

France: the European transformation of the French model

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Introduction: 'Maastricht' as a major challenge

Since Maastricht the politicisation of European 'high politics' promises to be a very hazardous political venture in France. A newspaper headline such as this from 1991: 'Government and MPs concerned about French indifference to European integration',¹ would be inconceivable today. It is not exaggerated to presume that Maastricht stands for a fundamental shift in how the French political system copes with the internal challenges of 'Europeanisation'.

Many political scientists still like to switch to French studies today, because the case of France serves as an excellent ideal type.² Indeed, France is often cited as an example when it comes to clashes of 'state-centric' national political systems with the pluralistic multi-level system that is the European Union. The characteristics of the 'French model' are: the centrality of the state in mediation procedures; specific forms of interest representation and a privileged place for the central state level to enforce and implement policies.³ The conclusions of such analyses of systemic 'clashes' are persistently the same: owing to internal centralisation and the government-dominated procedures in 'external' relations, socio-economic actors in state-centric systems are said to be less qualified to do business in multi-level networks. Therefore policy-making performance at the implementation stage tends to suffer while policy deficits are subsequently higher. Even if the classification of France as a state-centric or state-corporatist model is still valuable, these categories should blind us to the major political and institutional changes the system has already achieved since 1985. It is undoubtedly true that the French polity suffered and still suffers from enormous system stress, but our perception is that today these systemic tensions have ceased to play a more important role in France than they do in other European countries. Actually – and perhaps in contrast to other systems – the state level always plays a major role in ensuring a degree of smoothness and intensity in adaptation

processes. Since the central state is still constantly seeking to interpose itself in mediation processes, it acts as a kind of gatekeeper for multi-level integration in numerous domains. Its readiness to accept the permeability of political processes is a core variable for the explanation of the breaking up of the 'sovereignty shells' that so many French politicians furiously defended after the famous attacks from Schäuble and Lamers in autumn 1994.⁴

The events of recent years have been characterised by a great variety of responses to very different phenomena such as the integration boost of the SEM, the Maastricht Treaty and a changing European and international environment.⁵ One should not pretend to be able to establish causal links from those interlocked processes to specific systemic answers. But a tentative strategy may be, while enumerating and describing the structural changes the French polity underwent between 1992 and 1999, to take into consideration the positions on which no change took place at all, and to search for missing factors. The core hypothesis of this chapter is that many of the revisions and adaptations the 'model' endured during the 1990s were a function of *governmental preferences*. These preferences include: restructuring the domestic debate after Maastricht, the preservation of the core assets of French 'statism' (strong public services, preservation of a certain state role in economic politics) and the implementation of domestic reforms that are partly aimed at strengthening France's position towards its European partners. The relative weakening of France's 'natural' European leadership after 1989 made it increasingly necessary – even for Europe's 'strongest' state – to be able to mobilise domestic political and socio-economic interests to defend its role as a significant player. The analysis parts from the observation that after a period of disorientation and piecemeal reform during the 1980s, when a new European regulatory culture led to dysfunctions and a weakening of the French administrative state and its relations with business,⁶ state actors re-entered the game in the mid-1990s to try to fashion the 'Europeanised' French state in their own style.

Fundamentals and institutional specifics of policy-making after Maastricht

Five main developments mark the further progress of 'Europeanisation' and the new institutional arrangements since 1992. After the painful experience of referendums, French public opinion, when compared with other European countries, now has a better accommodation with Europe. However, political parties – notably on the right wing – are still haunted by the split between 'yes' and 'no' votes in September 1992. At the governmental level, the two heads of the executive are trying out a new internal balance in European policy-making; 'semi-presidentialism' is less and less a valuable model for classifying the French system of government.

At the same time the special relationship between the executive and the parliament, which is typical of the Fifth Republic's 'rationalised parliamentarism', seems to have undergone a fundamental change. However the attempts to preserve a kind of bureaucratic centralisation in Paris-Brussels interactions (from the 'state' to the 'Union') have become more explicit. Since administrative actors are still desperately seeking to cover and to supervise the whole range of European activities, actors such as the prime minister are progressively implicated, and a 'normalisation' of government and politicisation has emerged. This is not without consequences for the strategies of those involved in interest intermediation, which have traditionally been characterised by a strong tendency towards pressure politics through elite interaction with the European level. The continuous and important impact of the central level as a gatekeeper for Franco-European interactions is above all true for the regional level, which is still strongly supervised and confined by state actors, especially when distributional issues are at stake.

Risking the debate: public opinion and parties under stress

The impact of the 'Maastricht' conflict on public opinion and on party political cleavages was still perceivable during the 1995 presidential election and the third cohabitation (since May 1997). The entire process from the Maastricht referendum in 1992 and its 48 per cent 'no' votes, up to the conclusion of the Amsterdam Treaty and its ratification in March 1999, represents more or less a development from refusal and a strong downward trend at the beginning of the 1990s, to accommodation with the inevitable. Nevertheless this process is not at all linear. More so than other Member States French public opinion suffers from a kind of 'overload' with regard to the European dimension so that from time to time, conflictual issues tend to provoke eruptive system shocks which may alienate a generally positive tendency.

The parties' first reaction after the Maastricht referendum consisted of a desperate attempt to pacify the political game and to focus on internal issues. Whereas the left wing was fully absorbed by the end of Mitterrandism and the reconstitution of the Socialist Party after the loss of power in 1993, the governing right-wing coalition had to find a consensus on a candidate for presidential elections and to implement EMU. This turned out to be a difficult political project. The deficit-spending Balladur politics prior to the 1995 presidential elections had led to a stagnation of the French economy in the run-up to the third stage of EMU and therefore France risked not meeting the criteria at all. From this perspective, spring 1994 marked an outstanding low in French 'European' opinion with only 39 per cent of the population thinking that integration was beneficial to France.⁷ This late 'post-Maastricht blues' coincided with a dramatic increase in France's public deficit (6 per cent), a downswing in

Gross Domestic Product (GDP) and a dramatic unemployment rate (12.5 per cent). These circumstances were not least due to the hard-line interest rate policy of the German Bundesbank. Indeed, since the crash of the EMS in 1993, France saw itself as being forced into the kind of machinations that culminated in the conclusion of the unpopular 'Stability Pact' in 1997. The important controversial debate on the social costs of monetary integration began at that time.⁸ This forcefully split parties, separating the 'intégrationnistes' from so-called 'souverainistes', namely national republicans and social Gaullists, who built a coalition against a so-called neo-liberal 'pensée unique'. In the 1995 presidential election, concerns about the preservation of a high level of social protection ranked second among the voters' preferences.⁹

After the election of Jacques Chirac in 1995, the newly installed Juppé government (1995–97) finally had to take a painful U-turn by launching rigorous budgetary cuts.¹⁰ This abrupt policy change in the middle of 1995 made the costs of the introduction of the Euro particularly manifest in the eyes of French citizens.¹¹ Since then the French inclination towards the Union has again dropped to only 46 per cent of persons stating that it was 'a good thing for France' in autumn 1996.¹² Anticipating further implementation conflicts and uncertainties for the conservative governmental coalition, Chirac switched towards an even more critical distance with EMU and decided at the beginning of 1997 to bring about a premature dissolution of the National Assembly to preserve 'his' majority from a defeat in 1998. Even if the electoral campaign converged on the 'Europe Sociale' issue shared by all important parties involved,¹³ the governmental coalition was ultimately broken up by its traditional internal rivalries, a successful Front National (14.9 per cent in 1997 national election's first round) and a quite forceful European cleavage. The 1994 European elections had already made it quite obvious that owing to the Maastricht conflict the fragmentation of the French right would persist.¹⁴ The bitter quarrels after the loss of power in 1997 as well as after the regional elections in 1998, viewed in the context of the European elections in 1999, show that today the French right is severely disoriented and unable to deal coherently with European challenges. A solely voter oriented perspective permits the preservation of some kind of common bottom line, namely with regard to the important rural interests who are concerned about changes to the status quo in the Union's CAP. But when it came to a parliamentary vote on another core issue, the passage to the third stage of EMU,¹⁵ Gaullists appeared once again unable to maintain a sufficient level of partisan cohesion adequate to the problem at stake. Obeying their party leader Séguin, parliamentarians of the neo-Gaullist Rassemblement pour la République (RPR) risked categorically refusing French passage to the third stage, had not President Chirac's intervention prevented the worst.

Yet the actual Socialist Party (PS) – having come through a period of painful reconciliation with the so-called ‘Mitterrandie’ – can still be seen as largely pro-integrationist. But even if key members of the Jospin government have solid European convictions (e.g. Elisabeth Gigou, Dominique Strauss-Kahn, Martine Aubry) and while the rest of the left-wing ‘souverainistes’ have had to retire to political clubs,¹⁶ Socialist governmental policy differs from the ‘old’ approach. Whereas Mitterrand’s European policy was characterised by functionalism combined with a great deal of voluntarism and symbolism,¹⁷ the new approach appears to be more pragmatic in terms of interest formulation, in contrast with other European governments. The core preferences of the government have been made explicit since June 1997. France’s main concern is still a rapid achievement of EMU conditional on four factors: an ‘economic government’ as a counterweight to the ECB; the inclusion of southern EU members in EMU; the establishment of obstacles to a Euro-overrating (i.e. preventing ‘monetary dumping’ with regard to the dollar and the yen); and employment and economic growth criteria to counter-balance the Stability Pact’s severe monetary and budgetary standards.¹⁸ With regard to European constitutive policies, France’s adhesion to the Amsterdam *acquis* is not at all unconditional either: the ratification law consists of two articles, which describe the treaty’s institutional provisions as inept and which make further EU Treaty reform an obligatory premise for enlargement.¹⁹ A new European rhetoric is gaining ground which does not underline France’s European challenges (as in the Mitterrand years), but which emphasises the growing importance of a genuine French contribution to the European project.

