

## ***“The extraordinary measures facing the crisis - The French case”***

Sylvia Brunet

*University of Rouen Normandie, France*

### **Hand out**

#### **1- Introduction: The chronology of the management of the sanitary crisis in France**

- Decree of the 16<sup>th</sup> of March 2020: General lockdown (until the 11<sup>th</sup> of May).
- Act of Parliament of the 23<sup>rd</sup> of March 2020: “State of emergency” system (*état d’urgence sanitaire*), ie a new exceptional regime in the event of a “health disaster” (night curfew, lockdown, other exceptional measures...). Extension of the state of emergency at least up to the 1<sup>st</sup> of June 2021.

#### **2- The extraordinary legal management of the crisis**

##### 2-1. Extraordinary decision-making processes

- The surprising fundamental role of the “Covid-19 scientific council” and the “Defence Council”.
- “Hyper-presidentialism” and reinforced normative power of the Prime Minister and certain Ministers.
- Criticisms and criminal complaints against Ministers and former Ministers.

##### 2-2. Extraordinary weakening of national and local democracy

- Authorisation by Parliament for the Government to pass measures by “ordinance” (art. 38 Const.); transfer of all prescriptive power to the Executive; no political control.
- The central Executive power alone oversees the management of the crisis, without relying on locally elected representatives.

##### 2-3. Extraordinary undermining of the rule of law

- The jurisdictional guarantee does not seem to play the full role it should have.
- Prime Minister is allowed to take “the most restrictive measures” for rights and freedoms.

But this domestic centralised and technocratic management of the crisis furthermore allows to provide adequate concrete solutions to the actual economic crises.

#### **3- The extraordinary economic management of the crisis**

##### 3-1. The French current recession

- Increase in poverty and decline in turnover.
- Increase of more than 600 000 unemployed people.
- GDP decreased by 8,3% in 2020. The country loses €20 billion growth every month.

##### 3-2. The domestic extraordinary short-term budgetary measures

- Emergency measures and economic recovery plan (€100 billion), “whatever the cost” (President Macron, March 2020).
- Supply-side policy: Sovereign loans, tax deferrals and load transfers, solidarity fund for small businesses, various exceptional aids, part-time working arrangements (for 34% of the employees) ...
- High level of debt (almost 120% of GDP), but 6% economic recovery from 2021?

##### 3-3. The EU extraordinary measures

- In times of crisis (2020): Safety nets for workers, businesses and member States (€540 billion); economic recovery plan (“Next Generation EU”, €750 billion); long-term budget 2021-2027 (€ 1 074,3 billion)...
- Same involvement in “normal” circumstances?

#### **4- Conclusion**

- The sole way out of the economic crisis is to get out as soon as possible of the sanitary crisis.
- We also have to get out of an “emergency” and “exceptional” regime, which must not become ordinary law.
- The EU may have a role to play by finding not only economic, but also political long-term common solutions.