

Annex A.

The French experience of decentralisation¹

Decentralisation is a French word for both a political concept in French politics from 1968–1990, and a term employed to describe the results of the evolution of the spatial, economic and institutional organisation of France.

In the French experience, territorial decentralisation concerns devolution by giving territorial authorities in France separate and defined responsibilities and resources, and providing for the election of representatives by the citizens of those territories. This is different from deconcentration, which is when the central government aims to improve efficiency by delegating certain policies and powers to a centrally nominated representative: the Prefect (*Préfet*).

Currently, the French decentralised administration is divided vertically in four different layers of administrative and political structures:

- The communal level (*Commune*): with a total of around 36 000 municipalities.
- The inter-communal structures (*Intercommunalité*): where several communes can unite to implement special fields of public policies.
- The department (*Département*): with 101 in mainland France and overseas.
- The region (*Région*): numbering 27 until 31 December 2015, and 18 afterwards.

A short history of French decentralisation

In French history, and in contrast to other European countries such as Italy or Germany, the State preceded and created the Nation. The French State quickly became very centralised, and, with the beginning of the French Republic after the French Revolution of 1789, the first territorial organisation with the communes and the department was designed to be a copy of the national republican model. The mayors were the first representatives of the State, and had little autonomous power before becoming representatives of a local community. The office of Prefect, one for each department, was created in 1800 by Napoleon Bonaparte with extensive powers of control at the local level.

The decentralisation laws passed on 10 August 1871 and 5 April 1884 gave the attribution of powers to elected department councils and municipal councils. This first decentralisation was built upon pre-existing structures and on the image of the organisation of the State. Until the 1982 decentralisation laws, the department-elected councils had very limited powers and were effectively under the stewardship of the department's Prefect as the local representative of the state.

Until the 1980s, centralisation remained the dominant force in French politics, despite failed attempts of reformers in the past, and the spirit of decentralisation took a long time to penetrate the political and administrative culture of France's ruling elites. In 1981, the socialist President François Mitterrand was elected; followed by the election of a socialist majority in the national legislature. The left was to lead a socialist experiment that would change the distribution of power and resources within French society for the first time under the Fifth republic. On 2 March 1982, the first law to set off the first wave of decentralisation reforms was implemented, and by 1986, there were 40 laws and 300 decrees. The 1982 law passed by the government of Pierre Mauroy introduced three new elements:

- The administrative stewardship of the Prefect was replaced by a legal check and balance system exercised by the administrative courts and the regional courts of audit with the help of the Prefects.
- Departmental executive power was transferred from the Prefect to the President of the departmental-elected Council.
- The creation of regions with full powers and recognition as territorial collectivities.

The 1983 laws, the so-called Gaston Deferre Laws, voted on 7 January and 22 July defined the responsibilities of the new administrative bodies and how they would be financed.

The goal of decentralisation in France was first and foremost to break the cycle of the central welfare State mentality and ensure that industrial and urban development would entail dynamism rather than “*dirigisme*” (State managed economy). It further sought to revitalise the peripheral regions politically, administratively, and economically, and make local government more efficient. The concomitant political result was to force local politicians to become more responsible for their decisions and to have enough productive jobs in the peripheral regions so that fewer people would depend on State-financed welfare.

The French administrative system is vertically subdivided between four main levels: communes, inter-communal structures, departments and regions. Particularly relevant are the communes, departments, and regions, which are governed by democratically elected councils and executives. The first stage of decentralisation immediately transferred the traditional powers of the Prefect to newly created regions and to the departments, both of which became local forms of government with decision-making powers. Regions and departments gained the freedom to organise technical and public services. The communes, whose mayors traditionally had executive powers, gained even more subtle autonomous powers, most of which strengthened the traditional duties of mayors, such as the right to deliver building permits. The Prefect still remains the sole representative of the central state's interest in the French territory, but the loss of power was considerable.

In 2002 and 2004, the second wave of Territorial Decentralisation was set in motion by Prime Minister Jean-Pierre Raffarin. The 28 March 2003 change to the French Constitution introduced the principle of financial autonomy for territorial collectivities, and of the words “region” and “decentralisation” in the French Constitution in Article 72. The changes also introduced the possibility of holding local referendum and the right to petition. The constitutional changes strengthened the two core principles of decentralisation: free administration, and autonomy of decision for local governments. However, in reality these two concepts have several technical limitations.

The 2003-2004 decentralisation saw the transfer of administrative functions to subnational (local) government, specifically those related to economic development. The regions are now in charge of regional economic planning and policy, industrial development, and professional education. The departments are responsible for some health and social services, secondary education infrastructures (although teaching remains a state prerogative) and transportation (until 2017, where the responsibility will be transferred to the regions). The communes retain traditional duties regarding municipal services and primary education infrastructures, with the addition of land-use plans and the issuing of building permits.

In 2013, a third wave of reforms began in order to allow regions and the departments to specialise in different aspects of governance, and to reinforce the regions. Reforms also aim to merge different regions and intercommunal structures to reduce their number.

Between 1982 and the present day, a withdrawal of the state from the territories has been observed, with the creation of new levels of responsibilities on a bigger scale, such as the region, in order to address the new challenges of globalisation. In France, as in some other European countries, there is a slow decrease in participation in elections, especially local elections. This may be due to the ever-increasing mobility of the population, which means that the bonds between the citizen and their local institutions have become looser.

The financial aspects of decentralisation

The total budget of the French decentralised administration represented EUR 229.8 billion in 2015.

In 2015, EUR 131 billion of local spending was covered by taxes and excise, set and raised locally. The main taxes are:

- property tax and land tax (24%)
- business tax (20%)
- local amenities tax (16%)
- insurance and gasoline tax (14%)
- property transaction tax (8%).

This level of tax autonomy is not common in OECD countries, where tax autonomy is around 30% on average.

There are also various other smaller taxes (which account for 18%):

- public transport contribution
- tourist tax
- advertising tax
- gambling tax
- other taxes.

The decentralised administration also relies on government transfers and grants. In 2015, these transfers represented EUR 45 billion, of local spending, 7 billion less than their 2012 peak. The grants cover the increased spending of local authorities due to the

transfer of responsibilities from the central to local government during the successive decentralisation phases, and to insure the equalisation of the financial resources under various criteria.

Grants and transfers from the state fall into three categories:

- grants and subsidies for current spending
- grants and subsidies for investments
- compensation for the transfer of responsibilities, for both current spending and investments.

Local authorities are free to spend these resources as they want. However, due to the ever-increasing cost for the state of these grants, a Stability Pact was put in place in 1996, and later replaced by the European Growth and Solidarity pact in 1999. In 2013, for the first time since the beginning of decentralisation in 1982, state grants have begun to decrease.

Loans are the third biggest source of resource for local government in France. This debt represents EUR 178.5 billion, with 20 billion of new loans in 2015. Local authorities do not need to seek central government authorisation to borrow money, but all resources from loans can only be spent on investments and never on current spending. This is called the golden rule, and is only relevant for local decentralised authorities in France and not for the central state where wages, especially in the educational area, are the main budget.

The remainder of local government resources (11%) comes from rents, duties and European structural funds.

The financial resources of the decentralised authorities rely on a fiscal system based mostly on a property system, with property and land taxes calculated on the estimated rent value of the property.

