

Introduction: Conduct of the review

Peer review and country contributions

The review was conducted by a team consisting of members of the OECD Secretariat, and peer reviewers drawn from the administrations of other European countries with expertise in Better Regulation. The review team for France was:

- Caroline Varley, Project Leader for the EU 15 reviews, Regulatory Policy Division of the Public Governance Directorate, OECD.
- Sophie Bismut, Policy Analyst, EU 15 project, Regulatory Policy Division of the Public Governance Directorate, OECD.
- Susana Brasil de Brito, Director, Centro Jurídico (CEJUR), Presidency of the Council of Ministers, Portugal.
- Damian Nussbaum, Deputy Director, Better Regulation Executive (BRE), Department for Business, Innovation and Skills (BIS), United Kingdom.

The current review of France reflects discussions held in Paris by an OECD review team with French officials and external stakeholders on 30 January 2009 and 23-27 March 2009. Major initiatives and developments between these missions and clearance of the report for publication in May 2010 are referenced in the report, but have not been evaluated.

The team interviewed representatives of the following organisations:

- Association of the Mayors of France (Association des maires de France) (AMF).
- Association of the Regions of France (Association des régions de France) (ARF).
- Competition Authority (Autorité de la concurrence).
- Authority Governing Financial Markets (Autorité des marchés financiers) (AMF).
- prime minister's Office (Cabinet du Premier ministre).
- Centre for Strategic Analysis (Centre d'analyse stratégique) (CAS).
- Legal Commission of the National Assembly (Commission des lois de l'Assemblée nationale).
- National Commission for Public Debate (Commission nationale du débat public).
- Council of State (Conseil d'État).
- Court of Auditors (Cour des comptes).

- Department of Tax Legislation, Ministry of Budget, Public Accounts, the Civil Service and State Reform (Direction de la Législation fiscale, ministère du Budget, des Comptes publics, de la Fonction publique et de la Réforme de l'État).
- Department of Social Security (Direction de la Sécurité sociale) (DSS).
- Department of Civil Affairs and the Seal, Ministry of Justice and Freedom (Direction des Affaires civiles et du Sceau, ministère de la Justice et des Libertés).
- Department of Legal Affairs, Ministry of Budget, Public Accounts, the Civil Service and State Reform and the Ministry of Economy, Industry and Employment (Direction des Affaires juridiques, ministère du Budget, des Comptes publics, de la Fonction publique et de la Réforme de l'État et ministère de l'Économie, de l'Industrie et de l'Emploi).
- Competitiveness Department, Industry and Services (DGCIS), Ministry of Economy, Industry and Employment (Direction générale de la Compétitivité, de l'Industrie et des Services (DGCIS), ministère de l'Économie, de l'Industrie et de l'Emploi).
- Directorate General for the Modernisation of the State (DGME), Ministry of Budget, Public Accounts, the Civil Service and State Reform (Direction générale de la Modernisation de l'État (DGME), ministère du Budget, des Comptes publics, de la Fonction publique et de la Réforme de l'État).
- Directorate General of Local Authorities (DGCL), Ministry of the Interior, Overseas France and Local Authorities (Direction générale des Collectivités locales (DGCL), ministère de l'Intérieur, de l'Outre-Mer et des Collectivités territoriales).
- Directorate General of Labour (DGT), Ministry of Labour, Social Relations, Family, Solidarity and the City (Direction générale du Travail (DGT), ministère du Travail, des Relations sociales, de la Famille, de la Solidarité et de la Ville).
- Mediator of the Republic (Médiateur de la République).
- The Senate (Sénat).
- Department of Legal Affairs, General Secretariat for Food, Agriculture and Fisheries Ministry (Service des Affaires juridiques, secrétariat général du ministère de l'Alimentation, de l'Agriculture et de la Pêche).
- Secretariat General for European Affairs (Secrétariat général des Affaires européennes) (SGAE).
- General Secretariat of the Government (Secrétariat général du Gouvernement) (SGG).

- French Confederation of Professionals – Confederation of Professionals (Confédération française de l’encadrement – Confederation generale des cadres) (CFE-CGC).
- French Confederation of Christian Workers (Confédération française des travailleurs chrétiens) (CFTC).
- General Confederation of Small and Medium Enterprises (Confédération générale des petites et moyennes entreprises) (CGPME).
- General Labour Confederation (Confédération générale du travail) (CGT).
- Workers' Force (Force ouvrière) (FO).
- French Business Movement (Mouvement des entreprises de France) (MEDEF).
- Federal Union of Consumers – What to Choose (Union fédérale des consommateurs – Que Choisir) (UFC – Que Choisir).
- Paris X University, Nanterre (Université Paris X Nanterre).

