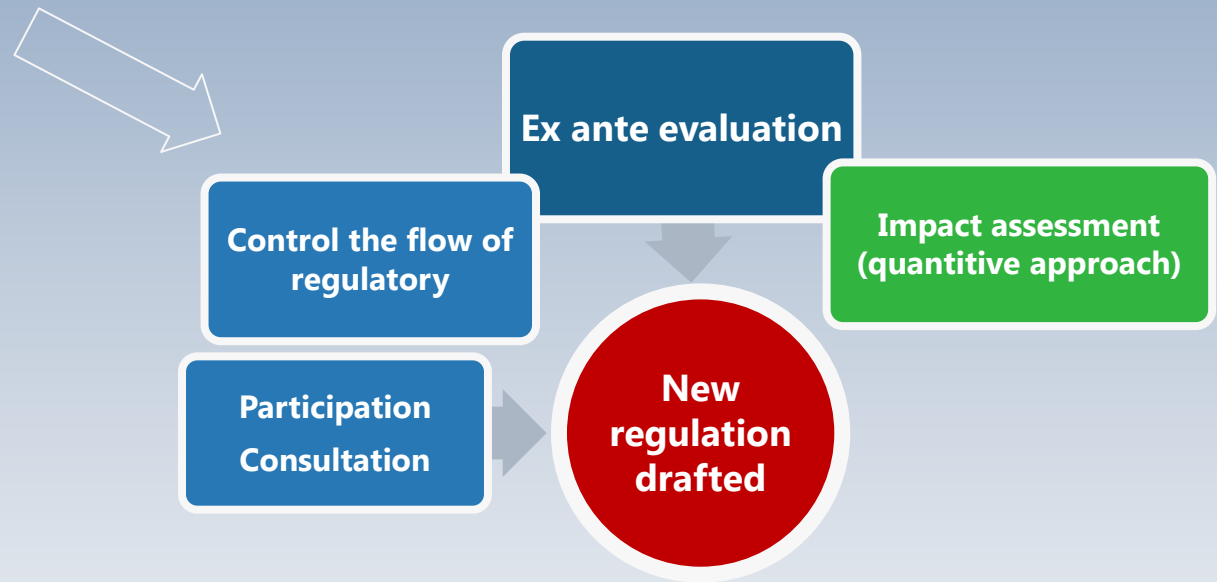


# The quality of legislation



**General Government Secretariat (SGG)**

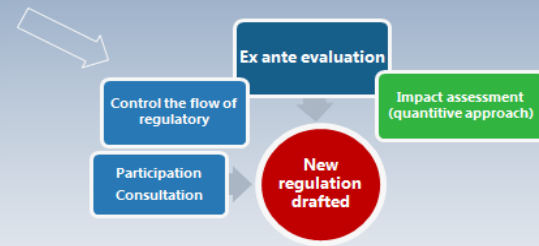
Legislation and law quality department

*April 19-20, 2018*

**CONFIDENTIAL**

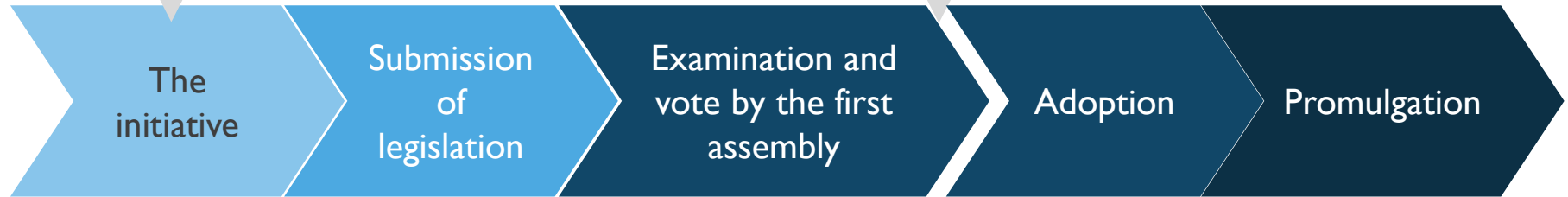


# The stages in the legislative process



**Ex ante evaluation**  
**Impact assessment**

The shuttle



- Both with government and members of parliament
- The Council of State must be consulted on any draft legislation
- Other consultative obligations
- Consultation of external stakeholders occurs
- Consultation may have a mandatory or optional character

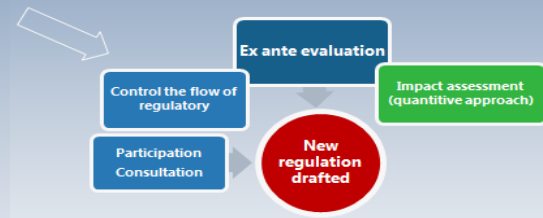
- Examined by both houses of parliament which exercises the legislative power
- For parliament-initiated bill : submitted to the Bureau of the assembly in which the member of parliament who introduced the bill sits

- First examined by the parliamentary commission competent
- The commission nominates a rapporteur who studies the text and writes a report.
- Examined by the first assembly before it was brought
- Vote on each article and amendment, before voting on the whole text.
- Once adopted, the draft legislation is sent to the second assembly

- The draft or bill is adopted under the same terms by the two assemblies
- In the event of disagreement, the Government may convene a mixed parity commission.

