

The 2022 French Parliament

or how to govern without an absolute majority





The second round of France's legislative elections, which took place on June 19th 2022, saw freshly re-elected **President Emmanuel Macron lose his absolute majority in the National Assembly**, the lower and more powerful house of Parliament. He will now have to contend with strong opposition forces to his right and left in order to govern, passing laws without parliament or on a case-by-case basis.

In this Policy Flash, **AmCham France decrypts these political changes and what they could mean for the French business environment.**

Legislative elections in France take place every five years (barring the dissolution of the National Assembly) in the weeks following the presidential election. French citizens vote for the 577 members of the lower house of parliament, who are elected by majority during one or two rounds (only a clear majority dispenses of a second round).¹ In 2017, President Emmanuel Macron's party had won 350 seats in the legislative elections, placing it comfortably above the 289-seat threshold to secure an absolute majority. While newly-elected French Presidents tend to win absolute majorities in Parliament, re-elected Presidents are usually more challenged (this was the case for former Presidents Jacques Chirac and François Mitterrand).

In France's semi-presidential system, the President is popularly elected and holds considerable constitutional powers. The appointment of the Prime Minister and their government is drawn from the party or coalition of parties that hold a majority of seats in the house. A set of checks and balances preserves the separation of powers as the executive and legislative branches are politically accountable to one another.

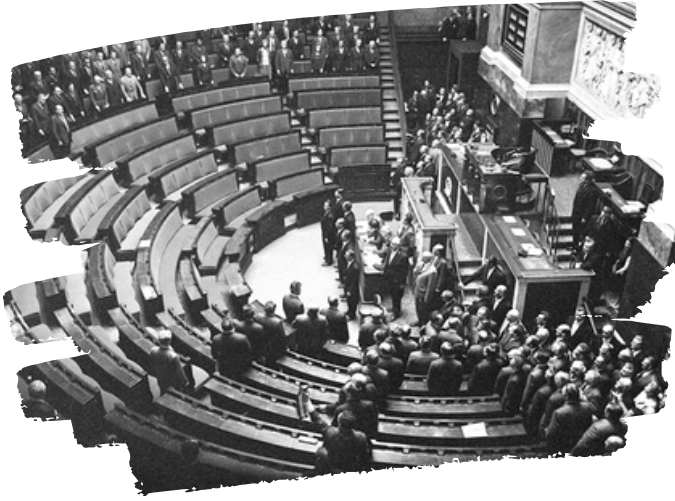
For instance, the government can be subject to a vote of "no confidence" by parliament, as the President has the power to dissolve the lower house and order new elections.

Although Emmanuel Macron's coalition came in first in overall in this year's elections, it retained only **245 seats**. Macron, who's said to have ruled with little input from Parliament during his first term, will have to find allies outside of his coalition in the National Assembly to govern effectively. However, supports outside his coalition could be hard to find : *Les Républicains* (LR), whose political orientations seem most compatible with the President's economic policies, are heavily antagonistic towards Emmanuel Macron as he is considered as largely responsible for LR's dwindling influence in French politics. They have refused any form of alliance with the governing party, stating they will consider legislation on a case-by-case basis. The second and third largest parliamentary groups, the *Rassemblement National* (RN) and *La France Insoumise* (LFI), are openly hostile to Emmanuel Macron's policies and seem unlikely to cooperate with him.

This parliamentary election was marked by **very high levels of abstention**. As President Macron and his government seemed focusing on the war in Ukraine, the French electorate appeared to suffer from election fatigue. **Less than 47% of registered voters went to the polls for the second round of the election**. This low turnout is considered to have been favorable to parties that have historically struggled to send their candidates to the French Parliament, such as The *Rassemblement National* and *La France Insoumise* - both parties having made major gains during the election.

