

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

This report was prepared in collaboration with Sofia Wickberg, Sciences Po Paris, Centre for European Studies and Comparative Politics

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I. Introduction

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. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate 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 progress and determine if efforts have impacted people's lives.

The IRM has partnered with Sofia Wickberg, Sciences Po Paris, to carry out this evaluation. The IRM aims to inform ongoing dialogue around the 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>.

This report covers the implementation of France's second action plan for 2018-2020. In 2021, the IRM will implement a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.¹ The IRM adjusted its Implementation Reports for 2018-2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

¹ For more information, see: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not re-visit the assessments for "Verifiability," "Relevance" or "Potential Impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

France's 2018-2020 action plan contained 21 commitments. Two thirds (14 out of 21) of commitments were substantially or completely implemented. This is an improvement from the previous action plan, for which only 17 out of 29 (59%) commitments were assessed as at least substantially completed.²

The level of completion can be attributed to the fact that the design of the 2018-2020 action plan was largely government-driven, with administrations including activities in the action plan that they were already planning. As highlighted in the Design Report 2018-2020, the OGP process had largely lost momentum at the time the action plan was drafted, and many civil society actors had withdrawn from the process,³ leading to relatively unambitious commitments in terms of OGP values (15 commitments were assessed as having minor or no potential).⁴ Thus, the implementation of this action plan only resulted in a few changes to access to information and civic participation, and did not yield any improvement with regards to public accountability. The implementation of commitments 17 on public participation in decisions on energy transitions and sustainable development and 20 on the transparency of the interest representatives' activities stood out as initiatives that opened government in terms of access to new information on private influence on public decision and of public participation in public decision-making (see section 2.4).

The administration experienced a significant turn-over both in terms of OGP overall responsibility and open government contact points within individual administrations and agencies.⁵ Etalab was the OGP Point of Contact (PoC) until late 2019. A period of approximately nine months ensued without anyone overseeing the implementation of the action plan, until someone was appointed in September 2020. This made coordination and gathering information on the implementation of OGP commitments particularly complex,⁶ and did not allow for the OGP process to gain new momentum. Most civil society representatives interviewed for the production of this report indicate that they had very limited exchanges with the administration regarding OGP and that the OGP process was stalled – while also flagging that a new dynamic seemed to be taking off with the appointment of a new PoC, although it is still too early to assess.⁷

2.2. COVID 19 Pandemic impact on implementation

The PoC indicated that the COVID-19 crisis did not fundamentally affect the implementation of the action plan.⁸ However, COVID-19 restrictions on public gatherings led to the cancellation of a number of commitment milestones (especially public events), such as the 'data sessions' that would have encouraged data reuse as part of commitment 21 on improving access to public information on elected representatives and public officials.

France adopted restrictive measures on freedom of movement to hold back the spread of the virus including national lockdowns and curfews since March 2020. Civil society organizations raised concerns about changes in response to the COVID-19 crisis to the normal obligations in the Public Procurement Code that risk undermining the transparency of public procurement. The thresholds for contracts that require publication rose from €25,000 to €40,000.⁹ The crisis and rush to procure personal protective equipment and other materials related to the COVID-19 pandemic inevitably affected the capacity for government to implement commitment 2 on increasing transparency in public procurement, which was only implemented to the limited extent.

² Wickberg, Sofia. *Independent Reporting Mechanism (IRM): France End-of-Term Report 2015-2017* (Washington, DC: Open Government Partnership, 2018), https://www.opengovpartnership.org/wp-content/uploads/2018/07/France_End-of-Term_Report_2015-2017.pdf (accessed on November 30th 2020)

³ Wickberg, Sofia. *Independent Reporting Mechanism (IRM): France Design Report 2018–2020* (Washington, DC: Open Government Partnership, 2019), https://www.opengovpartnership.org/wp-content/uploads/2019/11/France_Design_Report_2018-2020_EN.pdf (accessed on 6 November 2020)

⁴ *Ibid.*

⁵ Clémence Pène, OGP point of contact for France. Phone interview with author. 6 November 2020.