This current pragmatism is combined with a proactive governmental policy on French public opinion. As the ‘age of symbols is over’,²⁰ there is a continuous attempt to explain France’s European interests and advantages to the – since 1997 – less and less Eurosceptic public. The 1998 campaign on the introduction of the Euro was largely supported by the national media and above all, was furthered by Finance Minister Strauss-Kahn, who continuously underlined the fact that it was the Euro-Zone that protected France from the most severe effects of the Asian crisis (the Euro as a ‘bouclier monétaire’). As a result, French public opinion was among the most Euro-enthusiastic in the second half of 1998: 69 per cent of persons stated that the introduction of the Euro was a ‘very good’ or a ‘good’ thing, compared to 56 per cent in Germany, 66 per cent in Spain, 67 per cent in Italy and 49 per cent in the United Kingdom.²¹

The organisational cohesion of French parties is feeble compared to that of parties in other systems. If there are sub-units for European affairs, they do not have a relevant impact on day-to-day policy-making. Still, the capacity of high-ranking political personalities to bring about shifts in French public opinion cannot be underestimated. As shown above, the

developments from 1992 to 1999 are not marked only by economic conjuncture, but also by the different degrees of governmental accommodation with the European venture. The stabilisation and normalisation which has been discernible since the re-accession to power of a party that is more accustomed and therefore 'fitter' to deal with those challenges, is similarly observable in the context of institutional adaptations and the evolution of the system of government. In this perspective the ups and downs of public opinion after 'Maastricht' also characterise a period of governmental policy-learning. In France it appears to be increasingly difficult to search for gains in national support for government – e.g. in the parliamentary arena – at the expense of the European level.²² Notably in a centralised system, where governmental actors at European and national levels are most obviously the same, this strategy risks producing additional negative outcomes at the national level. Therefore in France, where – in the eyes of the citizen – European issues today are a major part of the national political game,²³ shifting blame to the European level is an increasingly difficult strategy.

The two heads: a new relationship between president and prime minister

The core element of French European policy-making was seen as the strong proclivity to an executive-dominated style when it came to political intercourse with the 'exterior'. The anxiety to preserve a homogenous image of one national interest and one sovereignty towards the outside stood at the centre of a quite Rousseauian concept of interest representation. That is why the paradoxical French sharing of powers between the prime minister and the president always attracted many foreign policy analysts. But today more and more students of French foreign policy tend to recognise that the political and academic perception of the president's role in European politics is not free from simplification.²⁴ Indeed the reality of genuine European policy-making in the 1990s was not as strongly affected by 'cohabitation' as some may have stipulated. In 'high politics' a very firm sense of solidarity regarding the preservation of France's rank and influence among its European partners helped to surmount the potential cleavages between the prime minister and president in almost any situation.²⁵ Owing to the changing character of day-to-day European politics, the president's policy-making functions are constantly diminishing; in power-political terms the Chirac presidency is a failure.²⁶

The relative weakness of the president is accentuated by his minor role in economic policy. The importance of EMU as the major European venture of the 1990s generated a more and more significant role for the prime minister and the cabinet, and a pre-eminent role for the ministers of Finance and the Economy. Therefore the changing patterns of executive European policy-making are not solely a result of the actual president's

weaknesses, rather they elucidate the long-term consequences of the Maastricht integration boost, and a decline of presidential power in general. This development is implied in the institutional logic of the Vth Republic, that – under certain political circumstances – imposes a partial limitation of presidentialism.²⁷

The Elysée's information tools have turned out to be too antiquated to cope with the complexities of modern governance: the presidential 'absolutisme inefficace'²⁸ is built on a system of counsellors centralised at the general secretariat of the presidency. Since 1985 the President has had at his disposal a small European unit that prepares bilateral meetings, European summits and Franco-German meetings. But in the end, the Elysée's General Secretary, who depends almost entirely on the secondment of civil servants from ministerial departments, cannot provide the organisational resources to fulfil the autonomous management and co-ordination tasks that would allow a president to govern this area of policy. From the first to the third periods of cohabitation, the president's isolation from the General Secretary of Government (Secrétariat Général du Gouvernement, SGG), the interface for ministerial co-ordination, made him more and more unsuited to intervene in day-to-day politics, even if traditionally his close connection with the head of the General Secretary for Inter-ministerial Co-ordination (Secrétariat Général du Comité Interministériel, SGCI) gave him a certain oversight of ministerial activities at the European level. Today – apart from the grand bargains such as treaty reforms, in foreign/defence policy and in his power to 'go public' (as does President Chirac when farmers' interests are at stake) – the French president is more or less a 'lame duck' in European politics. The 1995 reform, one of the major constitutional modifications following Maastricht,²⁹ may be understood as a reaction to this curtailment. The extension of the presidential referendum according to Article 11 of the French Constitution to any bill 'which deals with reforms relating to the economic and social policy of the nation and to the public services contributing thereto' is also an attempt to recover power in EMU-related domains.³⁰ Consequently, as a reciprocal gesture, the actual government – still assuming cohabitation until 2002 – seems to rely on a silent parliamentarisation of the Vth Republic to legitimate its increasing claim for executive power.³¹

Changes in executive–legislative relations: a revaluation of parliament

The European integration process has always had a reputation for creating a 'democratic deficit' in terms of a de-parliamentarisation of policy-making. Still, in 1996 a French analyst published an article entitled: 'The European Union: An Opportunity for the French Parliament to Recover Powers?'³² Was France to be the only country where integration leads to power gains at the legislative level? It is evident that the basic

pattern of the Vth Republic's 'parliamentarisme rationalisé' is not very conducive to the effective exercise of the functions of control, legislation and interest aggregation. Legislative functions are delegated competencies, the parliament has no organisational autonomy and the government disposes of a set of strong instruments to overrule a disobedient assembly (e.g. 'Vote bloqué', 'Question de confiance').

Yet the first functional organ to monitor French European policy-making at the parliamentary level – the Delegation for European Affairs – was created by the Senate in 1973. A similar body was created by the National Assembly in 1979, just after the first direct elections to the EP. As the number of permanent committees is constitutionally fixed (Article 43(2) of the French Constitution) and as the existing committees had made little use of the expertise provided by the new 'Délégations pour les Affaires des Communautés Européennes' (18 members per chamber), their performance had been more or less a failure. They had no relevant competencies and were permanently overlooked by governments, which felt absolutely unshackled in their diplomatic practice of 'foreign' policy-making in Brussels.

Finally, at the beginning of the 1990s parliamentarians began to feel a certain pressure from below: the SEM and later EMU caused socio-economic upheavals that the constituency oriented French parliamentarians could no longer ignore. Likewise the importance of the transfer of political competencies became so great that a growing part of parliamentary work was explicitly induced from above, i.e. from the European level. This awakened parliamentary elites. The first step consisted of a rudimentary reform of the delegations' general role to inform parliament on European matters. In 1990 membership doubled, governmental information policy became more systematic and the Ministers for European Affairs gained an informed parliamentary forum to present governmental policy via the organisation of periodic hearings (Loi 90-385, 10 May 1990).

But the real breakthrough occurred in the context of constitutional reform, on which the final ratification/referendum of the Maastricht Treaty was conditional. The preceding decision of the Constitutional Council (Conseil Constitutionnel, DC 92-308, 9 April 1992)³³ had stated non-conformity with the Constitution because certain Treaty provisions such as the formulation of a common visa policy, affected 'the essential conditions for the exercise of national sovereignty'. This ruling brought the two chambers of parliament into a veto position which they – above all the senate – used in a quite proficient way and against the government's initial dispositions. As a result, parliament extended its power to call into question the constitutional conformity of ratification laws (Article 54 of the French Constitution) and a revised system of parliamentary screening and controlling European secondary law-making

emerged, which is based on a new Article 88(4) of the French Constitution:

The Government shall lay before the Assembly and the Senate any proposals for Community instruments which contain provisions which are matters for statute as soon as they have been transmitted to the Council of the Communities.

Whether Parliament is in session or not, resolutions may be passed under this article in the manner laid down by the standing orders of each assembly.

Article 88(4) gives the parliament for the first time the constitutional right to be informed, to scrutinise and to intervene – via the tabling of resolutions – in the conduct of French EC policy.³⁴ These are comparatively strong instruments when viewed in the light of the feeble powers of which the assemblies dispose in most of the ‘internal’ policy-making domains. Nevertheless, motions of ‘no confidence’ remain the only parliamentary instrument that allows a relatively spontaneous intervention of parliament into current executive decision-making.³⁵ The subsequent significant constitutional reforms (Loi organique 95–880) aim to provide the parliament with opportunities to fulfil its role as a ‘European’ actor by extending the session period and by loosening the governmental monopoly on the parliamentary agenda. Surprisingly the government has paid much attention to the implementation and effectiveness of the new mechanisms. The prime minister pointed out in several ‘circulaires’ to his ministers that negotiations in Brussels are inconceivable without taking into consideration the positions of the assemblies.³⁶ These changes mark a quite fundamental shift in executive–legislative relations in the Vth Republic.

