

France

Indicators of Regulatory Policy and Governance 2021





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 (20 million euros in 2020 and 63 million euros 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 co-ordination, 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.

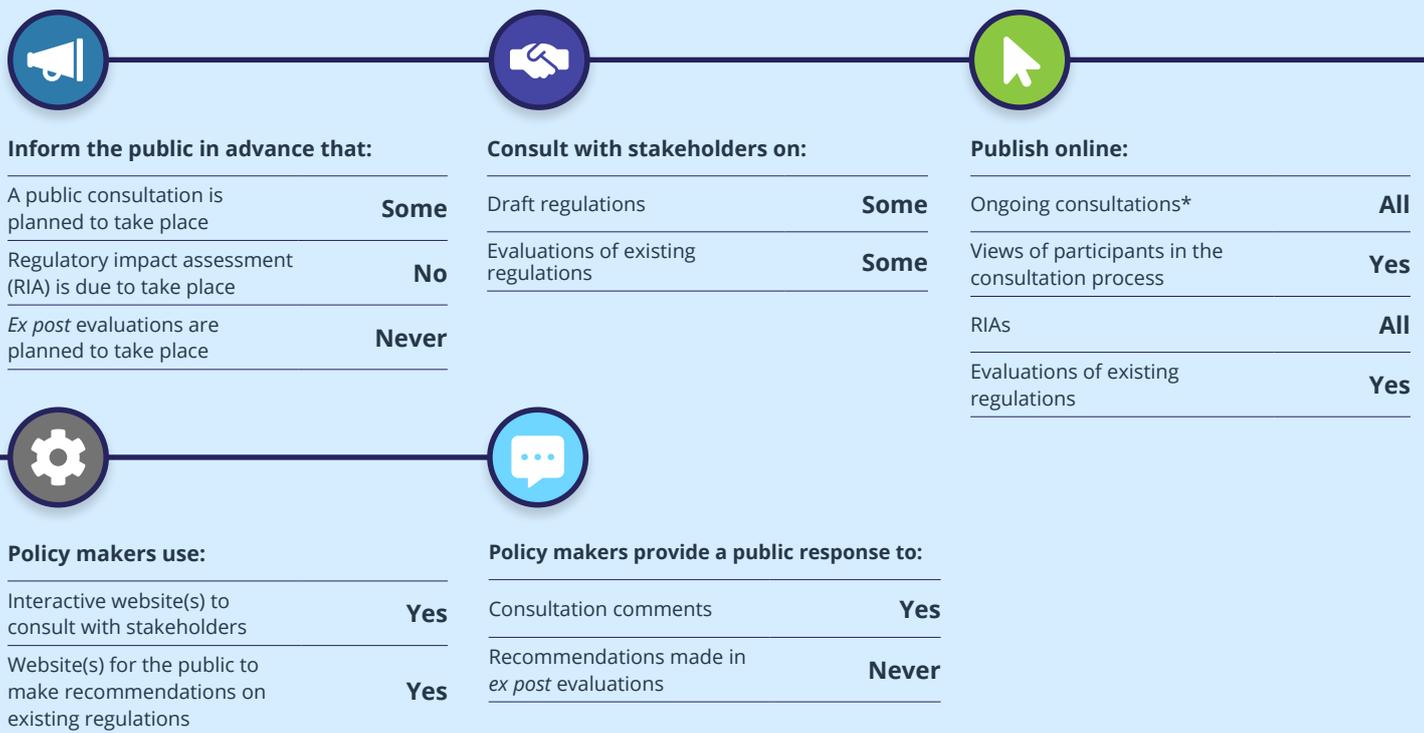
Indicators of Regulatory Policy and Governance (iREG): France, 2021

● Methodology
 ● Systematic adoption
 ● Transparency
 ● Oversight and quality control
 ■ Country total, 2018
 — OECD average, 2021



Notes: 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/iereg>.

France: Transparency throughout the policy cycle



* Publish on a single central government website.
 Note: The data reflects France's practices regarding primary laws initiated by the executive.
 Source: Indicators of Regulatory Policy and Governance Survey 2021, <http://oe.cd/iereg>.