⁶ *Ibid.*

⁷ Employee, Transparency International France. Email communication with author. 19 November 2020; Lancelot Pecquet. Email communication with author. 11 November 2020; Valentin Chaput, Open Source Politics. Email communication with author. 12 November 2020; Armel Le Coz, Démocratie ouverte. Email communication with author. 12 November 2020

⁸ Clémence Pène, OGP point of contact for France. Phone interview with author. 6 November 2020.

⁹ Kevin Gernier, Transparency International France. Email communication with author. 19 November 2020; Anticor. *Loi ASAP : ANTICOR et TI France dénoncent l'intention du Gouvernement de réduire dangereusement l'encadrement des marchés publics et le droit d'accès aux documents administratifs*. 28 September 2020. Online, available at: <https://www.anticor.org/2020/09/28/anticor-et-ti-france-denoncent-lintention-du-gouvernement-de-reduire-dangereusement-lencadrement-des-marches-publics-et-le-droit-dacces-aux-documents-administratifs/> (accessed on 25 November 2020).

2.3. Early results

The IRM acknowledges that results may not be visible within the two-year time frame of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Transitional Results Report, the IRM will use the “*Did it Open Government?*” (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM Results Report will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from the implementation of commitments that had an ambitious or strong design, per the IRM Design Report assessment or that may have lacked clarity and/or ambition but had successful implementation with “major” or “outstanding” changes to government practice. Commitments considered for analysis in this section had at least a “substantial” level of implementation, as assessed by the IRM in Section 2.4. While this section provides the analysis of the IRM’s findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

Commitment 17: Citizen involvement in decision on energy transition and sustainable development	
Aim of the commitment	Climate change is an increasingly politicized issue in France. While citizens are overall concerned about this problem, the solutions proposed by the public authorities have raised additional concerns, either because they were considered insufficient or unfair, as illustrated by the ‘affaire du siècle’, Fridays for Future or Yellow Vests movements. ¹⁰ Through this commitment, the government expressed a continued interest in involving civil society and citizens in the country’s decisions on key environmental issues. The second component of the commitment concerns accessibility to various strategic datasets.
Did it open government? Marginal	<p>According to the government self-assessment, the government’s efforts to incorporate citizens’ proposals in the development of implementation plans of the National Plan for Adaptation to Climate Change (PNACC-2) and the Action Plan for the Sustainable Development Goals was limited to providing the public with information regarding the plans and encouraging them to take part in consultations. There is no evidence of any trainings having been organized to facilitate the participation of civil society.</p> <p>However, the government reports that these activities were pushed to the side somewhat by France’s first deliberative exercise on a national scale - the Citizen’s Convention on Climate¹¹ - which gathered 150 randomly selected citizens who came up with 149 policy proposals to be submitted to a referendum, a vote in parliament or to be implemented directly.¹² Although some proposals are currently being discussed by Parliament, many civil society organizations expressed concerns that some were not taken forward despite what had been previously announced,¹³ which might generate more distrust in such participatory initiatives than positive outcomes.¹⁴ The 150 citizens of the Convention gave the government a poor grade regarding of the translation of their proposals into policy.¹⁵</p>

	<p>The second part of the commitment, focusing on open environmental data, contributed to open government in terms of access to information. 20 datasets on the collection and management of household waste relating to the SINOE platform were opened and are available on the AGEME’s open data platform.¹⁶ Data on the sale of pesticides is also available in open format and made available on Eau France and data.gouv.fr.¹⁷ The opening of the Sitadel database is subject to the validation of the National Commission on Information Technology and Civil Liberties (CNIL) and could be made available in early 2021, according to the government self-assessment. Civil society actors and journalists have used the data to map the use of pesticides in France, but it is too early to tell if releasing datasets had an impact such as on the use of pesticides or in other policy areas.¹⁸</p>
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Commitment 20: Lobbying transparency	
<p>Aim of the commitment</p>	<p>Gauging the influence of private interests on public decisions requires the public to be able to access information regarding the structure, management and strategies of groups specialized in lobbying. For that purpose, France introduced a digital repository of data on interest representatives in 2016. This commitment aimed at providing access to information through the publication of the content of the register in open data format and of the source code, which would allow anyone to inspect, modify, and enhance the software. It also aimed at involving civil society in brainstorming how the data should be presented, to facilitate the wider public’s access to data on lobby groups.</p>
<p>Did it open government? Marginal</p>	<p>This commitment is part of a longer reform process that began in 2016 and the lobbying register was created before this action plan, in 2017. However, it has only been mandatory to provide information on lobbying to the register since April 2018 which has led to over 2000 registrations by the end of 2020 (the register had around 100 registrations before April 2018). It contains over 29,000 lobbying activities and is updated annually.¹⁹ The data is publicly available in an open data format and the register’s source code has been available since 2020. The register contains information on personnel, sectors and clients of lobby organizations, their activities and financial resources.</p> <p>Also, the register has a list of categories of public officials (such as member of government, parliamentarian, advisor to the president) regarding whom a communication may constitute an action of representation of interests, available in HTML but not in a reusable open format.²⁰</p> <p>During the course of the action plan implementation period, the High Authority for Transparency of Public Life (HATVP) organized a Forum Open d’État on the use of the register data and partnered with the association Latitudes to develop a global visualization of this data (but there is no evidence of visualizations being produced).²¹</p> <p>While there was a huge increase in the number of registrations and therefore a huge increase in the amount of information available about lobbying activities</p>