Parliamentarians have made regular but not excessive use of this new instrument. Between 1993 and 1997, on 970 European proposals transmitted to the assemblies, 139 parliamentary resolutions were tabled. Most of them were in the domains of budgetary questions (24 resolutions), foreign trade (22), energy (13), telecommunications (12) and agriculture (10). Parliament involves itself very much in domains which are under exclusive Community competence, above all in foreign trade, where the European Commission – an international actor in its own right – is severely scrutinised and supervised by the national parliament. The National Assembly has made more active use of the new instrument of government control than the Senate (Table 9.1).

Problems arise when it comes to disagreements as to which issues constitute ‘matters for statute’ following Article 88(4) of the French Constitution. Which legislative proposals must the government transmit to the assemblies and what are the domains where parliamentary intervention is not allowed? Particularly conflictual issues include the domains

Table 9.1 Tabling of parliamentary resolutions, 1993–April 1997

Year	National Assembly	Senate
1993	13	8
1994	29	13
1995	23	9
1996	22	13
1997 (April)	6	3

Source: Statistiques Parlementaires, *Bulletin de l'Assemblée Nationale/Bulletin du Sénat* (1993–97).

of the second and third pillars (CFSP and JHA), the interinstitutional agreements and Commission communications.³⁷ Finally, parliament has shown a great readiness to step into fields outside the EC framework and therefore to violate the boundaries of Article 88(4), e.g. when potential additional EU/EC competencies appear in the Commission’s green or white papers or when Agenda 2000 was published. It is quite evident that a limitation of parliamentary control over genuine legislative proposals in pillar one is not in accordance with the definition of the statutory domain given by Article 34 of the French Constitution. On the other hand, important EC decisions may not touch the legislative domain at all while being incendiary in political terms, e.g. the decisions on prices and market organisation in the CAP. An irregular governmental practice of transmitting proposals gave rise to further suspicions surrounding the government’s strategy. French parliamentarians legitimately call into question the general exclusion of CAP decisions, when at the same time the proposals on the reorganisation of wine and fruit markets – where the French government may have found it difficult to defend a hard-line status quo policy at the EU level – have exceptionally been submitted to parliamentary scrutiny.³⁸

The new instrument is quite complicated to handle because the organisational challenge of establishing a European ‘superstructure’ within the constitutionally bounded Vth Republic’s assemblies was a difficult puzzle. The National Assembly opted for a system which is based on the European Affairs Delegation as the major pillar. Given the quite consensual working style of delegations, one can easily conclude that the tabling of resolutions is not a technique exploited by the opposition to undermine governmental business in Brussels. However, some analysts observe an ideological–instrumental division of labour between parliament and the executive, ‘that offered new political levers to both, whether on the domestic or on the international stage’,³⁹ and provided an opportunity to contain the forceful right-wing anti-European faction by granting it a position within the parliamentary arena. The strong increase of governmental general declarations on European policy-making in the First

Chamber from five (1984–90) to fifteen (1991–97)⁴⁰ demonstrates the changing political mentalities and the strengthening of the link between parliament and the executive. Today, the National Assembly and the Senate have become full players in their own right in French European policy-making.

Administrative co-ordination and interest intermediation in European policy-making

In a context of increasing domestication, the French Constitution's Article 20 gives the government a more and more manifest role to play in European policy-making. Almost all ministries have had to further their institutional adaptation since the beginning of the 1990s, but in contrast to other Member States, none of them exercises a core function in horizontal co-ordination. Even if the Minister for Foreign Affairs (as well as the Minister for Finance) has many horizontal insights, it would be quite exceptional for such a minister to deal with an EC issue from start to finish. In addition neither minister is responsible for the co-ordination of Paris-Brussels policy-making.

The Foreign Affairs ministers are normally elected by the president. Even during cohabitation periods, the choices of Raimond (1986), Juppé (1993) and Védrine (1997) had the support of the head of state.⁴¹ The ministry's organisational set-up is threefold: the General Directorate for Political and Security Affairs covers mainly CFSP issues, the General Directorate for European Economic Affairs treats issues such as EU trade policy and representation in international economic organisations, and the Directorate for Judicial Affairs represents France in trials at the ECJ.⁴² The corresponding tasks of the minister himself lie in his presence within the General Affairs Council and subsequent executive EU organs, of course the ministry has privileged access to the French Permanent Representation in Brussels. However since the introduction of a European Affairs Ministry at the end of the 1970s, the European Affairs Minister has often acted as a substitute for the Minister for Foreign Affairs.⁴³ As the former minister is integrated into the Foreign Affairs Ministry, s/he does not have a specific portfolio, but prepares and co-ordinates the French presidencies, monitors public opinion and deals with European campaigning (as did Guigou at 'Maastricht') as well as the information of political and economic actors at the domestic level and in Brussels (e.g. Cresson, Barnier). Since Maastricht, the Ministers for European Affairs are explicitly charged with establishing 'a close dialogue with MEPs and delegates at the Committee of Regions in order that the government's concerns may be incorporated into the work of these two institutions'.⁴⁴ The responsibilities assigned to the Jospin government's European Affairs Minister Pierre Moscovici comprised the full range of questions concerning European integration, including institutional questions and the process of defining the CFSP.

Today almost all departments have established units that deal exclusively with European matters.⁴⁵ The management of European programmes such as the ESF and the ERDF is provided by the Ministry of Labour/Social Affairs and the Home Affairs Ministry, respectively. Problems mainly arise when these units are set up in a mode that interferes with the hierarchical patterns of intra-ministerial co-ordination in France. Indeed, the fact that functional units (in highly Europeanised ministries such as agriculture there may be several sub-units) dealing with European issues operate horizontally clearly does interfere with this hierarchical pattern and can lead to overlapping responsibilities and potential conflicts. This artificial 'Europeanisation' – creating new administrative strata dealing especially with European Affairs – is expanding and deeply penetrating the ministerial hierarchies: more than half of the ministries have created 'cellules européennes' even at the 'bureau' level.⁴⁶ Moreover it is a standard operating procedure that in the case of intersectoral conflicts, the ministerial 'cabinet' serves as a clearing-house. The cabinets are at the heart of French ministries and are composed of young, brilliant bureaucrats and personal assistants trusted by their minister. At this top level of bureaucracy, the organisational differentiation for European matters is more functional. Today most French ministers appoint within their cabinets a special counsellor for European Affairs who may shape and streamline the department's position in case of internal frictions and who represents the department's interests at interministerial meetings within the SGCI.⁴⁷ In a top-down perspective the creation of European sub-units at very low levels of the administrative hierarchy seems to be advantageous. As ministerial problem-solving 'à la française' always comprises the cabinet's opportunity to overrule hierarchical steps and to bypass the department's directors, special access points for European matters would seem to make sense. However some observers consider the expansion of cabinets' tasks to be one of the great flaws of the French system. This is not only because such expansion constitutes the driving force behind the politicisation of the French central administration, but also because it promotes the diffusion of decision-making points for civil servants who have to interact not only with their regular superiors but also with many ministerial collaborators to bring about a decision.⁴⁸

Given the complexity of interministerial co-ordination tasks, France opted early on for a strong and centralised system at the domestic level to guarantee coherent interest representation at the European level. The linchpin of this politico-administrative co-ordination is the famous governmental secretariat, SGCI. Its responsibilities comprise the whole range of EC activities, enlargements and – since 1994 – pillar three policies, Schengen, the Dublin Convention and any other convention following Article 31 (ex Article K.3).⁴⁹ The SGCI's general secretary regularly fulfils a double function as he or she has often additionally been a

counsellor within the prime minister's or president's cabinets (e.g. de Silguy for Prime Minister Balladur and Guigou for President Mitterrand). The structure serves as a link between the ministerial departments and parliament in Paris and the French Permanent Representation at Brussels. It works under the sole and therefore uncontested authority of the prime minister. The failure of its brief inclusion into the Ministry for European Affairs at the beginning of the 1980s was not only for functional reasons but may also have been a result of the rivalry and mistrust between the different ministerial 'elite corps' (e.g. Inspection des Finances, Corps des Mines) in France.⁵⁰

One cannot underestimate the weight and the power of the SGCI which seems to dominate all stages of the French European policy-making process. Since the ratification of the Maastricht Treaty it has not only fully integrated pillar three politics, but has also increasingly centralised control over the implementation stage and over co-ordination in the context of adjudication. Likewise one should not overlook the attention paid by the SGCI to the French presence within European institutions. This is not only a power-political concern but reflects equally the recurrent French tendency to control national civil servants and their opaque activities in Brussels.⁵¹ SGCI is a lean administrative unit and from the conclusion of the SEA to the ratification of the Treaty of Amsterdam, its staff has grown by about one-third. Given the many tasks it must undertake, this is not at all excessive. The co-ordination duties of SGCI have steadily increased with the multiplication of actors and policies at the EU level: furthermore, instead of recognising the difficulties of dealing with the entire scope of EU policies – except for CFSP – by opting for a diversification after Maastricht, the SGCI has extended and strengthened the coercive functions which it has always exercised over ministerial departments. The growing impact of transnational administrative interaction⁵² is perceived as a threat to the 'coherence of French positions'. Thus the SGCI controls and supervises the activities of national actors, e.g. in the following areas:

- The information which ministries send to French MEPs.
- Any ministerial 'chargés de mission' who contacts an MEP is obliged to send an exact report stating what has been presented as 'the French position' to the SGCI.
- Any document transferred by the Home Office – which is responsible for regional policy and structural funds – to the Committee of Regions must be dispatched by the SGCI.⁵³

Given this extremely elevated degree of centralised co-ordination, it is not surprising that the prime minister has tended to play an increasingly active role in the context of internal European bargains and as an arbiter between the different ministerial departments. Since the establishment of

the Vth Republic, the prime minister has intervened only as chairman of interministerial arbitration sessions in exceptional circumstances, mainly because of the technicality of most European matters and the opportunity to make issues ‘remonter à l’Elysée’.⁵⁴ But today’s limitation of presidentialism and the revaluation of the prime minister’s role are both part of a ‘normalisation’ process that makes the SGCI a perfect forum for political action as is any other domain at the domestic level (Table 9.2).

Table 9.2 Personnel and activities of the SGCI, 1958–97

<i>Interministerial Committee’s arbitration sessions, chair: prime minister</i>	<i>Number of civil servants at SGCI</i>	<i>Interministerial working sessions</i>
1958–75: 4	1971: 88	
1976–81: 4	1988: 133	1991: 1090
1982–93: 0	1992: 147	1992: 1136
1994–97: 21	1997: 175	1997: 1700

Source: Sauron (1998), pp. 14 f.

‘Traditional’ interest intermediation in France is characterised by elite networks and pressure politics among high-ranking economic actors at the senior levels of the administrative hierarchy.⁵⁵ Anglo-American ‘lobbying’ techniques that consist of the provision of detailed practical information to the civil servant dealing with the specific technical matter are used rather rarely. However, this is the prevailing policy style at the European level. As Vivien Schmidt puts it: ‘Although French civil servants might have felt at home with the centralised hierarchical style with which the Commission President, Jacques Delors, ran the Commission and dealt with Directorates General, they were not attuned to the overall decision-making process.’⁵⁶ Large agencies, which are still quite at least partially in state ownership, have their own Brussels representations (e.g. *Enérgie de France*, Renault) and benefit at the same time – for the reasons of ‘copinage’ described above – from privileged access to French EU actors. By contrast, small and medium-sized enterprises (SMEs) and other actors are doubly disadvantaged; one of their few access points being the French employers’ representation in Brussels. State actors increasingly perceive the deficient comprehension of mediation styles as indirectly weakening France’s position in negotiations.⁵⁷ Apart from their representation in corporatist structures such as UNICE, non-governmental actors perform poorly in day-to-day lobbying at the ‘lower’ levels of the EC administration. French socio-economic interests may therefore be absent from important informal networks, where the early stages of decision preparation take place. As regards the representation of labour interests, the

picture is even worse. Prior to 1999, France's second trade union, the communist *Confédération Générale du Travail* (CGT), with about 650,000 members, was completely absent from the European Trade Union Confederation (ETUC). Given the extension of social partners' competencies through the 'Social Dialogue' (Social Protocol of Maastricht Treaty) and the impact of subsequent EC legislation in France, this is quite an extraordinary situation. The position of French trade unions looks even worse when compared to the powerful representation of German trade unions at the Brussels level.⁵⁸

This lacuna is now fully recognised and therefore since the beginning of the 1990s there has been a growing tendency of the French government to supervise and to 'coach' national economic and social actors in Brussels. French state actors increasingly interpose in business interactions at the EU level and try to smooth the integration of national economic actors into Brussels decision-making and to make them more familiar with a pluralistic mode of interest representation.⁵⁹ The institution that plays a key role in this context is the Permanent Representation in Brussels. Apart from the normal working routines of any Member State's Permanent Representation, the French Permanent Representation fulfils further functions. Since Cresson's invention through a 'Groupe d'études et de mobilisation' (GEM), which was designed to encourage interactions between the politico-administrative world and economic actors, the Permanent Representation has played an important role in training and in the provision of information, e.g. on Structural Funds and programmes on behalf of SMEs. Today the 'Cellule Entreprises et Coopération' absorbs about 11 per cent of the Permanent Representation's personnel.⁶⁰ Since 1996, economic actors who experience difficulties when doing business within the SEM, have had the opportunity to call for support at the Bercy ministry's 'Mission Marché Unique'. This new organ is an administrative structure situated at the 'Direction des Relations économiques extérieures' (DREE), that co-operates with the Permanent Representation, the SGCI, the European Commission and Bercy's regional and Europe-wide centres for economic expansion. An important task of this unit is to take other Member States before the ECJ, when French SMEs are confronted with problems owing to non-compliance with EC law (above all in public procurement matters).⁶¹

At the same time, the government tends to set up better access structures for the French economy and civil society at the national level, mainly through the intensive governmental promotion of Euro-Info-Centres (affiliated with the regional chambers of commerce). Following an initiative of Elisabeth Guigou, another structure, 'Sources d'Europe', has been set up in Paris which serves almost the same purpose. It is important to note that 'Sources d'Europe' is a unique construction as it results from a

common initiative of the European Commission and the French government and is financed by the Commission, the EP and the French government.

The sub-national level: European re-centralisation of regional politics?

Despite the 'Deferre laws' on decentralisation introduced at the beginning of the Mitterrand era,⁶² France still counts among the most centralised systems in the Union. That is why – apart from representation in the CoR – a role for French regions is still almost non-existent in European decision-making, their functions being confined to the implementation of EC programmes addressed specially to them.

One of the great achievements of the 1982 reforms was the valuation of autonomous 'departemental' executives and administrations, represented by the Conseils Généraux. This could have been an incentive for French state actors in regional politics, above all the interministerial unit attached to the Ministry for Regional Planning and the Prime Minister (Délégation à l'Aménagement du Territoire et de l'Action Régionale, DATAR), to choose the newly empowered 'départements' as their major counterparts for the implementation of EU policy. But the French state opted, on the contrary, for its own representatives at the sub-national level by charging regional civil servants with supervising the execution of EU programmes and managing the distribution of funds. The political linchpin of this system are the regional 'préfets', who co-ordinate the interaction between regional and departmental actors and the 'services déconcentrés', the central state's field services (e.g. the regional directions of the Labour Ministry), controls the assignment of funds and supervises the implementation of EC programmes. The choice of 'genuine' regional actors to participate in the regional set-up of EC programmes is often conditional on the existing structures within the framework of the state-regions contract and the subsequent five-year plans. Those contractual policies fit very well with the regulative *modus operandi* of EU regional schemes.⁶³ Eligibility for funding is assessed through a database, the 'Document unique de programmation' (DOCUP), administrated by the territorial services of the central administration. Officially there is no opportunity for sub-national units to interact directly with the EU level without being supervised by central state actors. Demands for funding must always be sent to regional 'préfets' and when it comes to the allocation of European funds, the recipient must sign a convention with the French state services that explains 'the conditions of implementation of the project'.⁶⁴ Thus the central administration acts as a ubiquitous interface between the Commission and the regional level and uses this position as a source of power. The structural funds have been the central factor for the reorganisation of the 'services déconcentrés'. DATAR, as the only access point to the EU level, has enhanced its status after a loss of

influence at the beginning of the 1980s.⁶⁵ Today, links to the state field services are a much more promising strategy for obtaining subventions than the regular intercourse with autonomous regional administrations. As Balme and Jouve (1996) put it: 'Paradoxically, the main effect of the Europeanisation of local government seems [to be] the regionalization of the state, not an emerging regionalism.'⁶⁶ Even if the French regions have gained some weight as political units, because they are a target for European policy-making,⁶⁷ Europeanisation has also led to a re-centralisation of power and not to a systematic mobilisation of sub-national actors as the European Commission may have intended. This may help to explain why more and more regions have established their own representations in Brussels: by 1997 about twenty regions or associations of regions had done so (e.g. 'Bureau Alsace', 'Bureau de coopération des régions Centre-Atlantique').

The national policy-cycle: the central state as a gatekeeper

It is no longer adequate today to speak of separate Brussels and Paris stages of Community negotiation; rather it is now the case that any aspect of the policy-cycle can simultaneously involve any of the different levels of government (Figure 9.1).⁶⁸

The preparation and making of decisions

Normally a proposal for a directive is communicated by the Commission to the Permanent Representation, which transmits it by fax to the SGCI. The Secretariat fulfils the functions of dispatching when it determines and contacts the relevant ministries demanding written observations. Already at this stage of the process, the sectoral specialists are invited to compose a detailed report on the impact on national legislation. The relevant ministry ('ministère chef de file') will usually be equally concerned when it comes to the presentation of bills at the transposition stage of the policy-making process.

