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New RIA in France: Impacting policy making ?



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* These slides are for academic information and discussion and do not present an official French position.
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Contents

- Extracts from the (MoF) French training course on RIA (literal analysis of)
- The quality control by PM's office
- Two international assessments of French RIA
- Scrutiny of published RIAs

(These sources will be examined with the Panel's question in mind)

C.H. Montin, 10 June 2013

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What is RIA ? (quote from manual)

« Document aiming to assess the consequences, economic, financial, social, environmental ..., of a bill or draft *décret* (executive order) to be attached to the draft text.»

Document visant à évaluer les conséquences économiques, financières, sociales, environnementales ..., d'un projet de loi ou de texte réglementaire et devant être joint à ce projet de texte.

Why a RIA ? (quote from manual)

Legal reasons :

- A RIA is compulsory for bills presented to Parliament, under Article 39 of the Constitution (revision 2008) and Organic Law 15 April 2009
- for projects of regulatory texts following the Prime Minister's circular of 17 February 2011 on the simplification of regulation on business and local authorities.

Objective : maîtriser l'inflation normative (control/curb normative inflation). » defined as longer, more numerous texts caused by societal demand and international and European commitments

RIA is at the centre of the anti-normative inflation policy, linked to simplification

RIA in the French simplification policy

From the mission of the senior official in charge:

- “Drive the moratorium on new regulation on local authorities (since July 2010)
- Make sure RIAs are conducted on new regulation affecting local authorities and businesses
- Assist ministries in quantifying the impact of new regulations
- Apply common commencement dates (January 1st or July 1st) on regulation concerning business
- Make sure a delay of two months is given between enacting and enforcing new legislation.”

Key text: circular dated 17/02/2011 « on simplifying norms concerning business and local government »

Objectives of Parliament and Government :

- Better control of normative inflation.
- Preserve the competitiveness of businesses by simplifying and stabilizing the legal framework.
- Reduce public spending by controlling the cost imposed by the regulations.

Implementing the policy :

- Identify measures to reduce burdens on companies and local authorities
- Avoid gold plating of EU directives or national laws (for implementing decrees).

Methodology: see annexes to the circular

Annex I Prior evaluation of measures concerning businesses and local authorities

Annex II Local authority impact fiche

Annex III Business impact fiche (contents)

- Overview of the text and its anticipated effects
- Description and quantification of impacts
- Other assessment criteria:
 - 1 / legal framework of reform
 - 2 / analysis of possible options
 - 3 / transitional and accompanying measures
 - 4 / method of assessment of costs and savings

Impact on business fiche: general presentation of the new norm

- 1 / Title, objectives and main expected effects
- 2 / date of the last amendment of the regulations
- 3 / general description of the business impact (cost / benefit)
- 4 / implementation details
- 5 / insertion into the legal environment (legal basis and list of texts needing amendment)
- 6 / description of the measures by coherent subsets

Recent developments

CIMAP (Interministerial Committee on administrative reform) of December 18, 2012 (Decision 15):

- Extension of RIA to all regulatory texts
- Develop and open online consultation

CIMAP of April 2, 2013

Decision 16: "One-in, one out" to curb normative inflation

Decision 17: Apply regulatory best practice:

- avoid gold plating of EU directives
- apply the principle of proportionality/ boost legal security
- involve local services in drafting implementing instructions

Decision 18: Strengthening RIA

- closer scrutiny of burden on local government and services
- better scrutiny of impact of EU texts
- better implementation of proportionality

Part 2

Quality control of RIAs in PMO (interview)

Main concern of RIA-quality unit:

- sound information of Parliament
- preventing repeal of voted bill by Constitutional Court
- application of advice to regulators contained in the Guide de Légistique



RIA unit checks that :

- the draft is necessary, that a new instrument is required
- the impacts on end users have been thoroughly assessed
- the draft will be helpful during the parliamentary phase

The PMO can refuse to table the draft on the agenda of the Council of Ministers if the RIA is not robust enough.

Part 3 International assessments

EU Parliament comparative 2011 study

- RIA was introduced in France in 1995 but was rarely used until 2009 when it became a constitutional requirement
- The objective of RIA is primarily to reduce « legislative inflation »
- The methodology is based on broadly the same analytical steps as in other systems, although in-depth IA appears to be limited to the selected policy option
- RIA is scrutinised by a number of bodies, but it is not clear to what extent that scrutiny focuses on the quality of the RIA
- RIAs in France appear to be a tool for communicating policy decisions to main stakeholders

OECD « Better Regulation France 2010 »

- Stringent constitutional requirement; first months are encouraging
- The system does not clearly incorporate public consultation procedures and does not sufficiently draw attention to the option of maintaining the status quo.
- The right balance must be struck when determining the system's scope and the proportionality of the effort devoted to impact assessment.
- Integrate economists into the teams in charge of impact assessment. Regularly update method. Set up a common training programme for ministries to promote culture change.
- Evaluate the implementation of impact assessment in a regular and detailed way. Publish these evaluations.

Part 4: Scrutiny of selected RIAs

Points to watch

- Listing and study of options?
- Reporting and follow-up on consultation?
- Breadth of impacts listed and measured
- Estimates of different options
- Simplification potential?
- Administrative burden measurement and reduction?

Further study

This presentation is online with hyperlinks:
<http://smartregulation.net/p/publications.html>

Documents quoted

- OECD [Better Regulation in Europe 2010: France](#)
- [European Parliament study](#) on comparative RIA
- [RIAs published on Légifrance](#)

Other sources

- Report from [Conseil d'Etat 2006](#)
- [Guide de Légistique](#)
- RIA methodology on intranet