The different levels of decentralised administrations

The region

The regional councils

In 2014, the French Parliament (the National Assembly and the Senate) passed a law that reduces the number of regions in Metropolitan France (mainland and Corsica) from 22 to 13. The new regional map took effect on 1 January 2016. France was, until 31 December 2015, divided into 27 administrative regions, 22 of which are in Metropolitan France, and five of which are overseas. The island of Corsica enjoys a special status, but is considered a region in mainstream usage.

The mainland regions and Corsica are each further subdivided into departments, ranging in number from 2 to 13 per region for the metropolitan regions. The overseas regions consist of only one department each. The term region was officially created by the Law of Decentralisation of 2 March 1982, which also gave regions their legal status and an elected assembly: the regional councils (*Conseil Régional*).

The Law of Decentralisation introduced regional administrative areas reminiscent of the historic French provinces, although Normandy was until the last reform divided into two entities, and some historic provinces were merged together, such as Provence, the Alps, and the Côte d'Azur.

Unlike European federal States, such as Germany, the French regions lack separate legislative authority and legislative autonomy, meaning that they cannot write their own statutory laws. They levy their own taxes and in return receive a decreasing part of their budget from the central government, which also gives them a portion of the taxes it levies. The regions also have considerable budgets managed by a regional council made up of representatives voted into office in regional elections every six years.

The regional councils were first created by law on 5 July 1972. Originally, these councils were simply consultative bodies consisting of the region's national parliamentary representatives, plus an equal number of members nominated by the departments and communes. The decentralisation programme of 1982-1983 allowed the direct election of the regional councils, which first took place in 1986, and increased their powers.

The third wave of reforms induced by the law of 7 August 2015 enabled the regions and the departments to specialise, meaning that they lost their general competence clause. The region is now principally in charge of:

- Regional economic planning and policy, industrial development.
- Professional education and high schools, but without the management of the teachers and the school programmes.
- Professional education for the unemployed.
- Transportation outside of cities with interurban busses, regional trains, school buses for high schools. They can be also responsible for some local ports and airports.
- Environmental protection with several special plan organisations, including for example the blue-green infrastructure.

The region and the department have still shared responsibilities regarding the following public policies:

- culture
- sport
- tourism
- regional languages.

The Regional Economic, Social and Environmental Councils (RESEC)

A Regional Economic, Social and Environmental Council (*Conseil Économique, Social et Environnemental Régional - CESER*) works with each regional council for a given region, and assists in governance through the reports it issues.

Each RESEC comprises four colleges representing companies, self-employed professionals, trade unions, associations and other bodies involved in community life in the region, and experts. Members are appointed by a decree of the Prefect every six years.

It is mandatory to consult RESEC on any budget related documents and strategic plans for the region.

The President of the regional council may refer matters to RESEC for an opinion or report on any given topic. RESEC may also issue opinions of its own accord on any

matters of regional interest, or may be called on by the Prefect to analyse government initiatives in the region.

Although RESEC performs the same functions in every region, their number of members, depending on regional population, and composition of groups are not always the same. Each RESEC reflects key economic and social interest groups in its region. They promote partnerships, contribute to balanced growth throughout the region, and encourage unity and solidarity as a source of social innovation, prevention and regulation.

The departments

In the administrative divisions of France, the department is one of the levels of government below the national level (“territorial collectivities”), between the administrative regions and the communes. There are 96 departments in metropolitan France and 5 overseas departments, which are also classified as regions.

The departments are further subdivided into 335 *arrondissements*, which again are divided into cantons; the latter two have no autonomy and are used for the organisation of police, fire departments and elections. The departmental councils are the elected assemblies of the departments and are elected by universal suffrage.

A law passed on 22 December 1789 established an assembly in each department, known as the Council of the Department. This law was repealed on 4 December 1793. It was restored as the "law on the division of the territory of the Republic and its administration" on 17 February 1800, in which the "General Council of the Departments" was formed. The members of the General Council were not elected by suffrage until 1833. They were elected by universal suffrage from 3 July 1848. Until the 2 March 1982 law of decentralisation, the department Prefect also served as the department state representative and the department executive. Since 1982, the President of the Council has been the department executive body. The law of 26 February 2008 means that there must be at least a single candidate of each gender in a department council election elected by a two-person team in each Canton. In March 2015, the name of the General Council was changed to Departmental Council.

The third wave of reforms induced by the law of 7 August 2015 enabled the regions and the departments to specialise and they lost their general competence clause. The department competences were reduced to the benefit of the region.

According to the law of 7 August 2015, the departments are now in charge of:

- Intercity roads (*routes départementales*).
- Some social policies and welfare allowances.
- Secondary school (for children between 11 to 15 years-old) infrastructure and maintenance, but not for the teaching and school programmes and degrees.

As mentioned earlier, the region and the department have shared responsibilities regarding the following public policies:

- culture
- sport
- tourism
- regional languages.

The communes

The 36 000 communes

A French commune may be a city of 2.2 million inhabitants, such as Paris, a town of 10 000 people, or just a 10-person hamlet. Communes are typically based on pre-existing villages and facilitate local governance. With the exception of the municipal *arrondissements* of the largest cities, such as Paris, Lyon and Marseille, the communes are the lowest level of administrative division in France. They are governed by elected officials, the mayor and the municipal council (*Conseil Municipal*), with extensive autonomous powers to implement national and local policies. Since 1871, the mayor has been elected by the members of the elected municipal council.

As of January 2015, according to the National Institute of Statistics (INSEE), there were 36 681 Communes in France, 36 552 in metropolitan France and 129 overseas. This is considerably higher than any other European country, and accounts for around 40% of all the Commune-level administration in the European Union. In January 2016, due to voluntary merges with strong financial incentives from the central State, this number decreased to 35 885, and this tendency is expected to continue in the coming years.

According to the law of the 7 August 2015, the communes now are responsible for most matters regarding the life of the commune, especially:

- primary schools and pre-school
- local roads
- local police and public order
- urbanism
- local ports and canal
- housing
- cemeteries
- culture and sport equipment and incentives policies
- local social services
- local public transportations
- gas and electricity networks.

Several increasing responsibilities can be delegated to the intercommunality (*intercommunalité*), such as waste collection or transportation. The law also makes it mandatory for the intercommunality to manage other areas, such as economic planning, development, housing projects, and environmental protection.

The intercommunal structures, or intercommunality

“Intercommunality” denotes several forms of co-operation between several communes. Such co-operation made its appearance at the end of the 19th century in a law on 22 March 1890, which provided for the establishment of single-purpose intercommunal associations. This means that several municipal councils can pool resources to implement public policies and services more effectively, especially when there are easy economies of scale to make, when the cost of a policy or equipment is too

high to be borne by a single commune, or when such a policy or equipment would benefit several communes (a swimming pool or a library, for example). French lawmakers have long been aware of the inadequacy of the communal structure inherited from the French Revolution for dealing with a number of practical matters. Therefore the law of 12 July 1999 “relating to the improvement and simplification of intercommunal co-operation (*Établissement Public de Coopération Intercommunale* or “EPCI”) in the so called Chevènement law, aimed to strengthen and simplify this principle by helping more collective actions of the communes.

In recent years, it has become increasingly common for communes to unite in intercommunal consortia for the provision of public services, such as waste collection and water supply. Suburban communes often team up with the city at the core of their urban area to form a community responsible for managing public transportation, or even administering the collection of local taxes. Almost all the French communes are now involved in intercommunal structures.

