

Independent Reporting Mechanism

Action Plan Review:
France 2021–2023

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

In January 2021, the Independent Reporting Mechanism (IRM) began rolling out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons from over 350 independent, evidence-based and robust assessments conducted by the IRM and input from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The IRM products as of 2021 are:

1. **Co-creation brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022-2024 action plans.
2. **Action plan review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product rolled out in early 2021 beginning with 2020-2022 action plans. Action Plan Reviews are delivered 3-4 months after the action plan is submitted.
3. **Results report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019-2021 Action Plans ending implementation on August 31, 2021. Results Report are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of France's 2021–2023 action plan. The action plan is made up of 59 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data see Annex 1. For details regarding the methodology and indicators used by the IRM for this action plan review, see section IV. Methodology and IRM Indicators.

¹ For more details regarding the IRM Refresh visit <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

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Section I: Overview of the 2021–2023 Action Plan

France's third action plan touches on more topic areas and includes more institutions than any previous action plan. However, there was a lack of meaningful dialogue with civil society during the co-creation process, and most of the 59 commitments have unclear potential for results or lack sufficient detail to be assessed. To revitalize the OGP process, the government could approach implementation of commitments with greater ambition than written in the plan and in greater collaboration with civil society.

France's third action plan contains 59 commitments. It carries over topics from its previous action plan, such as citizen engagement in environmental policy, lobbying transparency, procurement transparency, and aid transparency. It also covers new areas, such as transparency of COVID-19 funding and citizen participation in health and education policy. The government took a conscious choice to have a broad plan, that would "initiate and support a cultural change within the public administration".²

The action plan contains one commitment with substantial potential for results. Although the action plan addresses multiple topics, the commitments often lack specific actions (milestones) or clear outcomes, which leads to lower overall potential for results compared with previous action plans. Some commitments are directly taken from existing strategies and roadmaps, but there was a lack of meaningful dialogue with civil society to amend them (or even discuss, further define, and specify proposals) during co-creation. Several commitments are related to broader, ambitious projects, but do not reflect the full potential of reforms in the policy area because they are drafted too vaguely or too narrowly.

The process of developing the action plan fell below minimum Open Government Partnership (OGP) requirements primarily because of a lack of reasoned response.³ The Interministerial Directorate for Public Transformation (DITP, within the Ministry of Transformation and Public Service) became the lead ministry for OGP shortly before the co-creation process began in February 2021. There were at least ten thematic workshops as part of the two Forum Open d'Etat events in the early stages of co-creation. The Forum Open d'Etat is the current multi-stakeholder

AT A GLANCE

Participating since: 2014

Action plan under review: 2021–2023

IRM product: Action plan review

Number of commitments: 59

Overview of commitments:

- Commitments with an open gov lens: 49 (83%)
- Commitments with substantial potential for results: 1 (2%)
- Promising commitments: 3

Policy areas

Carried over from previous action plans:

- Citizen engagement in climate policy
- Lobbying transparency
- Procurement transparency
- Aid transparency

Emerging in this action plan:

- Transparency of recovery funds
- Open government in health policy
- Open government in education policy

Compliance with OGP minimum requirements for Co-creation:

- Acted according to OGP process: No

mechanism for government to exchange regularly with civil society on the OGP process.⁴ The COVID-19 pandemic complicated the process as some events invited only a limited list of participants. In addition to those events, there was a hackathon on health data⁵ (branded as an OGP event even though it had limited impact on the final action plan), several online events,⁶ and a final debriefing in November. Civil society expressed disappointment that these events had “little actual consultation” and that government did not provide reasoned feedback to their suggestions.⁷ There was limited or no government contact with civil society between these early meetings and the final debriefing event. Government representatives said that they prioritized broadening the number of and enhancing a culture of open dialogue between public institutions included in the action plan.⁸ In some cases, public institutions invited civil society organizations (CSOs) to partner on commitments they had no involvement in drafting or added them as implementing partners without informing them.⁹ Civil society did not see a draft of the action plan before publication of the final version. The final action plan was published in December 2021.

Three promising commitments were identified in this action plan. The implementation of a single centralized database for French development aid as part of Commitment 4 could help civil society and funders track the implementation of development aid programs more efficiently. Commitment 47 on cultivating the emergence of citizen-led public interest initiatives could have a modest but positive impact on civic engagement with government institutions. Commitment 52 from the Supreme Audit Institution (SAI) could introduce a reporting mechanism and a right to petition platform and increase access to works produced by the SAI and information about it.

Thirteen commitments do not have a clear open government lens. As written, these commitments do not contain any actions that would clearly lead to greater transparency, better citizen participation, or enhanced public accountability. One commitment is not verifiable because it lacks sufficient details to identify what will be implemented. Many commitments do not identify specific milestones, and others include milestones that were completed or scheduled to be completed before or during co-creation or before the action plan was adopted. These factors point to a need for the DITP and a formalized Multi-Stakeholder Forum (MSF) to take a more active role in prioritizing and selecting commitments that are verifiable and relevant to open government for future action plans. Government could approach implementation of some commitments with greater ambition than what is currently written in the plan, taking into account the recommendations from this review and in greater collaboration with civil society.

Monitoring 59 commitments when not all commitments have clear milestones will be a challenge. The updated OGP Participation and Co-creation Standards require that implementation be documented online on the national OGP repository, with links to evidence.¹⁰ Government and civil society should also meet regularly during implementation to discuss the progress being made, and comments on implementation from civil society should receive feedback. While recognizing the value of broad and open engagement with civil society, the development of an MSF with an agreed-upon mandate, rules of procedure, and election of civil society members would help ensure active and regular dialogue between government and civil society. This forum would also help facilitate monitoring of the action plan as well as establish a working relationship (and momentum) toward the next action plan, which would benefit from the government proactively maintaining dialogue with civil society, considering their proposals, and developing fewer but more ambitious commitments that meet both government and civil

society priorities. Better interministerial coordination by the lead ministry could ensure consistency and quality of commitments while not discouraging these public actors.

² Interministerial Directorate for Public Transformation, Comments received during pre-publication period, 4 Jul. 2022.

³ See Annex 2 for the assessment on the co-creation process.

⁴ See Annex 2 for the assessment and more detail on the Forum Open d'État as the Multi-Stakeholder Forum.

⁵ "Hackathon Covid," Interministerial Directorate for Public Transformation, accessed 13 Jun. 2022, <https://hackathon-covid.fr>.

⁶ These "micro ouverts" sessions were open to anyone and had guest speakers and a question-and-answer session.

⁷ Kevin Gernier (Transparency International), interview by the IRM, 22 Feb. 2022; Alexandre Léchenet (Association of Journalists for Transparency), interview by the IRM, 3 Mar, 2022; Mathilde Bouyé (Démocratie Ouverte), interview by the IRM, 5 Apr, 2022.

⁸ Pauline Lavagne d'Ortigue, Christopher Costes, and Alban Pracquin (Interministerial Directorate for Public Transformation), interview by the IRM, 8 Mar, 2022.

⁹ Thomas Landrain (Just One Giant Lab), interview by the IRM, 15 Apr. 2022.; Interview by the IRM of a civil society representative (who does not want to be quoted).

¹⁰ "OGP Participation and Co-Creation Standards," Open Government Partnership, effective 1 Jan, 2022, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>; Commitment 38 (on equipping open government) specifically addresses the implementation of an OGP repository.