1 - Sylvia Edwards Davis, *French Entrée*, "How the french government works", 06/17

The legislative elections - by the numbers



- Voter abstention neared an all-time high : **nearly 54% of registered voters did not vote** during the second round of these 2022 legislative elections.
- Gender parity remains elusive in the lower house : **the new parliament will seat 215 women and 362 men.**²

Ensemble!, an alliance which gathers the President's party and his allies, counts **245 MPs**. Although still **the largest party in Parliament**, the presidential majority lost 106 seats compared to 2017. A number of government Ministers lost their seats and thus had to resign : Amélie de Montchalin (Ecological Transition), Brigitte Bourguignon (Health) and Justine Benin (Sea). The President of the National Assembly, Richard Ferrand and the head of the *Renaissance* party, Christophe Castaner, also lost.

Ensemble!
245

The NUPES, a new alliance between the far-left *La France Insoumise (LFI)*, the greens, the socialist party and the communist party, surprised observers by winning **131 seats**, making it **the first force of opposition in the National Assembly**. The day following the election, LFI leader Jean-Luc Mélenchon suggested to his alliance partners that they form a single parliamentary group. This proposition was turned down, each other party preferring to form their own parliamentary group.³

NUPES
131

With 89 MPs, *the Rassemblement National (RN)* also made a historic breakthrough. The far-right party, which only had eight elected MPs in 2017, **has multiplied its ranks in parliament by 7**. Marine Le Pen's party will be able to form a parliamentary group for the first time since 1986. The last time the RN formed a group in the National Assembly, it was called the *Front National*, and its president was Jean-Marie Le Pen.

RN
89

Les Républicains and their allies from the moderate right elected only **74 MPs**, down from 131 in 2017, when they represented the first opposition force. They are said to represent Emmanuel Macron's best chance at passing bills through Parliament.

LR
64

The result of these legislative 2022 elections also led to the election of 22 deputies various left, 10 regionalists, 4 centrist unaffiliated MPs and a MP for the sovereignist right.

2 - Paris Normandie, "Législatives 2022. Parité, opposition, abstention... Six choses à retenir du second tour", 20/06/22

3 - Alexandre Rousset, "Jean-Luc Mélenchon échoue à imposer un groupe unique à l'Assemblée", *Les Echos*, 21/06/22

Key positions



President of the National Assembly : Yaël Braun-Pivet is the first woman to be elected President of the National Assembly, a critical position in the French state.

Elected for the duration of the legislature, the President of the Assembly has many prerogatives : she works closely with the President of the Republic who may require her assent to dissolve the Assembly or invoke exceptional powers in times of crisis. The President of the Assembly has the right to refer matters to the Constitutional Council, of which she appoints three members. Above all, she has a key role in the organization of parliamentary

proceedings and in directing debates in public sessions.⁴ The diversity present in this Parliament will definitely lead to more sustained debates on the floor of the National Assembly.

Vice Presidents : Valérie Rabault (PS), **Sébastien Chenu** (RN), **Caroline Fiat** (LFI), **Elodie Jacquier-Laforge** (MoDem), **Naïma Moutchou** (Horizons) et **Hélène Laporte** (RN).⁵

Committee Presidents⁶

They shall ensure that the amendments presented in committee comply with Article 40 of the Constitution (financial admissibility), in order to prevent the committee from introducing inadmissible provisions into the text discussed in the parliamentary sitting. They also have the privilege of speaking in public session whenever they wish.