The Chevènement law has been extremely successful in the sense that a majority of French communes have now joined the new intercommunal structures. There is a national aim to integrate every commune in an intercommunal structure. On 1 January 2016, there were more than 2 000 intercommunal structures.

There are two types of intercommunality:

- Structures without fiscal power, which are the loosest form. This category mainly includes the traditional syndicates of communes. Communes gather and contribute financially to the syndicate, but the syndicate cannot levy its own taxes. Communes can leave the syndicate at any time. Syndicates are set up for a single purpose (most commonly waste management and water/energy distribution), or to deal with several matters. These structures are on the decline.
- Structures with fiscal power, which number around 2000. There are several structures with fiscal power:
 - The Community of communes (*Communauté de Communes*), aimed primarily at rural communes.
 - The Community of Agglomeration (*Communauté d'Agglomération*), aimed at towns and middle-sized cities and their suburbs.
 - The Urban Community (*Communauté Urbaine*), aimed at larger cities and their suburbs.
 - A more integrated form, The Metropole has been created for the French major cities. The Metropole can have increased responsibilities and tasks taken from the department and the regions.

These four structures are given varying levels of fiscal autonomy. The Community of Agglomeration, the Urban Community and the Metropole have the greatest fiscal autonomy, with the same level of taxation across the communes of the community. Communities of Communes have the fewest compulsory areas of competence, leaving the Communes more autonomous. Urban Communities and Metropolises are required to manage most matters (for instance, all public spaces, most equipment, and energy networks), leaving the communes within with less autonomy.

Due to strong pressure from the State, the number of intercommunalities fell on 1 January 2017 from more than 2000 to 1265. At the same time, their responsibilities will

be multiplied by five in the following few years, going from 2 mandatory competencies in public policies before 2014 to more than 10 in 2020, including water supply, water sanitation, tourism, management of travellers and nomadic communities.

One major and often cited problem with intercommunality is that the representatives of intercommunal structures are not directly elected by local citizens, but by representatives of each individual commune in the intercommunal structure. As a consequence, civil servants and bureaucrats set and implement the agenda, with the elected representatives of the communes only endorsing key decisions. However, in 2014 there was a first attempt to make intercommunality members elected more directly, and when “Lyon metropole” was transformed into a real territorial collectivity by merging with a part of the “Rhône department”, a new direct electoral system was created, which will be implemented for the 2020s elections.

The administration of the decentralised administrations

The elected councils and their presidents

The local council assemblies of the four layers of decentralised authorities are either elected (communes, department, or region) or designated members from an elected assembly (intercommunality). They do not have appointed members. Because of this four layer system, there are around 500 000 elected representatives in a population of 66 million in France. These elected officials can have financial compensation if the council they are members of approve. The compensation levels are fixed by law and limited by the demographic size of the structure and the role of the member in the assembly (president, vice-president, etc.). The purpose of this financial compensation is to limit the temptation of corruption and to make these responsibilities available for individuals with mixed social backgrounds.

The representatives of the local assembly have, by law, a right to be informed in order to vote on the matters within their sphere of competence. In some cases, such as for the budget, the documents that have to be transmitted and the deadlines are clearly defined by law. The representatives also have the right by law to be trained in order to complete their tasks.

The elected representative members sometimes have, depending on the population of the administrated territory, special powers and responsibilities:

- The mayor of the commune is also an agent of the state and the head of the communal assembly. As part of the responsibility as an agent of the state, the mayor is responsible for the registry office, public order and the organisation of elections. As part of the responsibility as chief of the communal assembly, the mayor has to prepare and implement the decisions of the elected communal council. The mayor is the head of the local administration and responsible for the budget. The mayor can delegate under their monitoring and responsibility some missions to other members of the assembly, such as one or several deputy mayors. The mayor can also delegate their right of signature to any member of the administration, such as the general manager, head of the administration. The mayor is also the chief of the local police.
- The president of an intercommunality, departmental or regional structure has almost the same kind of powers, and is elected by members of the elected council. The president has to prepare and implement the decisions of the elected council,

and is head of the administration. The president is responsible for the budget and can delegate, under monitoring and with their responsibility, some tasks to other members of the assembly who bear the title of vice-presidents. The president can authorise any member of the administration, such as the general manager or any director, to sign on their behalf.

The laws of 5 April 2000 and 22 January 2014, which address the plurality of local and national offices, forbid anyone to be member of more than one local executive and parliament office. If so, they can be suspended or revoked in a special case by a disciplinary procedure, and by a decision of the Prime Minister or the council of ministers in cases of a revocation.

The means of action of local decentralised authorities

Decentralised authorities can manage their public policies with several legal tools. They can organise public services the way they see the fit for local interests, except when mandated by the law.

According to French and European legislations, decentralised authorities can provide public services in four different ways:

- By their own civil servant, in an internalised way but with different possible levels of autonomy.
- By public procurement.
- By delegation of public services with a private, a semi-private or a fully public company or by a public private partnership.
- By making an agreement with local or national voluntary associations or non-governmental organisations (NGO).

The decentralised authorities can vote for special financial or material benefits and allowances for private persons or companies in a clearly defined frame of national law for private persons, or European decisions for companies and economic operators.

The documents and decisions produced by the local assemblies are public and often available on the website of each decentralised authority. The debates of the council are public and sometimes available online.

The budgeting process and budgeting cycle

The budget is built by respecting accounting norms designed for every level of decentralised administration and based upon international norms. The budgetary process is identical for every decentralised administration.

Budget preparation has to take into account the information given by the state, particularly regarding the expected level of income of the different taxes, the level of the different grants, and transfers regarding the national budget. The state also defines spending objectives, particularly concerning social expenditures. The law make it mandatory to have a budget in real equilibrium, as creating loans is only allowed to finance infrastructures that enrich the collectivity assets. Considering these previous elements, the local administration and the local assembly work together to evaluate the needs, the upcoming projects and the evolution of the salaries of civil servants in the decentralised administration. A short and medium-term risk assessment is also conducted in order to evaluate the financial, social and organisational risks of public policies and

projects. There is usually a multi-year programme for the different projects in order to plan and organise investments during the elective mandate.

Decentralised authorities cannot create new taxes, however, they can adjust some rates in a restricted frame for the taxes under their responsibility. Some expenditures are mandatory. The collection of most taxes is a mission of the local branches of the Ministry of Budget.

After the first phase there is a debate concerning the general budgetary orientations two months before the budget is put to a vote. This debate is mandatory and allows discussions on the upcoming projects of the year between the majority and the opposition in local councils.

When the general budgetary orientation debate is complete, the budget has to be voted on and accepted before the 15th of April of the year of its implementation. The budget is usually voted on in December, shortly before the year of its implementation.

After the vote, the draft budget is sent to the local representative of the state, the Prefect, in order to check if the draft respects the legal budgetary framework. If a budget is not voted on and accepted in time by the local assembly, or if it does not respect the legal framework, the Prefect has powers to make amendments, sometimes with the technical help of the regional court of account.

The budget can be modified during the calendar year of its validity in order to adapt it to the actual expenditures of the structure, to any unexpected event, or to new sources of spending or income. Those modifications are also checked by the Prefect services, with the technical help of the regional court of account.

During the calendar year, expenses are made inside a strict and clear workflow involving the local representative of the Ministry of Finance, who is responsible for the account of the decentralised administration.