Section II: Promising Commitments in France's 2021–2023 Action Plan

The following review looks at the three commitments that the Independent Reporting Mechanism (IRM) identified as having the potential to realize the most promising results. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. This review also provides an analysis of challenges, opportunities and recommendations to contribute to the learning and implementation process of this action plan.

France's 59 commitments are spread among six overarching themes of participation in public policy, transparency of government actions, digital inclusion, environmental and climate policy, health policy, and openness in Europe and abroad. Government representatives were particularly pleased that the Ministry of Education and the Ministry of Health appeared in the action plan for the first time.

Commitment 52 (from the Supreme Audit Institution addressing the implementation of its 2025 strategy) has substantial potential for results as is analyzed as a promising commitment. Commitment 4 (on setting up a database on France's official development assistance) and Commitment 47 (on cultivating the emergence of citizen-led public interest initiatives), are also analyzed in depth as promising commitments.

Nearly a quarter (14 [23%]) of the commitments do not contain enough information to verify the actions to be taken or do not have a clear open government lens.¹¹ These commitments are spread across multiple themes, including environmental and climate policy, health policy, youth engagement, enhancing openness in Europe and abroad, and transparency of government action. Commitments to improve, raise awareness of, and digitize public service delivery would benefit from engaging citizens as part of the decision-making process rather than testing the end stages of implementation. To avoid this lack of information in the future, action plan development processes would benefit from prioritizing and filtering the final action plan commitments.

More than four of five commitments (48 [81%]) have unclear potential for results.¹² In many cases, it is not clear how implementation advances open government beyond current practices in the policy area. Furthermore, many commitments lack clarity on their intended outcomes and the milestones to get there. In some cases, the commitments contain no milestones at all or are scheduled to be completed before adoption of the action plan (and some before the co-creation process began). To address shortcomings in ambition, public institutions leading implementation could identify aspects of their commitments that could be more ambitious when implemented in collaboration with relevant CSOs. This approach could take commitments beyond their current potential for results and improve collaboration between civil society and government, with an eye toward developing commitments during the co-creation process for the next action plan.

In particular, a more ambitious approach in implementation could be considered for Commitment 15 on opening data from the Ministry of Education so that relevant stakeholders, such as teachers, student unions, and parents' associations, help establish priorities in publishing

open data. The IRM recommends considering publishing more detailed data related to class sizes¹³ broken down by location; school; year; and teacher absences, with data on whether the teachers were replaced.¹⁴

Commitment 17 on public procurement transparency is expected to expand the number of published data points on public procurement and develop a data visualization platform (which was launched before the action plan was adopted).¹⁵ Two experts and a civil society representative were critical of the commitment and pointed out that it does not address the exhaustiveness of data (a key issue for public procurement's lack of transparency).¹⁶ An interviewed stakeholder also noted that although this commitment aimed to increase transparency, the government had reduced transparency in procurement by raising the threshold for the publication of the essential data of public procurement over €25,000 to those over €40,000,¹⁷ which was already a concern expressed in the IRM Transitional Results Report for France's 2018–2020 Action Plan.¹⁸ Government and civil society will need to monitor the impact of these changes, although the government remains optimistic about them, arguing that buyers will keep publishing data since the process is entirely digitalized.¹⁹ A more ambitious implementation of the commitment could ensure that visualization of procurement data provides timely and more meaningful detail during the entire procurement life cycle, and allows for civil society feedback.

Commitment 19 seeks to strengthen transparency of France's post-COVID-19 economic recovery plan. Both civil society and France's Supreme Audit Institution have criticized the loopholes in the traceability and lack of transparency of France Relance funds.²⁰ Implementation could focus on increasing the scope of transparency, making new and disaggregated data available in open formats to provide citizens with key and timely information (such as on the final beneficiaries of specific projects or the funds' social and environmental impacts).²¹ Since adopting the action plan, the government now plans an audit in September 2022 and to publish new datasets in 2023.²² The IRM recommends they conduct these processes in collaboration with civil society.

Commitment 23 seeks to train local officials to run "emblematic" citizen participation projects for three years in 10 to 20 local governments, with €100,000 each year. Implementation of the commitment could introduce the use of innovative participation methods, address difficult issues, and embed feedback mechanisms into local participation processes. Furthermore, implementation would benefit from consideration of the guidance and recommendations that came out of a similar commitment in the United Kingdom's 2019–2021 Action Plan.²³

Commitment 44 on an inventory of public algorithms could be an ambitious reform,²⁴ but the potential for results is lower than in previous plans.²⁵ An ambitious approach to implementation could introduce a public and centralized register, require proactive engagement with civil society, and find ways to make the use of algorithms understandable to the public so that they can hold authorities to account. The government could publish a dashboard or progress report on the inventories and enable citizen inquiries on the use of algorithms.

Commitment 58 on lobbying transparency could be more ambitious if the government and parliament made significant amendments to address loopholes in data collection that currently prevent the successful implementation of a legislative footprint and disclosure of lobbying

information.²⁶ This approach would require significant legislative and regulatory changes, and the OGP action plan could be a platform to push for commitments beyond administrative adjustments.

As well as ensuring they are skilled enough,²⁷ non-government stakeholders state that implementation of Commitment 59 on training public officials responsible for access to information (PRADAs) could be more ambitious in improving compliance with the law if it were to map and proactively publish the names and contact details of PRADAs²⁸ and, as such, identify and make public which institutions have or do not have PRADAs.²⁹

The IRM welcomes the two commitments from the Ministry of Justice which has engaged in the OGP process for the first time. Commitment 25 of the Ministry of Justice includes an important consultation, the national consultation on justice, but its milestones (scheduled for before the publication of the action plan) do not clarify follow up actions which could increase the IRM assessment of the potential for results. The IRM acknowledges that an official report has been published and further consultations are due, but these will be addressed in the Results Report at the end of the action plan cycle.³⁰ The Ministry of Justice could act to ensure that during implementation, the consultations are conducted transparently, openly and that it explores the possibility of using innovative (or even deliberative) engagement methods. Commitment 26 supports a broad and ambitious ongoing project of open data in the judiciary³¹ by establishing working groups and organizing dialogues. However, the IRM mandate and this Action Plan Review only assesses the commitment as written, rather than the broader policy area. Civil society welcome this commitment and feel that it could help foster a dialogue on open justice.³² Implementation of this commitment could be strengthened if it explicitly ensured that feedback opportunities and working groups were transparent and open to a wide community of data users and new stakeholders working in the justice sector.³³

Multiple commitments on environmental and climate policy could be made more ambitious by engaging with the vibrant and active civil society community working on climate and environmental topics in France.³⁴ Civil society have expressed their dissatisfaction with consultation processes (such as on Commitment 6's low carbon strategy), blaming a disconnection between the outcomes of public consultations on energy policy and political declarations on nuclear energy.³⁵ The government has stated that consultations for commitment 6 are not required by law. They also confirmed that they had no contact with civil society to elaborate this commitment.³⁶ The proposed consultations in relation to Commitment 7 are required by law³⁷, so it is not clear what added value this commitment has being in an OGP action plan. New commitments could build on actions from previous commitments and use recent, innovative approaches to environmental dialogue (such as the Citizen Convention on Climate).