Before the proposals are officially forwarded to the assemblies, a kind of pre-selection has to be accomplished (is the proposal 'legislative' in terms of Article 34 of the French Constitution?). This expertise, which had to be reorganised in 1993, is provided mainly by the Council of State (Conseil d'Etat), now an important national actor as it plays a core role in improving the parliament's chances of becoming a full player in the EC legislative process.⁶⁹ That is why today the reports of the Conseil d'Etat on the legislative or regulative quality of a proposal have to be published.⁷⁰ In addition, following the initiative of Juppé, all 'legislative' proposals – even those from pillars two and three – are transmitted to the assemblies, which, in the case of non-EC proposals, are allowed only to adopt 'conclusions' and not to table 'resolutions' (that give rise to the parliamentary reserve described

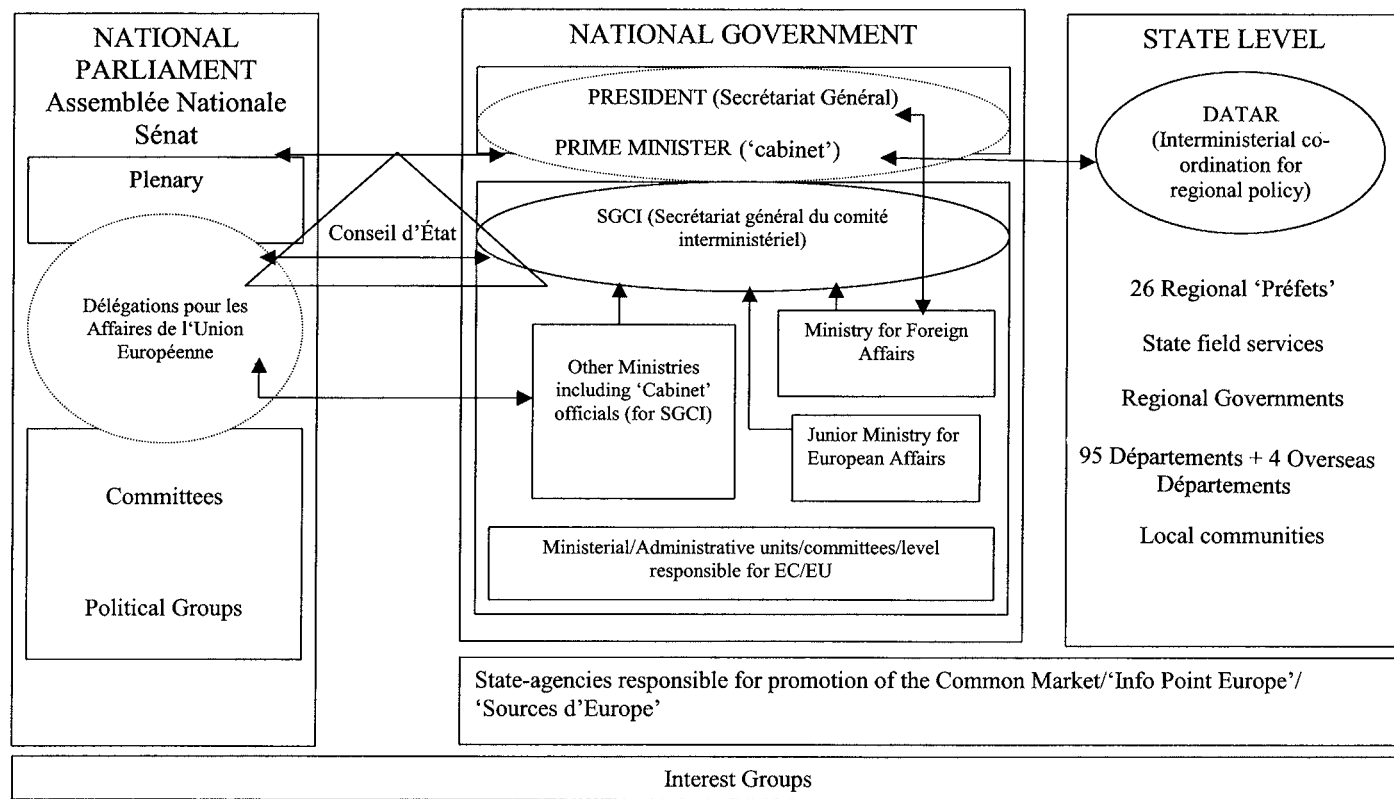


Figure 9.1 The national level of European decision-making – France

below). The Conseil d'Etat has fifteen days to provide its analysis, while the relevant ministries draw up lists of legislative texts that may have to be modified following Community legislation in the affected domain. A broader 'étude d'impact juridique' may be carried out by the ministry 'chef de file' within a period of one month if the legislative consequences of a European text seem to be particularly important.⁷¹ The ministerial analysis should focus, among other things, on the legitimacy of the proposal regarding the principle of subsidiarity (Table 9.3).

Table 9.3 Statistics concerning the legislative impact of European proposals following the rulings of the Conseil d'Etat (Article 88(4)), 1993–98

<i>Year</i>	<i>1st (EC) pillar</i>	<i>2nd (CFSP) pillar</i>	<i>3rd (JHA) pillar</i>	<i>Total number</i>	<i>Legislative (according to Article 34 or the constitution)</i>
1993	994	0	0	994	179
1994	1038	0	141	1179	172
1995	1060	2	985	2045	213
1996	1221	77	1445	2743	192
1997	1136	78	1019	2233	214
1998	1144	145	926	2215	277

Source: Sauron (1998, p. 107; 1999, p. 200).

In cases of a probable legislative transposition the SGCI transfers the ministerial positions to the General Secretary of Government (SGG) and the Conseil d'Etat submits its report. The SGG co-ordinates general governmental work in any domain of state activity. If the SGG states a necessity of legislative involvement, it sends the Community proposal to the presidents of the two assemblies. The proposals are notified, published as parliamentary documents and mentioned in the French Official Journal.

At the administrative level, the negotiating ministerial experts periodically transfer information on the progress of deliberations to the SGCI, the Conseil d'Etat and the Ministry for European Affairs. A unique position can be maintained at all levels of negotiation (expert groups, COREPER and the Council of Ministers). Consultations are systematically controlled by the SGCI and by the prime minister's cabinet as a last recourse. This is due above all to the practice of involving the same few persons during all three stages of negotiation.⁷² Since 1994 the assemblies have explicitly had to be informed of the current agenda of the Council of Ministers. But one major lacuna resented by the assemblies is the fact that they are not informed by the French government of COREPER's agenda. Therefore two-thirds of decision-making, the 'A-points' decided upon at the COREPER level and only rubber-stamped by the Council, pass rather

unnoticed despite – or possibly because of – the conflictual nature of many of these issues.⁷³ Nevertheless, regular working contacts between ten sectoral specialists at the National Assembly’s ‘Division des Communauté et de l’Union européenne’ (sub-unit of the European Affairs Department) and their counterparts at the Permanent Representation in Brussels, seem to be the dominant method of parliamentary information gathering.⁷⁴

Given the large number of legislative proposals, the assemblies have had to find a way of reducing the risk of a European ‘overload’. A second modification in the National Assembly’s Standing Orders (RAN) Article 151 in 1994 underlined the eminent function of the parliamentary delegation in this context (of minor importance in the Senate).⁷⁵ The National Assembly’s delegation examines all texts that have been transmitted by the SGG (Table 9.4).

Table 9.4 The National Assembly’s checklist for European legislation

-
- | | |
|---|--|
| 1 | Treaty basis of proposal, voting procedures at the Council, involvement of EP |
| 2 | Date of transmission at the Council/date of reception at the parliament’s presidency |
| 3 | Reasons for EU activity/subject matter/content |
| 4 | National legislation engendered |
| 5 | French and other Member States’ positions |
| 6 | Agenda ^a |
-

Note: ^a See Assemblée Nationale, *Le Nouveau Règlement de l’Assemblée Nationale* (Paris, 1994), pp. 124f.

One of the most important criteria for parliamentary evaluation of a proposition in the Senate is the attention paid to the subsidiarity principle.⁷⁶ The delegations formulate ‘conclusions’ of which their chambers/permanent commissions are informed and which may or may not suggest further implications for the decision-making process. Since 1994 in the National Assembly, the delegation may instantly nominate its own ‘rapporteur d’information’, who is able to submit an immediate proposal for a ‘resolution’ (two-thirds of the resolutions tabled at the National Assembly have this origin). Following this, any proposals must pass through a permanent commission in order to come into force (time limit: four weeks, Standing Orders Article 151–2).⁷⁷ Anyway in most cases – even if the formal denomination of a rapporteur occurs only at the permanent commission level – the competent MP is also a member of the European Affairs delegation. Before autumn 1998 only six resolutions had emanated autonomously from a permanent commission as the initiatory body in the National Assembly.⁷⁸ Thus in contrast to the Senate, the National Assembly’s delegation has seemingly acquired perhaps not the statute but at least the functions of a European affairs committee. Finally, the relevant commission adopts the resolution directly provided that,

within eight days, the government and the presidents of the standing commissions, delegations and political groups have not called for a floor session (40 per cent of resolutions debated, 1993–97).⁷⁹ When it comes to the tabling of a resolution, the SGCI has to be informed at an earlier stage.