During the following year, the decentralised administration has to vote on the “administrative accounting” before 30 June. Administrative accounting is compared with the accounting held by the local representative of the Ministry of Finance, called the “public accountant”. These accounts are also checked by the Prefect with, in complicated cases, the technical help of the regional court of account.

All of these documents, as with most public official documents since the law of 17 July 1978, are public and mostly available on each decentralised authority website. The debates of the council regarding the budget are held in public and are often available online.

Organisation and management

The organisation and the decision-making process

Most decentralised administrations have an organisational chart and some internal procedural guidelines to define the responsibilities of the different parts of the administration. According to Article 72.3 of the French Constitution, decentralised authorities are free to organise themselves. The administration is often organised as follows:

- At the top, the elected executive head of the assembly is the mayor of the commune or the president. This person can be assisted by a variable number of

deputy mayors or vice presidents. Vice-presidents sometimes specialise in several technical themes, such as education, economics or culture.

- The elected executive head of the assembly is the head of the administration and chooses a secretary general or a general manager to manage the administration.
- To organise the political agenda of the elected executive head, a cabinet some of whom may specialise in technical aspects, assists the chief or director of the cabinet.
- The secretary general or general manager is sometimes assisted by a varying number of deputy secretary generals or deputy general managers. At least 40% of deputies must be women. These deputies can be specialised in one or several public policies, and are managing the operating service of the administration. The general manager and their deputies have a special status and can be revoked at will by the elected executive head of the assembly.
- Under deputy general managers, services are organised with specialised directors or heads of departments and civil servants. Most have civil servant status, which guarantees them a working stability, along with a set of special rights and obligations.

The civil servant status

The French Civil Service (*fonction publique française*) is the corps of civil servants (*fonctionnaires*) working for the French government or decentralised administrations. Not all employees of the state and public institutions or corporations are civil servants. However, the media often incorrectly equates "government employee" or "employee of a public corporation" with *fonctionnaire* (civil servant).

The French public service consists of three main sections:

- State civil service (central administrations, regional and departmental services of the state, public establishments of the state).
- Territorial civil service (civil servants of the communes, departments and regions).
- Hospital civil service (administrative, medical and nursing staffs of public hospitals).

The local government civil service (*fonction publique territoriale*) was created in 1984 as part of the decentralisation process. It includes almost all employment in local government structures such as communes, departments and regions.

Regarding the organisation of the civil service, the categories described below are used for hierarchical purposes, to clarify employment conditions, and to calculate salaries:

Category => Corps/employment framework => Grade => Class => *Echelon*

A category is divided in several corps or employment framework, corps or employment framework are divided again in several grades, those grades are divided in classes and those classes are divided further in "echelon".

Civil servants are split on the basis of level of responsibility and education. There are three main categories from A to C in decreasing order of educational level required. Civil

servants in Category A occupy highly skilled or managerial positions and have a higher education degree. Category B comprises agents in mid-level management tasks and requires a *baccalauréat* (end of secondary school degree). Category C includes personnel dedicated to day-to-day administrative and technical tasks. Within each category, every civil servant belongs to a corps or an employment framework for the local government civil service. The high ranking civil servants are commonly labelled as A+.

Corps or employment frameworks consist of civil servants ruled, managed and promoted according to their particular status, supplementing the general statutory rules. Corps or employment frameworks refer to a job family and qualification.

Civil servants have duties. Failure to carry these duties out may result in disciplinary action, possibly revocation. According to the law of the 13 July 1983, and numerous jurisprudence, the main duties are:

- Full commitment to professional activity: a civil servant should devote their full professional activity to their appointed task. A civil servant may, in addition to their regular activities, accomplish certain tasks, such as teaching, arts, or competitive sports, with the permission of the administration if remuneration is involved.
- Morality: it is not possible for a person to be a civil servant if they have been convicted of a crime that is incompatible with their functions. In exceptional cases, certain aspects of the private life of a civil servant may be deemed incompatible with their functions. For instance, it is inappropriate for a member of the police or the judiciary to live with a delinquent partner. Appreciation of what is appropriate or not is largely a matter of case law.
- Duty of reserve: a civil servant should not by their actions or declarations cause harm to the institutions. Generally speaking, a civil servant should always refrain from enunciating personal opinions in a manner that could be construed as expressing the official opinion of the French government, a public or local institution. This is more relevant for higher managerial positions.
- Hierarchical obedience: a civil servant must accomplish the orders given by their hierarchical supervisor, unless those orders are evidently illegal and contrary to public interest. While the hierarchical authority is normally responsible for assigning civil servants to positions and evaluating their work, certain corps of civil servants follow specific rules regarding the management, evaluation and discipline of their members.
- Professional discretion: civil servants must not reveal private or secret information that they have gained in the course of their duties.
- Honesty: civil servants must not use the means of their professional disposal for private gain. They must report any illegal activities that they witness and they must disobey illegal instructions.
- Neutrality: civil servants must be neutral regarding religious or political opinions, origin, or gender, and should refrain from expressing their own personal opinions.

This frame of duties for the civil servant has been improved in the law of 20 April 2016, which introduces various innovations, such as:

- Whistleblower protection.

- A stronger control of conflict of interests.

Most local civil servant positions are open to citizens of the European Union. Certain positions that involve the main powers of the State, such as the Police, are open only to French citizens. Some positions, such as university professors and researchers, are open to anyone, regardless of citizenship.

In contrast to the general rules concerning workers, civil servants do not sign contracts; their situation is defined by statutory and regulatory law, most notably the General Statute of Civil Servants (*Statut Général des Fonctionnaires*).

The general rule is that civil servants are recruited through competitive exams, which are either:

- External: reserved to candidates fulfilling certain conditions of diplomas and age.
- Internal: reserved to civil servants in certain positions.
- External “third way”: reserved to candidates with certain professional experience and age.

The most common method of recruiting is to organise written and/or oral competitive exams in subjects pertaining to the tasks to be accomplished. In all cases, a committee ranks candidates by order of preference. For some top managerial positions, such as the secretary general and deputies in a local administration, nominations are at the discretion of the local executive.

The pay of a civil servant is composed of:

- A base pay known as “*traitement*”.
- Possible overtime pay.
- Possible bonuses, which depend on the particular job assignment and possibly the individual worker.

The base pay or “*traitement*” is, for most civil servants, fixed by multiplying an index by the value of the index point in Euros. The value of the index point is set nationally. The index depends on the corps, rank and seniority in rank (*échelon*). New laws introduce special financial incentives for merit and productivity.

There are special rules for the pay of elected officials at the national and local level, and government ministers.

The local government civil service are trained and educated by the National Centre for the Territorial Civil Servant (CNFPT: *Centre National de la Fonction Publique Territoriale*). For high-ranking civil servants, the A+ (territorial administrators) are educated after a competitive exam at the National Institute for Territorial Studies (INET: *Institut National des Études Territoriales*) in Strasbourg for 18 months.

High ranking civil servants of the state, such as Prefects, are educated after a competitive exam at the National School for Administration (ENA: *École Nationale d'Administration*) in Strasbourg for 24 months.

The process of a career can be flexible, and someone may change from state service to local service and vice versa.

The management of the decentralised administration

Originally, the management of public local administration was inspired by the traditional hierarchical way of managing the State administration inspired by military organisation.

With the laws of 1982, the decentralised administration gained the power of self-organisation, meaning that the methods of management became more diverse. A number of French decentralised administrations integrated the principles of new public management. This system emphasises the concept that ideas and practices used in the private sector can be applied to the public sector.