The Ministry of Health and the Health Data Hub agency are institutions that have newly joined the OGP process in France. The Ministry of Health's co-creation process had political support and involved stakeholder activities (such as the hackathon and second Open forum d'Etat), but the commitments in the action plan are disconnected from the content of these events. The commitments of the Health Data Hub were extracted from pre-existing roadmaps,³⁸ and do not fully reflect the discussions and activities of the co-creation process. Almost all of Health Data Hub's milestones in the action plan are related to actions that started in 2021 from before the adoption of the action plan. The remaining milestones that were evaluated for the Action Plan Review have unclear potential for results. The IRM recommends that the Ministry of Health and

Health Data Hub continue working in collaboration with civil society and relevant stakeholders to ensure ambitious actions for the next OGP action plan.

Commitment 37 on open science shows France’s commendable approach towards greater transparency in science. However, a civil society organization partnering with the government said that they understood that discussions they participated in were part of the action plan for open science, not the OGP process.³⁹ The commitment contains six objectives (which could each be their own commitment) that are extracted from an existing roadmap and includes some activities that are overdue implementation (such as transparency of funding of research projects which is required under the Digital Republic Act 2016).⁴⁰ The IRM recommends that, in parallel to publishing a barometer and developing the Recherche Data Gouv platform, the Ministry of Research and Higher Education set an ambitious target for sharing academic papers published in free and open formats. The activities to foster research on *Great Debate* data (something not also in the national roadmap) could seek to release all data, including those that are not yet digitalized.⁴¹

Table 1. Promising commitments

<p>4. Set up a database of information on France’s official development assistance: France will publish its bilateral and multilateral development aid information as open data on a centralized public database.</p>
<p>47. Cultivate the emergence of citizen-led public interest initiatives: Chosen by a citizen panel, selected civil society initiatives will receive enhanced government support to collaborate with public institutions and accelerate their impact.</p>
<p>52. Involve citizens more in the work of the Supreme Audit Institution (SAI): This commitment focuses on inviting citizens to engage in the work of the SAI and to set up a reporting platform as part of the SAI’s 2025 strategy.</p>

Commitment 4: Set up a database of information on France’s official development assistance

(Ministry for Europe and Foreign Affairs; Ministry for the Economy, Finance and the Recovery; French Development Agency [AFD])

For a complete description of the commitment, see Commitment 4 in:

<https://www.opengovpartnership.org/documents/france-action-plan-2021-2023/>

Context and objectives

Since becoming an International Aid Transparency Initiative (IATI) member in 2016, the AFD has improved its level of development aid transparency, such as publishing nonfinancial information, including project descriptions and objectives. Notable deficiencies in transparency of financial and budgeting data remain, however, as well as evaluation and performance information in relation to development aid.⁴²

The commitment seeks to publish French bilateral and multilateral development aid information as open data on a centralized public database. It includes publishing qualitative data related to development projects, such as evaluations of the AFD and the Ministry for Europe and Foreign Affairs’ Solidarity Fund for Innovative Projects (FSPI). The public database was legally mandated through the law on inclusive development and combatting global inequalities, passed in August 2021.⁴³ This commitment says that it takes inspiration from similar aid transparency

platforms in the United Kingdom, United States, and the European Union (EU).⁴⁴ It is relevant to the OGP value of access to information.

The commitment continues France's previous OGP action plans to increase transparency of development aid.⁴⁵ Previous action plans have led the government to publish information according to the IATI data standard, develop the opendata.afd.fr portal, and expanded the scope of data being published.

Over the past few years, the Ministry for Europe and Foreign Affairs (MEFA) has held various discussions on the issue with civil society representatives (such as during a workshop on aid transparency, and during the statistical peer review of France conducted by OECD). In February 2021, MEFA invited civil society to discuss the government's commitment proposal as part of the OGP co-creation process. These discussions could not overcome previously raised disagreements on the scope of the transparency measures proposed.⁴⁶ In any case, they were superseded by parliamentary discussions about the law on inclusive development, which led to several meetings with civil society. In dialogue with parliament and government, civil society successfully advocated for more transparency in aid data, and pushed for the inclusion of detailed information. Coordination Sud proposed that the future database cover all recipients of development aid (including public and private organizations) for both grants and loans and publish data that include total budgets, budget breakdowns, social and environmental impact analysis, results of the call for tenders process, midterm reviews and evaluations, and final evaluations.⁴⁷ This level of specificity was not fully included in the legislation.

Potential for results: Modest

Alongside MEFA and AFD, the commitment is supported by the Ministry of Economy. This reflects broader engagement across institutions to pull together information about aid from across the French state and at all levels. Having aid information handled by the Ministry of Economy (relating largely to local government spending) as well as information maintained by MEFA and AFD is expected to help to give a more complete and accurate picture of aid spending by the French state as a whole.

Information about development aid that is publicly available is currently distributed across several databases held and maintained by different ministries and local governments. Not all the datasets maintained by ministries are currently publicly available. An interviewed civil society representative confirmed that the data available across the existing platforms are sometimes inconsistent or contradictory, meaning that the information must be cross-checked with other databases held by organizations such as the Organization for Economic Co-operation and Development (OECD) or confirmed through conversations with institutions.⁴⁸ Having development aid information aggregated in one place would help ensure that the published data are consistent. Civil society and the OECD see a single database as a positive step⁴⁹ because it will help civil society and funders track implementation of specific development aid programs more efficiently.

The commitment indicates that more information, such as evaluation data, may be included in the database, although this possibility is raised only in connection with AFD and FSPI funds. A representative from the Ministry of Foreign Affairs has said that new information on the database would include evaluation data, multilateral aid, disaggregated local government spending on aid, debt relief data, results of calls for projects, and projects run by embassies,

which will be available according to the IATI open data standard.⁵⁰ A significant long-term challenge to this commitment is about the breadth of information to be included in the database, how far back in time the data will go, and the timing of publication. The lack of clarity on this point makes the potential for results modest rather than substantial.

Civil society is interested in having access to development aid information that is currently not published, including the tender documents and audit reports on development aid from the Ministry for Europe and Foreign Affairs and the AFD, as well as information on grants and loans, total budgets, budget breakdowns, social and environmental impact analyses, results of the call for tenders process, mid-term reviews and evaluations, and final evaluations.⁵¹ In particular, public access to evaluation information would ensure that the public and civil society can follow the spending and impact of different development aid projects from start to finish and see whether they met their stated objectives.⁵² CSOs have also said that they would prioritize increased transparency of pre-existing tools and a parliamentary monitoring body, over the creation of a new centralized database.⁵³

Although improving and consolidating aid data disclosure is a positive step towards enhancing access to aid information in France, the potential for results are modest. The database consolidates already-existing information and would publish new information, but it is not clear yet that this information is a priority for data users, or whether the amount of information or level of detail would substantially improve understanding around France's international aid.

Opportunities, challenges and recommendations during implementation

The commitment should avoid replicating publication of information already published on the OECD database.

It provides an opportunity for analysis of the published data to shape future funding policies in development aid. Such analyses could be conducted by nongovernment stakeholders, such as civil society, as well as by government departments or even through parliamentary committees focused on development policy. These analyses could also take into account information beyond the published data to further feed into debate and decisions of funding of development policies and their impact.