	<p>compared to before the implementation of the commitment, this may be simply due to the implementation of the law over time. In any case, Transparency International France has reused the information for its monitoring tool Integrity Watch France which provides an analytical overview of the data using graphs and tables and is free to browse and search.²² For example, it showed that the annual lobby budget of registered organizations can range between €63 million and €96 million.²³</p> <p>However, as identified in the IRM Design Report, limitations of the Sapin II legal framework mean that lobbyists only need to update the register once a year, some organizations do not have to register (i.e. religious organizations, associations of elected, representatives), and public officials do not have to report their meetings with interest representatives.²⁴ The legal framework for the lobbying register therefore needs to be updated to ensure the lobby register can provide better information for more effective lobbying transparency in France. Civil society organizations stated that the current changes are superficial in relation to the reality of lobbying in French politics.²⁵ Lastly, Transparency International France regrets that the HATVP lacks the human resources to properly verify the accuracy of the information registered.²⁶ These limitations point to a marginal assessment in terms of opening government.</p>
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2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	What did the commitment achieve?
1. Enhance transparency regarding the effectiveness and quality of public services working with users	<p>Completion: (no evidence available, not started, limited, substantial or complete)</p> <p>Substantial</p> <p>Thirty two public services now publish performance and satisfaction data physically and online.²⁷ This data was not previously available. In addition, the Ministry of Public Transformation and Services created two platforms to allow for user feedback (https://voxsagers.gouv.fr/) and to centralize information about user satisfaction (https://www.resultats-services-publics.fr/).</p>
2. Increasing transparency in public procurement	<p>Limited</p> <p>The government centralized and standardized contract data on the national open data portal.²⁸ The aggregation of data in a single file is incomplete due to technical problem relating to the standardization of data, with a significant amount of data missing.²⁹ There is no evidence of efforts made to publish data beyond the procurement related data outlined by decree (referred to as “essential data”), but the government self-assessment indicated that the deadline for this milestone was moved to 2022. Two</p>

	regions (Occitanie and Bretagne) developed public platforms to monitor public procurement, but there is no evidence of this model being reproduced elsewhere. ³⁰ France no longer contributed to the work of the international group ‘Contracting 5’.
3. Improving transparency in public development aid	Substantial According to the government self-assessment, ³¹ official development aid data published extended from 36 to 47 countries and the platform publishes information about Proparco ³² projects since 2019. The information published regarding project impact and result is still limited to project objectives at best. The government self-assessment indicated that the publication of impact data is currently under discussion. Publish What You Fund notes that the MEAE (foreign affairs) and the AFD (development agency) did not publish certain important data such as tender documents or current audit reports. ³³ The publication of data through single platform (opendata.afd.fr) had already been achieved in the 2015-2017 OGP action plan.
4. Enrich “public data as a service”: towards a new list of reference data	Limited The DINIM and Etalab improved the quality and structure of open data making it easier to find and use, and developed several new thematic ‘verticals’ (sector specific data on businesses or building permits for instance) and APIs to facilitate its reuse. The government self-assessment indicates that efforts to enrich the “public data service” with new high-impact datasets is limited and that Etalab considers it necessary to improve the platform. ³⁴ A report commissioned by the government and published in December 2020 flags that the dynamic of opening new data has slowed down since the adoption of 2016 Digital Republic Bill and that there is currently no exhaustive survey permitting a quantitative assessment of the level of public data opened. ³⁵ No evidence is available regarding the process through with government agencies involved civil society in identifying data to open.
5. Appoint ministerial data administrators and support the implementation of the “open by default” principle	Substantial The government has appointed ministerial data administrators in 12 out of 16 ministries (eight of these positions had already been created before the action plan). ³⁶ The DINUM is in charge of the coordination of this network of administrators who meets once per trimester. Etalab published a guide and organized four hackathons to help public administrations open and better circulate data. ³⁷ The feedback from participants for the #datafinevent indicated that despite the event being well-organized, there could have been more citizens and data scientists present. ³⁸ There is no evidence of the creation of an international working group and the work on the assessment of the impact of open data has not yet started according to the government’s self-assessment. ³⁹
6. Improving transparency of public algorithms and source codes	Limited Etalab published two guides to help administrations open public source codes and use public algorithms. ⁴⁰ Etalab also organized a webinar to train public officials about public algorithms. ⁴¹ A recently published report indicated that the resources and training of public officials remains largely