Committee on Cultural Affairs and Education
Isabelle Rauch (Horizons)



Committee on Economic Affairs
Guillaume Kasbarian (Renaissance)



Committee on Social Affairs
Fadila Khattabi (Renaissance)



Committee on Sustainable Development and Regional Planning
Jean-Marc Zulesi (Renaissance)



Committee on Foreign Affairs
Jean-Louis Bourlanges (Modem)



Committee on Defense
Thomas Gassilloud (Renaissance)



Law Committee
Sacha Houlié (Renaissance)



Finance Committee
Éric Coquerel (La France Insoumise)

The position of Chairman of the Finance Committee has been reserved for the opposition since 2007. This committee has a strategic role: it examines budgets before they arrive to Parliament, or certain bills, such as the one on purchasing power. It also offers access to confidential taxation information.⁷ **For the first time, this position will be held by a member of LFI, Éric Coquerel.**

4 - Mariama Daramé et Jérémie Lamothe, "Yaël Braun-Pivet entre dans l'histoire comme la première femme élue à la présidence de l'Assemblée nationale", *Le Monde*, 29/06/22

5 - Marie Pouzadoux, Simon Auffret et Charles-Edouard Ama Koffi, "Le Rassemblement national obtient deux des six vice-présidences, Eric Ciotti réélu à la questure... Les députés ont élu le bureau de l'Assemblée nationale", *Le Monde*, 29/06/22

6 - Raphaël Marchal et Maxence Kagni, "Qui sont les présidents des commissions permanentes de l'Assemblée", *LCP*, 30/06/22

7 - "Éric Coquerel élu à la présidence de la commission des finances de l'assemblée nationale", *france24*, 30/06/22

Elected secretaries of the Assembly :

They supervise the voting and the counting of certain ballots.

Christophe Blanchet, **Caroline Janvier**, **Claire Pitollat**, **Rémy Rebeyrotte** and **Jean Terlier** (Renaissance), **Soumya Bourouaha** (Gauche démocrate et républicaine), **Yannick Favennec-Bécot** (Horizons), **Philippe Gosselin** (Les Républicains), **Pierre Morel-A-L'Huissier** (Liot), and **Laurence Vichnievsky** (MoDem), **Danièle Obono** (La France Insoumise) and **Hubert Julien-Laferrrière** (Ecologiste).

Group Presidents

They will play a key role during Emmanuel Macron's five-year term. As the main representatives of the political nuances of the Assembly, they will be privileged interlocutors during the negotiations.



Mathilde Panot
(La France Insoumise-NUPES)



Boris Vallaud
(Parti Socialiste-NUPES)



André Chassaigne
(Gauche Démocrate et Républicaine-NUPES)



Julien Bayou
(Écologistes-NUPES)



Aurore Berger
(Renaissance)



Olivier Marleix
(Les Républicains)



Marine Le Pen
(Rassemblement National)



Bertrand Pancher
(Libertés, Indépendants, Outre-mer et Territoires)

*A parliamentary group is composed of at least **15** members*

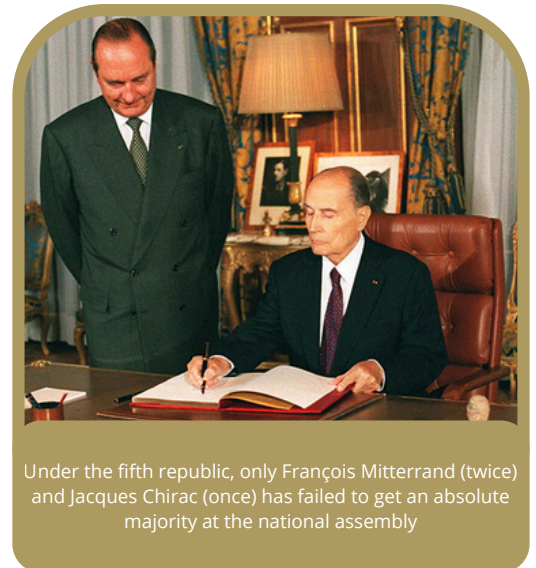
- Group membership allows elected representatives to perform certain key functions within the primary organs of the National Assembly, notably amongst parliamentary committees, which are responsible for much legislative output. The committees are intended to be populated in ways that are representative of the weight of size of each parliamentary group.
- Groups chairmen also participate in the all-important Conference of Presidents, where the agendas of parliamentary sessions are decided.
- A party's number of seats in the standing committees is proportionate to the number of seats they hold in the Parliament
- Parliamentary groups also have the right, once a month to set agenda unilaterally. i.e. the subjects that the MPs must address during a meeting (i.e., a debate topic or a bill).
- Groups membership allows for a financial endowment for offices and meeting rooms.⁸

