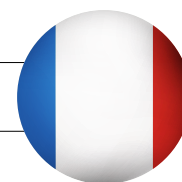




Indicators of Regulatory
Policy and Governance
EUROPE 2022
France



France

Overview and recent developments

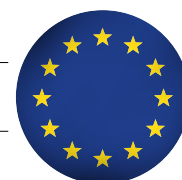
Since 2018, France has taken some steps to improve its regulatory policy system. In June 2019, the Prime Minister of France issued an instruction introducing the requirement for each legislative proposal to be accompanied by five impact indicators that must be included in regulatory impact assessment (RIA). The objective is to enable decision makers to measure the expected impacts of the policy in order to promote *ex post* evaluation. A first assessment of the “one-in, two-out” offsetting approach introduced in 2017 to limit standards imposing new constraints that are not set by law was carried out by the Council of Ministers in July 2019. The government reported net savings from this initiative (EUR 20 million in 2020 and EUR 63 million in July 2021). Since 2020, a communication is usually made after each Council of Ministers to report progress on priority reforms and a barometer of policies results has been made publicly available.

RIAs are required for all primary laws and major subordinate regulations. All RIAs prepared for primary laws or subordinate regulations are available online on a centralised platform, easily accessible by the public. *Ex post* evaluation takes place on an ad hoc basis, mainly for primary regulations, and is fragmented across a range of institutions.

While France still does not require public and stakeholder engagement for the development of new regulations, except for environmental regulations, informal consultations and the consultation of selected groups are frequent. For example, France has led a wide public consultation in 2019-2020 to conceive the Climate and Resilience Bill for which a panel of French citizens was directly involved in the preparation of the law. Public consultations conducted over the internet is used for both early-stage and late-stage stakeholder engagement on non-environmental issues, but not on a systematic basis.

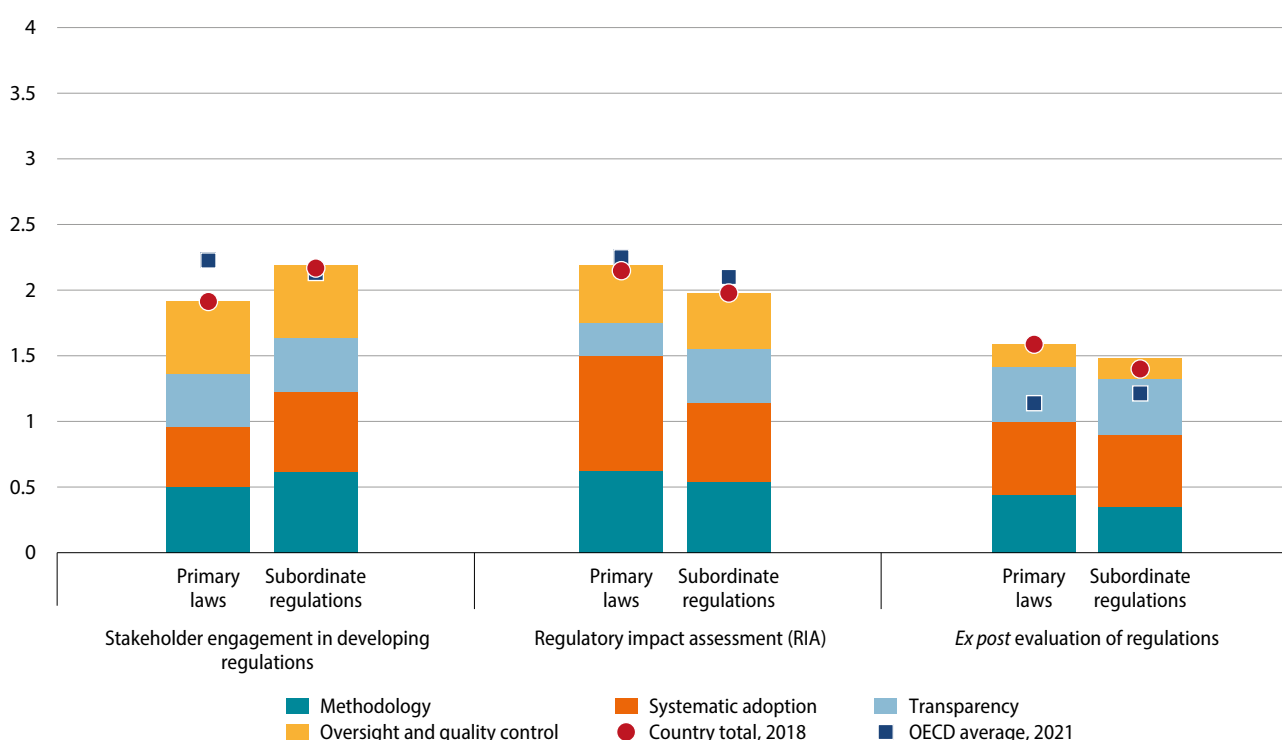
Under the authority of the Prime Minister, the Secrétariat Général du Gouvernement (SGG) ensures compliance with procedures (including for RIA and stakeholder engagement), inter-ministerial coordination, and liaison with the Conseil d’État and the Parliament. It guarantees the minimum quality of RIA, provides guidance, and ensures the appropriate publication of the legal text. The Conseil d’État also plays a critical role in regulatory policy, both upstream (through its consultative function for the government including its control of legal quality and stakeholder engagement) and downstream (as the administrative judge of last resort).