	<p>insufficient for a proper implementation of the Digital Republic Law and ethical use of public algorithms.⁴² According to the government self-assessment, the production of five algorithm monographs was deprioritized. No evidence was found regarding the organization of hackathons.</p>
<p>7. Support local areas in implementing the open data by default principle</p>	<p>Limited</p> <p>The government has set up a Local government data observatory to centralize data published by local governments and provide information on the impact of open data at the local level.⁴³ Etalab is also in regular contact (at least twice a year) with local government representatives through the programme DCANT (Programme on the concerted development of digital local administration) to develop roadmaps on open data at the local level (no evidence available on the number of type of local governments participating).⁴⁴ A number of local governments have expressed their concern since the government change in 2017 that the DCANT programme might not take their needs into account in the future.⁴⁵ However, according to the government self-assessment, few efforts were made in order to offer training or develop training resources for local governments. No new partnerships were established, nor was the network of training leaders.</p>
<p>8. Set up an open artificial intelligence (AI) lab for the State</p>	<p>Substantial</p> <p>A decision of the interministerial committee on public transformation set up the Lab IA to help administrations use and develop AI (via projects, trainings) and anticipate the effects of AI on public administration.⁴⁶ It published a call for proposals for administrations that wished to develop AI projects, with six projects selected in 2019 (such as from the Nuclear Safety Agency on the use of data from inspections, the French Agency on Biodiversity on the improvement of controls thanks to data) and 15 in 2020 (such as the General Directorate for Health on optimizing alerts on undesirable health events, the Council of State on the automatic identification of cases that refer to the same decision) . The Ministry of Armed Forces published an AI roadmap in 2019, but no evidence was found that any other ministries published such a strategy.</p>
<p>9. Opening the administration to new skills and supporting the Government's open innovation initiatives</p>	<p>Substantial</p> <p>The budget bill 2020 renewed the "Entrepreneur of General Interest (EIG)" program for an additional year.⁴⁷ A network of EIG alumni was set up but there is no information available regarding its activities.⁴⁸ The government self-assessment indicates that a number of ministries organized hackathons on the theme of open data and public innovation (the government self-assessment only links to one such event on energy retrofit).⁴⁹ There is however no evidence of the development of specific legislative proposals to improve technological public innovation in the administration, based on the EIG program, apart from the diffusion, by Etalab, of a questionnaire to experts in digital affairs.⁵⁰</p>
<p>10. Set up digital public service incubators in each ministry</p>	<p>Substantial</p> <p>Eleven incubators were created including those of the Ministry of the Armed Forces, the Ministry of Finances and Economy, the Ministry of Interior, the Ministry of Culture, the Ministry of Ecological Transition and a common incubator for the Ministries of Labour and Social Affairs.⁵¹</p>