The challenges of ruling without an absolute majority in parliament

Legislative elections have not always coincided with presidential elections in France. Up until the constitutional reform of 2000, French Presidents ruled for 7 years (now 5). This created a gap between the legislative elections (every 5 years) and the presidential elections, leading to situations where voters could 'punish' sitting Presidents, as is customary during midterms in the United States. This happened in 1986, during President François Mitterrand's first seven-year term.

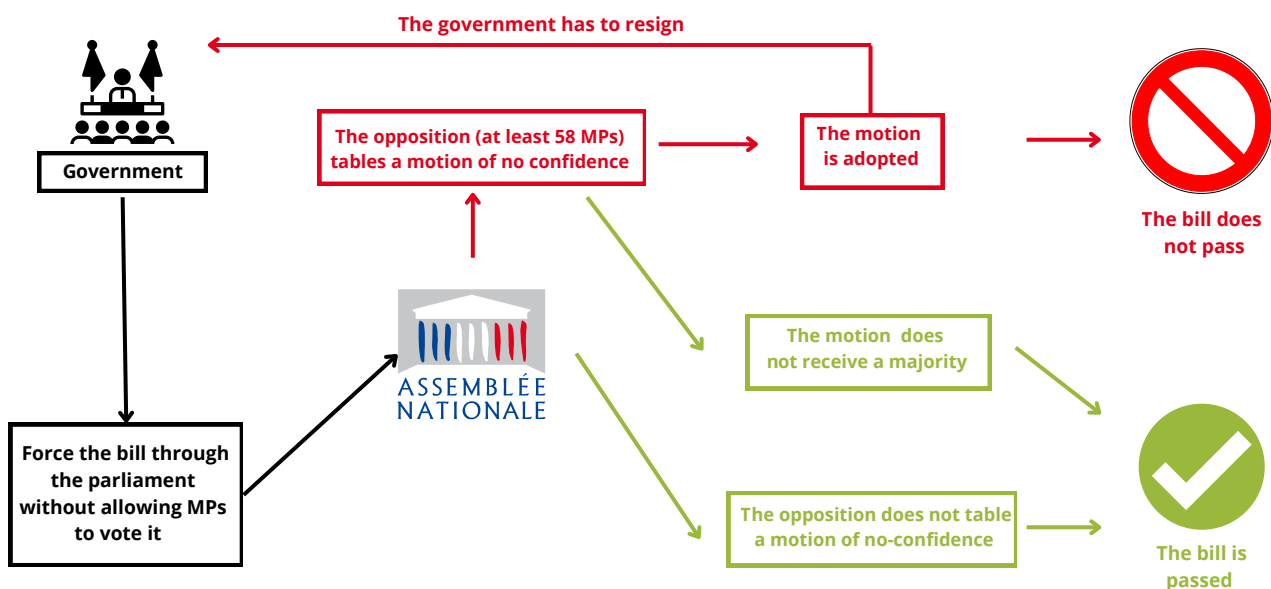
To find a conundrum similar to the one faced by President Macron requires a look back to the Presidency of François Mitterrand between 1988 and 1993; the only other period of relative majority in the Fifth republic. At that time, the majority had to rely on the negotiating skills of Mitterrand's Minister for Relations with Parliament to negotiate with the opposition parties on texts. Former President Mitterrand also had to make use of the **article 49-3 of the Constitution, which allows the government to pass bills without the assent of Parliament.**