France could benefit from broadening its Better Regulation agenda to adapt and improve the quality of its regulatory system. France could for example open consultations more systematically to the general public to fully reap the benefits of stakeholder engagement. France could also improve its *ex post* review system by systemising the practice of evaluation.



INDICATORS OF REGULATORY POLICY AND GOVERNANCE (iREG): FRANCE, 2021

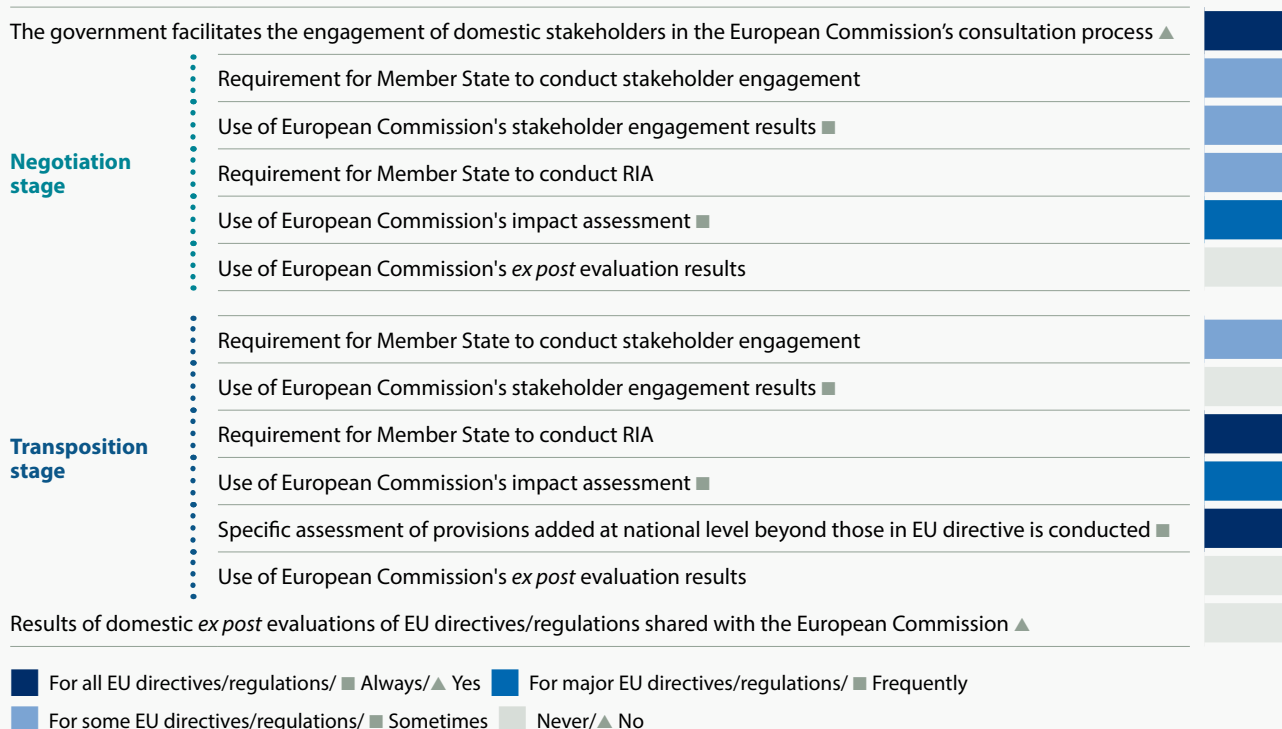
iREG score



Note: The more regulatory practices as advocated in the *OECD Recommendation on Regulatory Policy and Governance* a country has implemented, the higher its iREG score. The indicators on stakeholder engagement and RIA for primary laws only cover those initiated by the executive (72% of all primary laws in France).

Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/ireg>.

REQUIREMENTS TO USE REGULATORY MANAGEMENT TOOLS FOR EU-MADE LAWS: FRANCE



Source: Indicators of Regulatory Policy and Governance (iREG) Survey 2021, <http://oe.cd/ireg>.

THE OECD REGULATORY INDICATORS SURVEY AND THE COMPOSITE INDICATORS

The data presented in the *Better Regulation Practices across the European Union 2022* report are the results of the 2014, 2017, and 2021 indicators of Regulatory Policy and Governance (iREG) surveys. The results from these surveys for OECD member countries as well as the European Union have also been presented in the 2015, 2018, and 2021 OECD Regulatory Policy Outlooks. Composite indicators and country profiles for the five EU countries that are not members of the OECD were published for the first time and are based on the data from the 2017 and 2021 iREG surveys.

The Regulatory Indicators Survey investigates in detail three principles of the *2012 OECD Recommendation of the Council on Regulatory Policy and Governance*: stakeholder engagement, regulatory impact assessment (RIA) and *ex post* evaluation. Three composite indicators were developed based on information collected through the surveys for these areas. Each composite indicator is composed of four equally weighted categories:

- **Systematic adoption** which records formal requirements and how often these requirements are conducted in practice;
- **Methodology** which gathers information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used;
- **Oversight and quality control** records the role of oversight bodies and publicly available evaluations; and
- **Transparency** which records information from the questions that relate to the principles of open government e.g. whether government decisions are made publicly available.

The data underlying the composite indicators reflect practices and requirements in place at the national level of government, as of 1 January 2021. The indicators for stakeholder engagement and RIA relate to regulations initiated by the executive, while the indicator on *ex post* evaluation relates to all regulations. Whilst the indicators provide an overview of a country's regulatory policy system, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform. A full score on the composite indicators does not imply full implementation of the *Recommendation*. To ensure full transparency, the methodology for constructing the composite indicators and underlying data as well as the results of sensitivity analysis are available publicly on the OECD website (<http://oe.cd/ireg>).

Related links:

- Full report: [Better Regulation Practices across the European Union 2022](#)
- [Better Regulation Practices across the European Union 2019](#)
- [Indicators and underlying data and methodology](#)
- [Regulatory Policy Outlook 2021](#)
- [Recommendations and Guidelines on Regulatory Policy](#)
- [OECD Measuring Regulatory Performance Programme](#)
- [OECD work on regulatory policy](#)

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 <http://oe.cd/ireg>