<p>11. Streamline data flows within the State with FranceConnect Plateforme</p>	<p>Limited</p> <p>Administrations can now use 60 new APIs and DINUM developed numerous API resources.⁵² Local governments are not included in the platform. There is some confusion between what the action plan set out to do with the objective of making public services more accessible to users and businesses and the language of the government self-assessment that focusses on the circulation of data amongst administrations. The vagueness of the formulation of the second milestone makes it hard to assess implementation.⁵³</p>
<p>12. Develop new formats for exchanging ideas with civil society: the "Open d'Etat" Forum</p>	<p>Limited</p> <p>Six "Open d'Etat" forums were organized during the implementation period to create a space for public officials, business representatives and civil society to exchange on various themes of the action plan. These forums did however not serve as platforms to include civil society in monitoring the implementation of the action plan. They rather served as a channel for the administration to include civil society in certain open data projects. Etalab, together with Dataactivist, created an online dialogue space⁵⁴ but it does not appear to be frequently used (there are only two comments and no updates since 2018). The government self-assessment indicates that the DINUM did not wish to organize any additional forums.</p>
<p>13. Set up an open and participatory dashboard of online procedures</p>	<p>Complete</p> <p>The Ministry for Public Transformation and Services and the DINUM created a dashboard listing 250 procedures⁵⁵ that can be done online.⁵⁶ It is coupled with an observatory that monitors the quality and progress of service digitalization. The government self-assessment indicates that 61% of online public procedures offers an opportunity to users to provide feedback on their experience through an "I provide feedback" icon included on the page of the online service.</p>
<p>14. Organize an international GovTech summit in France</p>	<p>Complete</p> <p>Three GovTech Summits were organized in Paris in 2018, 2019 et 2020, with over 60 high-level speakers from governments, businesses and civil society organizations. The events included panels, workshops and pitch competitions.⁵⁷</p>
<p>15. Provide the administrations with the tools to associate citizens to public decisionmaking</p>	<p>Substantial</p> <p>Etalab created the platform consultation.etalab.gouv.fr in 2016, which became https://participation-citoyenne.gouv.fr/ after it was transferred to the Interministerial Directorate for Public Transformation. The platform offers seven different methods through which public officials can organize a public consultation (citizen workshops, participatory workshops, citizen conferences, online consultations, participatory budgeting etc.), as well as several guides explaining the various steps of organizing a public consultation and a list of service providers. The government self-assessment indicates that 61 agencies have used this service, 65 platforms have been tested and 19 consultations have actually been conducted.⁵⁸ Government</p>

	<p>agencies organized a number of hackathons and six Open d’Etat Forums, as documented in previous commitment assessments in this report. The vagueness of the commitment makes it hard to assess whether all the milestones have been completed.</p>
<p>16. Supporting the implementation of the principles of transparency and citizen participation at the international level</p>	<p>Complete</p> <p>The project to support open government efforts in developing Francophone countries (PAGOF) supported Tunisia, Burkina Faso and the Ivory Coast in the development and implementation of their action plans, through financial aid (€3.5 million) and a number of regional thematic workshops on transportation, on budgets and on data collection and usage.⁵⁹ France contributed €1 million to OGP’s Multi-Donor Fund, according to the government self-assessment. The “innovative digital solution” prize was integrated into the Connexions citoyennes project, aimed at supporting youth civic tech projects, led by CFI (a public operator financed largely by the Ministry of Foreign Affairs), in 2020. The focus of the prize changes from countering corruption to promoting citizenship in African countries.</p>
<p>17. Empower citizens to exercise scrutiny and get involved in public decisions on energy transition and sustainable development</p>	<p>Limited</p> <p>For details regarding implementation and early results, see Section 2.3.</p>
<p>18. Developing an “open science” ecosystem</p>	<p>Substantial</p> <p>The Ministry of Higher Education created a Committee for Open Science in 2018 and an open science barometer, measuring the number of publications stemming from French research institutions that are available in open access format (which was last updated in 2019).⁶⁰ It also set up a French ORCID consortium in 2019 to expand the use of the ORCID system in France.⁶¹ It set up a system for monitoring the expenditure on “article processing charges” and “book processing charges”.⁶² The National Research Agency published data on the projects it financed between 2005 and 2019 in open data format, including partner institutions, name of principal investigator, location of partner and total amount allocated.⁶³ The results of the survey on the expenditure on electronic acquisitions by higher education institutions was published in 2020.⁶⁴ The government invested €500,000 in the development of HAL, through the National Fund for Open Science, according to the government self-assessment. The Committee for Open Science published a couple of guides for researchers and research institutions on opening scientific data.⁶⁵</p>
<p>19. Involving citizens further in the work carried</p>	<p>Substantial</p> <p>The Cour des comptes has opened 172 datasets on budget implementation of government institutions, on specific inquiries conducted by the court and on the activities of financial courts, and opened the source code of its</p>

