- ⁴³ Namely the unique flux of procurement data, the opening of source codes, the creation of a register of beneficial owners, the opening of new environmental data, and the increased transparency of official development aid.
- ⁴⁴ The table is available here: <https://www.etalab.gov.fr/planopengov-synthese-de-lappel-a-commentaires-sur-le-plan-daction-2018-2020> (accessed on 12 January 2019).
- ⁴⁵ These commitments were added by the office of the state secretary for digital affairs: Commitment 1: Enhance transparency regarding the effectiveness and quality of public services working with users; Commitment 5: Appoint ministerial data administrators and support the implementation of the “open by default” principle; Commitment 8: Set up an open artificial intelligence (AI) lab for the state; Commitment 10: Set up digital public service incubators in each ministry; Commitment 11: Streamline data flows within the State with FranceConnect Plateforme; Commitment 12: Develop new formats for exchanging ideas with civil society: the “Open d’Etat” Forum; Commitment 13: Set up an open and participatory dashboard of online procedures; Commitment 14: Organise an international GovTech summit in France;
- ⁴⁶ Chaput, Valentin, Open Source Politics, email communication with IRM researcher, 20 February 2019.
- ⁴⁷ Foucraut, Elsa, Transparency International France, interview with IRM researcher, 22 February 2019.
- ⁴⁸ Foucraut, Elsa, Transparency International France, interview with IRM researcher, 22 February 2019; Pecquet, Lancelot, lecturer and founder of Will Strategy, email communication with IRM researcher, 5 February 2019; and Chaput, Valentin, Open Source Politics, email communication with IRM researcher, 20 February 2019.
- ⁴⁹ Email exchange with a member of Regards Citoyens, 5 April 2019.
- ⁵⁰ Le Brenne, Valérie, Bloom, phone interview with IRM researcher, 19 March 2019; and “Bloom Attaque l’etat pour Excès de Pouvoir,” Bloom, 22 January 2019, <https://www.bloomassociation.org/subventions-bloom-attaque-letat/> (accessed on 29 March 2019).

IV. Commitments

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

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - **Public Accountability:** Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?

3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment’s implementation (e.g., “Doubling response rates to information requests” is a stronger goal than “publishing a protocol for response.”)?

France’s action plan includes two potentially starred commitments:

- Commitment 2: Increasing transparency in public procurement
- Commitment 20: Ensuring greater transparency in representatives of interests’ activities

Starred commitments

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/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

France’s 2018–2020 action plan focuses on five key themes: (i) transparency, integrity, and accountability in public and economic life (1–3); (ii) opening digital resources, citizen participation, and open innovation (4–11); (iii) strengthening participation mechanisms (12–15); (iv) leveraging the benefits of open government to address the global challenges of the century (16–18); and (v) opening independent administrative authorities and courts (19–21).

¹ “Open Government Partnership: Articles of Governance,” OGP, June 2012, last updated March 2014 and April 2015, https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.

² “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

I. Enhance transparency regarding the effectiveness and quality of public services working with users

Language of the commitment as it appears in the action plan:

Few government departments publish satisfaction survey results. This lack of transparency regarding the quality of service provided does not make it possible to showcase the professional dedication of public officials or align improvement action with the situation on the ground.

Between now and 2020, all government departments working with users will publish indicators bearing on service quality and results, and especially user satisfaction, to be updated at least once a year, so as to give citizens access to transparent information.

Users will be able to voice their views. This will help to restore citizens' trust in government, to improve the quality of services provided to users – not least with a view to more effectively tailoring improvement action – and to cement the role played by public services in nurturing a culture of effectiveness. In this way, citizenry as a whole will have access to the same level of information.¹

Milestones

I.1 A first round will be organised for the display of quality indicators, involving: personal tax authorities, courts, consulates and social security funds.

I.2 Promotion of methods and development of user satisfaction assessment tools

I.3 Trial of digital mechanisms for gathering and processing users' suggestions and opinions

I.4 All public services working with users will be accountable for the quality of the services they deliver, by displaying the performance and satisfaction indicators in physical venues and on websites providing digital services

Start Date: 2018

End Date: 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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. Overall | | ✓ | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

According to the action plan, there is currently a lack of information regarding users' experience of public services and their evaluation of the quality of public services. Several public services, such as the fiscal administration or law enforcement agencies, already publish information on their performance on their respective websites. However, there is currently no information on user satisfaction.² The commitment text indicates that the absence of sufficient information makes it difficult for service providers to respond to the problems experienced by users and to tailor services according to users' preferences.

This commitment aims to publish annually indicators on service quality and results. The milestones of this commitment indicate that the government intends to use these two years as a trial period to

develop new means to collect information on users' satisfaction, suggestions, and opinions. By the end of the implementation period, all public services in contact with users will publish information they collected on users' experience and feedback. The interministerial department in charge of reforming the public sector (Direction Interministérielle de la Transformation Publique) provided additional information on the type of data to be collected. Those data include satisfaction indicators produced through user surveys and performance indicators measured by the administration. The performance indicators include the number of phone calls answered and the average waiting time to get a response via email, among others. The type of data will be defined by each agency and will be measured at the local level.³

This commitment is relevant to the OGP values of access to information and civic participation. It requires the publication of new data on users' satisfaction and service performance and involves gathering users' suggestions and opinions.

Overall, the commitment is verifiable. While the objective of the commitment is clear, its milestones would be more easily verifiable if the commitment text was more specific. The commitment comprises four milestones: (i) display of certain quality indicators, (ii) promotion of methods and development of user satisfaction assessment tools, (iii) trial of digital mechanisms for gathering and processing users' suggestions and opinions, and (iv) accountability of all public services working with users for the quality of the services they deliver. This last milestone will be accomplished by displaying the performance and satisfaction indicators in physical venues and on websites providing digital services. In Milestone 1.2, it is not clear what is meant by "promotion" (e.g., to whom and by whom) and "methods."

In addition, the language of the second milestone is too vague to allow for a future assessment of completion. The commitment text does not include additional information on what the trials are testing, what the objective of these trials are, and how they will be conducted. The third milestone is aspirational, without specifying the accountability mechanism envisaged and how public services will use the information. It remains unclear whether the feedback mechanisms will be physical or online and if the online tools should concern only public services providing online services. Similarly, in Milestone 1.4, it is not clear what is meant by "physical venues," how that would look concretely, and whether it would be helpful to a future assessment.

This initiative could have a moderate potential impact. Very limited information exists on public services performance and user satisfaction, with a few exceptions, such as the Pole Emploi. If fully implemented, the commitment would standardize transparency obligations regarding performance and user satisfaction for all government agencies that are in regular contact with users. A platform already exists to assist agencies in complying with the requirements.⁴ The platform allows new information about efficiency and user experience to be published online, shining light on the performance of certain public services. The commitment makes it possible for citizens to express themselves but does not provide an accountability mechanism. Due to the lack of specific details, it is difficult to establish how the administration would use the information to improve public services.

Next steps

Based on the analysis above, the IRM researcher recommends the following next steps:

- The commitment text could be updated to include more specifics regarding the type of mechanisms envisaged to collect feedback and how such feedback will be used to improve services.
- Given the growing concerns about the digitalization of public services, the scope of the commitment could be broadened to allow for comments and feedback on *offline* services, and to make it possible to provide feedback in offline.

¹ For a Transparent and Collaborative Government: France National Action Plan 2018–2020, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² "Service Public: Nos Résultats en Clair," DITP, <https://www.modernisation.gouv.fr/action-publique-2022/resultats-et-mesure-de-la-qualite-de-service/service-public-nos-resultats-en-clair> (accessed on 27 January 2019).

³ "Service Public: Nos Résultats en Clair," DITP, <https://www.modernisation.gouv.fr/action-publique-2022/resultats-et-mesure-de-la-qualite-de-service/service-public-nos-resultats-en-clair> (accessed on 27 January 2019).

⁴ Available here: <https://kitmarianne.modernisation.gouv.fr/transparence/> (accessed on 10 July 2019).

2. Increasing transparency in public procurement

Language of the commitment as it appears in the action plan:

At national level, public procurement is estimated at 15% of the GDP. It is an essential component of economic policies that helps sustain growth, fosters competitiveness and employment, and stimulates innovation. There is room for greater transparency in this expenditure category: it is an issue for citizens, with regard to accountability in public expenditure and countering corruption, as well as an economic issue, facilitating companies' fair access to public procurement and enabling greater transparency in economic life, and an issue as regards effectiveness of public action, enabling efficient management of the policy on the part of all public officials.

Open publication of essential data on public procurement, in compliance with an international standard (Open Contracting Data Standard) and including all stakeholders.

Transposition of European directives has provided France with a judicial framework fostering increased transparency in public procurement. Publication of essential data on public procurement (in particular on offers, candidacies and choices made) is now mandatory; in accordance with the procurement contract data repository and in compliance with the international "open contracting data standard".

Publication of data in compliance with a single standard guarantees its availability in a usable format, as well as facilitating data interoperability and reuse. Such standardisation should finally cover all public purchasers (State, local authorities, hospitals, public institutions, etc.) and enable development of a "single flow of public procurement data". The Brittany Region is already very much committed to this aim and provides a useful testing ground for implementation of this Commitment.

Transparency in public procurement is also an issue as regards the fight against corruption and effectiveness of public action at international level. During the Open Government Partnership World Summit held in Paris in 2016, France undertook to promote transparency in public procurement at international level. It set up the "Contracting 5" ("C5") alliance with four other countries (Colombia, Mexico, the United Kingdom and Ukraine), with the Open Contracting Partnership's support. C5 aims to share tools and best practices on the subject and develop the international "open contracting data standard". France will be chairing C5 as from January 2018.

Complete transparency in public procurement cannot be achieved, however, without an ambitious training and simplification plan. This being so, development of a policy ensuring support to and training of those involved in digital transformation of public procurement is in the pipeline. Similarly, simplification of procedures, of publication of national opinions in particular, and of processes, through their standardisation and interoperability, etc., is a major work focus.¹

Milestones

2.1 Designing a "single flow" of procurement contract data

2.2 Making the "contract flow" available on data.gouv.fr

2.3 Working on the scope of data incorporated into the "contract flow" in order to go beyond the "essential data" provided for by the Decree.

Such data may be identified in cooperation with the players concerned, through organisation of Open Labs with developers, public purchasers, software publishers, etc. An initial Open Lab was held on 25 September 2017.

2.4 Developing and implementing innovative uses of public procurement data at public procurement observatories in the 2 "testing grounds": Brittany and Occitania

2.5 Disseminating these practices across other territories: involvement of other territories in experiments underway and publication of their data in the same format

2.6 Disseminating standards among the international community via Contracting 5

2.7 Incorporating more countries into Contracting 5 and promoting use of international standards in those countries

2.8 Developing a policy ensuring support for and training of those involved in digital transformation of public procurement

Start Date: 2018

End Date: 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | | | ✓ | | | | ✓ | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

Public procurement corresponds to 15 percent of the country’s gross domestic product, including 160,000 contracts yearly and 89 billion euros.² It constitutes both a significant source of economic activity and the main space where companies interact with the public sector. Generally, public procurement is a sector that is particularly prone to corruption.³ In France, information about procurement contracts, offers, bidders, and contractors is not easily accessible.⁴ Governmental decree 2016-360 (March 2016) required buyers to give complete and open access to “essential data” on procurement contracts on their buyer profile, from the 1 October 2018. This decree covered all contracts over 25,000 euros (excluding tax), with the exception of contracts relating to defense and security.⁵ Two administrative decrees, signed on 14 April 2017⁶ and 27 July 2018,⁷ later defined “essential data” (concerning the attribution phase).

This commitment aims to improve public access to information through the use of technology, making it relevant to the OGP values of access to information and technology and innovation. It follows the efforts of the region of Brittany, which launched the Breizh Small Business Act. Breizh Small Business Act provides local companies with essential data on public procurement. It also inspired the definition of the standard pivot format and the automatization of data collection through buyer profiles.⁸

Procurement data in France is not centralized or standardized. There are more than 35,000 local governments. The fragmentation of data might make it difficult for companies—especially small businesses—citizens, and civil society organizations to monitor public procurement. Administrative and territorial complexity create several obstacles for data centralization. Buyers are required to publish the URL of their buyer profile on data.gouv.fr, but there are currently very few declared buyer profiles. The plurality of information systems used also makes data aggregation difficult. The burden of the task lies principally with Etalab, since the law requires buyers to publish their essential data on their profiles only. Etalab then holds responsibility for centralizing the information and making it easily accessible, in collaboration with profile editors.⁹

This commitment aims to increase transparency in public procurement, mainly by centralizing data and broadening the scope of information made public. While the commitment is specific enough to be verified, it does not specify what new data will be made available. The commitment also encourages the reuse of data to make it accessible to members of the public who are not experts. The commitment has an international dimension, whereby the government aims to encourage other countries to align with international standards promoted by the Open Contracting Partnership and the Contracting 5 (United Kingdom, Mexico, Colombia, Ukraine, France, and Argentina).

As written, the commitment is verifiable. The first two milestones concerning the centralization of data are specific and easily assessable. The last two milestones on international outreach and training of officials could be more specific regarding target countries and population.

The other four milestones are, however, too vague to be properly assessed. Milestone 2.3 indicates that the government commits only to *work* on adding data to the essential data required by decree. The milestone does not provide any information about what the government actually commits to do. Similarly, Milestones 2.4 and 2.5, which are cumulative, do not provide sufficient information about how the data will be used innovatively. Milestone 2.6 indicates that the government commits to promote international standards abroad through the Contracting 5. This is too vague both in wording (such as how standards will be promoted and who will they be promoted to) and regarding the implementing agent, since the government would have to rely on its partner countries to fulfill this engagement.

This initiative could have a potentially transformative impact. Data on procurement is not currently centralized, and the current legal framework does not require the centralization of data. This commitment aims to centralize and standardize procurement data. If fully implemented, it could allow for better access to information for companies, which would level the playing field and improve competition. It could also provide better access to civil society organizations, which would allow them to better monitor procurement processes and identify red flags.

Public procurement is very important for the country's economic performance, given the high number of contracts awarded. However, the current difficulties in accessing clear and complete information about public contracts limits competition and may facilitate corruption or other misconduct in procurement processes. Through this commitment, the government aims to go beyond the existing legal framework to create an automatized flow of information regarding public procurement. It aims to train public officials to respond to the lack of data savviness within the public service, especially at the local level.¹⁰ However, the responsibility for data centralization appears to lie principally with Etalab.¹¹

Next steps

The IRM researcher recommends the commitment be prioritized in the next action plan. The IRM researcher also recommends considering the following actions:

- Provide more specific information concerning the type of data to be included.
- Launch an information campaign to raise the public's awareness and understanding regarding the existence and potential of this data.
- Prepare videos and other learning material to explain how other civil society actors, including smaller-sized companies, can make use of the single flow of data.
- Clarify the following information from the commitment text: "training of those involved in digital transformation of public procurement" (e.g., which audience, trained on what).