New public management is viewed as a more efficient means of attaining the same product or service; where citizens are viewed as customers, and public servants/administrators hold the title of Public Managers. New public management tries to realign the relationship between expert managers and their political superiors by creating a parallel relationship. Under new public management, public managers have incentive-based motivation and greater autonomy (as opposed to a regulated outcome per scenario, regardless of situation). New public management tries to integrate the best methods for international management, such as American and Japanese schools, and to adapt them to the characteristics of the public administration.

Although French public management is still largely driven by traditional pyramidal organisations, it tries to be open to new ideas and concepts in management and government, with new public management the dominant force since the early 2000s.

The Prefect and deconcentration in France

Known until recently for a centralising tradition, France is a country where decisions were largely taken in Paris and implemented throughout the country by state-appointed representatives. This is still partly true, but much has changed, especially since 1982.

The historical background of deconcentration, before the decentralisation laws

The Prefect succeeded the intendants of the Kings of France, responsible for enforcing the King's orders in the provinces.

On 22 December 1789, the French Constituent Assembly created the first 83 Departments. The office of Prefect was then created in 1800 by Napoleon Bonaparte. In 1871, the General Council gradually received its own areas of competence; however, the Prefect still had to approve the decisions taken. Then, as further changes came in, the General Council was given new powers, including the power to adopt its own budget and raise taxes. It also obtained the end of the Prefect's authority over certain decisions.

No regime in France has challenged the existence of the office of Prefect. This has made changing and modernising the administration easier. The existence of representatives who were appointed and could be dismissed by the Council of Ministers has made it easier for ministers to successfully pursue their initiatives.

Provided that departments complied with statutes and regulations, they had their own remit, notably in the health and social spheres, infrastructure, help for small communes, transportation (especially school transportation), the environment and sport. Their freedoms, however, were limited by the need for state financial help to enable them to act

in their areas of competence, especially on health and social matters, even though their assemblies had the power to raise certain taxes.

The Prefect was still the departmental executive. However, while this position had still allowed the Prefect to impose their view at the beginning of the twentieth century, it was no longer the case at the time of the 1982 reform. The budget prepared by the Prefect needed to be passed by the departmental assembly, however, the assembly was increasingly using its power to contribute to its preparation and influence choices. Consequently, the Prefect had to reach a compromise in order to get the budget approved. The Prefect used to discuss the proposed budget with the General Council chairman, finance committee and a number of other local leaders, so that there was a degree of co-management and co-operation, in short, the beginnings of decentralisation. The amount this took place varied from department to department.

The 1982 reform of decentralisation and deconcentration

The 1982 reform involved both decentralisation and deconcentration. Acts passed in 1982 and 1983 brought about a new division of powers between the state, regions, departments and communes. Subsequent legislation further increased the department's reserved powers. The Prefect thus lost part of their power over certain decisions previously taken by the state, particularly concerning the establishment and upkeep of *collèges* (schools catering for pupils aged approximately 11-15 years), health and social programmes, and capital spending on sport, the environment, fire services, transport, etc.

Although under the 1982 laws (and later the 1992 law) the departmental assemblies were assigned new powers previously exercised by the state, in political terms, the essence of the reform came with the transfer of the executive to the department council president, who now prepares and carries out the decisions of the departmental assembly, especially regarding the budget. The representative of the state can no longer intervene in the management of the department's areas of competence.

The department no longer receives subsidies from the state for projects within its remit. This also used to be a way for the Prefect to exert influence. The state now allocates one appropriation for capital investment and another for operating costs to the departments. The departmental assembly is free to use this allocated funding as it sees fit.

At the same time as decentralisation, the government decided to implement a policy of administrative deconcentration by strengthening the authority of its agent, the Prefect. This was undertaken to prevent decentralisation undermining the influence of the government's representative in the department and enable decisions to be brought closer to citizens.

The state's representatives in the departments now head the local services of the various ministries. Only the military authorities, judicial services, national education, the work inspectorate and taxation administrations escape this rule. All other services have been placed under the authority of the Prefect, who chairs all the local administrative committees, and is the only authority with the power to commit state expenditure in the department. The Prefect may delegate their signature to the heads of the directorates (*Directeurs Départementaux*), but such delegation must clearly mention the powers delegated.

Despite these increased powers, the Prefect still has to do the bidding of the government, which, today, as before, appoints and, if so desired, replaces the Prefect. Although the Prefect must respect the remit of the department's elected representatives,

they must also prevent them from encroaching on the state's powers, which highlights the fact that decentralisation and deconcentration require a balance that is sometimes hard to find.

The legal oversight by the Prefect and public order

Although the Prefect no longer has any control over the opportunity of the decisions taken by the departmental council, or any other decentralised authority in the exercise of its powers, they can refer to the courts any decision deemed against the law, and the court will rule on this question. This gives the Prefect some influence over the decentralised powers, as they can raise any concerns about the legality of locally-voted acts with, for example, the departmental council president. The Prefect can submit any act adopted by a local council to the administrative courts, if the Prefect deems this act illegal. It is not a control of the appropriateness or the political dimension of the decision, but only of its respect of the law.

The Prefect cannot refer a decision to the court in one case but not in another identical one: the law must be the same for all.

The Prefect knows and acts as the "government public relations officer" in their department. The Prefect must provide information and explain the government's policy. This borders on the political, however, as the law applies to everyone, it is logical for its implementation to be explained to local leaders and the public. While the Prefect must defend a statute passed by Parliament, in order to protect authority, the Prefect must be prudent and not promote bills, which is not always understood by some politicians.

The Prefect is responsible not just for implementing and enforcing legislation, but also for respecting and ensuring others respect the law. The Prefect may have to interpret a central administration's *circulaire* (*circulaires* have the status of regulations if they contain instructions to civil servants) that seeks to apply the legislative text in a questionable way. It is also important for Prefects to report back to the government on local reactions to government policy.

The office of Prefect is a system of command and leadership that operates through the Prefect's personal authority, and their authority over the representatives of the various ministries in the department. The Prefect must be able to respond to events and cope with the demands of any situation calling for authoritative action. In addition, the Prefect must resolve problems and conflicts, getting administrative, economic and social leaders to agree.

The Prefect is responsible for the respect of law and order in the department, and in this sphere carries the full authority and sovereignty of the state. This requires a leader capable of personally taking responsibility and directing operations under grave circumstances. The police and the gendarmerie (military force charged with police duties in rural areas) are under the Prefect's authority. The Prefect authorises or bans demonstrations. Maintaining public order does not only involve ensuring public peace, but also civil defense by the protection of people and property from natural, industrial, technological and accidental hazards, as well as crime prevention and the war on terrorism. Consequently, the Prefect has to prepare state services in the department for all eventualities, especially the management of serious accidents and consequences of natural disasters. It is the Prefect whom the public will hold accountable.

The regional Prefects

The region is the largest administrative division in France, each made up of 2 to 13 departments. Above the departmental Prefects, there is a regional Prefect. However, this civil servant is not superior in rank, even though the administrative powers exercised allow a certain authority over departmental Prefects. The government has only one official representative in each department: the Prefect.

The regional Prefect combines this office with that of departmental Prefect in the region's capital city. The regional Prefect has the same function to the regional assembly as the departmental Prefect regarding the departmental council in being responsible for judicial oversight. The regional Prefect has the same authority over the heads of the regional directorates of the ministries as a departmental Prefect over the heads of the departmental directorates. The role is to co-ordinate and to allocate state funding between the departmental Prefects in the region.