To address these potential challenges and make the most of opportunities in implementation of this commitment, the IRM recommends the following actions:

- **Expand the scope of published development aid data to include financial and budgeting data as well as evaluation and performance information:** This change would address the deficiencies in transparency outlined by Publish What You Fund's Aid Transparency Index.⁵⁴ The database could include specific fields that address deficiencies in financial, budgeting, evaluation, and performance data as well as results of the calls for proposals, impact assessments, and midterms reviews. Expanding the scope of information greatly increases the ability to follow development aid spending and check the quality and efficiency of public spending. A CSO said that a centralized database with more information available would enable it to track specific aid programs, grants, and loans and ensure that implementation is in line with policy objectives or government communications.⁵⁵ Civil society has also expressed interest in potentially

tracking gender equality funding, climate impacts, and transparency of private sector–funded projects.⁵⁶

- **Engage with civil society and relevant stakeholders before and after the launch of the database to discuss the data points and information that should be included:** This engagement should include publishing feedback on why suggested information and data are included or not. When the database is online, opportunities should be created for further engagement with nongovernment actors on closing loopholes and improving the quality of the data published. Available information should also be broad enough in scope to be useful, accurate, and published in open formats. A dialogue could be structured so that discussions can build into the next co-creation process, should there be a need for more commitments in this area. Germany's 2017–2019 Action Plan involved close dialogue with civil society on improving the quality of IATI data,⁵⁷ and its 2019–2021 Action Plan entailed creating a feedback mechanism on the foreign aid portal to flag issues in the data.⁵⁸
- **Use the data for informed debate and to provide an evidence base for policy and funding decisions:** Civil society, government departments, and even parliamentary committees could feed into debate and decisions about funding of development policies and their impact, with their analyses of the published data. They can link these data with other sources and further enrich the evidence base for policy recommendations, decisions, and funding.
- **Ensure that published data go back at least five years and that data are regularly updated:** Currently, data are not published in a timely or consistent manner; updates that are published, such as with the OECD, go through a verification process, which delays their publication.⁵⁹ Implementation could address this limitation by including clear reporting requirements for aid providers and stipulating how often data should be updated (for example, quarterly). Time stamps on the published data would ensure that users know when the data were last updated.

Commitment 47: Cultivate the emergence of citizen-led public interest initiatives

Ministry of Transformation and Public Function

For a complete description of the commitment, see Commitment 47 in the action plan at <https://www.opengovpartnership.org/documents/france-action-plan-2021-2023/>.

Context and objectives

Following the successes of citizen-driven digital solutions to address the COVID-19 pandemic,⁶⁰ this commitment seeks to support and accelerate implementation of similar citizen-led initiatives of broader public interest.

A panel of 15 citizens chosen by government will select the initiatives, which are then checked by public officials for any technical or legal issues before they receive government support as part of the commitment.⁶¹ This innovation gives the commitment a strong civic participation angle. The public administration would ensure that selected citizen initiatives receive coaching, access to data and source codes, access to experts in the administration, technical and legal support, and support for distribution and awareness raising. The process will be documented on the citoyens.transformation.gouv.fr website. Since the launch of the action plan, the first group

of nine winning initiatives have been selected: a contributory and open media and information literacy tool for 8- to 13-year-old children, a freedom-of-information request platform, training for students on reusing public data, measures popularizing the use of meteorological data, support for young people wanting to volunteer, promotion of inclusive sport for children with disabilities, raising awareness about institutions and democracy in France, and the reintegration of convicted people leaving prison.⁶² A second call for initiatives will be announced in 2022.

Commitment 47 is the first such commitment to appear in a French action plan in recognition that although civil society launches useful initiatives to open government, these projects could be fully realized more rapidly if they were provided with resources, access, visibility, and recognition in the public administration.⁶³ Stemming from the numerous projects that were launched in response to the COVID-19 pandemic, the public administration recognizes that collaboration between civil society and public authorities on common projects can increase public benefit.

President Emmanuel Macron referred to this commitment and its contribution toward building an enhanced and open public administration in his speech at the OGP Summit in December 2021.⁶⁴ The DITP within the Ministry of Transformation and Public Function considers this a key commitment of the action plan.⁶⁵

Potential for results: Modest

This commitment is particularly innovative because a citizen panel selects the initiatives that go on to get support from government. The DITP has indicated that although this commitment is a stand-alone initiative, its successful implementation and strong political support may encourage other institutions to run their own version of the commitment. To facilitate this adoption, the DITP said that it is developing a robust methodology and guidance on the whole package of assistance that can be disseminated and shared with other institutions.⁶⁶ Ultimately, the DITP expects that this commitment will encourage public institutions to support and build up civil society initiatives in different policy areas. Although this work could deliver substantial results in the medium to long term across government if sustained and expanded, within the scope of this action plan cycle, modest results are likely to stem from this “accelerator” initiative.

For civil society, having open doors to government institutions and public knowledge is one of the main outcomes of the project. At the end of 3 months of institutional support, initiatives are to be presented to potential public and private sponsors for further support. The commitment would give civil society initiatives credibility in the eyes of institutions and the public, raising their profile and ability to speak with relevant government officials and potentially seek further support.⁶⁷ Because civil society feels that the relationship with government can be greatly improved in some cases, this commitment provides an official framework to build cooperation and facilitate cooperation between the public administration and civil society. The efforts to change the relationship between government and civil society by using an official framework makes this commitment an ambitious one, but the potential for results in civic participation more broadly are only modest because this collaboration is limited to the “winners” of the accelerator challenge for a three-month period. DITP has acknowledged that outside the commitment itself, some of those who did not win may receive some support from the administration anyway.⁶⁸ Their sustainability is uncertain because financial (or other) support is not guaranteed after these three months of support although DITP has said that it should be extended depending on the needs and challenges of the winners.⁶⁹

Opportunities, challenges and recommendations during implementation

The minister responsible for open government has followed up closely with the development of this commitment. Further political support is evident after it was highlighted by President Macron.⁷⁰

This commitment provides selected civil society initiatives an opportunity to accelerate their implementation and gain valuable access to institutions, support, and resourcing. Those that are selected to take part in the accelerator program will be able to harness the credibility and resources associated with it to advance their initiatives. One example, Madada (a civil society–run access-to-information-request platform that is one of the selected initiatives) envisages that it could propose having a redirect button on government websites that links to its platform.⁷¹

This action could build up government and civil society relationships and may open government in a way that enables better citizen experience of public services and interactions with public institutions. Government officials have recognized the challenge, however, of creating ongoing dialogue after the envisaged timeline for the commitment.

The citizens' panel presents an opportunity to engage citizens in the decision-making process of public institutions. The DITP used its service provider dedicated to panel recruitment to select the citizen panel. The panel was brought together for two days to discuss with public policy evaluation experts and access the applications, have collective discussions and individual reading time. Each application received a "citizen note" in addition to the "technical note" from the administration. . Greater transparency about this process (potentially including publication of the citizen and technical notes of winning applications) would help to dismiss any potential challenges to ensuring trust and accountability in the process.⁷²

This commitment offers an opportunity to encourage more skeptical ministries and agencies to adopt similar accelerator programs. Although this is the least-defined of the actions to take place, it is the part that might have the largest impact on open government in the public administration more widely. Harnessing political support to widen the scope or multiply the accelerator program in other ministries and public institutions could significantly enhance the commitment's aims of changing the relationship between civil society and government.

The challenges outlined lead the IRM to make the following recommendations:

- **Publish information related to the appointment of the citizens' panel, its assessments, and other information related to the assessment of selected initiatives:** This step would provide adequate transparency to help the public understand how citizens on the panel were selected and how they then assessed the winning initiatives. The government could also publish citizen and technical notes, and assessments of (potential) conflicts of interest for winning initiatives on which CSOs and public institutions already cooperate or receive public money. Further detail about the selection process beyond these specific details will also be welcome so that the public can understand the process. This increased transparency will help ensure trust and accountability in the decision-making process that led to the selection of civil society initiatives for the accelerator program.