The follow-up at the Brussels-level is twofold:

- If the Council intends to put the subject matter on its agenda in less than fourteen days, the SGCI instructs the Permanent Representative to intervene and to assert a ‘parliamentary reserve’
- If the Council intends to put the subject matter on its agenda in more than fourteen days, the SGCI instructs the Permanent Representative to try to demand a postponement until a ‘prise de position du Parlement français’.⁸⁰

One European proposal may give rise to several parliamentary initiatives, which are pooled at the level of the relevant commission. However, there is no special instrument available to parliament with which it may closely observe further decision-making under the EP’s co-decision procedure. Nevertheless, the SGCI provides a full service for the French MEPs. It sends a ‘note de cadrage’ detailing the interministerial positions as early as possible, before the EP becomes fully involved in the legislative process. Since ‘Maastricht’, every ministry has appointed a ministerial ‘chargé de mission’ for EP matters (a full-time civil servant at the Ministries for Agriculture, Transport and Industry) who is charged with transmitting a memorandum and a ‘tableau indicatif de vote’ on the legislative proposition in question, to the SGCI’s ‘Parlement’ (PARL) department. These memoranda are sent to the leaders of the parliamentary groups at the EP and all eighty-seven French MEPs receive a ‘lettre circulaire’, that indicates the French position. It is curious to note that because of the new role played by MEPs in EC law-making since ‘Maastricht’, they are ‘better’ informed than national parliamentarians on French governmental preferences and positions defended at COREPER and the Council of Ministers. Neither the National Assembly nor the Senate regularly receive ‘explanatory memoranda’ that could help them to seize early on the relevant issues at stake. This may be one of the reasons behind the strong parliamentary attempt to integrate French MEPs into the work of the ‘Délégations’.⁸¹ It might also explain why the French Senate – following an initiative of its president Poncelet – has recently inaugurated a Brussels office in order ‘to be better associated and better informed about law-making in the European institutions.’⁸²

Decision implementation and monitoring

Until 1986 there was no central co-ordination of the implementation of EC policies in France. But the shortcomings, especially in the context of

the SEM programme and the growing number of cases at the ECJ, have made the need for a reorganisation of the application of EC law rather urgent.

In 1989 a report from the Council of State (Conseil d'Etat) underlined certain deficiencies which Prime Minister Rocard attempted to reduce. In a 'circulaire' from January 1990, he underlines the sectoral responsibilities for the correct application of EC directives and regulations in ministerial departments but equally evokes a strengthening of the SGCI's functions in monitoring EC law in France. Here again, as in its co-ordination functions in the preparation and making of decisions, the SGCI sees its responsibilities reinforced rather than decentralised.

After the adoption of a directive, the SGCI sends the text to the SGG and the affected ministries. Three months later the administration must present an agenda for transposition and application. The agenda is set provided that the SGCI, the SGG and the ministries give their assent (if not, the prime minister intervenes). As shown for the stages of decision preparation and decision-making, the (1994) 'études d'impact juridique' and the analysis of the Conseil d'Etat may contribute to a consideration of implementation difficulties even prior to the final deliberations at the Community level. Any legislative text is followed up by the SGCI from the Commission initiative through to a trial at the ECJ.⁸³

After notification of the application measures, the SGCI controls implementation, manages the interministerial agenda and observes the parliamentary legislative process.⁸⁴ Parliament is again involved following the constitutional distinction between legislative and regulative spheres. Even if since 1995 there has been a formal obligation for government to enlighten the European legislative source in the French 'projet de loi' explicative note, parliament is not systematically informed of the European impact of proposals. Nevertheless, the greater transparency of the decision-making process at the EU level leads to greater political pressure on the government to be more accountable. This is particularly the case on issues for which ministers cannot prove to have negotiated successfully at the European level after the tabling of a parliamentary resolution in Paris (See the example of the voting rights directive). However, genuine parliamentary legislative initiatives ('proposition de loi') transposing EC directives into French law, still remain exceptional.⁸⁵ Finally, an increasing number of 'last-resort' actions by interest groups can be observed at the decisive stage of the Franco-European policy-making process. For example, small producers and other social groupings which are unable and/or unwilling to act at the European level attempt to obstruct the correct application of EC law not only in interactions with enforcing administrations (see the 'Strawberry War')⁸⁶ but also by influencing the national representation. Indeed, the 'outcry' of French huntsmen against the provisions of the EC directive on the protection of wild birds

and subsequent national initiatives provides a famous example of such voter orientation.⁸⁷ In this perspective the strengthening of parliament's role perhaps marks an alteration of French regulative culture, which was traditionally based on the flexibility of the implementing administrations⁸⁸ rather than on the integration of concerned groups at an earlier stage of the decision-making process, such as at the parliamentary level.

Decision adjudication: the politics of preliminary rulings

The French Constitution, in general, is orientated towards treaties which, together with subsequent legislation, are more or less exempt from constitutional challenge. Whereas the Constitutional Council (Conseil Constitutionnel) is not competent to examine the conformity of statutes to the stipulations of a treaty,⁸⁹ the Council of State (Conseil d'Etat) has achieved a slow but significant accommodation with the inevitable. This has occurred first, through the establishment in 1989 of the superiority of the EC Treaty over national lex posterior in the Council of State's '*Nicolo*'-ruling.⁹⁰ Later the superiority of regulations in the '*Boisdet*' ruling and even that of directives in '*Rothmans International*' was established. However, the '*Costa/Enel*' doctrine of direct effect is still not fully accepted and, theoretically, European law has to be explicitly incorporated into the body of national rules to be effective. This approach (the refusal to give up the 'gatekeeping' role) still influences French politics surrounding the implementation of treaty reforms.⁹¹

In the early 1990s France was among the less compliant countries in the EU: from 1993–95 it occupied first place in respect of presumed treaty infringements.⁹² But despite some exceptional cases of non-compliance, e.g. in the women's night-work case,⁹³ the situation improved at the end of the decade. In the case of ECJ actions against France, interministerial co-ordination is again provided by the SGCI. The Foreign Affairs Ministry's lawyers represent French interests at the ECJ. But most of the ECJ rulings originate not from treaty infringement but from the domain of preliminary rulings, in co-operation with the national courts.

Since the mid-1990s the French government had a quite proactive policy on preliminary rulings that culminated in 1997 in a monitoring arrangement which more or less bound the French courts to governmental processes. The Minister for Justice's European department (SAEI) in co-operation with the SGCI, organises control of the 'appropriateness' when courts bring Article 234 ECT matters before the ECJ. The SGCI also intervenes, organising interministerial meetings to define a common strategy concerning the question raised,⁹⁴ and – if necessary – to 'reformulate the preliminary ruling suggested by the party from which the demand for a ruling emanates'.⁹⁵ The independence of French courts to request the ECJ to give a ruling thereon seems to be of minor importance, e.g. when French budgetary interests are at stake.

The underlying principle of such measures, i.e. the notion of a unique 'French interest' that is to the common advantage of all citizens, provides an interesting perspective on the functions of EC law within the Member States. The abrupt downward trend in French courts' referrals to the ECJ from 1995 onwards is surely part of a general trend at that time, but it undoubtedly marks a policy that has been repeatedly described as being characterised by a 'culte de cohérence'.⁹⁶

Conclusion: changes after Amsterdam? The transformation of government in France

The ratification of the Treaty of Amsterdam – as with the Treaty of Maastricht – was conditional on constitutional reform resulting from a decision of the Constitutional Council.⁹⁷ The ruling referred to the non-conformity of the Amsterdam Treaty with the Constitution because certain treaty provisions, such as the use of QMV on asylum policy, affected 'the essential conditions for the exercise of national sovereignty'. The governmental 'projet de loi' for the constitutional reforms, adopted a very low profile compared to the important changes brought up by the last 'European' constitutional revision. Eventually, the assemblies voted for a quite consensual and un-political revision that produced only small effects on the making of European policy in France. Article 88(2) of the Constitution was amended to integrate the transfer of competencies in asylum policy. Article 88(4) was revised in such a manner that all documents (EC and EU) containing provisions which were matters for statute were to be placed before the assemblies as soon as they had been transmitted to the Council of Ministers. This new regulation modified the day-to-day practice of parliamentary scrutiny as it broadened the opportunities for tabling resolutions to second and third pillar issues.⁹⁸ The ratification law itself took the quite exceptional form of a political statement as it posed in Article 2 'des progrès substantiels dans la voie de la réforme ... afin de rendre le fonctionnement de l'Union plus efficace et plus démocratique' as a precondition for further enlargement.⁹⁹ It is important to bear in mind that once again, France did not opt for a constitutional 'general clause' that would have made future treaty revisions easier to implement. In contrast to the German Constitution's Article 23, for example, Article 88(2) of the French Constitution still strictly confines constitutional adaptation to the competencies enumerated in the present Treaty.

This attitude represents a phenomenon that is typical for governmental policy on procedures in French European policy-making. In this context, the ratification of the Maastricht Treaty marks a turning point. From a quantitative perspective, institutional adaptation processes after 1992 seem to be inflationary compared to those of the 1980s. What were the

major challenges encountered by the French model during this period? Two general efforts mark the behaviour of governments and political elites: first, a pro-active policy through an opening up of the decision-making structures when French bargaining positions may be at stake, and secondly, a greater centralised control over French actors when the differentiation and multiplication of opportunity structures risks the dissolution of 'the coherence of French positions' into multiple multi-level interactions. The impelling underlying force seems to be to regain control over the 'Europeanisation' process in France and not to lose oversight of regulation processes at the European level.