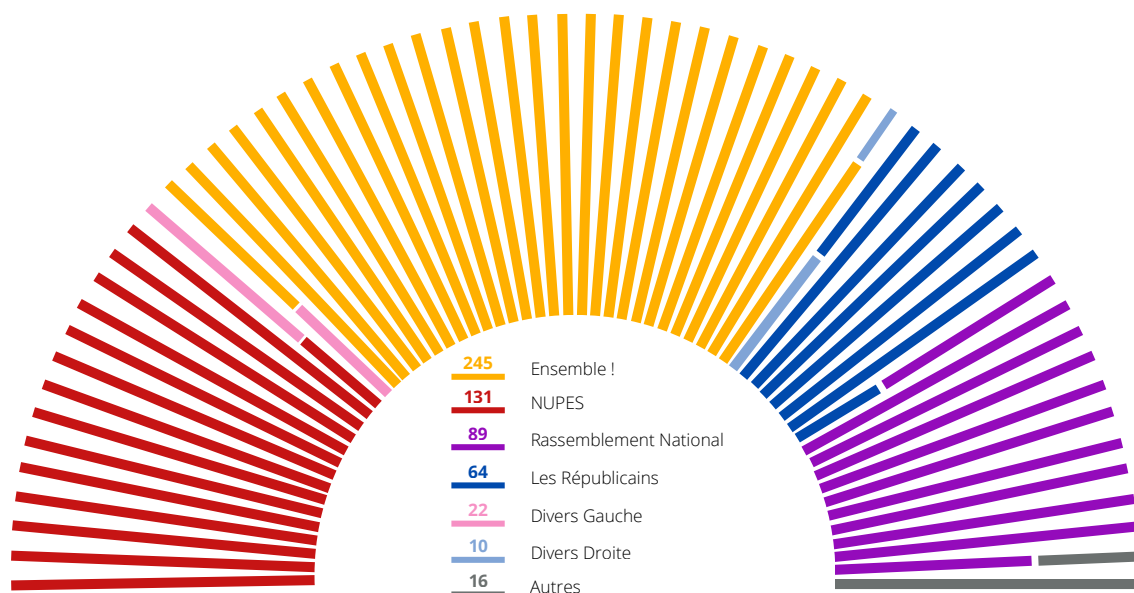
Since a 2008 reform, the use of this clause has been made more difficult. The Government will have to rely on Franck Riester (Minister in charge of relations with Parliament) to negotiate with opposition groups in Parliament.



How does the '49-3' work?

Since the constitutional reform of July 23, 2008, with the exception of the finance bill and the social security financing bill, Article 49.3 can only be used on one text per parliamentary session (a session ordinarily lasts 9 months). Before this revision of the Constitution, the government could use it as often as it pleased and on any text.⁹





The composition of this new Assembly, along with the increased difficulties of using the 49-3 clause, will force Prime Minister Elisabeth Borne to find allies outside her political allies to pass tests, generating a more important parliamentary debate. However, it is not yet clear what forces would allow her to achieve it.

There seems to be 2 options available to the Borne government :

- build majorities on a case-by-case" basis in order to gather the votes of at least 289 deputies needed to pass legislation.¹⁰
- enter into a coalition agreement with another group, most likely *Les Républicains*. This option has been defended by a key LR figure, Jean-François Copé, who pleads for right-wing MPs to form "a government pact" with President Macron, thereby giving the party the ability to influence the President's agenda. Although a number of 'Macronists' favor this scenario, it has been ruled out by LR president Christian Jacob, who would rather his party be part of the "opposition".¹¹

How does *Ensemble!* work ?

Ensemble! is the name of the new coalition that brings together *En Marche* (now called *Renaissance*), *Agir*, the *MoDem*, *Horizons* and three other parties. Each party is held by a major figure in the majority.



*Ensemble!
are lacking*

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*MPs to obtain an
absolute majority*

As a last resort, Emmanuel Macron could consider dissolving the National Assembly and call for a new election : sitting Presidents have a constitutional right to do so. However, there is no guarantee that doing so would provide the President with a more favorable result. The last President to dissolve the Assembly, Jacques Chirac, lost his majority in parliament by calling such a vote.