out by the Cour des comptes	financial analysis software OpenAnafi. ⁶⁶ The government self-assessment indicates that the Cour des comptes has invested in its communication means through a new website, social media presence (87,000 followers on Twitter, 9,000 likes on the Facebook page) the recruitment of dedicated staff and physical events during the European Heritage Days. Despite these outreach efforts, most open datasets have never been reused (the ones that have been reused concern the anonymized jurisprudence of the Cour des comptes, reports on regional audit chambers, the postal service and reform or the cost of high schools), according to the statistics published on data.gouv.fr . ⁶⁷ The vagueness of the commitment makes it hard to assess whether all the milestones have been completed.
20. Ensuring greater transparency in representatives of interests' activities	Substantial For details regarding implementation and early results, see Section 2.3.
21. Improving access to public information on elected representatives and public officials	Substantial The HATVP, responsible for controlling and publishing the declarations of over 15,000 public officials at national and local level, publishes the list of declarations and its appreciations in CSV format, while the content of interest/asset declarations is published in XML. ⁶⁸ It regularly produces data visualizations on the demographics of declarations received. ⁶⁹ The government self-assessment indicates that the HATVP had not organized any data sessions due to the COVID-19 crisis.

¹⁰ Greenpeace. Urgence climatique : mettons l'État sur le banc des accusés, <https://www.greenpeace.fr/laffaire-du-siecle/>; L'affaire du siècle. Climat : stop à l'inaction, demandons justice ! <https://laffairedu-siecle.net/>; Fridays for Future : les jeunes de nouveau appelés à faire la grève pour le climat dans le monde. *Le Monde*, 25 September 2020, https://www.lemonde.fr/planete/article/2020/09/25/fridays-for-future-les-jeunes-de-nouveau-appelles-a-faire-la-greve-pour-le-climat-dans-le-monde_6053557_3244.html; « Gilets jaunes » : la hausse de la taxe carbone « abandonnée » pour 2019. *Le Monde*, 5 December 2018, https://www.lemonde.fr/societe/article/2018/12/05/gilets-jaunes-emmanuel-macron-s-oppose-a-tout-retablissement-de-l-isf_5393233_3224.html (accessed on 21 January 2021)

¹¹ Convention citoyenne pour le climat. The Citizens' Convention on Climate, what is it? Online, available at: <https://www.conventioncitoyennepourleclimat.fr/en/> (accessed on 30 November 2020)

¹² Several monitoring tools have been developed and the conclusions vary, from only one proposal partially taken up to about 50. Many of the proposals picked up by the government are still being debated (Novethic. *Où en sont les 146 propositions de la convention citoyenne pour le climat "acceptées" par emmanuel macron ?* 12 November 2020 Online, available at : <https://www.novethic.fr/actualite/infographies/isr-rse/infographie-premier-bilan-d-etape-sur-l-avenir-des-mesures-de-la-convention-citoyenne-pour-le-climat-149144.html>)

¹³ Valentin Chapat, Open Source Politics. Email communication with author. 12 November 2020; Armel Le Coz, Démocratie ouverte. Email communication with author. 12 November 2020; Novethic. *Où en sont les 146 propositions de la convention citoyenne pour le climat "acceptées" par emmanuel macron ?* 12 November 2020. Online, available at : <https://www.novethic.fr/actualite/infographies/isr-rse/infographie-premier-bilan-d-etape-sur-l-avenir-des-mesures-de-la-convention-citoyenne-pour-le-climat-149144.html>; Greenpeace. Convention citoyenne pour le climat : le travail de sappe du gouvernement à l'égard des 150 citoyens et de leurs propositions continue, 11 September 2020. Online, available at: <https://www.greenpeace.fr/espace-presse/convention-citoyenne-pour-le-climat-le-travail-de-sappe-du-gouvernement-a-legard-des-150-citoyens-et-de-leurs-propositions-continue/> ; Info Durable. 5G : les ONG dénoncent les propos d'Emmanuel Macron, 15 September 2020. Online, available at: <https://www.infodurable.fr/politique/5g-les-ong-denoncent-les-propos-demmanuel-macron-20044> (accessed on 30 November 2020)

¹⁴ Armel Le Coz, Démocratie ouverte. Email communication with author. 12 November 2020.