The opening up of the political game is manifest with regard to a number of factors including: public opinion; the 'normalisation' of Franco-European policy-making owing to the limitations of presidential power; the empowerment of parliament; the politicisation by prime ministerial intervention in interministerial bargaining on European affairs; the acceptance of the EP as a full player in EU politics; the establishment of channels of influence at the administrative level and the desperate attempts of state actors to teach lobbying techniques that can make French actors more suited to multi-level networking. On the other hand there has been a manifest strengthening of governmental coercion of the two players that have gained new influence through direct access points provided by the Union: the national courts and the regions. It is not at all accidental that the central state explicitly interposes itself as a gatekeeper in the two domains where EU players tend to bypass the national state as a relevant actor. As a result of this, reform processes that have been undertaken in a strictly national modernisation perspective – such as in the case of decentralisation – have been partly undermined. Compared to these transformations, systemic stability is prevailing above all at the level of administrations and interministerial co-ordination. The SGCI, as the central organ in Paris–Brussels interactions, still seeks to absorb and to centralise most EU policy-making tasks at the stages of policy formulation and decision-making. Instead of opting for sectorisation to combat implementation deficits at the lower levels of administration, it has chosen to centralise policy-making at the implementation stage.

Indeed this interpretation of systemic adaptation parts company from a top-down analysis that assumes rational governmental behaviour. However, institutional and political choices have not always produced the anticipated outcomes and syncretistic changes of institutional and behavioural patterns are emerging at all levels of French politics and society. If our approach was useful for the comprehension of more or less rational strategies of government, it similarly uncovers the first 'unintended consequences' of the pro-active opening up of the state- and executive-centred system. In this perspective, the effects of the 'Maastricht' conflict that marked the end of executive-dominated 'foreign policy' style in French

European policy-making and which prevented the government from being able to shift blame to the European level may serve as one of the best examples. Another illustration is the changing character of French parliamentarism that today alters executive–legislative relations in an unforeseen and unintended way and which is alienating the institutional scheme of the Vth Republic. Regarding the process of ‘Europeanisation’ at the politico-institutional level, today’s France is an example of a quite successful transformation of governance. But if subsequent societal and cultural processes operate at the same speed, this may still be open to debate.

Notes

- 1 See *Le Monde*, 21 June 1991, p. 7.
- 2 See Frans van Waarden, ‘Über die Beständigkeit nationaler Politikstile und Politikinhalt’, in: Roland Czada and Manfred G. Schmidt (eds), *Verhandlungsdemokratie, Interessenvermittlung, Regierbarkeit* (Opladen: Westdeutscher Verlag, 1993), pp. 191–212.
- 3 See Pierre Muller, ‘Entre le local et l’Europe: la crise du modèle français des politiques publiques’, in: *Revue Française de Sciences Politiques*, No. 42, April 1992, pp. 275–297.
- 4 See CDU/CSU-Fraktion des Deutschen Bundestages, *Reflections on European Policy*, Bonn, 1 September 1994.
- 5 The difficult redefinition of France’s role is resumed by Stanley Hoffman, ‘French Dilemmas and Strategies in the New Europe’, in: Robert Keohane and Joseph Nye (eds), *After the Cold War. International Institutions and State Strategies in Europe* (Cambridge Mass.: Harvard University Press, 1993), pp. 127–147.
- 6 See Vivien A. Schmidt, ‘Loosening the Ties that Bind: The Impact of European Integration on French Government and its Relationship to Business’, in: *Journal of Common Market Studies*, No. 2/1996, pp. 223–254.
- 7 See *Eurobarometer*, No. 42, Luxembourg 1994.
- 8 See, for example, Viviane Forrester, *L’horreur économique* (Paris: Fayard, 1996).
- 9 In 1994 53 per cent of French felt that there was not enough state intervention in France, compared to 48 per cent in 1990 and 29 per cent in 1985. See Elisabeth Duproirier and Gérard Grunberg, ‘La déchirure sociale’, in: *Pouvoirs*, No. 73, April, 1995, pp. 143–157 (here pp. 153 ff.).
- 10 See John Keeler and Martin Schain (eds), *Chirac’s Challenge. Liberalization, Europeanization, and Malaise in France* (London: Macmillan, 1996).
- 11 Not least in autumn 1995 when during the ‘événements’ in the context of the social security system’s reform public transport broke down for weeks. See the special issue on ‘The Movements of Autumn’, in: *French Politics & Society*, No. 14/1996.
- 12 *Eurobarometer*, No. 46, Luxembourg 1997.
- 13 See Andrea Szukala, ‘Frankreich’, in: Rudolf Hrbek (ed.), *Die Reform der*

- Europäischen Union. Perspektiven und Positionen anlässlich der Regierungskonferenz* (Baden-Baden: Nomos, 1996), pp. 80 ff.
- 14 There are four French right-wing groups in the EP, of which some or all members are explicitly anti-Europeans: two RPR-Gaullists in the I-EDN-group, Mouvement pour la France (MPF), Majorité pour l'Autre Europe, Front National.
 - 15 National Assembly, 24 April 1998.
 - 16 Such as the allies of Jean Pierre Chévènement's Mouvement des Citoyens, Max Gallo and Didier Motchane in the Fondation Marc-Bloch founded in March 1998. This club is equally open to right-wing 'souverainistes' coming from an RPR faction established around the journal 'Une Certaine Idée' and to personalities attached to Pierre de Villier's Mouvement pour la France.
 - 17 See Francoise de la Serre, 'La politique européenne de François Mitterrand: innovante ou réactive?', in: Samy Cohen (ed.), *Mitterrand et la sortie de a guerre froide* (Paris: PUF, 1998), pp. 109–125, esp. pp. 112 ff.
 - 18 See *Le Monde*, 7 June 1997, p. 2.
 - 19 See Conclusion.
 - 20 See Interview with Foreign Affairs Minister Védrine on Franco-German relations and European integration, in: *Libération*, 24 November 1998, pp. 8 f.
 - 21 See IPSOS 1998, survey realised on behalf of the European Affairs Ministry.
 - 22 See interview with a civil servant at the National Assembly, 30 September 1998.
 - 23 See IPSOS 1998, *op. cit.*
 - 24 See Marie-Christine Kessler, *La politique étrangère de la France. Acteurs et processus* (Paris: Presses de Sciences Po, 1999), p. 193.
 - 25 Any of the three difficult European negotiations during the three cohabitation periods (1986–88 SEA, 1993–95 GATT, 1997 Stability Pact) were achieved in a consensual mode. See also Jean Massot, *Alternance et Cohabitation sous la Vième République* (Paris: La Documentation Française, 1997).
 - 26 See Jean-Marie Colombani, *Le Résident de la République* (Paris: Stock, 1998).
 - 27 See Olivier Duhamel, *Le Pouvoir Politique en France* (Paris: Presses Universitaires de France, 1991), p. 35.
 - 28 Samy Cohen, 'Diplomatie. Le syndrome de la présidence omnisciente', in: *Esprit*, No. 9/1990, pp. 55–67. See also Jean-François Revel, *L'Absolutisme Inefficace ou: Contre le Présidentialisme à la Française* (Paris: Plon, 1992).
 - 29 See Jean-Louis Quermonne, 'Chronique d'une Révision Constitutionnelle Improvisée: A propos de la Loi Constitutionnelle du 4. Aout 1995', in: *French Politics & Society*, No. 4/1995, pp. 1–11.
 - 30 The French Constitution of 4 October 1958, authorised translation of the Ministry of Foreign Affairs, updated edition, 1996. During cohabitation periods the presidential referendum is a blunt sword, because it is conditional on a governmental initiative.
 - 31 See Circulaire du 6 Juin 1997, *Journal Officiel* du 7/6/1997.
 - 32 Louis Dubouis, 'The European Union: An Opportunity for the French Parliament to Recover Powers?', in: *European Monographs*, No. 11/1996, pp. 49–63.