10 - Olivier Faye, "Les élections législatives brisent l'élan du second mandat d'Emmanuel Macron", *Le Monde*, 19/06/22

11 - Alexandre Lemarié, "Le camp Macron craint une « paralysie totale » après les législatives et évoque « une dissolution » de l'Assemblée dans un an", *Le Monde*, 19/06/22

Could this new power dynamic in Parliament impact France's attractiveness?

Macron's failure to secure an absolute majority in Parliament, coupled with the rise of the far left, jeopardizes the President's ambition to implement his economic program. The current disposition of the legislative branch, tackling the current economic issues will require constant and thorough debates, during which the majority will aim at reaching agreements with opposition groups. However, pro-Europe measures might be the hardest to enforce, as the main opposition parties are largely 'euro-sceptic'.¹²

Following the public deficit skyrocketing to 114.5% of GDP in the first quarter of 2022, one of Emmanuel Macron's major stated economic goals for his second term is to begin **paying down public debt** as early as 2026 and to return to an annual deficit of less than 3% by 2027. In the event of an excessive deficit, public administrations capture savings to the detriment of the financing of private companies (this is known as the "crowding-out effect"). Moreover, excessive public spending can reduce growth by pushing households to save more as they anticipate tax hikes.

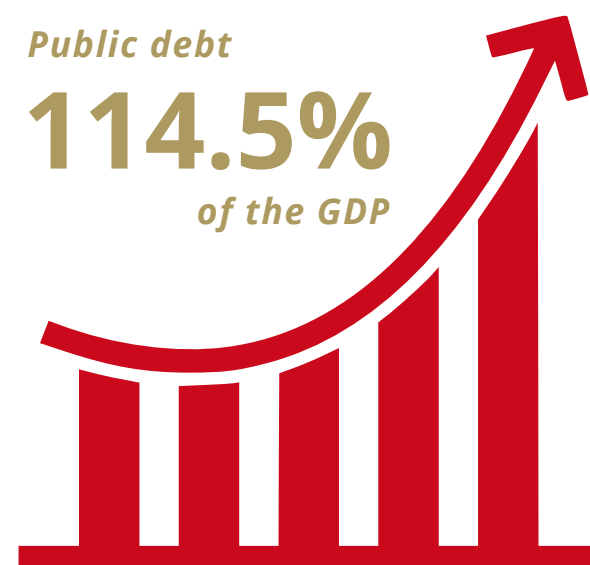
The impact of rising inflation could make a return to fiscal orthodoxy both difficult and unlikely. The government has already started mitigating the effects of rising energy prices on consumers.

Both LFI and the RN, representing major forces in Parliament, campaigned heavily on measures in favor of the purchasing power of citizens. Thus, they are likely to show vocal opposition to any measure pointed towards balancing the budget at the expense of the consumer.

Divisions in the lower house could also impede Emmanuel Macron's ability to follow through with his **pension reform**. LFI and the RN are either in favor of maintaining the age of retirement or of reducing, rather than extending it to 65, as planned by Emmanuel Macron. Thus, this reform appears likely to be heavily watered down.

Different factions in the National Assembly will also have to deal with many highly disputed topics, especially when it comes to **energy**. President Macron is expected to face strong opposition to his plans for the green transition; either from the far left, which opposes building new nuclear reactors, or the far-right, which is against increasing the number of wind and solar farms.¹³

Finally, LFI and the RN's support of protectionist policies and their opposition to **trade agreements** could have an impact on the morale of foreign investors and hamper to French-American trade.



12 - Nicolas Bouzou, "Législatives : quelle conséquence pour la politique économique française ", *Europe 1*

13 - Virginie Malingre, "Le Parlement européen rejette une réforme-clé pour atteindre la neutralité carbone", *Le Monde*, 08/06/22



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