The report, which was drafted by the OECD Secretariat, was the subject of comments and contributions from the peer reviewers as well as from colleagues within the OECD Secretariat. It was fact checked by France.

The report is also based on material provided by France in response to a questionnaire, including relevant documents, as well as relevant recent reports and reviews carried out by the OECD and other international organisations on linked issues such as e-Government and public governance.

Within the OECD Secretariat, the EU 15 project is led by Caroline Varley, supported by Sophie Bismut. Elsa Cruz de Cisneros and Shayne MacLachlan provided administrative and communications support, respectively, for the development and publication of the report.

Structure of the report

The report is structured into eight chapters. The project baseline is set out at the start of each chapter. This is followed by an assessment and recommendations, and background material.

- **Strategy and policies for Better Regulation.** This chapter first considers the drivers of Better Regulation policies. It seeks to provide a “helicopter view” of Better Regulation strategy and policies. It then considers overall communication to stakeholders on strategy and policies, as a means of encouraging their ongoing support. It reviews the mechanisms in place for the evaluation of strategy and policies aimed at testing their effectiveness. Finally, it (briefly) considers the role of e-Government in support of Better Regulation.
- **Institutional capacities for Better Regulation.** This chapter seeks to map and understand the different and often interlocking roles of the entities involved in regulatory management and the promotion and implementation of Better

Regulation policies, against the background of the country's public governance framework. It also examines training and capacity building within government.

- **Transparency through consultation and communication.** This chapter examines how the country secures transparency in the regulatory environment, both through public consultation in the process of rule-making and public communication on regulatory requirements.
- **The development of new regulations.** This chapter considers the processes, which may be interwoven, for the development of new regulations: procedures for the development of new regulations (forward planning; administrative procedures, legal quality); the *ex ante* impact assessment of new regulations; and the consideration of alternatives to regulation.
- **The management and rationalisation of existing regulations.** This chapter looks at regulatory policies focused on the management of the “stock” of regulations. These policies include initiatives to simplify the existing stock of regulations, and initiatives to reduce burdens which administrative requirements impose on businesses, citizens and the administration itself.
- **Compliance, enforcement, appeals.** This chapter considers the processes for ensuring compliance and enforcement of regulations, as well administrative and judicial review procedures available to citizens and businesses for raising issues related to the rules that bind them.
- **The interface between member states and the EU.** This chapter considers the processes that are in place to manage the negotiation of EU regulations, and their transposition into national regulations. It also briefly considers the interface of national Better Regulation policies with Better Regulation policies implemented at EU level.
- **The interface between subnational and national levels of government.** This chapter considers the rule-making and rule-enforcement activities of local/sub-federal levels of government, and their interplay with the national/federal level. It reviews the allocation of regulatory responsibilities at the different levels of government, the capacities of the local/sub federal levels to produce quality regulation, and co-ordination mechanisms between the different levels.

Methodology

The starting point for the reviews is a “project baseline” which draws on the initiatives for Better Regulation promoted by both the OECD and the European Commission over the last few years:

- The OECD's 2005 Guiding Principles for Regulatory Quality and Performance set out core principles of effective regulatory management which have been tested and debated in the OECD membership.
- The OECD's multidisciplinary reviews over the last few years of regulatory reform in 11 of the 15 countries to be reviewed in this project included a comprehensive analysis of regulatory management in those countries, and recommendations.

- The OECD/SIGMA regulatory management reviews in the 12 “new” EU member states carried out between 2005 and 2007.
- The 2005 renewed Lisbon Strategy adopted by the European Council which emphasises actions for growth and jobs, enhanced productivity and competitiveness, including measures to improve the regulatory environment for businesses. The Lisbon Agenda includes national reform programmes to be carried out by member states.
- The European Commission’s 2006 Better Regulation Strategy, and associated guidelines, which puts special emphasis on businesses and especially small to medium-sized enterprises, drawing attention to the need for a reduction in administrative burdens.
- The European Commission’s follow up Action Programme for reducing administrative burdens, endorsed by the European Council in March 2007.
- The European Commission’s development of its own strategy and tools for Better Regulation, notably the establishment of an impact assessment process applied to the development of its own regulations.
- The OECD’s recent studies of specific aspects of regulatory management, notably on cutting red tape and e-Government, including country reviews on these issues.

Regulation: What the term means for this project

The term “regulation” in this project is generally used to cover any instrument by which governments set requirements on citizens and enterprises. It therefore includes all laws (primary and secondary), formal and informal orders, subordinate rules, administrative formalities and rules issued by non-governmental or self-regulatory bodies to whom governments have delegated regulatory powers. The term is not to be confused with EU regulations. These are one of three types of EC binding legal instrument under the Treaties (the other two being directives and decisions).



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