¹ For a Transparent and Collaborative Government: France National Action Plan 2018–2020, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² L'Observatoire Économique de la Commande Publique, *Les Données de la Commande Publique : le Recensement Économique des Marchés Publics - Synthèse 2014/2017*, https://www.economie.gouv.fr/files/files/directions_services/daj/marches_publics/oecp/recensement/chiffres-OECP-cp-2017.pdf (accessed on 8 February 2019).

³ OECD, *Prevention Corruption in Public Procurement*, 2016, <http://www.oecd.org/gov/ethics/Corruption-Public-Procurement-Brochure.pdf> (accessed on 8 February 2019); and Transparency International, *Curbing Corruption in Public Procurement: A Practical Guide*, 2014, https://www.transparency.org/whatwedo/publication/curbing_corruption_in_public_procurement_a_practical_guide (accessed on 8 February 2019).

⁴ "Forum Open d'Etat #5—Transparence de la Commande Publique," 12 December 2018.

⁵ Xavier Berne, "Coup d'Envoi des Obligations d'Open Data sur les 'Données Essentielles' des Marchés Publics," Next Inpact, 2018, <https://www.nextinpact.com/news/107069-coup-denvoi-obligations-dopen-data-sur-donnees-essentielles-marches-publics.htm> (accessed on 8 February 2019).

⁶ “Arrêté du 14 Avril 2017 Relatif aux Données Essentielles dans la Commande Publique,” LegiFrance, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034492587&dateTexte=20181001> (accessed on 8 February 2019).

⁷ “Arrêté du 27 Juillet 2018 Modifiant l'Arrêté du 14 Avril 2017 Relatif aux Données Essentielles dans la Commande Publique,” LegiFrance, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037282994&dateTexte=&categorieLien=id> (accessed on 8 February 2019).

⁸ Etalab official, email communication with IRM researcher, 21 February 2019.

⁹ Etalab official, email communication with IRM researcher, 21 February 2019.

¹⁰ Xavier Berne, op. cit., 2018; Gabriel Zignani, “Votre Collectivité a-t-Elle Engagé une Démarche d'Ouverture des Données?” La Gazette des Communes, 7 February 2018, <https://www.lagazettedescommunes.com/570941/votre-collectivite-a-t-elle-engage-une-demarche-douverture-des-donnees/> (accessed on 8 February 2019); and Romain Mazon, “Open Data et Collectivités : Qui Fait Quoi, et Comment?” La Gazette des Communes, 10 December 2018, <https://www.lagazettedescommunes.com/586475/open-data-et-collectivites-qui-fait-quoi-et-comment/> (accessed on 8 February 2019).

¹¹ Etalab official, email communication with IRM researcher, 21 February 2019.

3. Improving transparency in public development aid

Language of the commitment as it appears in the action plan:

The conclusions reached by the 2011 Busan High-Level Forum on Aid Effectiveness call on donor countries to increase traceability and efficacy of development aid. For France, transparency in public aid, combined with its better foreseeability, meets a democratic need for accountability, understanding and legitimacy of French development cooperation policies. Such transparency is also beneficial as it improves aid effectiveness and limits cases of corruption.

The Interministerial Committee meeting of 30 November 2016 highlighted France's commitment to "improving the transparency and accountability of French aid" (Focus V).

Information on operational deployment of aid is made available systematically in the Creditor Reporting System (CRS) managed by the OECD. Budgetary information and public development aid performance indicators may be consulted on the performance- publique.budget.gouv.fr platform.

In order to facilitate reuse, raw data on Ministry for Europe and Foreign Affairs (MEAE) and Agence française de développement (AFD) development projects are openly published on the data.gouv.fr platform as well as on a single platform (<http://www.transparence-aide.gouv.fr/>), proactively compared with data published by the OECD.

This single platform provides better clarity of data, enabling users to view projects implemented by France on a map via a geolocation tool. Users can also find each project's characteristics (implementation date, description, type of aid and financial data) on the site.

France is therefore continuing its efforts and making further progress with regard to transparency and accountability in its development and international solidarity policy, in order to meet the highest standards, both in the Development Aid Committee and for other initiatives, the International Aid Transparency Initiative (IATI) in particular.

Complementing reports on accountability and information on France's action with regard to aid, the following actions are proposed:

- widening the scope of data currently published;
- publishing new data associated with transparency in public development aid;
- improving clarity of information on transparency in public development aid.¹

Milestones

3.1 Extending publication of data on public development aid to new geographical areas (MEAE)

3.2 Publishing data on public development aid provided by new players such as Proparco (AFD)

3.3 Merging publication of data on a single platform

3.4 Publishing data on the impact and/or results of AFD projects

3.5 Continuing to provide the OECD's Development Aid Committee with data for publication of quality data in compliance with the OECD's latest standards

Start Date: 2019

End Date: 2020

| | | | | | |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|
| Commitment Overview | Verifiability | OGP Value Relevance (as written) | Potential Impact | Completion | Did It Open Government? |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|

| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | | | | | | ✓ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

At the 2011 Busan summit on aid effectiveness, the French government committed to make information about its development aid projects open and accessible by 2015. France has since then made several commitments about the transparency of development aid,² including such commitments in the framework of its 2015–2017 OGP action plan.

The last IRM end-of-term report³ indicated that the French government has made significant efforts to improve transparency. It has also made significant efforts to facilitate access to information regarding international development aid, largely through the centralization of data. Among the three agencies that disburse development funds, the Agence Française de Développement (AFD) has made significant improvement, while the Ministry of Foreign Affairs (MEAE) and the Ministry of Economy and Finance lagged behind.

Publish What You Fund placed the AFD and MEAE in the “fair” category of its 2018 Aid Transparency Index.⁴ The organization emphasized the agencies needed to improve the comprehensiveness of data published and publish financial and budgetary data. Such data could include disaggregated budgets and project budgets, as well as performance-related information. Publish What You Fund also noted the agencies should encourage the reuse of the data they publish.

This commitment aimed to further improve access to information regarding funding and implementation of development aid projects. It fostered the publication of data regarding additional recipient countries and data from other government agencies (Proparco). It also plans to publish information about the results and impact of development projects. The commitment is relevant to the OGP value of access to information, given that it requires the publication of new data.

Overall, the commitment is verifiable. However, some additional information would have been useful for future assessment. Such information includes details about specific geographical zones for which data should be published and a more detailed list of new agencies whose data should be opened. Also helpful would be information providing more clarity about the data to be published by the AFD—the current phrasing with “and/or” is confusing. Moreover, an indication of the frequency of publication would have been a valuable addition.

This initiative could have a moderate impact. If fully implemented, the commitment would provide new information on activities in regions not yet covered by the transparency policy, on activities of agencies that play an important role in France’s development program. These agencies include Proparco, which is in charge of programs in the private sector. The commitment would also provide information on additional phases of development projects, such as impact assessments.

However, none of the milestones concern the Ministry of Economy and Finance, which is indicated as an implementing agency and was deemed the worst performer in the last evaluation report. The IRM researcher questions the relevance of including Milestone 3.3 regarding publication on a unique platform, since this had already been done within the framework of the 2015–2017 action plan. The same applies to Milestone 3.5 regarding the information flow to the Organization for Economic Cooperation and Development-Development Aid Committee, since this reflects a previous agreement with another organization outside OGP.

Next steps

The IRM researcher recommends that the commitment be carried forward in the next action plan. The following actions could be considered:

- The scope of information published could be broadened to financial and budgetary data, including disaggregated budgets, project budgets, and performance-related information.
- The Ministry of Economy and Finance could be explicitly included in the commitment text.
- Documentation could be prepared to better inform the public and encourage the reuse of data.
- The government could develop a function that allows the public to ask questions and make it more visible on the open data platform.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² “France,” Publish What You Fund, <https://www.publishwhatyoufund.org/donors/france/> (accessed on 7 February 2019).

³ Sofia Wickberg, *Independent Reporting Mechanism (IRM): France End-of-Term Report 2015–2017* (Washington, DC: Open Government Partnership, 2018), https://www.opengovpartnership.org/sites/default/files/France_End-of-Term_Report_2015-2017.pdf (accessed on 7 February 2019).

⁴ Publish What You Fund. Aid Transparency Index 2018. Online, available at <https://www.publishwhatyoufund.org/the-index/2018/> (accessed on 4 September 2019).

4. Enrich “public data as a service”: Towards a new list of reference data

Language of the commitment as it appears in the action plan:

Opening public data furthers democratic transparency and economic and social innovation. It improves public action and develops new forms of public regulation.

The Digital Republic Act, promulgated in 2016, has made major headway with the extension of the open data policy scope to new stakeholders (including local authorities and industrial and commercial public services), introduction of the open by default principle and setup of a public reference data service.

Increase the impact of ministry-led policies to open up public data and build data infrastructure.

Implementation of these measures now needs to be monitored and supported, and the cultural barriers that persist within government departments must also be removed. In order to advance the usefulness and impact for the economy and society of available APIs and data, and strengthen the link with the business ecosystems and communities of re-users, sector-specific "verticals" are also set to be developed around geodata, corporate data and transport data for example.

With respect to the cross-cutting actions to be carried out, the focus will be on:

- Facilitating and encouraging the application of the open by default principle;
- Fostering the re-use of open public data, not least that which are of strong economic and societal value (such as the public data service, sector-specific open data);
- Assessing the impact of opening up and re-using public data.¹

Milestones

4.1 Enrich the "public data service" (SPD) with new databases, by leading SPD-oriented governance:

- Work with the community on identifying 2 to 3 high-impact datasets per ministry
- Define a timescale for opening up these datasets

4.2 Develop "verticals" (sector-specific data, APIs, openlabs and dedicated community management, etc.) depending on the theme (e.g.: transport, energy and so on) in connection with the data.gouv.fr platform

4.3 Push on with the development of data.gouv.fr and build in new features:

- Improve data quality and create links between data (enrich metadata)
- Allow citizens or businesses to ask for data to be opened up

Start Date: 2018

End Date: 2019

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | ✓ | | ✓ | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

In April 2017, within the framework of the Digital Republic Bill, the government launched an initiative to promote open data and provide public data as a service. This effort required the state to open data by default and identify, with the public, which datasets ought to be released. This initiative was part of the 2015–2017 action plan, and nine datasets were opened on data.gouv.fr, the government’s open data platform.²

This commitment aimed to make ministries’ open data policies more efficient, evaluate the impact, and encourage data reuse. It also aimed to promote the principle of opening data by default and eliminate “cultural obstacles” within the administration. The government intended to fulfill these objectives through enrichment of the public data service with new datasets and development of thematic “verticals.” These verticals would follow the example of what has been done for geographical data or business data. The government also intended to fulfill the objectives through the improvement of data quality and metadata, and by making it possible for the public to request the opening of new datasets. The IRM researcher finds the activities to be relevant for realizing the commitment’s objectives. However, two elements have not been included in the milestones: impact evaluation and the elimination of cultural obstacles.

This commitment is clearly relevant to improving access to information, civic participation, and technology and innovation. It aimed to make new data available to the public and to facilitate access and reuse of existing data through technological innovation. It also entailed working with the community on identifying two to three high-impact datasets to be opened.

As written, the commitment is verifiable. The first milestone indicates that the government seeks to work with “the community,” which could be understood as relevant civil society organizations and companies. However, the vagueness of the term will make it difficult to assess if the level of participation corresponded to the plan. In addition, the milestone commits to identifying two or three datasets per ministry to be released. However, it is not clear whether it would concern all ministries or only those listed as implementing agencies. Similarly, Milestone 4.2 does not provide any details on the number or type of verticals to be developed or on the process of selection. Lastly, the third milestone indicates that the quality of the data should be improved without specifying what the problem with the current data actually is.

This initiative could have a minor potential impact. If fully implemented, the commitment would lead to the release of at least 12 to 18 new datasets, considerably more than the nine datasets that are currently part of the public data service. The development of tools and verticals would facilitate the reuse of data through thematic structuring, which would improve access to information. However, the commitment concerns only the identification of datasets and scheduling of publication — not the actual opening of the datasets. The lack of specification prevents the IRM researcher from evaluating the milestone’s potential impact as more than minor. The third milestone, enabling citizens to ask for new datasets to be opened is overall positive. However, it would be useful to clarify what additional value that brings to the existing principle of opening data by default.

Next steps

The IRM researcher recommends that the commitment be carried forward in the next action plan. She also recommends considering the following actions:

- Include more ambitious and specific milestones, including the opening of new datasets rather than the mere identification of datasets and scheduling of publication.
- Include an evaluation of the impact of the “public data service.”
- Clarify what the “cultural barriers” are and identify and eliminate them within the administration.
- Prepare an information campaign and informative documentation to include the broader civil society in the use of the public data service. This will also ensure accountability.
- Prepare training material to educate the public about the potential of open data and possible uses (i.e., train-the-trainer material for schools and universities).

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² 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.

5. Appoint ministerial data administrators and support the implementation of the “open by default” principle

Language of the commitment as it appears in the action plan:

Public data can be leveraged for improving the running of government departments, enhancing transparency in public action and boosting the economic sector.

To step up the momentum already under way and recognised at international level in terms of opening up and harnessing data, all of the ministries across the board now need to get involved in putting data policy well and truly into practice. This data policy must combine open data with the personal data protection requirements, in compliance with the French Code on Relations between the Public and the Administration and the General Data Protection Regulation (GDPR).

Appoint a ministerial data administrator within each ministry: s/he will be tasked with coordinating data policy, within his/her ministry, in liaison with the Secretariat General: inventory of existing data and data in use (mapping), identification of reference data coming within the ministry's purview, data movement (API strategy, participation in the national policy to open up public data, protection of personal data, data anonymisation or pseudonymisation projects), data use for the ministry's specific needs (particularly through data science and artificial intelligence).

Oversee the network of ministerial data administrators: the general data administrator will be tasked with overseeing this network to make it easier to share experiences and pool interministerial resources (setup of API, data sharing platforms, anonymisation and so on).

Support the implementation of the open by default principle: so as to help government departments to honour the legal obligations enshrined in the Digital Republic Act (including the open by default principle), a series of resources (practical guide, training for officials) will be produced in conjunction with the network of ministerial data administrators and re-users.¹

Milestones

5.1 Appoint a ministerial data administrator within each ministry

5.2 Oversee the network of ministerial data administrators (together with the general data administrator at the Interministerial Department of the Government's Digital, Information and Communication Systems (DINSIC)

5.3 Support government departments and bolster dialogue on opening up public data:

- Publish an educational practical guide on opening up public data, which particularly gives a reminder of the new legal framework (Digital Republic Act, GDPR)
- Offer training to officials
- Involve data re-users in drawing up future open data policies (through hackathons, consultations or training for example)

5.4 Assess the impact of opening up public data:

- Organise a study day for understanding the impacts of opening up public data
- Develop tools (indicators, data science, etc.) for measuring the impact that instruments opening up public data have on the economy, democratic life and other areas
- Set up an international working group on the impact of opening up public data for discussing feedbacks from other countries

Start Date: 2018

End Date: 2020

| | | | | | |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|
| Commitment Overview | Verifiability | OGP Value Relevance (as written) | Potential Impact | Completion | Did It Open Government? |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|

| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

The IRM end-of-term report for France’s 2015–2017 action plan noted that “the awareness and interest for open data and open government is not equal across ministries. Etalab still lacks sufficient leverage to centralise and spread information in an efficient manner and stakeholders recognised that . . . awareness and uptake remain anecdotal . . . [and that there is a] general lack of high-level support for the topic overall as well as for the activities of the open data correspondents in each ministry.”² The Interministerial Department of the government’s Digital, Information and Communication systems (DINSIC) holds responsibility for assisting ministries and agencies in their open data efforts. The DINSIC manages the public open data system. It organizes bimonthly interministerial coordination meetings and holds regular “open data sprints” to identify high-impact datasets together with each ministry. The DINSIC organizes meetings with all the data administrators every three to four months to exchange good practices and challenges. It also hosts regular thematic workshops.³

The government decided to address the lack of internal knowledge and concern for open data in the new action plan by appointing dedicated data administrators in each ministry. It had appointed eight at the end of 2017.⁴ In this context, the commitment aimed to create a network of data administrators to facilitate the circulation of data and knowledge and facilitate implementation of the principle of open data by default through guides and trainings. The administrator also held responsibility for evaluating the impact of open data. Several ministries made separate commitments that concern their own organizations and data, specifying how they intended to facilitate a culture of open data.