- **Establish and implement an impact assessment for the end of accelerator support to establish what worked, what did not work, learning, and recommendations for improvements next time.** These elements could also extend to assessments of the accelerator impact across the whole action plan period. Such assessments should include perspectives from civil society engaged in the accelerator program and even citizens or relevant stakeholders who have engaged and used the civil society initiatives. The results could be discussed with civil society after the assessments have been published. They could provide recommendations on continued engagement or longer-term support for successful initiatives.

Commitment 52: Involve citizens more in the work of the Supreme Audit Institution *Supreme Audit Institution*

For a complete description of the commitment, see Commitments 52 in the action plan at <https://www.opengovpartnership.org/documents/france-action-plan-2021-2023/>.

Context and objectives

This commitment seeks to implement part of the 2025 strategy of France’s Supreme Audit Institution (SAI). It has been pulled, without changes, from the 2025 strategy, which was launched in 2021, and includes an openness pillar.⁷³ The SAI will test a way for citizens to be engaged in its work program through a right of petition platform, develop oversight tools, and introduce a mechanism to report poor management or financial misconduct in public institutions (open to whistleblowers who seek anonymity, as well as other citizens and organizations). The commitment is relevant to the open government values of public accountability. For the SAI, the commitment will address the results from an OpinionWay survey, where 84% of respondents wished to contribute to the SAI’s work program.⁷⁴

The SAI hosted a workshop of the Forum Open d’Etat during the co-creation process. For some civil society groups, the commitment could be more ambitious as it currently will implement only those actions that the SAI agreed and committed to before co-creation.⁷⁵ It is not clear whether civil society with expertise on the SAI’s work participated in the co-creation process.⁷⁶

The previous action plan cycle included a commitment from the SAI that focused on increasing transparency by publishing numerous data sets on budget implementation of government institutions, specific inquiries the SAI had conducted, and the activities of financial courts.⁷⁷

Potential for results: Substantial

The activities with the greatest potential for results are to implement a reporting mechanism, along with the public platform testing a right to suggest work for the SAI. Both actions introduce substantial changes to the operations of the SAI, bringing in citizens into setting its agenda and enabling public accountability through a mechanism for reporting misconduct. The SAI already receives more than 3500 letters annually suggesting enquiries or reporting problems⁷⁸, but until now there has been no formal procedure to handle them and there is no transparency into how the SAI processes them.

At the moment, when citizens wish to report misuse of public funds or corruption, they might write to the Supreme Audit Institution. The introduction of a formal reporting mechanism could

mark a cultural change by incorporating direct reporting of misconduct. The SAI has said that its intention is for the platform to be broader than just for use by whistleblowers (which come under specific regulations as part of Sapin II legislation).⁷⁹ The mechanism will be launched by September 2022.

Another area of work in Commitment 52 is the public platform that would give citizens an ability to suggest audits for the SAI to conduct. The introduction of the platform means that citizens (or civil society organizations) who have a suggestion for the SAI's work, will be able to do it through a public channel. The SAI has committed itself to produce six reports directly demanded by citizens and to explain its choice of selection.⁸⁰ A civil society representative indicated that this is potentially the most impactful of the activities of the SAI.⁸¹

Opportunities, challenges and recommendations during implementation

Anonymity is a key aspect enabling whistleblowers to come forward. The successful implementation of this commitment may weigh heavily on allowing anonymous reporting. The SAI has confirmed it would ensure a very high level of confidentiality for all users of the reporting mechanism, as well as a way to issue a report anonymously.⁸²

The IRM notes there is risk of creating confusion for potential whistleblowers about which institution to direct reports about abuse of public power, funds or corruption, in a context of France having adopted the EU Directive on Whistleblower Protection in March 2022, which identifies the French Ombudsman (Defenseur des Droits) as the lead institution to implement its requirements. The SAI told the IRM that there were fruitful exchanges between itself and the Ombudsman regarding this reporting mechanism. It was agreed to make sure it was identified as a broad reporting mechanism and as such distinct from more specific and narrow whistleblowing mechanisms, regulated by the decree⁸³.

The public platform for proposing audits had been launched at the time of writing this action plan review. The criteria for selecting proposals remain vague however.⁸⁴ The IRM suggests to make it clearer for citizens who may be interested in submitting a proposal.

Regarding the reporting platform and the platform for citizen-proposed audits, the IRM makes the following recommendations:

- **Ensure that the reporting mechanism implements strong confidentiality standards:** It is important to ensure the protection of whistleblowers when they cannot report corruption anonymously. Anonymity is a key element enabling reporting of misconduct and whistleblowers to come forward and also reduces the likelihood of retaliation. The Supreme Audit Institution could also take measures that reduce the risk of potential retaliation. The SAI could benefit from examining the study on good practices regarding confidentiality in whistleblower protection that the Czech Republic is conducting as part of its 2020–2022 Action Plan.⁸⁵ The SAI could also learn from the actions in Estonia's 2020–2022 Action Plan to study and implement digital solutions that could ensure confidentiality for whistleblowers.⁸⁶
- **Make clear the differences between the reporting platform and any other whistleblowing channels.** It should be clear to potential users and whistleblowers that the reporting mechanism has a broader target audience than only whistleblowers. This may help to encourage individuals who are not sure they want to go through the

process of officially whistleblowing. There could be links to other whistleblowing channels, should users decide that they would prefer to use another mechanism. More information made available to citizens regarding the differences and expectations of how reports would be handled would aid the understanding of the process for potential whistleblowers and users of the reporting platform.

- **Establish a robust and transparent methodology and criteria for how citizens' audit proposals will be processed and selected:** The methodology and criteria should be made publicly available for citizens and drafted as to be clear and user-friendly for nonexperts. The SAI could also increase the inclusion of citizens throughout the audit process, not just to suggest new audits (as was proposed during the co-creation workshop). Citizens should also be informed about whether audits have been accepted, when they start, when they are done, and their outcomes. France could learn from the system created as part of Georgia's commitment in its 2016–2018 Action Plan to set up a Budget Monitor platform to allow citizens to propose audits and priority areas.⁸⁷

¹¹ Commitments 7, 10, and 27 were not verifiable. Commitments 1, 2, 12, 13, 29, 31, 41, 43–45, 48, and 56 did not have a clear open government lens.

¹² Three commitments are not verifiable, 46 commitments have unclear potential for results, and 10 commitments have modest potential for results.

¹³ There is no open database on class sizes, despite this being one of the indicators of the government's Public Action Barometer (Commitment 39 to foster citizen involvement in monitoring public policy outcomes).

¹⁴ For instance, a leading parents' association has raised the issue of non-replaced teachers as a "national cause" and launched a crowdsourcing initiative to document the issue in the absence of available data. "Signal Non-replaced Absences! [Absences non-remplacées, signalez-les!]", Federation of Councils of Parents [Fédération des Conseils de Parents d'Elèves], accessed 13 Jun. 2022, <https://www.fcpe.asso.fr/campagne/absences-non-remplacees-signalez-les>.