The regional Prefect must take any initiative suitable to promote the economic and social development of the region within the general context of the government's town and country planning policy. The regional Prefect ensures the co-ordination required to implement national policies.

The role of the regional Prefect has been strengthened with the latest reform of deconcentration after the decree of 16 February 2010. Since the regional level is the usual level for nationwide state policies, the power of regional Prefects has grown compared to local Prefects. The regional directions of the ministries' services have also been reinforced. The regional Prefect now has a pivotal role in the enforcement of most national policies, except matters of safety and security, which are still managed at the department level.

Changes in the relationship between the state and local government

Logically, each level of government (state, region, department, intercommunality and commune) should finance operations in its own areas of competence with its own resources from its own taxes. However, this is not always the case since the state does not finance activities outside its own remit, which requires local authorities to help fund some central government projects, especially in the context of the contract between the state and the decentralised authorities² (*contrats de plan État-Régions*). For example, local authorities that wish to develop their local road networks have paid a significant percentage of the costs of main, nationwide roads. Local authorities have also contributed to the building of university and research premises under some national plans, even though the state is responsible for higher education.

Financial constraints have led the state to seek increased funding in order to carry out its own projects. This has contributed to raising local taxation. These forms of cross financing can lead to confusion about responsibilities. At the regional and departmental level, the task of the Prefect is consequently rendered more complicated because it is necessary to ask for funding for state-run projects from many partners. Limiting such cross financing should be a major aspect of future reforms of the state organisation. There were attempts recently to limit cross financing between decentralised authorities (2010, 2014 and 2015 laws), however, there is still a lot to be done regarding cross financing between the state and local authorities.

The relationship between a Prefect who represents central government and locally elected representatives with different political orientation could, in theory, be a challenge.

However, this does not generally prevent them working together. The locally elected representative is aware that the Prefect represents a government chosen by universal suffrage and, similarly, the state representative is aware that the local representatives have also been elected through universal suffrage and must be able to take decisions freely under the powers entrusted to them by the law and the constitution. It is on this basis of mutual recognition that the 1982 reforms on decentralisation and deconcentration have become a reality and operate satisfactorily.

The indispensable control of the use of public money in French decentralisation

The fight against the corruption of decentralised officials and civil servants

The first tools for the fight against corruption are transparency and open data policies. Every decision made by local authorities has to be public since the law of 17 July 1978, and therefore these decisions are now usually published on the local authorities' websites.

A developing trend on transparency for high-ranking civil servants and members of the local executive has been carried out with:

- Mandatory Statement on high-ranking civil servants and members of the local executive of other commitments (professional or personal).
- Mandatory declaration of assets at the beginning and the end of their office period.
- For the local level, declarations are public on request, however, it is illegal to publish asset declarations.

These declarations were introduced with the law of 11 October 2013 after several corruption scandals, and have helped to improve the accountability of politicians and high-level civil servants.

If those enforcing the decision of a local politician are civil servants with a good education background, sufficient salary and job protection, they will be more prone to say no to corruption or illegal instructions. The civil servant status is therefore a guarantee.

More democracy in the use of public money

Transparency and open data policies regarding documents on budgets and accounts of the decentralised authorities help citizens to know the true situation. An increasing number of decentralised authorities take a pedagogical approach to informing citizens of the use of public money through online or paper publications.

Two other instruments of participation have been increasingly used in local governance: local councils and participatory budgeting. Decentralised authorities are using those tools, for example, the region Poitou-Charentes has used both methods:

- Councils of local citizens have given advice and observations on the policies implemented by the region.
- Participatory budgets in high schools financed by the region have taken place to educate young people on democratic life.
- Participatory democracy is also used for management inside the regional administration in case of major changes with the selection of a pool of civil servants giving advice to the president and top management of the region.

These tools are also used on a voluntary base in communes.

The legal fight against misuse of public money and the regional court of account

According to Article L211 of the code of the financial jurisdiction, there are various systems for controlling and managing local decentralised administration on three key points:

- accounting control
- budgetary control
- management control.

For accounting control there is a principle of separation of authorising officers and accountants. The decentralised administration cannot use any money directly, instead it is in an account managed by the Ministry of Finance. When the decentralised administration wants to spend money it has to prove that it can legally pay (bills, official's acts), and the Ministry of Finance officer makes the credit transfer after proper controls.

Most of the decisions, especially those regarding the budget, are controlled by the Prefect in order to check legal correctness, such as the quality of documents, respect of the legal deadlines, respect of some basic budgetary rules, and respect of the different signatures right.

Some in France have protested against this limitation of the autonomy of the decentralised authorities, however, this control is also considered useful by having the central state as a “watchdog” to avoid a degradation of quality in local administrations.

Budgetary controls are also carried out by the Regional and Territorial Chambers of Accounts (RTCAs) system. RTCAs are independent courts that rule on the accounts of public accountants, examine management, and audit the budget operations of decentralised authorities and their public institutions. Since 1982, the rules of RTCAs have been amended and adjusted by a significant amount of legislation aimed at extending their competence and strengthening their proceedings. RTCAs have the following tasks:

- Court review: The fundamental duty of financial courts is to judge the accounts of public accountants to ensure compliance with the rules of performance for income and expenditure and the principle of separation of authorising officers and accountants. The RTCAs hand down legal rulings, such as verdicts or orders on the accounts presented to them. Public accountants may be held personally and financially liable by the regional court in a number of instances:
 - If a deficit or missing funds have been noted.
 - If income has not been recovered.
 - If an expense has been improperly paid.
 - If the public body has had to compensate a third party because of the public accountant.
- Management review: RTCAs review the management of regional authorities and bodies within their remits and attributions (Article L. 211-8 of the code of the financial jurisdiction). Audits are undertaken either on the initiative of the RTCA

as part of its annual audit programme, or at the request of the local authority of the Prefect. RTCAs examine each of the following aspects, in order:

- Correctness, i.e. compliance with the law on expenditure and public contributions.
- Economical use of public funds.
- Effective use of public funds.
- Auditing of budget transactions: The Prefect may refer the budgetary situation of a local authority or public institution to the Court. The Court provides its expertise as an independent authority and expresses opinions.
- National court of audit (*Cour des comptes*) and RTCA joint investigations: RTCAs often work with the French national court of audit in thematic investigations on a wide variety of subjects. Usually, this work leads to the publication of public thematic reports.

Every document regarding this system has to be online in order to let the local communities know the result of the audits on the principles of transparency, open data and open government.

Territorial reform in France: 2013-2015³

Within the last few years, the French territorial administration, which is thought to be – and is – very difficult to reform, has seen a lot of territorial reform changes. After an unsuccessful attempt from a right-wing government in 2010, in 2012 a left-wing government decided to restart the process of reforms. These reforms are being implemented in 2016 and 2017, and this implementation will continue until 2020, unless new laws come and change the framework once again. However, the whole structure will stay roughly as it used to be: the French decentralised administration is still divided into four different layers of administrative and political structures.

During the 5th Republic, and after a victory of “No” in a 1969 referendum on the question of decentralisation and the creation of the region, a failure that continued for every referendum on this subject until now, there were three major periods of reforms in French local administrations: 1982-1985, 2003-2005, and 2013-2015.