The text is specific enough for the commitment to be verifiable. The second milestone concerning the network of administrators however does not indicate what is meant about the management of the network, nor about whom the responsibility falls on.

This initiative has a minor potential impact for better data governance and quality. This commitment aims primarily to improve the governance and management of public data within the administration. However, based on interviews, the IRM researcher notes that the commitment might lead to an improvement in the open data infrastructure in the long run, and in the quality of information disclosed to the public. Therefore, the commitment is relevant to the OGP value of access to information. It has potential even though it does not require the disclosure of any new data or information on its own. It is also relevant to civic participation, as one of the milestones calls for involving data users in the development of future open data policies.

The text is specific enough for the commitment to be verifiable. The second milestone concerning the network of administrators however does not indicate what is meant about the management of the network, nor about whom the responsibility falls on.

This initiative has a minor potential impact for better data governance and quality. There is currently a lack of awareness and competence about open data within the administration. However, the commitment is entirely centered the internal functioning of the administration and does not require any new information to be made accessible.

Next steps

The IRM researcher recommends that the commitment not be carried forward into the next action plan. The government could instead:

- Publish information about the interministerial coordination of the open data policy;
- Clarify the objectives of and notify the public regarding the various coordination meetings (e.g., bimonthly COFIL (*comité de pilotage*), meeting of data administrators held each trimester);
- Clarify the status of the additional ministry-specific commitments related to the main commitments;
- Merge commitments that concern the support given to government agencies and local governments to clarify needs, responsibilities, and strategy; and
- Initiate a campaign to raise the awareness of the broader public about open data to stimulate interest beyond the relatively narrow existing community and make the commitment less inward-facing.

¹ For a Transparent and Collaborative Government: France National Action Plan 2018–2020, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Sofia Wickberg, *Independent Reporting Mechanism (IRM): France End-of-Term Report 2015–2017* (Washington, DC: Open Government Partnership, 2018), pp. 95–96, https://www.opengovpartnership.org/sites/default/files/France_End-of-Term_Report_2015-2017.pdf (accessed on 7 February 2019).

³ Etalab official, email communication with IRM researcher, 21 February 2019.

⁴ Six in the following ministries: Environment, Interior, Justice, Agriculture, Health, Foreign Affairs. Two in administrative directions (DILA and DGFIP); and Xavier Berne, “Open Data: Bientôt un ‘Administrateur des Données’ dans Chaque Ministère?” Next Impact, 2017, <https://www.nextinpact.com/news/105291-open-data-bientot-administrateur-donnees-dans-chaque-ministere.htm> (accessed on 10 February 2019).

6. Improving transparency of public algorithms and source codes

Language of the commitment as it appears in the action plan:

Algorithms have an ever greater part to play in implementation of public policies – in the fields of education and public finances, for example. Their transparency is of key importance in providing citizens with information on administrative decisions.

The Law for a Digital Republic, enacted on 7 October 2016, introduced two major provisions fostering greater transparency into the Code on Relations between the Public and the Administration. The first extends the principle of information to algorithmic processing: any person who is the subject of an individual administrative decision taken on the basis of an algorithm must be informed of the fact and may demand access to the algorithm's main operational rules (its contribution, data used, etc.). The second includes source codes in the list of communicable administrative documents.

Furthermore, Article 16 of the same law provides for administrations encouraging use of free software and open formats during development, purchase and use of all or part of such information systems.

Implementation of these new provisions requires accompaniment of administrations and, more generally, better understanding of the issues, potentialities and risks involved in the use of algorithms in management of public action.

It is for this reason that Etalab has undertaken to develop a methodology in collaboration with administrations for opening algorithms and codes contained in their information systems. Such assistance is already underway with the General Directorate of Public Finance (DGFIP) (opening of the tax calculator's source code) and the Ministry of Higher Education, Research and Innovation (mission on conditions for opening the Admission Post-Bac system). In addition, the Interministerial Directorate for Information and Communications Systems (DINSIC) has undertaken composition of a guide on how to open administrations' source codes, starting with a consultation on an initial version of the guide carried out from December 2017 to January 2018. The specific issues connected with learning algorithms will also be taken into account in work on use of algorithms in public action.¹

Milestones

6.1 Producing 5 public algorithm monographs in order to identify technical, legal and organisational issues. Getting civil society to participate in their study.

6.2 Making recommendations to administrations on essential information on public algorithms, in compliance with the principle of algorithmic transparency

6.3 Drafting a guide to opening public source codes for use by administrations

6.4 Organising hackathons based on opening public algorithms

Start Date: 2018

End Date: 2019

| | | | | | |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|
| Commitment Overview | Verifiability | OGP Value Relevance (as written) | Potential Impact | Completion | Did It Open Government? |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|

| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

Algorithms are increasingly used in relations between the public and the public administration, for enrollment in higher education and attribution of subsidies or tax calculations. The 2016 Digital Republic Bill introduced two major provisions fostering greater transparency into the Code on Relations between the Public and the Administration. However, at the end of 2017, government agencies were not yet compliant.² A parliamentary report published in February 2018 highlights the usefulness of algorithms. The rapporteurs saw algorithms as improvements to public service. They argued that the problem of algorithms emerges when the law is not sufficiently clear, requiring the administration to make a decision and publish it.³

However, there have been several public complaints about the use of algorithms in the past few years. Algorithms for enrollment in higher education—Admission Post-Bac and later Parcoursup⁴—have been particularly criticized by users. A student union won a trial against the Université des Antilles after it refused to make public the algorithm for selecting applicants.⁵ Several elected officials called on the ombudsman regarding the transparency of algorithms after students denounced the opacity and injustice of the system. This led the ombudsman to request that all the criteria integrated in the algorithms at the national and local levels be made public.⁶

This commitment seeks to solve the insufficient transparency of algorithms by providing support to individual agencies responsible for disseminating information about algorithms and source codes. The commitment is considered relevant to access to information. It aims to improve access to information about algorithm operational rules and criteria. It nevertheless does not commit to the publication of any new algorithm or source code.

The IRM researcher considers the commitment text sufficiently specific to be verifiable. Each milestone contains concrete information on the planned deliverables. However, Milestones 1, 2, and 4 could benefit from more precision on format and numbers.

This initiative, as formulated, could have a minor potential effect. The commitment does not require the publication of information on existing algorithms that affect citizens' lives. One of the problems identified by the parliamentary report is that there are technical, legal, and organizational issues relating to how algorithms are used that are obstacles to transparency. Thus, producing monographs that could be used as case studies by government agencies in charge of providing information about their algorithm, together with a user guide and recommendations, could be a positive step forward.

Next steps

The next action plan could focus on transparency of algorithms and source codes, with the following steps:

- Include a commitment on the actual opening of algorithms and source codes, beyond support to government agencies.
- Take measures to make algorithms understandable to the wider public.⁷
- Ensure the opening of the databases of the selected algorithms.⁸

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- ¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).
- ² Xavier Berne, “Transparence des Algorithmes: La loi Numérique Ignorée de Nombreuses Administrations,” Next Impact, 2017, <https://www.nextinpact.com/news/105098-transparence-algorithmes-loi-numerique-ignoree-nombreuses-administrations.htm> (accessed on 10 February 2019).
- ³ Rapport de MM, Cédric Villani, député et Gérard Longuet, sénateur, “Fait au nom de l'Office Parlementaire d'Evaluation des Choix Scientifiques et Technologiques No. 305 (2017–2018)—15 février 2018”; Xavier Berne, “Transparence des Algorithmes: La loi Numérique Ignorée de Nombreuses Administrations,” Next Impact, 2017, <https://www.nextinpact.com/news/105098-transparence-algorithmes-loi-numerique-ignoree-nombreuses-administrations.htm> (accessed on 10 February 2019).
- ⁴ These terms refer to the names of the digital system developed to manage the enrollment of students in French universities.
- ⁵ Camille Stromboni, “Parcoursup: La Justice Enjoint à une Université de Publier son Algorithme de Tri,” *Le Monde*, 6 February 2019.
- ⁶ Camille Stromboni, “Parcoursup: Le Défenseur des Droits Demande plus de Transparence,” *Le Monde*, 21 January 2019.
- ⁷ Aurélie Jean, “La Transparence des Algorithmes: Une (Fausse) Bonne Idée?” *Le Point*, 20 April 2019, https://www.lepoint.fr/invites-du-point/aurelie-jean-la-transparence-des-algorithmes-une-fausse-bonne-idee-20-04-2019-2308681_420.php (accessed on 29 April 2019).
- ⁸ Danièle Bourcier and Primavera De Filippi. “Transparence des Algorithmes Face à l'Open Data: Quel Statut pour les Données d'Apprentissage?” *Revue Française d'Administration Publique* 167, no. 3 (2018): 525–37.

7. Support local areas in implementing the open data by default principle

Language of the commitment as it appears in the action plan:

The Digital Republic Act introduces a requirement for local communities with more than 3,500 inhabitants to publish their public information in open data format, from October 2018. To get a head start in laying the groundwork for this new requirement, in 2017 the Government backed the Opendatalocale programme led by the Opendata France association. By getting nine pilot local areas up and running, this programme enabled a set of tools and resources to be defined for local communities. This commitment is aimed at expanding on these initial efforts by supporting Opendata France's initiatives.

Support local areas in implementing the open by default principle governing public data by keeping the Opendatalocale initiative going and raising the profile of the progress local authorities are making in terms of opening up data.

Through the Opendatalocale project, a number of local areas have been able to embark on opening up their public data by creating a common database for all local areas and a range of teaching aids.

There are clear signs, though, that the legal framework is changing, and that political ambitions are growing steadily in this respect. So the Opendatalocale project has been continued for 2018 to keep supporting the many local authorities involved, by bringing all of the national stakeholders on board and offering various teaching aids and training programmes for local areas.

With a view to providing national and local public stakeholders, media observers, advocacy groups, researchers and economic specialists with precise information on the progress being made in terms of open data in local authorities, Opendata France has set up a community open data observatory tasked with producing indicators bearing on the committed local authorities, datasets made available and uses made possible through the publication of data for example.¹

Milestones

7.1 Maintain and add to the educational and methodological resources for local areas

7.2 Perpetuate and add to the training provision for local areas by capitalising on new partnerships and setting up a network of training leaders

7.3 Set up a community open data observatory producing various summary indicators from the data collected on publication platforms:

- Local authorities publishing information in open data format (number, type, geographic distribution)
- Sets of open data (number, date, theme, access conditions, etc.)
- Publication platforms (number, type, technical solutions, etc.)
- Uses (re-use, traffic)
- Local area coordination (stimulation of re-use and support options for local authorities)

Start Date: 2018

End Date: 2019

| | | | | | |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|
| Commitment Overview | Verifiability | OGP Value Relevance (as written) | Potential Impact | Completion | Did It Open Government? |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|

| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | | | ✓ | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

As of October 2018, reforms have required local governments with over 3,500 inhabitants to publish their public information in open data format. The end-of-term report on the 2015–2017 action plan pointed to the lack of capacity of many local governments, if not most, to fulfill this legal obligation. It noted that there is an important discrepancy between large metropolitan areas and smaller rural cities. The latter often lack financial resources, knowledge, and data literacy. The Observatory of Open Data in Territories (Observatoire Open Data des Territoires) provides an indication of the level of compliance with local governments. Currently, only 343 local governments out of 4,510 are actively moving toward opening their public data.²

In 2017, to support local governments in complying with these legal obligations, the government supported the Opendatalocale program, led by the Opendata France association. The association provided support for nine pilot projects in local governments and enabled the development of a set of tools and resources for local governments. This commitment aimed to expand this program through the development of learning material, trainings, and the harmonization and standardization of data throughout the common local dataset. The aim of the latter is to facilitate small municipalities' access to relevant technology and to help them validate their data and comply with legal standards. Etalab is also developing a platform (schema.data.gouv.fr) to provide public officials with an entry point to the standardized open data schemas.³

This commitment is relevant to access to information and technology and innovation. It explicitly involves publication of summary indicators by a community open data observatory. It also entails further standardization of data and appropriate training of officials in charge of the publication of data. These characterizations could also apply to the milestone to further standardize local government data.

Although this commitment is a continuation of previous activities, the formulation of the milestones is vague (e.g., “maintain,” “perpetuate,” “continue to support”). More specific information about the activities would have made the commitment clearer and easier to measure.

The IRM researcher considers this initiative to have a minor potential effect. The commitment responds to a need to support local governments in opening public data by default. However, the commitment does not require the publication of any information apart from indicators on the performance of local government transparency.

Next steps

The IRM researcher recommends that the commitment be carried on in the next action plan and that:

- A thorough evaluation be conducted to assess why there are so few local governments involved in the open data agenda, to inform the development of trainings and documentation;
- The government ensure that the types of data that should be included in the common local dataset are clearly identified; and
- Local civil society and residents of the targeted local governments be included in the implementation of the commitment, either through the provision of information on local

governments' obligations or through access and use of the data provided in the common local dataset, to make the commitment more inclusive.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Etalab official, email communication with IRM researcher, 21 February 2019.

³ Etalab official, email communication with IRM researcher, 21 February 2019.

8. Set up an open artificial intelligence (AI) lab for the state

Language of the commitment as it appears in the action plan:

Promoting the movement of data between the public and private spheres requires the necessary skills for making use of this data. A network of distributed skills is therefore the ultimate aim, beginning with a cluster within a more centralised AI lab. Ideally, there would be a mix of public sector and external skills.

Lay the groundwork for the open AI lab for the State, define the intended organisation of the team and set the trial processes in motion with the ministries.