¹⁵ "Essential Data on Public Procurement [Données Essentielles de la Commande Publique]," Government of France, accessed 13 Jun. 2022, <https://datavision.economie.gouv.fr/decp/?view=France>; Colin Maudry, (independent consultant and owner of data visualisation website <https://decp.info>), interview by the IRM, 21 Apr. 2022.

¹⁶ Maudry, interview; Gernier, interview.

¹⁷ Gernier, interview. In practice, buyers continue to publish information between €25,000 and €40,000 and in July 2022 the Ministry will launch a project to identify missing buyers, information received by Ministry of Economy during pre-publication period, 4 Jul. 2022.

¹⁸ "France 2018-2020 Transitional Results Report," Open Government Partnership, 15 Jun. 2021, <https://www.opengovpartnership.org/documents/france-transitional-results-report-2018-2020/>.

¹⁹ Ministry of Economy, comments received during pre-publication period, 4 Jul. 2022.

²⁰ Davide Basso, "The President of the Supreme Audit Institution Points at the 'Complexity' of the French Recovery Plan [Le président de la Cour des comptes pointe du doigt la « complexité » du plan de relance français]," *Euractiv*, 10 Mar. 2022, <https://www.euractiv.fr/section/economie/news/le-president-de-la-cour-des-comptes-pointe-du-doigt-la-complexite-du-plan-de-relance-francais/>; Maxime Combes and Olivier Petitjean, "Aid to the Private Sector: 'The State and the Public Authorities Are Asserting Themselves as Insurers of Last Resort of Shareholder Remuneration' [Aides au privé : « l'Etat et les pouvoirs publics, s'affirment comme assureurs en dernier ressort de la rémunération des actionnaires »]," *Le Monde*, 16 Jul. 2021, https://www.lemonde.fr/idees/article/2021/07/16/aides-au-privé-l-etat-et-les-pouvoirs-publics-s-affirment-comme-assureurs-en-dernier-ressort-de-la-remuneration-des-actionnaires_6088421_3232.html.

²¹ Gernier, interview; Maxime Combes (economist), interview by the IRM, 20 Apr. 2022.

²² Bercy Hub representatives (Ministry of Economy), comment received during pre-publication period, 4 Jul. 2022.

²³ Renaisi, *Innovation in Democracy Evaluation Report* (29 Jun. 2020), <https://renaisi.com/2020/06/29/innovation-in-democracy-evaluation-report/>; "Innovation in Democracy Programme (IiDP)," Government of the United Kingdom, 30 May 2019, <https://www.gov.uk/government/publications/innovation-in-democracy-programme-launch>.

²⁴ Public official (Interministerial Directorate for Public Transformation), interview by the IRM, 14 Apr. 2022.

²⁵ "Transparency of Public Algorithms (FR0035): France Action Plan 2018-2020," Open Government Partnership, 3 Apr. 2018, <https://www.opengovpartnership.org/members/france/commitments/FR0035/>.

²⁶ Gernier, interview.

²⁷ Kevin Gernier (Transparency International), comment received during pre-publication period, 4 Jul. 2022

²⁸ Léchenet, interview; Samuel Goeta (Dataactivist), interview by the IRM, 4 April 2022.

²⁹ Goeta, interview.

³⁰ France Info, INTERVIEW: National Consultation on Justice: “The ultimate goal is to bring justice closer to our compatriots” says Éric Dupond-Moretti [ENTRETIEN. États généraux de la Justice : “L’objectif final, c’est de rendre la justice plus proche de nos compatriotes”, estime Éric Dupond-Moretti], 8 Jul 2022, https://www.francetvinfo.fr/economie/emploi/metiers/droit-et-justice/entretien-etats-generaux-de-la-justice-l-objectif-final-c-est-de-rendre-la-justice-plus-proche-de-nos-compatriotes-estime-eric-dupond-moretti_5245333.html

³¹ The broader project of open data of court decisions is required by two laws (Digital Republic Act in 2016, and Law on the reform of the Judiciary in 2019). The project entered its operational implementation phase on 30 September 2021 with the publication of decisions by the Court of Cassation and the Council of State. This was followed by publishing decisions of the administrative courts of appeal and the courts of appeal in civil, social and commercial matters on 31 March and 15 April 2022 respectively, and by the administrative courts on 30 June 2022. This matches the implementation schedule, as planned in the decree of 28 April 2021. The government says this project carries high potential for change in terms of open government. Ministry of Justice representatives, comments received during pre-publication period, 4 Jul. 2022.

³² Sumi Saint-Auguste (Open Law), interview by the IRM, 2 Mar. 2022.

³³ Saint-Auguste, interview.

³⁴ Juliette Kacprzak (World Wildlife Fund and member of the Environmental and Social Council), interview by the IRM, 17 Feb. 2022 ; Bouyé, interview.

³⁵ Kacprzak, interview; Félix Gouty, “The Launch of a New Nuclear Reactor, Decided by Emmanuel Macron, Provokes Atomic Reactions [Le lancement du nouveau nucléaire, décidé par Emmanuel Macron, provoque des réactions atomiques],” ACTU-Environnement.com, 10 Nov. 2021, <https://www.actu-environnement.com/ae/news/nouveau-nucleaire-emmanuel-macron-reactions-atomiques-38511.php4>.

³⁶ Ministry of Ecological Transition and Territorial Cohesion, comment received during pre-publication period, 4 Jul. 2022.

³⁷ Alix Menahem (Ministry of Environment), correspondence with the IRM, Apr. 2022.

³⁸ Health Data Hub, Annual Report 2021, Mar. 2022, <https://www.health-data-hub.fr/sites/default/files/2022-03/Rapport%20annuel%202021%20HDH-site.pdf>; Health Data Hub, Roadmap 2022, Mar. 2022, https://www.health-data-hub.fr/sites/default/files/2022-03/HDH_Feuille_De_Route_2022_0.pdf

³⁹ Interview with Wikimedia, March 14th, 2022.

⁴⁰ Plan national pour une Science Ouverte <https://www.enseignementsup-recherche.gouv.fr/fr/le-plan-national-pour-la-science-ouverte-2021-2024-vers-une-generalisation-de-la-science-ouverte-en-48525>

⁴¹ A request of several academics and NGOs, such as the « Rendez-nous les Doléances » initiative <https://rendezlesdoleances.fr/contexte/>

⁴² “2020 Index: France, French Development Agency (AFD),” Publish What You Fund, accessed 13 Jun. 2022, <https://www.publishwhatyoufund.org/the-index/2020/france-afd/>.

⁴³ “Légifrance, Law 2021-1031 of 4 August 2021, on programming relative to development solidarity and the fight against global inequalities [LOI n° 2021-1031 du 4 août 2021 de programmation relative au développement solidaire et à la lutte contre les inégalités mondiales],” Government of France, 5 Aug. 2021, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043898536/>.

⁴⁴ DevTracker (<https://devtracker.fcdo.gov.uk/>) is the United Kingdom’s development aid tracker, and d-portal (<http://www.d-portal.org/>) gives a view of all International Aid Transparency Initiative data by recipient country or publisher. ForeignAssistance.gov is the U.S. government’s website for making U.S. foreign assistance data publicly available. The EU Aid Explorer (https://euaidexplorer.ec.europa.eu/index_en) shows where the EU and member states provide external development assistance.