- 33 Decision No. 45, in: Louis Favoureu and Loïc Philip, *Les Grandes Décisions du Conseil Constitutionnel* (Paris: Dalloz, 1997).
- 34 See Franco Rizzuto, 'The French Parliament and the EU: Loosening the Constitutional Straitjacket', in: Philip Norton (ed.), *National Parliament and the European Union* (London: Cass, 1996), pp. 46–59.
- 35 There has been only one vote of 'no confidence' on governmental European policy after Maastricht concerning the reform of the CAP. See *Journal Officiel* – Assemblée Nationale/Débats, séance du 1 Juin 1992, pp. 1741–1763.
- 36 See Circulaire du 21 Avril 1993 relative à l'application de l'Article 88(4) de la Constitution, *Journal Officiel* du 22/4/1993; Circulaire du 19 Juillet 1994 relative à la prise en compte du Parlement français dans l'élaboration des actes communautaires, *Journal Officiel* du 21/7/1994.
- 37 Delegations are more or less able to 'control' the governmental transmission practice, because apart from the implications in Article 88(4) (of the French Constitution) procedure they are still fulfilling their 'traditional' general information functions: following Loi No. 94–476 du 10 Juin 1994, government has to provide them with all documents concerning pillar two and three issues, but of course the chambers are not allowed to table resolutions on matters, that have been 'filtered out' by the Council of State: normally they present simple 'conclusions'.
- 38 See Senate's report No. 281, session 1997–98: Sur une révision de l'article 88–4 de la Constitution, rapporteur: Lucien Lanier.
- 39 Notably used by government during the IGC preparing the Treaty of Amsterdam, see Bertrand Benoît, *Social-nationalism: An anatomy of French Euroscepticism* (Ashgate: Aldershot, 1997), p. 56.
- 40 See *Bulletin de l'Assemblée Nationale*, Statistiques 1984–97.
- 41 See Alain Guyomarch, Howard Machin *et al.*, *France in the European Union* (London: Macmillan, 1998), p. 47.
- 42 See Circulaire du 21 Mars 1994, *Journal Officiel* du 31/3/1994.
- 43 See Christian Lequesne, *Paris–Bruxelles* (Paris: Presses de Sciences Po, 1993), pp. 59–77.
- 44 See Circulaire du 21 Mars 1994, *op. cit.*
- 45 See Christian Lequesne and Philippe Rivaud, *The Politico-Administrative Institutions of France and the European Union. Towards Fusion?* (Manchester: Manchester Papers in Politics, 1998), Annexes.
- 46 See Jean-Luc Sauron, *L'application du droit de l'Union européenne en France* (Paris: La Documentation Française, 1999), p. 59.
- 47 See Lequesne, 1993, *op. cit.*, pp. 31 ff.
- 48 See Rapport au Premier Ministre, L'Etat en France. Servir une Nation Ouverte sur le Monde (Paris : La Documentation Française, 1995), pp. 118 ff.
- 49 See Circulaire du 21 Mars 1994, *op. cit.*
- 50 See Marie-Christine Kessler, *Les Grands Corps de l'Etat* (Paris: PUF, 1994), pp. 94 ff.
- 51 See earlier warnings from Rocard: Circulaire du 22 Septembre 1988, *Journal Officiel* du 15 Octobre 1988.
- 52 See Wolfgang Wessels, 'Administrative Interaction', in: William Wallace (ed.), *The Dynamics of European Integration* (London: Pinter, 1992), pp. 241–292.

- 53 See Circulaire du 21 Mars 1994, *op. cit.*
- 54 Christian Lequesne, 'Coordonner la Politique Européenne de la France', in: *Projet*, No. 4/1987, pp. 41–56.
- 55 See the classical study from Ezra N. Suleiman, *Politics, Power, and Bureaucracy in France: The Administrative Elite* (Princeton: Princeton University Press, 1974).
- 56 Schmidt, 1996, *op. cit.*, p. 234.
- 57 This is also due to the still quite unchallenged view that French economic actors are bounded by principles of 'national interest', See Elie Cohen, 'Dirigisme, politique industrielle et rhétorique industrialiste', in: *Revue Française de Sciences Politiques* No. 2/1992, pp. 210–243.
- 58 See 'La ruée vers l'Europe des syndicats français', in: *Libération*, 29 June 1999, p. 22.
- 59 See Michel Clamen, *Bruxelles au jour le jour. Petit guide des négociations communautaires* (Paris : La Documentation Française, 1996).
- 60 See the Organigram of the French Permanent Representation at 1 April 1998.
- 61 See 'La Mission Marché Unique de la Direction des Relations économiques extérieures', in: *Les Notes Bleues de Bercy*, 134, 1–15 May 1998, pp. 1–7 (here p. 6).
- 62 See Jean-Claude Douence, 'The Evolution of the 1982 Regional Reforms', in: John Loughlin and Sonia Mazey (eds), *The End of the French Unitary State?* (London: Cass, 1995), pp. 10–24.
- 63 See Arthur Benz, 'Politikverflechtung ohne Politikverflechtungsfälle – Koordination und Strukturpolitik im europäischen Mehrebenensystem', in: *Politische Vierteljahresschrift*, No. 3/1998, pp. 558–589 (here pp. 556 ff.).
- 64 Richard Skrzypczak, *Collectivités locales. L'Europe partenaire* (Paris: La Documentation Française, 1997), p. 76.
- 65 See Hugues Portelli (ed.), *La décentralisation française et l'Europe* (Boulogne: Pouvoirs Locaux, 1993).
- 66 Richard Balme and Bernard Jouve, 'Building the Regional State: Europe and Territorial Organization in France', in: Lisbeth Hooghe (ed.), *Cohesion Policy and European Integration: Building Multi-Level Governance* (Oxford: Oxford University Press, 1996), pp. 219–255 (here p. 223).
- 67 See Patrick Le Galès and Christian Lequesne (eds), *Les paradoxes des régions en Europe* (Paris: La Découverte, 1997).
- 68 See Wolfgang Wessels, 'Institutions of the EU System: Models of Explanation', in: Wolfgang Wessels and Dietrich Rometsch (eds), *The European Union and the Member States: Towards Institutional Fusion?* (Manchester: Manchester University Press, 1996), pp. 20–36.
- 69 See Yann Aguila, 'Le rôle du Conseil d'Etat', in: Henri Roussillon (ed.), *L'article 88–4 de la constitution française. Le rôle du parlement dans l'élaboration de la norme européenne* (Toulouse: Presse de l'Université des Sciences Sociales de Toulouse, 1995), pp. 161–171.
- 70 See Letter from the Prime Minister to President of Assembly's Delegation, 10 July 1995, in: Assemblée Nationale, *L'Assemblée Nationale et l'Union Européenne*, Paris, pp. 121 f.
- 71 See Circulaire du 21 Mars 1994, *op. cit.*

- 72 See Jean Luc Sauron, *Droit communautaire et décision nationale* (Paris: LGDJ, 1998), p. 67.
- 73 Interview with a National Assembly civil servant, 30 September 1998. See on the politics of 'false A-points': Jeffrey Lewis, 'Is the 'Hard Bargaining' Image of the Council Misleading? The Committee of Permanent Representatives and the Local Elections Directive', in: *Journal of Common Market Studies*, No. 36/1998, pp. 479–504 (here pp. 493 ff.).
- 74 Interview with a National Assembly civil servant, 30 September 1998.
- 75 See Assemblée Nationale, *Le Nouveau Règlement de l'Assemblée Nationale* (Paris, 1994).
- 76 Interview with a Senate civil servant, 2 October 1998.
- 77 The Amsterdam Treaty stipulates in its protocol No. 9, that a six-week period has to be respected between the Commission's transmission of a legislative proposal to Council and the EP and the inscription at the Council's agenda.
- 78 Interview with a National Assembly civil servant, 30 September 1998.
- 79 This disposition constitutes an significant weakening of the governmental prerogatives concerning the parliamentary agenda-setting (Article 48 of the French Constitution).
- 80 Circulaire du 19 Juillet 1994, *op. cit.*
- 81 Notably during the IXth legislature, when French MEPs participated actively in the National Assembly's work on the reorganisation of fruit and wine markets, see Assemblée Nationale, 1994, *op. cit.*, p. 79.
- 82 Sénat, *Bulletin d'informations rapides*, No. 727, 25 Mai 1999, p. 31.
- 83 See Sauron, 1999, *op. cit.*, pp. 57 ff.
- 84 For more details on implementation of EC decisions in France, see Andrea Szukala, 'Europäische Mehrebenengesetzgebung und nationale Non-Compliance', in: Stephanie Pfahl *et al.* (eds), *Institutionelle Herausforderungen im Neuen Europa* (Opladen: Westdeutscher Verlag, 1998), pp. 243–274.
- 85 See *Proposition de loi* No. 469 du 3 mars 1997 sur la responsabilité du fait des produits défectueux.
- 86 French farmers destroyed Spanish lorryloads while the French police present took no action (see Judgement of the ECJ: C-265/95, Commission/France).
- 87 Judgement of the ECJ: C-166/97, Commission/France. See Yves Mény, 'France', in: Heinrich Siedentopf and Jacques Ziller (eds), *Making European Policies Work*, National Reports, Vol. 2 (London: Sage, 1988), pp. 279–373.
- 88 See Vivien A. Schmidt, *From State to Market? The Transformation of French Business and Government* (Cambridge: Cambridge University Press, 1996), Chapter 7.
- 89 See DC No. 74/54 du 15 Janvier 1975, *Réceuil*, 1975, pp. 19 ff.
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- 91 See conclusions: the ratification of the Amsterdam Treaty.
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- 94 See Circulaire du Garde des Sceaux du 25 Mars 1997.
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- 96 See Clamen, 1996, *op. cit.*, pp. 80 ff.
- 97 See DC 97-394 du 30 Décembre 1997.
- 98 See Annexe 'Projet de loi constitutionnelle': Décret du 30 Décembre 1998, tendant à soumettre un projet de loi constitutionnelle au parlement réuni en Congrès, *Journal Officiel* du 31/12/1998.
- 99 See the common declaration of Belgium, Italy and France annexed to the Amsterdam Treaty, see Loi 99-239 du 23 Mars 1999, *Journal Officiel* du 25/3/1999.

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