The intended organisation of the team is as follows:

A core team made up of data science specialists and public reformers;

For each project, dedicated recruitment modelled on the General Interest Entrepreneurs (EIG) competition for attracting specialists, who will be given the opportunity of embarking on pathways of excellence.¹

Milestones

8.1 Publication of the ministries' AI and digital road maps

8.2 Calls for AI proposals for the attention of government departments

8.3 Setup of the AI lab

Start Date: 2018

End Date: 2019

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | | | ✓ | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

Under the guidance of Cédric Villani, mathematician and member of Parliament, the government tried to give more visibility to artificial intelligence (AI) and to integrate it in the work of the public sector. The national action plan mentions the need to acquire sufficient skills to profit from the potential of big data and data circulation. Villani's 2018 report adds that AI has the potential to better anticipate the transformation of the labor market (using data on skills, unemployment, and needs), to improve health services (developing prediagnostic tools) and public education, to optimize the transportation of people and goods (developing tools for an adapted regulation of traffic), to mitigate climate change (helping consumers understand and limit their use of energy), and to strengthen national defense, especially in the context of new threats.² In 2018, internal knowledge about AI was limited and unequally distributed among government agencies.³

A team of data scientists within Etalab work across the government. In addition, small Etalab teams work within select agencies (e.g., the national employment agency, Ministry of Interior, Ministry of Defense, and Ministry of Finance).⁴ The commitment aimed to improve the integration of AI in the government through the establishment of an AI Lab and a call for proposals related to AI for government agencies. The IRM researcher considers the commitment relevant to access to information. One of the milestones requires the publication of ministries' AI and digital road maps.

The IRM researcher considers the commitment, as written, specific enough to be verifiable. However, the milestones do not provide enough detail about what the road maps for ministries entail, and exchanges with officials in charge did not provide additional information. Milestones 8.2 and 8.3 are vaguely explained in the action plan, and additional information is available on dedicated government websites. The call for proposals gave agencies in charge of delivering public services a chance to experiment with this new technology.⁵ The AI Lab will be an interministerial entity, within the Digital Information and Communication system. It will serve government agencies in their efforts to use AI, through the support of in-house data scientists and a network of researchers.⁶

Although AI is undeniably a growing area of interest, the IRM researcher finds that the commitment has a minor potential impact. It mainly sought to stimulate internal interest in AI and did not, per se, require any actual concrete AI project. Moreover, it did not aim to train officials to use AI but required the support of trained data scientists.

Next steps

Despite the general relevance of AI in today's world, the IRM researcher suggests this commitment not be carried forward to the next action plan. It only required the publications of governmental road maps but did not include any public-facing element that would improve citizen participation or public accountability.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Cédric Villani, *Donner un Sens à l'Intelligence Artificielle. Pour une Stratégie Nationale et Européenne*. Mission Parlementaire du 8 Septembre 2017 au 8 Mars 2018, https://www.aiforhumanity.fr/pdfs/9782111457089_Rapport_Villani_accessible.pdf (accessed on 11 February 2019).

³ Ibid.

⁴ Data scientist within Etalab, email communication with IRM researcher, 11 February 2019.

⁵ “Appel à Manifestation d'Intérêt ‘Intelligence Artificielle’: 6 Lauréats à Découvrir!” Portail de la Transformation de l'Action Publique, <https://www.modernisation.gouv.fr/outils-et-methodes-pour-transformer/appel-a-manifestation-dinteret-intelligence-artificielle-annonce-des-laureats> (accessed on 11 February 2019).

⁶ “2ème Comité Interministériel de la Transformation Publique,” Gouvernement, 2018, https://www.modernisation.gouv.fr/sites/default/files/dossier_de_presse_-_2eme_comite_interministeriel_de_la_transformation_publique_-_29_octobre_2018.pdf (accessed on 11 February 2019).

9. Opening the administration to new skills and supporting the government's open innovation initiatives

Language of the commitment as it appears in the action plan:

Numerous entrepreneurs, developers and data scientists working within digital ecosystems are ready to work with and within the State in order to improve public services by making use of the potential provided by the opening and circulation of public data, new uses of digital technology and working with communities of civil society contributors.

In addition, when they are looking to implement innovation projects requiring recourse to uncommon skills and expertise, administrations have to cope with a whole range of difficulties, including binding procurement contracts that take time to implement (even though the changes underway with regard to public purchases are bringing about greater flexibility in the processes involved), salary scales that hold little attraction for experts in digital technology, and lack of visibility as to methods developed within the entrepreneurial world.

Bringing administrations alongside digital ecosystems, perpetuating open innovation initiatives in the administration and disseminating such practices, including the “Entrepreneur of General Interest” programme, ministerial incubators and hackathons.

Public action is increased and improved by interaction between administrations and external players. Such exchanges enable identification of new problems connected with public action, introduction of new work methods, development of digital projects open to contribution, and assistance with startup development.

Various models have already been put to use by administrations as ways of getting more closely involved with digital ecosystems:

- the “Entrepreneur of General Interest” programme, which brings external talents into the administration in order to resolve digital challenges within ministries;
- the digital public services incubator, which provides public officials with the opportunity to develop effective digital products that better meet users’ needs;
- incubation of projects promoted by private players, bearing on public problems or connected with a given sector’s digital transition.

Public events designed to encourage collaboration between administrations and external players on a specific theme (hackathons, dataCamps, design workshops etc.). The “Entrepreneur of General Interest” (EIG) programme developed by Etalab favours such encounters between external talents and public officials wishing to introduce new problem- solving techniques. EIGs work in selected administrations for a 10-month period in order to resolve challenges connected with digital technology. The success met with when the experiment was first tried out in 2016 resulted in a second year’s trial. Its initial success must now be capitalised on if the initiative is to be perpetuated. The programme also enables identification of constraints that need lifting and opportunities to take advantage of in order to develop genuinely extended public services that would enable the State to work more simply with startups and transform public policies.

It is also a matter of promoting and facilitating setup of ministerial incubators and disseminating agile methods in the implementation of projects.¹

Milestones

9.1 Perpetuating the “Entrepreneur of General Interest” programme.

Launching the 2nd and 3rd EIG years.

Perpetuating programme funding over the longer term.

9.2 Creating a network of EIG alumni providing feedback on the initial years in order to help improve the programme’s effectiveness

9.3 Using such feedback as a basis for proposing legislative and regulatory changes with a view to improving technological public innovation within the administration

Start Date: 2018

End Date: 2019

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

This commitment was a continuation of an ongoing program that sought to bridge two worlds that cannot currently meet. Many data scientists and digital entrepreneurs wish to work for the public sector, and the state lacks the competencies that these professionals could bring. There are, however, currently several obstacles prohibiting these worlds from meeting. These include burdensome procurement procedures, pay schemes lower than market value, and a lack for understanding of what the digital world has to offer. The Entrepreneur of General Interest (EIG) program, created in 2016, wished to facilitate the digital transition of the state. It would do so through the recruitment of data scientists and digital experts to work on specific projects. This commitment aimed to make the EIG program sustainable.

Since the program was launched, there have been 71 entrepreneurs working within the administration, including the last cohort.² Of the 39 EIGs of the two initial promotions, 14 continued to work within the public sector, capitalizing on the collaborations started with their administrative mentors. All the tools developed by the EIGs and the datasets they helped to open are available to the public on the following platforms: <https://github.com/entrepreneur-interet-general> and data.gouv.fr. An evaluation of the program is currently being conducted.³

This commitment is relevant to the OGP value of civic participation. The commitment involved outreach to entrepreneurs, developers, and data scientists to help the government improve public service through digital technology.

The commitment is overall sufficiently specific to be verifiable. Most milestones contain concrete information about what should be done (e.g., create a network of alumni, launch the next round of the program). The milestones that aim to make the program sustainable could have been enriched with more details to facilitate a future assessment (e.g., what is meant by “perpetuate the program” or “the longer term”?).

This initiative could have a minor effect. The outputs of the program could improve the use of technology in the long run, thanks to the projects developed by the EIGs. Given the point of departure, whereby the EIG program already exists, and the fact that this commitment only aims to make it sustainable, it can be considered an incremental step to improving the digitalization of the state.

Next steps

Given that this commitment is already significantly underway, the IRM researcher suggests that this commitment not be carried forward to the next action plan.

The government could, however, centralize the feedback and comments from the Entrepreneurs of General Interest about their experience in various government agencies. This would provide useful

information about the previously mentioned “cultural obstacles” to open government within administrations.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Entrepreneur.e d’Intérêt Général. 2019, <https://entrepreneur-interet-general.etalab.gouv.fr/communaute.html> (accessed on 28 February 2019).

³ Etalab official, email communication with IRM researcher, 20 February 2019.

10. Set up digital public service incubators in each ministry

Language of the commitment as it appears in the action plan:

The services we obtain from the digital economy enable simple, intuitive interactions that are changing users' expectations. "Startups d'Etat" (State Startups) are setting out to solve specific problems in users' relations with the public authorities by offering an experience at the cutting edge of technology, as defined by the digital startups.

These new public services are developed by independent, frugal teams working with their users. Well-versed in Lean Startup and agile methods, these teams are introducing new practices into public organisations.

Such services normally build APIs, or reusable software bricks, which form the backbone of the "Government as a Platform" concept.

These teams are focused on their impact on reality and the value they deliver to their users. After six months, the aim is to have achieved satisfaction among early users. Only those teams with convincing early results to show for their efforts after six months are maintained, which means that investment is channelled solely towards projects having had a tangible impact; a new investment strategy in the information systems of the public sector.

Lastly, the services developed are open-source by default, and close attention is paid to the contribution terms.

To encourage uptake of these practices and this working philosophy across government, there are plans to get ever more State Startups off the ground with new public partners (ministries, operators, local authorities, etc.) and to bring about incubators in the most advanced partners when the time is right.¹

Milestones

10.1 Launch 3 to 5 ministerial incubators

10.2 Roll out incubators within each ministry

Start Date: 2018

End Date: 2019

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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. Overall | | ✓ | Unclear | | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

In 2013, the government engaged on a path toward the simplification of government processes. These efforts were especially directed toward interactions between users (citizens or companies) and the state. The agency in charge of simplification and modernization acted on a suggestion from an entrepreneur, Pierre Pezziardi. Pezziardi suggested the government use start-up incubators to solve specific problems through digital means.² There are currently 65 active state startups working with 15 government agencies.³

This commitment aimed to spread the start-up practice and philosophy to the whole public administration at all levels of governance. It would start with the creation of three to five incubators. Besides the institutions mentioned in the general commitment, the Ministry for the Ecological and Solidary Transition, the Ministry of Foreign Affairs, the Ministry of Education, and the Ministry of Culture expressed ambition to set up their own incubators to support the creation of state start-ups.

The IRM researcher does not consider the commitment relevant to OGP values. Its aim is first and foremost the improvement of internal processes and the improvement of e-government practices. It does not include any public-facing element. The text of the commitment does not clearly differentiate between state start-ups and incubators, which creates confusion regarding the ambition of the commitment. The action plan does not provide any information regarding the selection of the first ministries to set up incubators.

In terms of impact, the IRM researcher deems this initiative to have a potential minor effect. The overall ambition of the state start-ups is significant. It aims to change practices between the administration and its users and introduce a new type of public service. In the context of this assessment, however, the problem that this innovation is supposed to solve is not spelled out clearly enough to be able to make such a statement. The IRM researcher thus considers this commitment, if fully implemented, to be a minor incremental step to improving the relations between citizens or companies and the state.

Next steps

Despite the overall significance of testing new approaches to public administration, the current commitment is not relevant to OGP and its values. The IRM researcher suggests this commitment not be carried forward to the next action plan, or that it be made to fit the objectives of improving access to information. This could involve including citizens in public affairs and providing them with means to hold the government accountable. The next action plan could instead focus on incubators that made information available to the public or that facilitate public participation. This could give policy makers an incentive to use the incubator methodology to open government.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Béatrice Madeline, “L’Etat Passe en Mode Start-Up,” *Le Monde*, 23 September 2018.

³ Etalab official, email communication with IRM researcher, 19 February 2019.

11. Streamline data flows within the State with FranceConnect Plateforme

Language of the commitment as it appears in the action plan:

By 2022, all of the public authorities, at national and local level alike, will be using the components and services of the technical infrastructure FranceConnect Plateforme to deliver secure, simple, personalised, completely digital services which guarantee procedural traceability and respect of fundamental freedoms. This platform is enabling the gradual, ongoing construction of a modular, reusable public information system designed to facilitate innovation and to be open to all State partners, whether public or private. It supports agile, low-cost developments, focusing efforts on the search for "business value".

Thanks to its core range of basic services:

Citizens, businesses and public officials can obtain e-identification means tailored to their needs via FranceConnect identité;

Data and services can be published with a view, on the one hand, to facilitating communication between public authorities and personalising relations with users (thereby avoiding repeat requests for supporting documents for example, applying the "dites-le nous une fois" (tell us just the once) rule), and, on the other, to enabling different developers, whether they are working within a State institution or externally, to create value-added services;

Trust can be enhanced by guaranteeing protection of data and privacy.

The FranceConnect Plateforme is organised into two concentric circles:

The 1st circle ("core"), comprising a basic services provision for guaranteeing the smooth running of the platform and swift delivery of the services for users and businesses (e.g. FranceConnect identité, data exchange service, data protection service);

The 2nd circle, comprising common assets: services and components characterised by their high degree of re-use by the other departments, and therefore by a high risk of disruption should the service be upgraded or become unavailable. These services include, for example, the main APIs on the reference data (businesses, households, taxation, geodata, etc.) or the "public data service";

The FranceConnect Plateforme development pathway takes an iterative approach with the user (starting with a "minimum viable product"), enabling an incremental and collective development of services.

In this platform model, the ministries, operators and local authorities become stewards of the development of the modular public IS. They are responsible for presenting data and services for the attention of officials or the public. These services are either new modular-native services ("API First" approach) or services from legacy systems that have gone through API-fication processes.

FranceConnect Plateforme is then expected to be opened to external developers and enhanced as and when they add new contributions. It will also be possible to develop new services from available public services and data. Such services could, for example, allow user authentication via FranceConnect identité.¹

Milestones

11.1 Develop the core services of FranceConnect Plateforme, to guarantee the smooth running of the platform and swift delivery of the services for users and businesses:

- The platform infrastructure;
- The identification services based on FranceConnect identité (Household, Official or Business);
- The data exchange functions: internal reference frameworks, API SEO, drawing up of contracts and authorisations, presentation and transmission of data;
- The functions bearing on protection (integrity, confidentiality, access control, traceability and history of exchanges) and trust;

- An access interface for users and local authorities publishing information in open-data format (number, type, geographic distribution)

11.2 Develop the priority services of common interest (minimum functional base, 2nd circle) to fast-track the development and provision of new online services, underpinning the "core" features of FranceConnect Plateforme.

In particular: APIs opening up the reference data, pooled components enabling the integration and ongoing roll-out of developments according to a DevOps mindset; universal payment "brick"; Vitam-as-a-Service (Vitam is a software program for developing a digital archiving base that can be re-used by government departments), etc.

Start Date: 2018

End Date: 2023

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | | | ✓ | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

Public services online are scattered and require users to create several accounts to sign up. FranceConnect offers an “official” user authentication and allows users to access several public services in one single place. Users can request official documents, verify remaining points on a driving license, and submit a demand for financial support, among other actions. The platform fits within the government’s effort to digitalize public administration and its services. This commitment is a continuation of France’s 2015–2017 action plan, in which the government committed to testing and launching the platform.² This commitment aimed to strengthen the platform through several fundamental services (e.g., secure identification, data exchange) and the development of new online services.