⁴⁵ “Transparency of Development Aid (FR0032): France Action Plan 2018-2020,” Open Government Partnership, 3 Apr. 2018, <https://www.opengovpartnership.org/members/france/commitments/FR0032/>; “Improve Transparency in International Development Aid (FR0005): France Action Plan 2015-2017,” Open Government Partnership, 23 Oct. 2015, <https://www.opengovpartnership.org/members/france/commitments/FR0005/>.

⁴⁶ Arnaud Merle d’Aubigné (Coordination Sud), interview by the IRM, 23 Feb. 2022.; Louis-Nicolas Jandeaux (Oxfam France), interview by the IRM, 24 Feb. 2022.

⁴⁷ Appendix 4: Proposal for amendment sent by Coordination Sud to members of parliament at the first stages of the parliamentary debates; Arnaud Merle d’Aubigné (Coordination Sud), correspondence with the IRM, 1 Mar. 2022.

⁴⁸ Jandeaux, interview.

⁴⁹ The single database that will bring together all data related to France’s official development assistance should make commitments more transparent and readable and is highly anticipated in this regard. This single database will be available by summer 2022. “France Midterm Review (Paris, 1-2 December 2021) [Examen à mi parcours de la France (Paris, 1-2 Décembre 2021)],” Organization for Economic Co-operation and Development, 14 Feb. 2022, <https://www.oecd.org/dac/peer-reviews/DAC-mid-term-France-2021.pdf>; Jandeaux, interview.

⁵⁰ Laure Serra (Ministry of Foreign Affairs), interview with the IRM, 30 Mar. 2022.

⁵¹ d’Aubigné, interview; Jandeaux, interview.

⁵² d’Aubigné, interview; Jandeaux, interview.

- ⁵³ Jandeaux, interview.
- ⁵⁴ “2020 Index: France.”
- ⁵⁵ d’Aubigné, interview; Jandeaux, interview.
- ⁵⁶ Jandeaux, interview.
- ⁵⁷ “Transparency in Development Policy (DE0006): Germany National Action Plan 2017-2019,” Open Government Partnership, 16 Aug. 2017, <https://www.opengovpartnership.org/members/germany/commitments/DE0006/>.
- ⁵⁸ OGP, “DE0006.”
- ⁵⁹ Serra, interview.
- ⁶⁰ <https://covidtracker.fr/> is an example of a successful civil society–led website that centralized a lot of government data and information on the COVID-19 health crisis, while the public administration website was much less user friendly and less informative.
- ⁶¹ Pauline Lavagne d’Ortigue, Christopher Costes, and Alban Pracquin (Ministry of Transformation and Public Function), interview by the IRM, 8 Mar. 2022. The process and criteria for selecting the members of the citizen panel are not public.
- ⁶² “Citizen Initiative Accelerator: The First Winning Initiatives [L’Accélérateur d’Initiatives Citoyennes: Les premières initiatives lauréates],” Ministry of Transformation and Public Function, accessed 13 Jun. 2022, <https://citoyens.transformation.gouv.fr/laureats.html>.
- ⁶³ “Citizen Initiative Accelerator.”
- ⁶⁴ “President Emmanuel Macron Addresses World Leaders at 2021 OGP Summit,” Open Government Partnership, 16 Dec. 2021, <https://www.opengovpartnership.org/stories/president-emmanuel-macron-addresses-world-leaders-at-2021-ogp-summit/>.
- ⁶⁵ d’Ortigue, Costes, and Pracquin, interview.
- ⁶⁶ Alban Pracquin (Ministry of Transformation and Public Function), interview by the IRM, 11 Apr. 2022.
- ⁶⁷ Goeta, interview.
- ⁶⁸ Interministerial Directorate for Public Transformation, comments received during pre-publication period, 4 Jul. 2022.
- ⁶⁹ Interministerial Directorate for Public Transformation, comments received during pre-publication period, 4 Jul. 2022.
- ⁷⁰ d’Ortigue, Costes, and Pracquin, interview.
- ⁷¹ Goeta, interview.
- ⁷² Bouyé, interview; Goeta, interview.
- ⁷³ Supreme Audit Institution [Cours des comptes], *JF2025: Building Together the Future of Financial Jurisdictions* (25 Feb. 2021), <https://www.ccomptes.fr/system/files/2021-02/20210225-Report-JF2025-english.pdf>.
- ⁷⁴ “France Action Plan 2021-2023,” Open Government Partnership, 11 Jan. 2022, <https://www.opengovpartnership.org/documents/france-action-plan-2021-2023/>.
- ⁷⁵ Léchenet, interview.
- ⁷⁶ Interministerial Directorate for Public Transformation, “Restitution of the Forum Open d’Etat #1: Transformation of Public Life and Public Services [Restitution du Forum Open d’Etat #1 : « Transparence de la vie publique et des services publics »],” 25 Jun. 2021, <https://www.modernisation.gouv.fr/actualites/restitution-du-forum-open-detat-1-transparence-de-la-vie-publique-et-des-services>
- ⁷⁷ “France Transitional Results Report.”
- ⁷⁸ Supreme Audit Institution, comments received during pre-publication period, 4 Jul. 2022.
- ⁷⁹ Supreme Audit Institution, comments received during pre-publication period, 4 Jul. 2022.
- ⁸⁰ Supreme Audit Institution, comments received during pre-publication period, 4 Jul. 2022.
- ⁸¹ Kevin Gernier (Transparency International), comment received during pre-publication period, 4 Jul. 2022.
- ⁸² Supreme Audit Institution, comments received during pre-publication period, 4 Jul. 2022.
- ⁸³ Supreme Audit Institution, comments received during pre-publication period, 4 Jul. 2022.
- ⁸⁴ “FAQ,” Supreme Audit Institution Citizen Platform, accessed 13 Jun. 2022, <https://participationcitoyenne.ccomptes.fr/pages/contributions>.
- ⁸⁵ “Adopt and Promote Whistleblower Protection Legislation (CZ0031): Czech Republic Action Plan 2020-2022,” Open Government Partnership, 15 Dec. 2020, <https://www.opengovpartnership.org/members/czech-republic/commitments/CZ0031/>.
- ⁸⁶ “Establish and Train Operators of Confidential Whistleblower Hotline (EE0057): Estonia Action Plan 2020-2022,” Open Government Partnership, 20 Oct. 2020, <https://www.opengovpartnership.org/members/estonia/commitments/EE0057/>.
- ⁸⁷ “Georgia End-of-Term Report 2016-2018,” Open Government Partnership, 3 Aug. 2019, <https://www.opengovpartnership.org/documents/georgia-end-of-term-report-2016-2018/>

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

Step 1: determine what is reviewable and what is not based on the verifiability of the commitment as written in the action plan.

Step 2: determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Commitments that are verifiable and have an open government lens are reviewed to identify if a certain commitment needs to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its “potential for results” should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:

- a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by OGP.
- b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments by clusters as needed. Commitments may already be organized in the Action Plan under specific policy or government reforms or may be standalone and therefore not clustered.

Step 4: assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country-stakeholders, and external expert review and oversight by the IRM’s International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability

- “Yes” Specific enough to review. As written in the action plan the objectives stated and actions proposed are sufficiently clear and include objectively verifiable activities to assess implementation.

- “No”: Not specific enough to review. As written in the action plan the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

*Commitments that are not verifiable will be considered “not reviewable,” and further assessment will not be carried out.

II. Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below.

Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institutions or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy or institutional frameworks to foster accountability of public officials?