The first two waves were periods of a large “decentralisation of powers” from the state to pre-existing local structures. They created a more decentralised France, symbolised by some amendments to the Constitution in 2004 to acknowledge the relative autonomy of local powers.

The third wave, however, although it involved some aspects of decentralisation (European funding and parts of employment policy were given to the regions), it was more oriented towards a rationalisation of structures, a redistribution of competencies between the local administrations, and a new financial constraint that sometimes has been interpreted as a “re-centralisation”, although this is somewhat exaggerated.

Since 2013, the third wave of reforms aims to allow the regions and the departments to specialise, strengthen the regions, and merge different regions and inter-municipalities together to reduce their number and make them fit for the new practices of increased mobility of people, goods and capital.

Although others laws were passed at the same time, for instance to reinforce the status of elected representatives and increase their diversity, three main laws made this change possible:

- “Modernisation of Territorial Public Action and Affirmation of the Metropolises” (27 January 2014): created 13 “Metropolises”, Nice was already in place, and Nancy was created later. Others are now willing to join, including the “Metropole de Lyon”, which replaced both the intercommunality and the Department within its boundaries.
- “Delimitation of the regions, regional and departmental elections and modifying the electoral agenda” (16 January 2015), which merged 16 regions into 7; decreasing the total number from 27 to 18.
- “New Territorial Organisation of the Republic” (7 August 2015) which transferred some competencies from departments to regions, gave more prescriptive powers to the regions, transferred some competencies from communes to intercommunalities, and rationalised their map (from 2 100 to around 1 300).

A change of the structure: Fewer entities, but still four layers

The different layers of decentralised administrations were all challenged in the last three years:

The regions: A historical change

As with the whole territorial reform, the change of the region map was not part of the presidential programme of François Hollande in 2012, but a reform that has been discussed for many years. Think tanks and parliamentary reports had often called for reform in order to make French regions more powerful on a European scale. Nonetheless, there was no prepared map to replace the old regional organisation.

In January 2015, following a debate on the subject in the Senate where many senators declared a wish for bigger regions in order to avoid competition between regions and fewer small departments, the President of the Republic, François Hollande, declared his intention to decrease the number of regions through mergers.

In April 2015, for his first declaration in front of Parliament, the newly appointed Prime Minister, Manuel Valls, made the target even more specific: he wanted to divide the number by two in mainland France (oversees were not directly concerned), leading to an objective of 11 to 12 regions (13 eventually). The principles to make the exercise more simple were to avoid changes of departments from one region to another (although it could theoretically happen later) and to make a proposition on a statistical basis (by the national administration), even if political pressure was very high as most regional presidents belonged to the same political party as the President of the Republic.

In June 2015, after a very short debate within the country, with considerable declarations from the regions themselves (only some, including Upper and Lower parts of Normandy, which used to be divided between Haute-Normandie and Basse-Normandie, Bourgogne and Franche-Comté, and Auvergne and Rhone-Alpes, were willing to merge together), and a lot of high-level lobbying, a new map was proposed by the president and released to the regional media before its official presentation to the Cabinet (council of ministers) on 18 June 2015.

The debate in Parliament, with the Ministry of Interior and, significantly, not the Ministry of Decentralisation, speaking at the bench to defend the law, led to some changes from the Presidential proposal:

- The proposed merge between Picardie and Champagne-Ardenne was replaced by a merge between Picardie and Nord-Pas-de-Calais, and Champagne-Ardenne joined Alsace and Lorraine. It later became Hauts-de-France and Grand Est (regions chose their own names after the regional elections).
- The proposed merge between Centre, Limousin and Poitou-Charentes was replaced by a bigger merge between Aquitaine, Limousin and Poitou-Charentes, which later became Nouvelle-Aquitaine. This new region is close to the historical Aquitaine of the middle ages, and is as vast as a country such as Austria or Portugal. The region Centre remained as it was, as did Bretagne, Pays de la Loire, Ile-de-France, and Provence-Alpes-Côte-d'Azur. Corsica and overseas regions were left apart.

In order to be implemented during the next regional elections, the date has to be postponed from March to December 2015, as it is a Republican tradition to leave around a year between a change in the constituencies and the date of the elections.

The elections system has not been changed, nor has the number of elected regional council members. However a new guarantee of a least two elected members per department has been added to ensure that new big regions will not lose ties with their vast territory.

Eventually, the law relative to the “delimitation of the regions, regional and departmental elections and modifying the electoral agenda” (16 January 2015) merged 16 regions into 7, decreasing the total number from 27 to 18.

Some departments have experienced some changes, but most remain unchanged in their boundaries.

The departments that existed from the end of the 18th century remained basically unchanged during the 19th century – with the exception of the Ile-de-France Region, their boundaries were thought to make it possible to go from any part of the department to its centre (the “Prefecture”) and back by horse within a day – however, they do not correspond to the actual mobility of people today.

For this reason, even though departments were given new powers during the first two waves of reform, many think tanks and even official reports, for instance the “Freeing French Growth” report released by the Jacques Attali commission in 2008, call for their suppression or merger with the regions, or even with the intercommunality.

In April 2015, the Prime Minister and the President, said they were in favour of such a reform in the long term. However, it would take a change in the Constitution as departments are mentioned in the Article 72, and then a majority of 3/5 in the national Congress, or a politically risky referendum. After a consultation of each political party, the executive gave up on this reform and decided only to transfer some competencies from the departments to the regions, to merge intercommunalities that will be able later to replace the departments in their role of helping the communes, especially the rural ones, and to experiment with only some changes in department boundaries.

These experiments are mainly:

- The creation of the Metropole of Lyon: since 2015, the department has been merged with the intercommunal structure, meaning that for the first time, representatives of a “supra-communal structure” are directly elected. The social competencies of the former departments are now closely linked with competencies on economic development or housing from local powers. Some observers call for similar changes, whether in every Metropole (15 now, may be 19 later), or at least in some (Grand Paris and Aix-Marseille-Provence being the most logical, even if not the easiest).
- The “Corsica model”: the island of Corsica is a territorial government (*collectivité territoriale*), but is considered a region in mainstream usage. By 2018, there would be a merge between the “region” and the two departments. This would be a unique collectivity with many powers that may increase the already growing feeling of regionalism, but also reduce territorial fragmentation in an island composed of 300 000 inhabitants.

However, attempts to develop this model by suppressing one layer – the department – will fail unless the municipal sector organises itself with the development of intercommunalities.

The intercommunalities

In the 2000s, financial incentives were implemented to accelerate the move towards the creation of intercommunalities (*Établissement Public de Coopération Intercommunale* or “EPCI”). Nonetheless, very rich and very poor regions remained sometimes without a full cover, as rich communes usually do not want to get closer to poor areas. A law passed on 16 December 2010 made it mandatory for every commune to join an EPCI by 2014. This was almost complete, but with very different sizes of EPCI from one department to another, and with some small EPCIs barely able to sustain themselves.

Due to a new map of intercommunity, their number fell dramatically on 1 January of 2016, decreasing from more than 2 000 down to below 1 300. The new EPCI will mostly correspond better than before to the new inhabitants’ way of life, such as transportation. However, it will be a difficult task to lead these new EPCI to merging different identities and local legitimacies.