The IRM researcher considers the commitment relevant to access to information. One of the milestones of the commitment requires the creation of a public access interface, with the publication of information in open data format. The commitment is also relevant to technology and innovation, since it requires the improvement of a digital platform.

Overall, this commitment is verifiable. The first milestone contains concrete activities to be undertaken and a list of core services that should be integrated into the platform. The second milestone is, however, vague. It only indicates that a second round of improvements will be implemented, without further information except that it should include the APIs (application programming interface) to open reference data.

In terms of the impact of the commitment, the IRM researcher deems this initiative to have a potential minor effect. This commitment seeks to develop digital services and facilitate citizens’ access to public services. The first commitment on FranceConnect was considered to have a potential moderate impact in the last IRM evaluation round. The platform is already in place, and this commitment aims to strengthen the system. Thus, the IRM researcher considers the change envisaged to be incremental and believes it would have a minor potential impact.

Next steps

The IRM researcher suggests that this commitment not be carried forward to the next action plan. Alternatively, it could be made to fit the objectives of widening access to information, improving citizen participation in public affairs, and providing citizens with the means to hold the government accountable. The action plan could also group all commitments that concern e-government and the digitalization of public services. Grouping them would make the overall strategy easier to understand. It would also streamline open government initiatives in all such commitments (e.g., linking the digitalization with the publication of performance and budget data).

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*.

<https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Sofia Wickberg, *Independent Reporting Mechanism (IRM): France End-of-Term Report 2015–2017* (Washington, DC: Open Government Partnership, 2018), https://www.opengovpartnership.org/sites/default/files/France_End-of-Term_Report_2015-2017.pdf (accessed on 7 February 2019).

12. Develop new formats for exchanging ideas with civil society: the "Open d'Etat" Forum

Language of the commitment as it appears in the action plan:

Open government is grounded in the principles of accountability and dialogue between citizens and civil society. The aim of the "Open d'Etat" (open government multi-stakeholder) forums is to offer an informal discussion space where citizens and State officials can discuss a given theme, share knowledge, practices and experiences.

Their format was designed in liaison with citizens and public officials during an open participatory workshop on 12 March 2018.

"Open d'Etat" Forums are a community of stakeholders who meet to help expedite public action reform. This community brings together public officials working on innovative projects as well as civil society stakeholders with an interest in tangible projects aimed at transforming public action.

The intention is for this format to be improved in line with participants' feedback.

Set in motion the first cycle of "Open d'Etat" Forums on five main work packages of the National Action Plan;

Expand and consolidate the "Open d'Etat" community;

Develop an online dialogue space to enable progress on the work packages outside of the Forums;

Improve the format as and when results and feedback come in from participants, civil society and the authorities.¹

Milestones

12.1 Trial a discussion forum format by organising 5 "Open d'Etat" forums so as to monitor implementation of France's National Action Plan for the OGP

12.2 Develop an online dialogue space to enable progress on the work packages outside of the Forums

12.3 Document the format of the "Open d'Etat" forums to enable the authorities to give feedback

12.4 Keep the "Open d'Etat" Forums going

Start Date: 2018

End Date: 2019

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | | ✓ | | | ✓ | | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

In the OGP framework, co-production and the participation of civil society constitute core principles. France has not established a traditional multi-stakeholder forum for the development of the action plan and the follow-up of its implementation. Instead, France opted to establish the Forum Open d'Etat, which consists of thematic forums that are open to civil society and public officials.

Etalab justifies the choice to make the forums thematic by pointing to the diversity of topics within the action plan – these topics not mobilizing the same publics.² Establishing a platform for dialogue with civil society contributes to the core of the OGP process and is a component of the country’s fulfillment of the OGP requirements for co-creation. Thus, it is not necessary to include formation of such a platform as a commitment of the action plan.

This commitment aims to facilitate the inclusion of civil society in the implementation of various commitments. It intends to do so through disseminating information and promoting active participation in solving problems identified by relevant government agencies. The commitment aims to make the model of the Forum Open d’Etat replicable outside of the monitoring of the OGP action plan. It also plans to bring the Forum online to build on the in-person discussions during the physical forums.

The IRM researcher considers this commitment to be relevant to civic participation. The Forum constitutes an opportunity for citizens, companies, and other public officials to take part in shaping the work of government agencies in commitments. Etalab develops accessible documentation for each of the forums, according to the participants’ knowledge level. The format of the Forum was developed together with civil society actors. The Forum could potentially represent an opportunity for the public to hold the government and the administration accountable, even if the commitment text does not clearly require any public accountability mechanism. The Forum Open d’Etat aims not to monitor the advancement of the commitments but rather to create a space where different groups can meet, learn from each other, and work together around different themes.

Overall, this commitment is verifiable. The first two milestones contain concrete actions (e.g., organize five forums, develop an online platform). The third and fourth milestones provide fewer details about the activities envisaged. (E.g., what is meant by “document the format”? should the Forum Open d’Etat exist outside the implementation of the OGP action plan?)

The IRM researcher deems this initiative to have a potential minor effect. If fully implemented, the commitment could change government practice. It could lead to the involvement of relevant groups from civil society and the business sector. These parties could help solve problems and overcome obstacles that the administration identifies and seeks assistance with (e.g., how to best present data, how to make it user-friendly, among others). Moreover, the hands-on activities of the forums enable relevant government agencies to integrate participants’ feedback in their projects, sometimes on the spot.³ As previously mentioned, such a platform should be considered as part of the core requirements and not as a stand-alone commitment.

Next steps

Given that this commitment is already significantly underway, the IRM researcher suggests that this commitment not be carried forward to the next action plan. The government could, however:

- Generalize this original format to areas outside open government themes, to avoid limiting its scope; and
- Formalize the Forum Open d’Etat as France’s multi-stakeholder forum to develop future action plans and monitor their implementation.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Officials from the Etalab mission, interview with IRM researcher, 20 November 2018.

³ During one of the forums, participants’ feedback helped improve the usability of opened datasets, according to Cécile Le Guen, Dataactivist, interview with IRM researcher, 11 January 2019.

13. Set up an open and participatory dashboard of online procedures

Language of the commitment as it appears in the action plan:

The State offers a wide range of services online. With a view to continuously improving the quality of service, the State is committed to publishing the list of procedures that can be done online and to involving citizens in improving them.

Feedback from users and their suggestions for improvement will enable the authorities to tailor the services more closely to their expectations.

This first involves providing users with a dashboard of online procedures, which will also allow them to give feedback on these procedures for the purposes of improving them: make complaints about the procedure, request changes, report malfunctions or omissions.

Furthermore, a mechanism will be set up to help the authorities to take these requests into account. Lastly, this mechanism will ensure that users' opinions are genuinely heeded in the implementation of the digitisation policy priorities.¹

Milestones

13.1 Draw up a list of procedures that can be done online with all of the authorities concerned

13.2 Develop a tool which the authorities can use to add procedures to the online dashboard or update existing procedures

13.3 Launch an online open and participatory dashboard of State public services for use by civil society

13.4 Process and share feedback from civil society on online procedures with the ministries and organise the feedback loop to ensure these comments and requests are taken on board

Start Date: 2018

End Date: 2018

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

In the last decade, the successive governments in France have engaged in digitalizing public services. In 2013, then President François Hollande announced a “simplification shock.”² He created new government services to simplify administrative procedures for citizens and businesses, including through digitalization. This ambition was sustained under Emmanuel Macron’s leadership, with a goal to make 100 percent of all administrative procedures digital by the end of the mandate.

Digitalization does not come without its problems. A recent report from the Office of the Ombudsman indicated that many users had filed complaints about the digitalization of public services. It also noted that digitalization should not come with a reduction in physical public services. The

ombudsman pointed to the lack of standardization of online procedures, the existence of numerous technical obstacles, and the non-usability of these procedures by disabled people. These difficulties have created an opportunity for private actors to create a commercial platform to give easy access to free public services.³

This commitment aims to centralize digital services and involve users in improving digital procedures. In 2018, the Digital Information and Communication system (DINSIC)—the government agency in charge of digital affairs—launched a platform that lists the administrative procedures that have been digitalized. It also lists users' ratings of the digital procedure (<https://nosdemarches.gouv.fr/>). These elements should serve as the basis for the activities of this commitment. Government agencies could update the list and access user feedback, and users could comment on existing digital services and procedures that should be digitalized.

The IRM researcher considers this commitment to be relevant to improving civic participation. It allows users to draw attention to problems and suggest changes. Similarly, it can be considered relevant to access to information. It requires the development of a mechanism to gather feedback from civil society.

Overall, this commitment is specific enough to be verifiable. The text of the milestones is, however, relatively vague. They mention “[drawing] up a list” or “[processing] and [sharing] feedback” without any further explanation of where this list can be accessed or how the feedback should be used by the administration. However, exchanges between the IRM researcher and the DINSIC provided more specific information about the list, which is available at the following link: <https://nosdemarches.gouv.fr/>.

The IRM researcher deems this initiative to have a potential minor effect. The commitment aims to involve users in providing feedback on online services. However, it does not address the concerns raised by the ombudsman regarding the lack of standardization of online procedures, numerous technical obstacles, and the non-usability of these procedures by disabled people.

Next steps

Given that this commitment is already significantly underway, the IRM researcher suggests that it not be carried forward to the next action plan. The government could, however:

- Merge commitments that concern digitalized public services into one commitment with several milestones, and ensure public input on its development to clarify what platforms and procedures already exist and what the digitalization strategy of the government is; and
- Prepare an information campaign about the merged commitment, to reach and involve a wider audience.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Gouvernement. Choc de simplification. 15 May 2017. Online, available at: <https://www.gouvernement.fr/action/le-choc-de-simplification> (accessed on 4 September 2019).

³ Défenseur des Droits. *Dématérialisation et Inégalités d'Accès aux Services Publics*, 2019, <https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport-demat-num-21.12.18.pdf> (accessed on 14 February 2019).

14. Organise an international GovTech summit in France

Language of the commitment as it appears in the action plan:

If we want the open government mindset to catch on, we need not only proactive efforts on the part of Government itself, but also support for the stakeholders who are busy working in this sense. For the past few years now, these stakeholders have included specialist startups referred to as GovTech and civic tech, which are cropping up all over France and promoting both the digital transformation of public entities and the betterment of democratic and civic life through digital technology.

The Government's ambition is to bring the GovTech ecosystem fully into the limelight by cementing France's position as a country of authority on the subject and by showcasing the success stories.¹

Milestones

14.1 Organise an international summit on open government and support for GovTech startups as early as 2018

14.2 Hold the summit again in 2019 and beyond

Start Date: 2018

End Date: 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 14. Overall | | ✓ | Unclear | | | | ✓ | | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

This commitment aims to build on the work of the French tech industry, which has been increasingly involved in developing digital tools to facilitate e-government and improve democracy. By hosting a global GovTech summit in 2018, 2019, and beyond, the government aims to bring together public officials and French GovTech and civic tech actors to generate a dialogue. The government also expects the summit to give France a position of influence in the tech field. Videos of the roundtables are available on YouTube.²

The commitment concerns the organization of an event and does not provide any details about how such an event would contribute to open government. Thus, the IRM researcher considered the commitment, as written, not relevant to OGP values.

This commitment is specific enough to be verifiable. The commitment focuses on hosting events and the milestones contain measurable deliverables. The IRM researcher deems this initiative to have no potential impact beyond improving France's reputation as a pioneer country in the digital innovation field. As written, the commitment does not provide sufficient information to gauge the potential impact.

Next steps

Given that this summit has already taken place, the IRM researcher suggests not carrying forward this commitment into the next action plan. If the summit becomes a regular event, the government could:

- Put more focus on technology for transparency, participation, and anti-corruption, to make it even more relevant to open government values;
- Include sessions for the wider public, such as trainings, workshops, and thematic sessions that would be of interest to other civil society organizations (e.g., from the environmental field, human rights).

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² The GovTech Summit, Youtube. Available at: https://www.youtube.com/channel/UCMg-JO_xHSMkmjrDJ6QYp0Q/videos (accessed on 25 October 2019)

15. Provide the administrations with the tools to associate citizens to public decision-making

Language of the commitment as it appears in the action plan:

Propose resources, tools and methods to facilitate the use of open online consultations and involve users and citizens in public decision-making.

Since 2016, Etalab has brought together civic tech actors, consultation experts and administrations to establish a common set of principles and practices around online public consultations. A platform - currently in beta version on www.consultation.etalab.gouv.fr - has thus been developed in a co-construction approach with the ecosystem in order to:

- Reference tools that can be used by administrations and provide a number of facilities and guarantees to public actors, particularly in terms of transparency, dialogue between citizens and administrations, and management of personal data;
- Share good practices in open online consultation in government, based on respect for the public and the public interest.

Etalab is committed to continue the development of this platform in conjunction with administrations mastering consultation or that are collaborating civic tech ecosystem stakeholders and solution providers, the research and expert community and civil society.

Etalab is also committed to continuing to develop and test new formats for contributing workshops, forums, hackathons and other innovative formats, and to document them in order to share this experience and know-how with all public stakeholders.¹

Milestones

15.1 Improve and enrich the platform consultation.etalab.gouv.fr (offer of tools, good practices) in order to cover a plurality of needs and enable administrations to be more and more autonomous in the organisation of consultations

15.2 Develop a single platform for online public consultations

15.3 Continue organizing open events (hackathon, datacamp, barcamp, forum, open ministry...) with administrations and ecosystem stakeholders document these events and share feedback with all public stakeholders

Start Date: 2018

End Date: 2019

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | | ✓ | | ✓ | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

The government aims to improve its ability to consult citizens and involve them in public decision making. A report from the Conseil d’Orientation de l’Edition Publique et de l’Information

Administrative provided several recommendations on how to make public online consultation efficient. This commitment aims to integrate those recommendations into the development of new tools for government agencies to involve citizens in their work. The platform, consultation.etalab.gouv.fr, was created in 2016. It is based on the work done for the OGP Toolbox that was presented at the OGP Summit in Paris and work done with civic technology companies (“civic techs”).

The platform already offers various tools to facilitate consultations (e.g., comment boxes, debate platforms, participatory budgeting, co-drafting of texts, voting, and surveys). All public consultations must follow the principles listed in Articles L. 131-1 and L.132-1 of the Code on Relations between the Public and the Administration.² (That is, they must guarantee a certain publicity, share details about the procedure, keep participants informed, etc.) Since the platform was launched, Etalab has received about 70 solicitations concerning 25 different consultations. It has also created 35 prototype consultations and hosted eight consultations on the platform.³

Online platforms lie at the heart of this commitment. Firstly, the commitment aims to improve the platform that was launched during the last action plan’s implementation period (consultation.etalab.gouv.fr). Secondly, it requires the development of a platform through which all public consultations could be accessed. Lastly, it plans to organize hackathons and bar camps - user-generated conferences primarily focused around technology – to involve experts, officials, and users in the improvement of the platforms.

The commitment, if implemented, could provide a new means for citizens to participate in public decision making. Thus, the IRM researcher considers the commitment to be relevant to the OGP value of civic participation. The commitment is also relevant to technology and innovation. It requires the improvement and enrichment of the consultation.etalab.gouv.fr platform and the organization of bar camps and hackathons to foster innovation.