III. Potential for results

Formerly known as the “potential impact” indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of “potential for results” is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** a positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects.
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Elsa Foucraut and was reviewed by external expert Jeff Lovitt. The IRM methodology, quality of IRM products and review process is overseen by the IRM's IEP. For more information about the IRM refer to the **"About IRM"** section of the OGP website available [here](#).

Annex 1. Commitment by Commitment Data⁸⁸

Commitment 1: Lead a European policy of support for the digital commons

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

Commitment 2: Develop a collaborative Open Terms Archive

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

Commitment 3: Expand and build on the open data policy

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 4: Set up a database of information on France's official development assistance

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5: Support civic participation via improved access to information in Africa

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 6: Working together to deliver the green and climate transition!

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 7: Co-develop the third National Strategy for Biodiversity for 2021–2030 and foster engagement in the regions

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 8: Get citizens involved in the *Habiter la France de Demain* initiative on the future of France's cities

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 9: Working together toward “One Health”
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 10: Working together to introduce environmental labelling
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 11: Improve access to information on spatial planning policy through the Urban Planning Geoportal
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 12: Step up civic engagement by young people
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
Commitment 13: Expand school-related civic participation schemes throughout France and help citizens to monitor their progress
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
Commitment 14: Encourage all stakeholders to contribute to school-building projects and open up school buildings to the education community
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 15: Continue to release more open data, algorithms and source code by improving the data culture
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 16: Promote health and environmental democracy in schools and universities
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear

Commitment 17: Make public procurement more transparent
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 18: Involve the regions in a national debate on digital technology
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 19: Improve the transparency of the recovery plan
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 20: Strengthen the role of the ministerial body for user feedback
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 21: Roll out the FR-Alert system
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 22: Renewal of Accreditation of Prior Learning system
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 23: The <i>Territoires d'engagement</i> scheme
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 24: Improve civil society's access to local authorities' public data
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 25: Promote civil society participation in Ministry of Justice projects
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear

Commitment 26: Support the availability of data on legal decisions
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 27: Make it easier for health tech entrepreneurs to access public services
<ul style="list-style-type: none"> • Verifiable: No • Does it have an open government lens? No • Potential for results: Unclear
Commitment 28: Ensure long-term civic participation in e-health policy
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 29: Promote cooperation between involved citizens and civil servants
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
Commitment 30: Launch of a citizen feedback initiative
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 31: Implement an approach for listing e-health services for the general public
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
Commitment 32: Promote and expand open data for citizens through data challenges
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 33: Develop a health data culture
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 34: Expand the practice of using open source code and data, and promote open science in health
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear

Commitment 35: Ensure transparency in the use of health data and facilitate the exercise of citizens' rights concerning the use of their personal data

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 36: Increase citizen engagement in French marine and coastal policy

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 37: Increase transparency in higher education and make science more open

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 38: Provide tools for open government

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 39: Foster citizen involvement in monitoring public policy outcomes

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 40: Improve the quality of public services by eliciting user input

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 41: Leverage open-source software to attract digital talent to the central government: BlueHat workshops

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

Commitment 42: Expand and support source code transparency by rolling out the code.gouv.fr platform

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 43: Foster an open data culture within government departments

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

Commitment 44: Build public algorithm registers
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
Commitment 45: Encourage use of scientific expertise in public policy development and open up government departments to researchers
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
Commitment 46: Support open innovation across France’s regions through innovation labs
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 47: Cultivate the emergence of citizen-led public-interest initiatives
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 48: Create and roll out the Government Design System
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
Commitment 49: Promote citizen participation within government
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 50: Make citizen participation initiatives visible and transparent
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 51: Increase the accessibility of administrative courts to citizens
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
Commitment 52: Get citizens more involved in the Government Audit Office’s work
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial

Commitment 53: Make the Government Audit Office’s work more visible to citizens and increase awareness about its impact

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 54: Expand the Government Audit Office’s public policy evaluation role to increase the transparency of public policy outcomes

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 55: Engage in dialogue with civil society on data protection issues to make an individual right a collective matter

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 56: Fight disinformation

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

Commitment 57: Contribute to understanding the issues surrounding the environmental footprint of digital technology

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 58: Ensure lobbying transparency

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 59: Improve access to administrative documents by training PRADAs

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

⁸⁸ **Editorial notes:**

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see France’s action plan: <https://www.opengovpartnership.org/documents/france-action-plan-2021-2023/>.

Annex 2: Minimum Requirements for Acting According to OGP Process⁸⁹

According to OGP’s Procedural Review Policy, during development of an action plan, OGP participating countries must meet the “Involve” level of public influence per the IRM’s assessment of the co-creation process.

To determine whether a country falls within the category of “involve” on the spectrum, the IRM assesses different elements from OGP’s Participation & Co-creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government or multi-stakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and it is not a full assessment of performance under OGP’s Co-creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

Table 2. Summary of minimum requirements to act according to OGP Process

<i>OGP Standard</i>	<i>Was the standard met?</i>
<p>A forum exists. The Forum Open d’Etat is the current informal mechanism for government to exchange regularly with civil society on the OGP process. It met on May 27, 2021,⁹⁰ and June 1, 2021,⁹¹ to identify courses of action and commitment topics that could be included in France’s action plan during co-creation.</p> <p>The Forum Open d’Etat does not have a formal membership or structure and was not involved in drafting the commitments for the action plan. It would not fulfil the minimum requirements of a forum according to the updated OGP Participation and Co-creation Standards.</p>	Yellow

<p>The forum is multi-stakeholder. The Forum Open d’Etat is coordinated by government and open to participants from government agencies and civil society. There is no formal membership or limitations on the number of participants from different sectors.</p>	Yellow
<p>The government provided a reasoned response on how the public’s feedback was used to shape the action plan. There is no evidence of reasoned response to civil society input into the action plan. Some CSOs reported in interviews that public institutions rejected some of the civil society proposals shared at meetings at the start of co-creation. However, there was no opportunity for civil society to provide comments on draft commitments or on a draft action plan; therefore, there was no opportunity to receive feedback on such comments.</p>	Red

The lack of reasoned response stems from a lack of consultation opportunities with civil society. Although some meetings took place at the early stages of co-creation, they did not provide sufficient opportunity for detailed discussion on suggestions from civil society. Furthermore, there were no opportunities to comment on a draft version of the action plan. Were France to ensure structured opportunities to collect comments on a draft action plan, it would be better equipped to provide reasoned response and feedback to the contributions of the public and civil society.

⁸⁹ On November 24, 2021, OGP’s Steering Committee approved an update to the [OGP Participation and Co-Creation Standards](#). The changes became effective on January 1, 2022, for any country co-creating from 2022 onward. Countries that submit action plans for the 2021–2023 cycle will be assessed with the previous version of the standards because their co-creation took place before the changes were approved.

⁹⁰ “Restitution of the Forum Open d’Etat #1: ‘Transformation of public life and public services’ [Restitution du Forum Open d’Etat #1 : « Transparence de la vie publique et des services publics »],” Interministerial Directorate for Public Transformation, 25 Jun. 2021, <https://www.modernisation.gouv.fr/actualites/restitution-du-forum-open-detat-1-transparence-de-la-vie-publique-et-des-services>.

⁹¹ “Restitution of the Forum Open d’Etat: Crisis & Cooperation [Restitution du Forum Open d’Etat: crise & cooperation],” 23 Sep. 2021, <https://www.modernisation.gouv.fr/actualites/restitution-forum-open-detat-crise-cooperation>.