

FRENCH CONSTITUTIONAL COUNCIL VALIDATES PENSION REFORM

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As was widely expected, the Constitutional Council validated almost the entire pension reform law on Friday, April 14th at 6 p.m., as adopted through the use of Article 49.3 of the Constitution on March 20th.

Unsurprisingly, the Constitutional Council, chaired by socialist former Prime Minister Laurent Fabius, has given [its green light](#) to the pension reform law favoured by Emmanuel Macron. Opponents had hoped that the institution that monitors the constitutionality of laws would invalidate the law on the grounds that it was a ‘legislative rider’—i.e., that it was tacked onto the 2023 social security financing law, diverting the latter from its primary objective. This argument was not accepted by the judges.

While validating the law as a whole, the Constitutional Council acknowledged that its adoption had been hampered by an “unusual” use of procedures aimed at restricting debate—a way of criticising, albeit in a discreet and moderate way, the methods employed by the government in recent weeks.

In detail, six secondary provisions of the law were invalidated. Among them was the creation of a ‘senior index’ for companies with more than 1,000 employees, intended to measure their capacity to employ the over-60s, and a ‘senior work contract,’ intended to facilitate the hiring of the over-60s. These provisions were part of the additions made by the governmental Right to the initial text.

Prime Minister Élisabeth Borne welcomed the judges' decision, saying that the text had reached “the end of its democratic process.” On Twitter, she saw fit to add: “tonight, there is no winner or loser.”

https://twitter.com/Elisabeth_Borne/status/1646910168146296835

Opposition forces reacted in different ways to the publication of the Constitutional Council's opinion.

The president of Les Républicains, Éric Ciotti, called on “all political forces” to “accept” the decisions of the Constitutional Council. The leftist representative of La France Insoumise Jean-Luc Mélenchon voiced a different strategy: for him, “[the struggle continues](#)” and the ultimate goal remains to obtain the withdrawal of the text by mobilisation. The leader of the Rassemblement National deputies, Marine Le Pen, called on the French people to adopt a long-term vision: for her, the withdrawal of the law must be done at the ballot box, i.e., the victory of her camp in the next presidential elections, to roll back [a law deemed “useless and unfair.”](#)

Finally, the Constitutional Council rejected the request to organise a shared-initiative referendum on the reform. A new request will be examined at the beginning of May.