As written, the commitment is specific enough to be verified. However, the text lacks specificity. It does not provide sufficient details about the activities that will lead to the enrichment and improvement of the consultation.etalab.gouv.fr platform. It also does not give any information about the platform on which the consultations should be centralized or about the purpose of the hackathons, bar camps, and forums.

The IRM researcher deems this initiative to have a minor potential effect. The commitment does not commit authorities to any actual public consultations. The centralization of public consultations could, however, facilitate citizens’ access to these processes.

Next steps

The IRM researcher suggests the government consider the following in the implementation of this commitment:

- Ensure that public consultations are a requirement for relevant public processes, such as the drafting of laws and regulations.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² See “Code des Relations entre le Public et l’Administration,” LegiFrance, https://www.legifrance.gouv.fr/affichCode.do?sessionId=69318A4595781E67A234ECBD6B5B2BF5.tplgr25s_1?idSectionTA=LEGISCTA000031367443&cidTexte=LEGITEXT000031366350&dateTexte=20190506 (accessed on 6 May 2019).

³ Etalab official, email communication with IRM researcher, 26 February 2019.

I 6. Supporting the implementation of the principles of transparency and citizen participation at the international level

Language of the commitment as it appears in the action plan:

Support the French-speaking countries in implementation of the principles of transparency in public action and citizen participation

The Agence française de développement (AFD) has launched the Projet d’Appui aux Gouvernements Ouverts dans les Pays en Développement Francophones (PAGOF – Project on Open Governments in French-speaking Developing Countries). The project aims to improve governance in several French-speaking countries that are OGP members or nearing eligibility for membership, by assisting them in implementing institutional procedures and frameworks for consultations that comply with Open Government principles.

The project has been granted a €4.5-million subsidy and will assist French-speaking countries in two ways:

- Extending administrations’ and civil society’s capacities (NGOs, associations, media, digital community, etc.) in target countries, through sharing knowhow, funding external expertise, networking players and building on successful experiments. Expertise France and Canal France International (CFI) will be the expert operators responsible for implementing this part of the project, for a total of 3.5 million euros.
- The AFD’s participation in the Multi-Donor Trust Fund set up in the context of the OGP and managed by the World Bank. The fund will be used to finance projects and technological assistance enabling implementation of Open Government reforms in OGP member countries, accompany countries that do not yet meet the criteria for OGP membership, and support research on Open Government. This part of the project has been allocated 1 million euros.

The Ministry for Europe and Foreign Affairs is supplementing this financial support to innovative projects on transparency with an “innovative digital solution” prize. Awarded in partnership with Transparency International, the prize is meant to reward three projects bearing on opening of data or digital solutions that facilitate interaction between the Government and citizens or help combat corruption. It will encourage emergence of digital tools in support of democratic governance as well as make best use of and motivate the network of French-speaking “civic tech” players to collect and disseminate best practices. The prize is set to be awarded every other year.¹

Milestones

16.1 Provide technical and financial support, via the PAGOF, to achievement of OGP member countries’ National Action Plans (Tunisia, Burkina Faso and the Ivory Coast) and network countries intending to join the OGP

16.2 Participate in the OGP’s Multi-Donor Fund through the PAGOF, funding projects enabling better implementation of Open Government principles, in particular in countries that have just become eligible for OGP membership, and research projects on open government

16.3 Perpetuate the “innovative digital solution” prize rewarding 3 projects on countering corruption to the tune of 10,000 euros per project, and monitor their implementation (first edition in 2017)

Start Date: 2018

End Date: 2020

| | | | | | |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|
| Commitment Overview | Verifiability | OGP Value Relevance (as written) | Potential Impact | Completion | Did It Open Government? |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|

| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | Unclear | | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

Since its co-chairmanship of OGP 2016-2018, France has worked to broaden the scope of the partnership to include new countries, focusing particularly on French-speaking countries. Having English and Spanish as the official languages of OGP has acted as an obstacle to French-speaking countries joining OGP. This commitment aims to open the partnership to new members by breaking language barriers and providing financial and technical support to governments and civil society.

France will work through the Agence Française de Développement’s Project on Open Governments in French-speaking Developing Countries. This commitment seeks to improve governance in Burkina Faso, Côte d’Ivoire, and Tunisia, which are already members of the OGP. It also seeks to improvement governance in new OGP countries, such as Morocco and Senegal, and assist them in complying with OGP principles, methodologies, and procedures.

The relevant government agencies plan to achieve these goals firstly by raising awareness about open government and OGP within the target countries and secondly by supporting the technical implementation of four to five commitments per national action plan.² The commitment also requires France’s participation in the OGP Multi-Donor Fund and in the continuation of the “innovative digital solution” prize. That prize rewards anti-corruption and transparency projects of citizens from French-speaking partner countries.

The commitment aims to make a relevant contribution to solving the problem of OGP accessibility in French-speaking countries. However, as written, the commitment does not improve access to information or citizen participation, nor does it create new opportunities to hold public officials accountable in the French context. Despite the commitment being important for the OGP platform and the different country members, it does not include enough domestic components to judge its relevance to OGP values.

The commitment, as written, is specific enough to be verifiable. However, the text has a low level of specificity. As written, the milestones read as objectives rather than activities. It would be useful, for future action plans, to add details about the type of technical support envisaged or the geographic scope of the commitment.

The IRM researcher deems this initiative to have a minor potential impact. The commitment text does not provide sufficient information about the governance problems within the different countries to be able to evaluate the effect that the support activities would have. More importantly, the IRM researcher highlights that, as written, the commitment could have effects on other countries’ efforts to open government, but it is not clear how the commitment could have an impact on domestic practices.

Next steps

Given the exclusively international focus of this commitment, the IRM researcher recommends that this commitment not be carried forward into the next action plan. International collaboration is a main feature of OGP and France’s efforts to facilitate French-speaking countries’ access to the partnership. However, OGP action plans are typically meant to focus domestically rather than building other countries’ open government initiatives. The government could, however, merge the

commitments that concern development aid, to make them overall relevant to France's domestic OGP objectives.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Sarah Hayes, Ministry of Europe and Foreign Affairs, email exchange with IRM researcher, 15 February 2019.

17. Empower citizens to exercise scrutiny and get involved in public decisions on energy transition and sustainable development

Language of the commitment as it appears in the action plan:

The energy transition and sustainable development are key issues, and there has been a groundswell of support for them among civil society.

Implementation of the road map charted following the April 2016 environmental conference particularly includes "Launching the revision of the National Plan for Adaptation to Climate Change (PNACC-2) by calling on all of the stakeholders".

What is more, an action plan on the 17 sustainable development goals adopted by the United Nations in September 2015 needs to be set up in France for the period running until 2030. Work towards these goals must not only prompt the ministries to uphold and draw up the action plan together, but also include civil society, businesses, local authorities and citizens in shaping, promoting and delivering the action plan.

Empower citizens to get involved in public decisions on the energy transition and sustainable development.

The Ministry for the Ecological and Solidary Transition (MTES) would like to press on with the efforts already under way to provide digital tools and involve citizens in drafting the plans to implement international agreements and public policies and monitoring them, not least:

- The National Plan for Adaptation to Climate Change, by getting all of the stakeholders to contribute to recasting the previous plan;
- The inclusive drafting of the Action Plan for the Sustainable Development Goals (SDGs)

Enhance the opening up of public environmental data.

- Open up new datasets produced by the two ministries, and encourage their re-use;
- Give the departments a basic grounding in data and data science;
- Build an infrastructure for environmental data: define the reference data and publish them, including documentation.¹

Milestones

17.1 Based on the operating arrangements determined by the CNTE, incorporate citizens' proposals in the opinions on the monitoring and assessment of the National Plan for Adaptation to Climate Change (PNACC-2) written by the members of the CNTE, and particularly the Specialised Advisory Committee of the National Observatory on the Effects of Global Warming (ONERC)

17.2 Organise cross-government coordination to address the challenges of the PNACC-2, inform and educate all the public stakeholders in the SDGs to encourage their uptake

17.3 Inform, educate and mobilise civil society across the board to play a part in the action plan and make their own contribution to achieving the SDGs

17.4 Undertake an inventory of the data produced by the two ministries and their operators and make all of this data accessible via Github: mtes-mct.github.io/dataroom/

17.5 Open up the data:

- Of the platform SINOE® déchets and encourage re-use.
- Bearing on sale of plant protection products at the most micro-scale possible and add them, in a map format in particular, to the EauFrance website.
- Of the building permit database Sitadel in an open data format, so that it is easy to re-use and process by an automated processing system (subject to approval from the French Data Protection Authority/CNIL)

Start Date: 2018

End Date: 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|---|-------------|---------|-------------|---|-------------------------|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | ✓ | | | | ✓ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | | |

Context and Objectives

Through this commitment, the government expresses a continued interest in involving civil society in the country’s decision making on key environmental issues, namely energy transition and sustainable development. The previous action plan contained a commitment to involve civil society in the negotiations surrounding and follow-up to the commitments taken at the Conference of the Parties 21.² However, the activities undertaken in that framework were time bound, and it is unclear if they contributed to long-lasting changes in government practices.³

The current commitment features public participation in the monitoring and assessment of the National Plan for Adaptation to Climate Change (PNACC-2). It would also involve the public in the development of the national action plan for the United Nations Sustainable Development Goals (SDGs). The second component of the commitment concerns accessibility to various strategic datasets. The diverse ambitions of this commitment result from the merging of two different commitments. Indeed, the initial version of the action plan, made available for comments in 2017, had two separate commitments on open government and environmental issues.⁴

Some components of the commitment lie outside of the action plan’s implementation period. The Ministry for the Ecological and Solidary Transition started working on the first component of the commitment in 2016. The co-construction phase of the PNACC-2 lasted from mid-2016 to mid-2017. Six working groups gathered approximately 300 participants from civil society, the expert community, and local governments and ministries. They included members of the Conseil National de la Transition Ecologique (CNTE), which is also a multi-stakeholder entity. The working groups developed 33 thematic notes that served to develop the PNACC-2, which was in turn validated by the CNTE.⁵ The implementation of the PNACC-2 will be monitored by a special commission of the CNTE.⁶ The government took steps toward implementing the second part of the commitment at the beginning of 2018, with the publication of data from the Sitadel database on construction licenses and dates.⁷

The action plan states that this commitment is relevant to public accountability and civic participation. Given the objectives of the various milestones, the IRM researcher, however, considers the commitment to be relevant to the OGP values of access to information and civic participation. There is no clear indication of how civil society would be better equipped to hold government accountable if the commitment were fully implemented.

This commitment contains five different milestones of varying degrees of detail. They target two different—but complementary—objectives. Overall, the commitment, as written, is specific enough to be verifiable. However, while the second segment of the commitment provides sufficient information on the datasets to be opened, the first segment is vague. Milestone 17.1 does not contain sufficient information about the means given to citizens to make proposals or on the way these would be considered. Similarly, Milestone 17.2 mixes information on the PNACC-2 and the SGDs and does not inform the reader whom should be informed and how. The same thing is true

for Milestone 17.3, which aims to inform and mobilize “the whole civil society.” Some of the milestones go beyond the time frame of the action plan implementation, which will be a challenge for the assessment of completion at the end of the cycle.

The IRM researcher deems this initiative to have a moderate potential effect. The open data component of the commitment could provide public access to several new datasets, including data on the purchase of pesticides at a micro-scale. Dissemination of such information would be an important step toward more transparency in the environmental field. However, the participation component is formulated too vaguely to be able to assess potential impact.

Next steps

The IRM researcher recommends that the commitment, or at least its milestones, be carried on in the next action plan and that:

- The commitment be split into two separate commitments, one concerning the involvement of civil society in the monitoring of government action regarding climate-related international and national commitments, and the other concerning opening environmentally relevant data;
- More detailed information be presented in the commitment text regarding how civil society will partake in the monitoring and assessment of the National Plan for Adaptation to Climate Change and in the elaboration of the action plan concerning the Sustainable Development Goals.

¹ For a Transparent and Collaborative Government: France National Action Plan 2018–2020, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² The 2015 United Nations Climate Change Conference was the 21st yearly session of the Conference of the Parties (COP 21) to the 1992 United Nations Framework Convention on Climate Change and the 11th session of the Meeting of the Parties to the 1997 Kyoto Protocol. The meeting was held in Paris from 30 November to 12 December 2015.

³ Sofia Wickberg, *Independent Reporting Mechanism (IRM): France End-of-Term Report 2015–2017* (Washington, DC: Open Government Partnership, 2018), p. 112, https://www.opengovpartnership.org/sites/default/files/France_End-of-Term_Report_2015-2017.pdf.

⁴ Etalab, “Plan d’Action 2018–2020: Appel à Commentaires,” 2017, <https://gouvernement-ouvert.etalab.gouv.fr/pgo-concertation> (accessed on 15 February 2019).

⁵ Ministry of Ecological Transition, “Adaptation de la France au Changement Climatique,” <https://www.ecologique-solidaire.gouv.fr/adaptation-france-au-changement-climatique> (accessed on 15 February 2019).

⁶ The IRM researcher did not get any information about the composition of this commission. Jean-Philippe Lang, Ministry for the Ecological and Solidary Transition, email exchange with the IRM researcher, 15 February 2019.

⁷ Jean-Philippe Lang, Ministry for the Ecological and Solidary Transition, email exchange with the IRM researcher, 15 February 2019.

18. Developing an “open science” ecosystem

Language of the commitment as it appears in the action plan:

Open science is a movement in which research materials and results are disseminated without technical, legal, geographical or commercial obstacles, and ideally with no unnecessary delay.

It draws on the digital transformation of our societies in order to develop open access and open data, and, more generally, open scientific processes. It includes openness of assessment procedures, indicators, reuse licences, source codes and digital practices.

It seeks to develop an ecosystem in which science will be more cumulative, more effectively backed up by data, more transparent, more integrated, more rapid and more universally accessible. It leads to a democratisation of access to knowledge useful to research, training and society as a whole, and also provides an opportunity for participatory science. It fosters scientific advances, unforeseen advances (serendipity) in particular, along with economic and social progress in France and Europe, in developed and developing countries alike.

In France, open science is making very unequal headway, its level of maturity depending very much on branch, players, organisations and territories. The 2016 Digital Republic Law constituted a major advance, with provisions promoting open access along with text and data mining (TDM).

There is still much to be done, however, if open science is to come fully into its own in scientific practice.¹

Milestones

18.1 Setting up a “Committee for Open Science” to promote open national and international exchange on questions relating to open science (Access, data, metrics, codes, participatory science, etc.).

18.2 Setting up a system for quantitative monitoring of the state of progress of open-access dissemination of national scientific literature.

18.3 Setting up a system for rapid, transparent monitoring of expenditure on “article processing charges” and “book processing charges”.

18.4 Setting up a system for transparent (public) monitoring of expenditure on electronic acquisitions in university libraries. Open- data dissemination of expenditure on the Ministry in charge of Higher Education’s open-data portal (Electronic Resources Survey [ERE]).