- ¹⁵ Rémi Barroux et Audrey Garric. La convention citoyenne pour le climat se sépare sur une note sévère au gouvernement. *Le Monde*, 28 February 2021. Online, available at: https://www.lemonde.fr/planete/article/2021/02/28/la-convention-citoyenne-pour-le-climat-se-separe-sur-une-note-severe-au-gouvernement_6071502_3244.html (accessed on 8 March 2021)
- ¹⁶ Portail open data de l'ADEME. Online, available at: <https://data.ademe.fr/datasets> (accessed on 30 November 2020)
- ¹⁷ Data.eaufrance.fr. Online, available at: <http://www.data.eaufrance.fr/jdd/a69c8e76-13e1-4f87-9f9d-1705468b7221> (accessed on 30 November 2020)
- ¹⁸ Samuel Goëta, Dataactivist. Phone interview with author. 25 November 2020; Mediapart. Commune par commune, la carte de France des pesticides, 4 July 2019. <https://www.mediapart.fr/journal/france/040719/commune-par-commune-la-carte-de-france-des-pesticides?onglet=full>; Générations futures. Exclutivité: les cartes des pesticides et les Glyph'Awards, 20 November 2018. <https://www.generations-futures.fr/actualites/exclusivite-cartes-pesticides-glyphawards> (accessed on 13 January 2021)
- ¹⁹ HATVP. Le répertoire. Online, available at: <https://www.hatvp.fr/le-repertoire/#open-data-repertoire> (accessed on 30 November 2020)
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III. Multi-stakeholder Process

3.1 Multi-stakeholder process throughout action plan implementation

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 the OGP process. France **did not act** contrary to OGP process.⁷⁰

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

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply it to OGP.⁷¹ In the spirit of OGP, most countries should aspire to “collaborate.”

Level of public influence		During development of action plan	During implementation 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		

France did not have a formal multi-stakeholder forum (MSF) for regular meetings with stakeholders regarding the development of OGP commitments or the monitoring of their implementation.

However, as described in the Design Report, Etalab set up the Forum Open d’Etat in 2018, to bring together government officials, civil society organizations, business representatives and citizens to discuss actions taken by relevant administrations and agencies, and collaborate on improving a number of commitments.⁷² While it did not become a formal multistakeholder forum to provide oversight of all the commitments in the action plan, it did provide a space for civil society and government interaction on the implementation of certain commitments, particularly in relation to open data.

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Outside of the Forum, most civil society representatives interviewed for this report indicate that they had very limited exchanges with the administration regarding OGP and that the OGP process was stalled.⁷³ According to a government official, government-civil society engagement was continuous during the implementation of the action plan, often through the agencies responsible for the different commitments, but was not formalized.⁷⁴

In fact, the level of civil society engagement varied from one commitment to another. For example, civil society representatives helped to develop commitment 18 on open science, and maintained involvement throughout⁷⁵ – which might relate to the fact that it is not directly linked to government transparency but rather transparency of research, and thus targets researchers and research institutions rather than public administration. There was more structured civil society engagement through the Forum Open d’Etat for commitments 2, 3, 6, 18 and 20.⁷⁶ Overall however, involvement remained relatively low throughout the implementation period,⁷⁷ in a similar fashion to the previous 2015-2017 action plan implementation period.⁷⁸

Information regarding OGP-related events were regularly communicated to the public through Etalab’s website.

Civil society representatives have flagged that a new dynamic seemed to be taking off with the appointment of a new government Point of Contact, although it is still too early to assess.⁷⁹

⁷⁰ Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the action plan, or (2) the government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

⁷¹ “IAP2’s Public Participation Spectrum,” IAP2, 2014.

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

⁷² Wickberg, Sofia. *Independent Reporting Mechanism (IRM): France Design Report 2018–2020* (Washington, DC: Open Government Partnership, 2019), https://www.opengovpartnership.org/wp-content/uploads/2019/11/France_Design_Report_2018-2020_EN.pdf (accessed on 6 November 2020)

⁷³ Employee, Transparency International France. Email communication with author. 19 November 2020; Lancelot Pecquet. Email communication with author. 11 November 2020; Valentin Chaput, Open Source Politics. Email communication with author. 12 November 2020; Armel Le Coz, Démocratie ouverte. Email communication with author. 12 November 2020.