At the same time, a more integrated form of intercommunity has been created for France’s major cities with Metropole status. The Metropole can have increased responsibilities and tasks taken from the department and the regions. After Nice, created in 2012, the law of 27 January 2014 created Metropoles in Paris, Aix-Marseille-Provence, Lyon (the three with different special status, Lyon being the most integrated), Lille, Strasbourg, Grenoble, Toulouse, Montpellier, Bordeaux, Nantes, Rennes, Brest, and Rouen in 2015. Nancy urban community was also transformed by decree into a Metropole in 2016, and a new law is prepared to allow Orleans and Dijon (the only capitals of mainland regions without the status of Metropole), but also Saint-Etienne and Toulon (which are bigger cities than the previous ones) to be transformed into Metropoles.

The communes

As of 1 January 2015 there were 36 681 communes in France, 36 552 in metropolitan France and 129 overseas. This is a considerably higher total than that of any other European country, and around 40% of all commune-level administration in the European

Union. In January 2016, due to voluntary merges with financial incentives from the state, this number fell to 35 885, and this tendency should continue over the next few years. In some parts of some regions, especially in Normandy, Pays de la Loire and Bretagne, all communes of one intercommunality decided to merge into one new commune. This may be a good way to completely mutualise services, but mayors have to overcome people's fear of ancient communes disappearing.

The new communes were created on 1 January 2016, and mergers were numerous in western-northern and eastern parts of France, but very rare in the centre and the south.

A change of the competencies and the balance of powers between local administrations

The law of 7 August 2015, “New Territorial Organisation of the Republic”, gave specificities to the regions and the departments as they lost their general competence clause.

The regions are now principally in charge of:

- Regional economic planning and policy, industrial development.
- Professional education and high schools (but not the management of the teachers and the school programmes), professional education for the unemployed.
- Transportation outside of cities (intercity busses, regional trains, school buses for high schools), sometimes they are responsible for some local ports and airports.
- Environmental protection with special plans organisation.

The departments are now in charge of:

- Intercity roads (routes départementales).
- Some social policies and welfare allowances.
- Secondary (or middle/junior high) school (except teaching and school programmes),

In the governmental version of the law, when it was adopted by the Cabinet and before the hundreds of amendments in Parliament, intercity roads and secondary schools were supposed to be transferred from departments to regions. However, only transportation has been transferred, and the departments have ceased to share competency on economic development.

The regions and departments still have shared responsibilities regarding public policies considered to be very sensitive: culture, sport, and tourism.

In France, the problem of co-operation between the four administration layers has been addressed for a long time through a complicated scheme of contracts, the main being the *Contrat de Plan État-Régions*, which included other local authorities, despite the name. However, it has recently appeared that these contracts were not sufficient for limiting the rising competition between territories, which has been emphasised by globalisation.

Thus, new tools have been invented, such as prescriptive regulatory plans in economic and territorial development invented by the New Organisation of Territorial Republic law in August 2015. In this case, the region is given authority to make local

plans – after a large consultation – that are compatible with its own plans and vision. Although some integrative planning has been implemented since the 1990s in Île de France, the region where Paris is located with 10 million inhabitants, in Corsica and overseas, this kind of integrative planning at a regional level is relatively new in other French regions. Regions have been given the power to organise local economic and urban development with recent laws, especially the New Organisation of Territorial Republic law, which merged seven different types of schemes dealing with environmental, transportation and development problems.

This kind of planning may be very useful for regulating the housing market and making sure that buildings are concentrated where networks (roads, public transportation, high quality electricity, services, high speed internet) already exist or can be extended at a reasonable cost (financial, environmental and social costs). Such regional view reveals is crucial at a time where the consumption of good land – the best for agriculture is located close to the cities – is accelerating because of urban sprawl.

These new rules will not be easy to accept for local powers. But there is a need to clearly define responsive a clear leadership of the region in order to avoid excessive localism or egoism.

Another tool for local co-operation are the regional conferences of public action (CTAP in France), with representatives of each layer to co-ordinate the implementation of competencies, with or without the help of the Prefect. These were created by the law of 27 January 2014, and inspired by the successful experiment of such assemblies (although with fewer entities involved) in Bretagne (the ancient “B16” was the reunion of the biggest 16 local administrations of this region).

Intercommunality gets new competencies

Several responsibilities can be delegated by the communes to the intercommunality, such as waste collection or transportation, but the law also makes it mandatory for the intercommunality to manage other areas, such as economic planning and development, housing projects, or environment protection. Their competencies will be multiplied by 5 in a 5 year period (2015-2020), going from 2 mandatory competencies before 2014 to more than 10 in 2020, including water supply, wasted water, tourism, and travelling communities.

Communities of Communes have the fewest compulsory areas of competence, leaving the communes more autonomous, while urban communities and metropolises are required to manage most matters (for instance: all public spaces, most of the equipment, energy networks), leaving the communes with less autonomy.

International perspective and conclusion

The French experience of decentralisation is distinct in various aspects from other models of decentralisation. French decentralisation appeared quite recently, in a country with a very long history of State centralisation. The French state appeared before the French nation, which is in contrast to, for instance, the decentralisation history of Germany or Italy. Unlike Spain and the United Kingdom, French decentralisation is almost free of pressure from populations with a strong cultural identity fighting for more autonomy, although there is an increasing movement in Corsica. Other areas with a strong cultural identity, such as Brittany, the Basque country or Alsace, are not expressing a wish for more autonomy or even independence. Unlike the case of most Eastern European

countries, such as decentralisation in Poland, French decentralisation came independently following pressure from the European Union. French decentralisation came from the will of the central power to delegate more responsibility in logic of democratic improvement and of better wealth sharing between each part of the country. The French experience of decentralisation is not free from criticism. The multi-layer structure is often considered too expensive and not efficient enough to answer economic, environmental and social challenges. However, this has led to a trend towards the fusion of structures, which should improve the situation. The slow decrease of state-funded grants and allowances is putting a lot of pressure on decentralised authorities to improve internal processes.

As with many European countries, there has been a decrease of public participation in local elections in recent decades, and a tendency to vote for political parties labelled as far right and populist. This can be explained by the fact that the increasingly mobile populations of European countries feel less concerned by local (except at the Commune level) than national and global issues. The evolution of a society in motion is shaping European countries, and France in particular, and the challenges of the coming times for the French experience of decentralisation will be to reinforce public participation in elections and the decision-making process.

The French experience of decentralisation may be interesting for developing or emerging countries due to the following aspects:

- The slow evolution of French decentralisation makes it easier to imitate.
- The role of the Prefect kept a possibility for central oversight of local political evolutions.
- The regional court of accounts and the various budgetary limits and regulations provide limitations to financial risks for the entire country.
- By preserving the power and the control of the central state, on the opposite of the more developed systems of federations, the French model of decentralisation can ensure stability and a more sustainable and safer path for democratisation at the local level.

Notes

1. The report has been written by: **Jean-Louis Rocheron**, territorial administrator and Deputy Finance director in the Region Nouvelle-Aquitaine in Poitiers, France. He is lecturer in public finances at the University of Poitiers. With the precious help of **Jonathan Morice**, territorial administrator and Deputy Director of development and planning in the Region Bretagne, in Rennes, France. He was technical advisor in the cabinet for the Minister of Decentralisation in Paris from 2013 to 2016.
2. *Contrats de plan*, drawn up at Regional level, lay down the major economic and social priorities for the Region and set out the relevant action programmes, which the plan's signatories (State, Regional authorities) are committed to finance.
3. This section was drafted By J. Morice.



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