18.5 Creating an open dataset on funding of research projects selected following calls for projects, and its beneficiaries (2019).

18.6 National membership of ORCID (Open Research and Contributor ID – a single system for identification of researchers, enabling users to find out, more simply and with greater certainty, what scientific contributions any given researcher has made).

18.7 Speeding up development of the national open archive, HAL, with investment on simplicity of use and interoperability by increasing its resources.

18.8 Expanding the scanR R&D search engine and the Isidore research platform providing access to digital data on human and social sciences (HSS), raising awareness of their existence and developing their use, in particular to nourish public debate on research results

18.9 Communicating to scientific communities on the digital law’s implications with regard to openness of publications and data.

18.10 In the context of public support for reviews, recommending adoption of a policy on open data associated with articles and development of data papers.

18.11 Providing support for progressive universalisation of data management plans in calls for research projects, and encouraging the opening of data produced by funded programmes.

Start Date: 2018

End Date: 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | | | ✓ | | | ✓ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

The mainstream academic publishing industry requires payment to access scientific papers and results. This payment is often obtained through public funding. This situation restricts access to academic research and technical literature, especially for small universities, which creates inequalities.² The action plan notes that open science has developed at unequal rhythms depending on disciplines, organizations, and localities.

It was in response to the limited academic results available in open access that the former government included provisions on open access in the 2016 Digital Republic Bill. In this same vein, the current minister for higher education and research developed an action plan for open science in 2018.³ For this purpose, the ministry hired Marin Dacos, one of the pioneers of open science in France, as a special counsel.⁴ In 2018, the ministry created a steering committee for open science, bringing together stakeholders from the government, research institutions, agencies funding research, and the Council of research evaluation. The government created a website to facilitate access to information regarding open science initiatives.⁵ The ministry of France's efforts to facilitate open access to scientific research constitutes part of a global initiative launched in 2002 in Budapest, within the Budapest Open Access Initiative.⁶

The commitment provides a detailed map of initiatives to further open science in France. They range from setting up the institutional infrastructure through the committee, to creating monitoring tools, opening datasets and archives, and accompanying the various actors on the path toward opening science. The commitment is relevant to the OGP values of access to information and technology and innovation. Many of its milestones concern the publication of new data and information, and most of them concern the creation and enrichment of digital platforms.

The commitment is specific enough to be verifiable. The milestones contain concrete actions that could be easily verified in the framework of the implementation report (e.g., setting up a committee, creating an open dataset).

This initiative could have a moderate effect on opening science in France. If fully implemented, this commitment would be an important step, since limited information is currently available. Steps toward opening access to academic results have already been taken (e.g., through the open archives the Open Edition Center, the HAL repository), often at the initiative of academics and universities.⁷ This commitment is part of another action plan, specifically on open science, that the commitment itself seeks to operationalize.

Savoires ComI, a civil society collective, considered this open science action plan "too good to be true."⁸ These activities would provide better access to information regarding the costs of academic publishing and acquisition of subscriptions by public universities. It would also facilitate the management of data produced by the research community and provide new incentives to academics

to give open access to their work. These incentives are, however, currently limited to research funded through competitive funding.⁹

Next steps

The IRM researcher recommends that the commitment be carried on in the next action plan and that:

- The targets to ensure open access to scientific research be made clearer;
- The number of separate milestones be reduced, and the focus put on what is relevant to OGP principles, rather than what concerns internal coordination and administration; and
- Training material and an information campaign be prepared to mobilize stakeholders and the public more widely.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² David Larousserie, and Marin Dacos, “Héraut de la Science Ouverte,” *Le Monde*, 4 December 2018.

³ “Recherche,” Ministère de l’Enseignement Supérieur, de la Recherche et de l’Innovation, République Française, <http://www.enseignementsup-recherche.gouv.fr/cid132529/le-plan-national-pour-la-science-ouverte-les-resultats-de-la-recherche-scientifique-ouverts-a-tous-sans-entrave-sans-delai-sans-paiement.html> (accessed on 20 February 2019).

⁴ David Larousserie, op. cit.

⁵ Ouvrir la Science, <https://www.ouvrirlascience.fr/> (accessed on 20, February 2019).

⁶ “Read the Budapest Open Access Initiative,” Budapest Open Access Initiative, 2002, <https://www.budapestopenaccessinitiative.org/read> (accessed on 20 February 2019).

⁷ David Larousserie, op. cit.

⁸ Xavier Berne, “Le Plan du Gouvernement pour Atteindre ‘100% de Publications Scientifiques en Accès Ouvert.’” Next Impact, 10 July 2018, <https://www.nextinpact.com/news/106817-le-plan-gouvernement-pour-atteindre-100-publications-scientifiques-en-acces-ouvert.htm> (accessed on 20 February 2019).

⁹ David Larousserie, “La Science Française va être Plus Accessible,” *Le Monde*, 4 July 2018.

19. Involving citizens further in the work carried out by the Cour des Comptes

Language of the commitment as it appears in the action plan:

In the context of the first National Plan for an Open Government, financial courts undertook to involve citizens more closely in their work, in particular by making available growing numbers of quantitative datasets used or produced in the context of their controls, investigations and assessments, along with data bearing on their own activities. This major commitment was an extension of initiatives already undertaken by financial courts (some of them longstanding), through publication of their work and, in 2014, making the first datasets available.

2016 and 2017 saw further opening of data, which became normal practice for financial courts, with the publication of several hundred datasets on data.gouv.fr. Two “datasessions” were held in 2016 and 2017 to encourage reuse of data. An Entrepreneur d’Intérêt Général (EIG – Entrepreneur of General Interest) spent ten months at the Court working on opening up the work carried out by financial courts to citizens.

By renewing the commitment made in the context of the 2017-2019 National Action Plan for an Open Government, the Cour des comptes seeks to continue and bolster the ongoing momentum. Wishing to ensure continuity and because the aim of the commitment made for 2015-2017 still applies, the original commitment and the two actions it encompassed have been retained in the same form.

They will be accompanied, however, by fresh or increased efforts, for example:

- in order to increase dissemination of certain data in an open format: diversification of types of data and their channels of dissemination, and encouragement of its reuse;
- in order to further develop citizens’ interest in the Court’s work: deployment of new ways of informing and consulting citizens, in accordance with financial courts’ principles and procedures; the new ways of informing and consulting citizens will take account of the digital divide and try to adapt to the various uses to which citizens may put digital tools.¹

Milestones

19.1 Disseminating certain data resulting from work carried out by financial courts in opening data, reinforcing data quality and diversification requirements at the same time;

Diversifying data dissemination channels and encouraging reuse, in particular by organising open events; developing tools and applications (APIs) facilitating reuse.

19.2 Further developing citizens’ interest in the Court’s work, in accordance with the institution’s principles and procedures, by trying out new ways of informing and consulting citizens

Start Date: 2018

End Date: 2019

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | ✓ | | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

The Cour des Comptes, France's supreme audit institution, holds responsibility 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 its mission, but the institution is often perceived as complex by the general public. The Cour des Comptes has been involved and active in the government's open government efforts since France joined the OGP.² Its commitment in France's 2015–2017 action plan was only partly completed by the end of the implementation period and marginally opened government. That commitment involved opening inspection and evaluation data and involving citizens in the institution's work. This commitment is a continuation of the previous action plan and aims to open new data, disseminate data via new channels, and experiment with new ways of informing and involving citizens.

The commitment aims to improve public access to data and information held by the Cour des Comptes and improve ways of informing and consulting citizens. Thus, the commitment is relevant to the OGP values of access to information and civic participation.

This commitment is not specific enough to be verifiable. The milestones read as objectives rather than concrete activities. They do not contain sufficient detail to indicate the type of information and data that the Cour des Comptes plans to open. They also do not specify the type of events the institution wants to organize and for what purpose. The milestones, too, lack specificity on the means through which the institution plans to inform and involve citizens. The commitment mentions the problem of digital inequalities (*fracture numérique*) but does not point to any other issues that the institution plans to solve through this commitment.

This initiative would have a minor impact, given the lack of specificity and information regarding the current problem of citizen involvement. As indicated in the IRM report on the 2015–2017 action plan, there seems to be very limited reuse of the data published by the Cour des Comptes.³ The focus thus appears to be on the data scientist community and the hosting of hackathons.⁴ The importance of the Cour des Comptes in the control of the use of public funds makes its involvement in open government efforts and any additional information and data published a positive step toward more transparency.

Next steps

The IRM researcher recommends that the commitment be carried on in the next action plan and that:

- The commitment clearly specify what new data will be published and clarify the limits of usability;
- An evaluation of the impact of the open data policy of the Cour des Comptes be carried out to inform efforts “to citizens’ interest in the Court’s work” (Milestone 19.2) and to better understand what data and dissemination channels should be prioritized;
- The commitment text be more specific regarding how the agency plans to generate more interest from the public; and
- The commitment text requires a mechanism allowing the public to play a more active role, such as commenting on the information published, providing feedback, and holding the Cour des Comptes as well as other agencies accountable.

¹ For a Transparent and Collaborative Government: France National Action Plan 2018–2020, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Banzet, Amélie; Bras, Mathilde; and Kahn, Victor, Etalab, interview with IRM researcher, 20 November 2018; and Heyaca, Maria-Eugenia, Cour des Comptes, email communication with IRM researcher, 18 February 2019.

³ Sofia Wickberg, *Independent Reporting Mechanism (IRM): France End-of-Term Report 2015–2017* (Washington, DC: Open Government Partnership, 2018), pp. 95–96, https://www.opengovpartnership.org/sites/default/files/France_End-of-Term_Report_2015-2017.pdf; and Cour des Comptes, République Française, <https://www.data.gouv.fr/fr/organizations/cour-des-comptes/#datasets> (accessed on 20 February 2019).

⁴ Heyaca, Maria-Eugenia, Cour des Comptes, email communication with IRM researcher, 18 February 2019.

20. Ensuring greater transparency in representatives of interests' activities

Language of the commitment as it appears in the action plan:

As the OECD stresses in its “Recommendation on Principles of Transparency and Integrity in Lobbying” published in 2010, “information and communication technologies” should “enable stakeholders – including civil society organisations, businesses, the media and the general public – to scrutinise lobbying activities”. Also, open publication of data from the repository of information on representatives of interests would enable (when, for example, it is confronted with other data on parliamentary deliberations) improved clarity in production of standards.

Enacted in December 2016, the law bearing on transparency, the fight against corruption, and modernisation of economic life (“Sapin 2”) entrusted the High Authority for Transparency in Public Life with creation of a digital repository of data on representatives of interests. For the first time in France, this aims to provide citizens with information on representatives of interests and their relations with public officials when public decisions are made.

The scheme will be implemented in three phases:

- 1 July to 1 September 2017: registration of representatives of interests in the repository (type of organisation, contact details, identity of directors, customers, activity field, etc.). A breaking-in period has been allowed for up until 31 December 2018;
- 1 January to 30 April 2018: publication of reports on representation of interests actions carried out over the second half of 2017 (interests represented, actions carried out,

public officials targeted, related expenditure, etc.);

- as from 1 July 2018: extension of the system to relations between representatives of interests and local authority and central administration officials.

During 2018, the High Authority will also facilitate exploitation of and additions to the repository of representations of interests by:

- making the repository’s source code available
- opening data on identities of representatives of interests

It will also call upon civil society to contribute to thinking on making data on representation of interests actions available, with a view to its publication in open data during the first half of 2018.¹

Milestones

20.1 Organising one or more workshops in order to associate civil society with thought on criteria for making the data repository available and its enrichment

20.2 Opening the repository’s source code

20.3 Publishing, in an open and easily reusable format, data from the repository of information on representatives of interests

20.4 Publishing, in an open and easily reusable format, the list of public officials regarding whom a communication may constitute an action of representation of interests

Start Date: 2018

End Date: 2018

Commitment Overview

Verifiability

OGP Value Relevance (as written)

Potential Impact

Completion

Did It Open Government?

| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | ✓ | | | | | | ✓ | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

France introduced a digital repository of data on representatives of interests with the law bearing on transparency, the fight against corruption, and modernization of economic life (“Sapin 2”), adopted in 2016. This commitment contributes to the implementation of the Sapin 2 law. It would involve civil society in brainstorming how the data should be presented. It would open the source code, which would allow anyone to inspect, modify, and enhance the software. It would also publish data contained in the register and the list of public officials with whom communication could constitute a form of lobbying.

This commitment aims to provide citizens with access to new information regarding lobby groups who seek to influence decision makers, making it relevant to access to information. It also contains a participative dimension within the first milestone, making it relevant to the OGP value of civic participation.

Overall, the commitment is specific enough to be verifiable. The milestones contain a sufficient level of detail to be able to be assessed (e.g., open the source code, publish the register in an open and reusable format).

This initiative has a potentially transformative effect. The publication of data on lobby groups and relevant public officials would be a major step toward improving the transparency of decision making and toward a clearer legislative footprint. This commitment largely consists of the implementation of a law adopted in 2016. At that time, several civil society organizations (including Regards Citoyens and Transparency International France, as well as the implementing agency itself—the High Authority for the Transparency of Public Life—and the Syndicat de la Magistrature) raised concerns about the watering down of the initial bill. They cited the absence of obligation for lobbyists to publish their positions, amendments, bills, etc.² They also cited the exclusion of certain groups, such as religious organizations,³ and the insufficient information required from lobbyists.⁴

Next steps

The IRM researcher recommends that the commitment be prioritized in the next action plan and that:

- The commitment links to Commitment 21 and include the possibility of linking the register with the database of officials’ assets and interests;
- The commitment includes an evaluation of the existing register;
- The commitment furthers its ambition to include interest groups’ and their representatives’ positions on various issues;
- The commitment includes the aim to make interest groups disclose the specific laws they seek to influence;
- The commitment includes all groups that seek to influence policy makers, including religious groups and associations of elected officials; and
- The commitment requires the publication of policy makers’ calendars, from the legislative and executive branches of government, to make the legislative footprint more visible.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

² Syndicat de la Magistrature, *Observations du Syndicat de la Magistrature sur le Projet de loi Relatif à la Transparence, à la Lutte Contre la Corruption et à la Modernisation de la vie Économique*, 2016, <https://cdn2.nextinpact.com/medias/observation-sapin-2---juin-16.pdf> (accessed on 21 February 2019).

³ “Transparence du Lobbying: Transparency International Préoccupé par les Premiers Détricotages de la loi Sapin 2,” Transparency International France, 2018, <https://transparency-france.org/actu/transparence-lobbying-transparency-international-preoccupe-premiers-dettricotages-de-loi-sapin-2/> (accessed on 21 February 2019).

⁴ “Registre du Lobbying: L’avis de la Haute Autorité sur le Projet de Décret,” HATVP, 18 April 2017, <https://www.hatvp.fr/presse/registre-du-lobbying-la-haute-autorite-rend-public-son-avis-sur-le-projet-de-decret/> (accessed on 21 February 2019); and “Loi Sapin: Le Lobbying a Besoin de Réglementation, pas d’un Annuaire Publicitaire,” Regards Citoyens, 30 March 2016, <https://www.regardscitoyens.org/loi-sapin-le-lobbying-a-besoin-de-reglementation-pas-dun-annuaire-publicitaire/> (accessed on 21 February 2019).