⁷⁴ Clémence Pène. French Government Point of Contact. Phone interview with IRM researcher, 6 November 2020.

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3.2 Overview of France’s performance throughout action plan implementation

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	During Development	During Implementation
1a. Forum established: There is no formal multistakeholder forum to monitor or oversee implementation, however the Forum Open d’Etat functions as a mechanism to exchange regularly with civil society.	Yellow	Yellow
1b. Regularity: Forum Open d’Etat were usually held every other month. ⁸⁰	Yellow	Yellow
1c. Collaborative mandate development: This was assessed in the Design Report.	Red	N/A
1d. Mandate public: No formal multistakeholder forum monitors or oversees implementation. The Forum Open d’Etat had a limited mandate.	Red	Red
2a. Multi-stakeholder: There was no formal multistakeholder forum to monitor or oversee implementation, but the Forum Open d’Etat is run by government officials together with a design agency and a cooperative specialized in open data. It engages with civil society, businesses and activists interested specifically in commitments 2, 3, 6, 18, and 20.	Red	Yellow
2b. Parity: The Forum Open d’Etat does not have a membership, so participants may outnumber government officials and viceversa.	Red	Red
2c. Transparent selection: N/A	Red	N/A
2d. High-level government representation: The Forum Open d’Etat does not include high level government representatives. President Macron addressed the OGP Virtual Leaders Summit in 2020. ⁸¹	Red	Yellow
3d. Openness: Anyone who participates in the Forum Open d’Etat can put forward their ideas for consideration.	Green	Green
3e. Remote participation: There was no possibility for remote participation in OGP related events. ⁸²	Yellow	Red
3f. Minutes: There were detailed write ups of the different Forum Open d’Etat meetings but no formal minutes of meetings.	Yellow	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 Implementation	
4a. Process transparency: While Etalab had a section of its website dedicated to OGP, ⁸³ the monitoring tool (see '4.g. Repository' below) has not updated on progress of commitments since August 2019. The government self-assessment was published in December 2020. ⁸⁴	Yellow
4b. Communication channels: The Etalab website includes an email address to contact them directly. The Forum Open d'Etat was a space for communication and collaboration on some specific commitments.	Yellow
4c. Engagement with civil society: The government has hosted six Forum Open d'Etat to discuss certain OGP commitments and collaborate with civil society (see commitment 12)	Green
4d. Cooperation with the IRM: Etalab published IRM reports on its website but there is no evidence that it actively shared the report with other agencies and stakeholders. ⁸⁵	Yellow
4.e MSF engagement: There is no formal MSF to monitor or oversee the implementation of the action plan.	Red
4.f MSF engagement with self-assessment report: There is no formal MSF to monitor or oversee the implementation of the action plan. The government self-assessment was published in December 2020. ⁸⁶	Red
4.g. Repository: The government developed an open monitoring tool, with a decentralized governance, which individual agencies could update on their own. ⁸⁷ Following staff turn-over, the repository was not updated after August 2019.	Yellow

⁸⁰ Etalab. Les Forums Open d'Etat – Les rencontres du gouvernement ouvert, <https://www.etalab.gouv.fr/forum-open-d-etat> (accessed on 6 November 2020).

⁸¹ Open Government Partnership, French President Emmanuel Macron addresses the OGP Virtual Leaders Summit <https://www.opengovpartnership.org/stories/french-president-emmanuel-macron-addresses-the-ogp-virtual-leaders-summit/> (accessed November 2020)

⁸² Clémence Pène. French Government Point of Contact. Phone interview with IRM researcher, 6 November 2020.

⁸³ Available here: <https://www.etalab.gouv.fr/ogp> (accessed on 20 January 2021)

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IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Franco
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual⁸⁸ and in France's Design Report 2018-2020.

About the IRM

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 (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

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⁸⁸ IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.⁸⁹ 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?
- **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.

Results oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design 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.")?

Starred commitments

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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.

To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **Verifiable**, **Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment’s implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete**.

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

⁸⁹ “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>