21. Improving access to public information on elected representatives and public officials

Language of the commitment as it appears in the action plan:

As it undertook to do in the context of the National Action Plan for 2015-2017, the High Authority now publishes, in XML format under open license, the content of public officials' asset and interest declarations. In a context of strict transparency and accountability requirements, opening such data greatly facilitates its exploitation by citizens and enables the development of innovative tools which, by crossing them with other datasets, provide a more accurate picture of political staffs and their ecosystem.

In addition, as can be seen from the High Authority's contribution on open data and public integrity published in December 2016 on the occasion of the OGP Summit in Paris, opening such data enables better interaction between institutional monitoring and actions on the part of citizens' watch bodies. A number of foreign examples (United States of America, Argentina, Croatia, etc.) evidence the new potentialities provided by digital technologies.

Improving accessibility of data contained in public officials' asset and interest declarations.

Faced with the challenges connected with citizens' appropriation of information contained in declarations, the High Authority plans both to add to published data and to stimulate and encourage its exploitation.

As from 2018, the High Authority will develop data visualisation tools and produce analyses likely to arouse public interest in these complex findings. It will associate civil society with such work, above all with a view to widening possibilities of data reuse.

On 24 May 2017, the High Authority organised a workshop devoted to the opening of data contained in public officials' asset and interest declarations. It brought together participants with a wide range of profiles (including data journalists, developers, researchers in the social sciences and engineers) and provided an opportunity to explain the institution's approach to open data and get to know the reuser community's expectations.¹

Milestones

21.1 Improving clarity of data provided to the public by accompanying its publication with production of data visualisation and analyses

21.2 Widening the choice of exportable formats by also publishing declarations in CSV format

21.3 Organising a "datasession" on transparency in public life in order to associate the reuser community with exploitation of declaration data. The event could be held in collaboration with other public institutions working in the same field.

Start Date: 2018

End Date: 2018

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | 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 | | ✓ | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

Since 2014, certain public officials' asset and interest declarations have been made public online by the High Authority for the Transparency of Public Life. The authority published this information to prevent and detect conflicts of interest and illicit enrichment, following the adoption of the 2013 Laws on Transparency of Public Life. Since 2016, the High Authority has been required to publish this information in XML format under open license, as the government committed to in the 2015–2017 action plan. This commitment aims to further open information on certain public officials' interests according to the legal framework created in 2013. It would also open data on ministers' assets by publishing the data in a CSV format and by encouraging the reuse and visualization of the published data.

This commitment is principally relevant to improving access to information. Raw data can be hard for the public to handle. Thus, the aim to find creative ways to reuse and visualize the data constitutes a welcome initiative. The commitment also contains an element of public participation. The government will host a data session to involve data scientists in exploring ways to reuse the data, although, as written, the commitment refers only to the participation of the “reuser community” (see commitment text).

The commitment is, overall, specific enough to be verifiable. While Milestones 21.2 and 21.3 should be easily verified, the same cannot be said about Milestone 21.1. Indeed, the text reads like a goal rather than an activity and contains only broad information about the provision of data visualization.

This commitment could have a minor effect. The commitment from the previous action plan significantly improved the quality and accessibility of information regarding public officials' declarations. It was considered as a major step forward in opening government. This commitment appears more incremental and does not require any new information to be made available. Indeed, it requires only a change of format. The IRM researcher believes the commitment could lead to positive changes, since it contributes to improving the public's reuse and understanding of the data published by the High Authority.

Next steps

Given that this commitment is already significantly underway, the IRM researcher suggests that this commitment not be carried forward to the next action plan. The government could, however:

- Facilitate public access to relevant officials' asset declarations;
- Further its efforts to inform the public and the media about the purpose of the declarations (to avoid too much focus being put on officials' wealth); and
- Continue to support efforts to reuse and visualize High Authority for the Transparency of Public Life data, to make it understandable to a wider audience and to allow for the data to be linked to data from the lobby register.

¹ *For a Transparent and Collaborative Government: France National Action Plan 2018–2020*, <https://www.opengovpartnership.org/wp-content/uploads/2018/08/France-Action-Plan-2018-2020-English.pdf> (accessed on 10 January 2019).

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Specific recommendations for individual commitments are provided in Section IV, and the following are crosscutting recommendations for France's OGP process.

Similar to the previous action plan, the second plan largely focuses on open data, digitization and creation of online tools. Civil society members expressed concern that the scope of the current action plan is too narrow and misses the main concerns that exist within French society. Expanding civil society participation in the OGP process should contribute to finding new areas of work to include in future action plans and new challenges requiring open government approach. Such work could help address, for instance, the cultural obstacles mentioned in this action plan. The IRM researcher, therefore, recommends that the government broaden the scope of the action plan beyond e-government and open data. Broadening the topics covered by the action plan might create momentum and attract new audiences to the OGP process, beyond the open data community.

Interviews with stakeholders, as well as the lack of response from contacted civil society organizations, indicates that OGP is not perceived as a priority platform for making joint decisions between government and civil society. This is not to say that there is no interest in the effort, but advocacy and networking efforts happen outside of the OGP framework.

Involving high-level officials would suggest greater political commitment to open government and draw the attention of various audiences. This could increase the visibility of OGP in the country and draw national and local civil servants to different meetings.

The OGP process would benefit from more collaboration and dialogue around the elaboration of the next action plan, notably through inclusion of ultimate beneficiaries of measures tackled and by committing to more concrete, measurable outcomes.

Establish and formalize a multi-stakeholder forum

Initial efforts to bring various stakeholders together, such as the meetings held in early 2017, were seen as positive opportunities for networking and collaboration. Such events should be prioritized for the elaboration of the next action plan. The IRM researcher recommends that the government, together with civil society organizations, find an appropriate format for a multi-stakeholder forum. The forum should fit the specific needs of the French context, including in-person meetings. The Forum Open d'Etat could be a relevant platform, given that the structure is already in place and it is known to many stakeholders.

Enhance ethics and integrity in public service

The next action plan could include a number of commitments on the prevention of conflicts of interests for elected officials and high-level civil servants. The definition of "conflict of interests" needs to be clarified especially for members of Parliament, as well as rules regarding recusal, gifts, travels, funding member of Parliament staff, transparency of expenses, etc.; Future commitments could aim to introduce an obligation for high-level public officials to publish their agendas. Commitments can also aim to strengthen the role of ethics commissioners within the public service, as well as within their network. Building on the current commitment on lobbying transparency, next steps could include the disclosure of information from interest groups specifying the policies they seek to influence and their position on various issues they are lobbying.

Use the next action plan to implement the pledges of the Great National Debate

Future action plans could also be used to ensure the implementation of the president’s promises following the Great National Debate, such as the facilitation of the referendum of shared initiative, or the council of citizen participation. Future action plans could also go beyond what has already been announced and introduce elements of direct democracy in local and national politics, given the popular demand for such mechanisms.

Align the action plan on existing initiatives and demands from civil society

France’s first action plan included commitments that were welcomed by civil society organisations, regarding beneficial ownership transparency, access to judicial data and transparency of payments and revenue from the extractives industry.

The central repository of beneficial ownership is set up but at the end of the first action plan the register was not open for public. Access is allowed for “citizens with legitimate” interest and it is only possible after obtaining judicial ordinance. In July 2018, the EU issued the 5th Anti-Money Laundering Directive (5 AMLD) mandating that beneficial ownership registers be open to public and that the information provided is accurate and current.¹ Implementation of the directive offers an opportunity to create a commitment that brings more transparency to the existing register. Regarding open justice, there is still no decree implementing the Digital Republic Law. An expert group was set up to reflect on the opportunities and risks of opening judicial data, including on anonymization, but no further steps have been taken. Similarly, little progress has been made regarding transparency of the extractive industry despite France hosting the EITI 2019 Global Conference.

In addition, the IRM researcher recommends that any future internationally oriented commitments also focus on tangible benefits to open government in France. Such commitments could aim to increase transparency of foreign aid and policy. They could focus on providing information on the way funds channeled toward open government initiatives in partner countries are used. They could also include transparency of the decision-making process in this regard.

Lastly, the action plan could contain fewer but more targeted commitments relating to priority policy issues. Similar policies could be grouped, to provide more clarity regarding the general orientation, strategy and intended results.

Table 5.1. Five Key Recommendations

| | |
|----------|---|
| 1 | Formalize the multi-stakeholder forum, taking advantage of the Forum Open d’Etat to develop future action plans and monitor the implementation of commitments. |
| 2 | Create momentum around OGP in France by involving high-level governmental officials and reaching out to civil society actors beyond the open data community. |
| 3 | Future action plans could be designed to ensure the implementation of promises from the Great National Debate. Given popular demand for more citizen voices in decision making, commitments could operationalize pledges such as the facilitation of the referendum of shared initiative, the council of citizen participation and other forms of direct democracy in local and national politics. |
| 4 | Enhance ethics and integrity in public service. Future commitments could include clarifying ethics rules for elected officials, high level civil servants and the Parliament’s staff. The next action plan could be used to strengthen the role of ethics commissioners within the public service and further enhance the transparency of lobbying activities. |

| | |
|----------|--|
| 5 | Align the action plan on existing initiatives and demands from civil society (i.e. ensuring transparency of the beneficial ownership register, open justice, extractive industry) |
|----------|--|

5.2 Response to Previous IRM Key Recommendations

Table 5.2. Previous IRM Report Key Recommendations

| | Recommendation | Responded to? | Integrated into Current Action Plan? |
|----------|--|---------------|--------------------------------------|
| 1 | Increase transparency in the process of development and implementation of the action plan. | ✗ | ✗ |
| 2 | Improve civic participation in co-creation process. | ✗ | ✗ |
| 3 | Broaden open government to new themes and actors. | ✗ | ✗ |
| 4 | Mobilize administrative agencies. | ✗ | ✓ |
| 5 | Increase ambition of the action plan. | ✗ | ✗ |

Of the five recommendations from the midterm report of the 2015–2017 action plan, the government clearly integrated only one into the third action plan. Thirteen of the 21 commitments are still carried out by the Ministry for the Digital Sector. However, the government did manage to better mobilize administrative agencies compared to the previous round.

Through the Forum Open d’Etat and the regular meetings organized by Etalab, a higher number of government agencies and officials participated in the OGP process. The high response rate from administrative agencies to the IRM researcher’s question suggest this is true. However, none of the other four recommendations was addressed.

As described in Section III (Leadership and Multi-stakeholder Process), the consultation period was particularly long and overlapped with a period of elections and a change of government. Thus, the process of action plan elaboration was not made more transparent, as commitments were changed or added without justification during the period. The consultation process started off well with the hosting of a Ministère Ouvert in February 2017. However, it quickly evolved to punctual online consultations without any information being published on the integration or rejection of commitments.

The 2018–2020 action plan carried on certain important commitments (Commitment 2) and seeks to address many new issues (Commitment 6). However, certain ambitious commitments from the 2015–2017 action plan (such as Commitments 7 and 12) that were not implemented were not carried over to this action plan, making it rather less ambitious.

¹ Anti Money Laundering and Counter Terrorism Financing: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/anti-money-laundering-and-counter-terrorist-financing_en/

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on evidence available on France's OGP repository (or online tracker), websites,¹ findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.²

Interviews and stakeholder input

The IRM researcher based her assessment on desk research and comments and information received from 17 representatives of government and civil society. Two interviews were carried out in person, while the other exchanges took place via email. Communication with relevant government agencies was facilitated by Etalab. The response rate from individuals and organizations from civil society, contacted by the IRM researcher, was relatively low.

The IRM researcher exchanged with the following stakeholders:

- Banzet, Amélie; Bras, Mathilde; and Kahn, Victor, Etalab. Interview with IRM researcher. 20 November 2018.
- Boissin-Jonville, Hélène, direction interministérielle de la transformation publique. Email communication with IRM researcher. 7 February 2019.
- Chaput, Valentin, Open Source Politics. Email communication with IRM researcher. 20 February 2019.
- Chevalier, Paul-Antoine, DINSIC. Email communication with IRM researcher. 11 February 2019.
- Constant-Perier, Delphine, AFD. Email communication with IRM researcher. 11 February 2019.
- Dacos, Marin, Ministry of Higher Education, Research, and Innovation. Email communication with IRM researcher. 19 February 2019.
- Data scientist within Etalab. Email communication with IRM researcher. 11 February 2019.
- Etalab official. Email communication with IRM researcher. 21 February 2019.

- Etalab official. Email communication with IRM researcher. 20 February 2019.
- Etalab official. Email communication with IRM researcher. 19 February 2019.
- Foucraut, Elsa, Transparency International France. Interview with IRM researcher. 22 February 2019.
- Hayes, Sarah. Ministry of Europe and Foreign Affairs. Email exchange with IRM researcher. 15 February 2019.
- Heyaca, Maria-Eugenia, Cour des Comptes. Email communication with IRM researcher. 18 February 2019.
- Lang, Jean-Philippe, Ministry for the Ecological and Solidary Transition. Email exchange with the IRM researcher. 15 February 2019.
- Pecquet, Lancelot, lecturer and founder of Will Strategy. Email communication with IRM researcher. 5 February 2019.
- Serra, Laure, Ministry of Foreign Affairs. Email communication with IRM researcher. 14 February 2019.
- Weisenburger, Emmanuel, Ministry of Higher Education, Research, and Innovation. Email communication with IRM researcher. 19 February 2019.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M’Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ “Outil de Suivi du Plan d’Action National pour une Action Publique Transparente et Collaborative,” Wiki DINSIC, <https://dinsic.xwiki.com/xwiki/wiki/pgosuidesindicateurspublic/view/Indicateurs/#%7Ct=indicateurs&p=1&l=10&s=staticList1&d=asc>.

² IRM Procedures Manual, Vol. 3: <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Annex I. Overview of France’s performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

| Multi-stakeholder Forum | |
|---|--------|
| Ia. Forum established: There is a forum to oversee the OGP process | Yellow |
| Ib. Regularity: The forum meets at least every quarter, in person or remotely | Yellow |
| Ic. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure. | Red |
| Id. Mandate public: Information on the forum’s remit, membership and governance structure is available on the OGP website/page. | Red |
| 2a. Multi-stakeholder: The forum includes both governmental and non-government representatives | Red |
| 2b. Parity: The forum includes an even balance of governmental and non-governmental representatives | Red |
| 2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process. | Red |

| | |
|--|--------|
| 2d. High-level government representation: The forum includes high-level representatives with decision making authority from government | Red |
| 3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum | Green |
| 3e. Remote participation: There are opportunities for remote participation in at least some meetings and events | Yellow |
| 3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders | Yellow |

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

| Action Plan Development | |
|---|--------|
| 4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published. | Green |
| 4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process. | Yellow |
| 4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process. | Yellow |

| | |
|--|---------------|
| <p>4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.</p> | <p>Yellow</p> |
| <p>4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.</p> | <p>Yellow</p> |
| <p>5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g links to databases, evidence of meetings, publications)</p> | <p>Yellow</p> |

Editorial note: If a country “meets” the six standards in bold, the IRM will recognize the country’s process as a Starred Process.