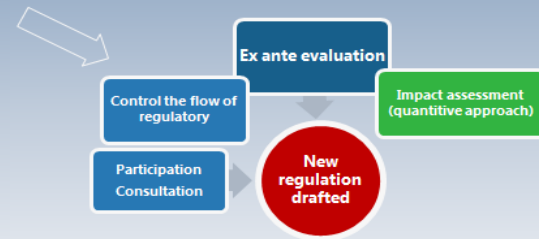
- The bill is then promulgated by the President of the Republic within 15 days
- The promulgated bill enters into force after being published in the Official Journal of the French Republic

# Ex ante evaluation - Impact assessment 1/2



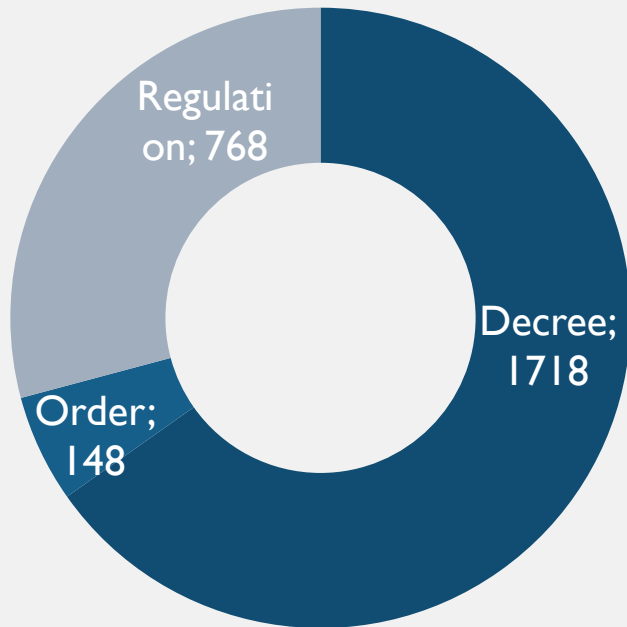
	Primary Law *mandatory since 1 September 2009	Subordinate regulation
Legal basis	The Constitution Framework Act No 2009-403 of 15 April 2009 Circular on 12-01-18	Prime ministerial circulars : Circular on 12-10-2015; Circular on 02-05-2016 Circular on 26-07-2017
The impact assessment is accurate, complete, impartial and factual as possible	<ul style="list-style-type: none"> <li>Explains the legal, economic, financial, social and environmental contexts of the draft legislation;</li> <li>lays down the objectives pursued by the bill;</li> <li>lists the several options;</li> <li>describes the justification for recourse to new legislation;</li> <li>provides the evaluation of the economic, financial, employment and environmental impact (qualitative and quantitative approaches)</li> </ul>	Provides an estimation of the financial costs and benefits expected from the provisions planned (i.e. a cost-benefit analysis) <ul style="list-style-type: none"> <li>for each category of public concerned: enterprises, administration, local authorities and natural and legal persons concerned</li> <li>indicates the calculation method used</li> </ul>
Key players	<b>SGG- Ministries</b> <b>Council of the State</b> (opinion mandatory for bills, decrees in CM)	<b>SGG - Ministries</b> <b>Council of the State</b> (opinion mandatory for main decrees and orders)
Risks in case of a bad quality of the impact assessment	Measures can be deemed by the Council of the State wholly or partially censure by the Constitutional Council (checks the constitutionality)	Illegality of the drafted regulation for some regulation
Publication and websites	Websites of the assemblies and Légifrance	SGG's website and Légifrance

# Ex ante evaluation - Impact assessment 2/2



## Between September 2013 and 30 April 2017

Distribution of the regulatory impact assessment examined by the SGG

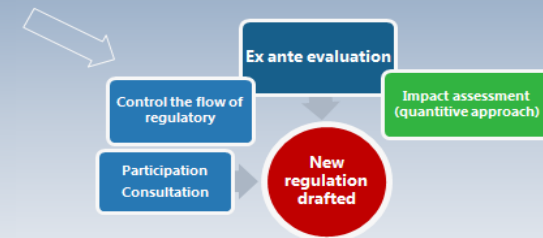


	Nb of RIA conducted before the text of the primary Law was drafted	Nb of RIA conducted Before the text of the Subordinate regulation was drafted
2014	69 (*)	730 (**)
2015	69 (*)	776 (**)
2016	54 (*)	755(**)
2017	44 (*)	505(**)

(\*) The numbers of primary laws refer to the primary laws submitted to Parliament. The numbers include the primary laws which approve or ratify international agreements (i.e. 40 for 2014, 46 for 2015, 29 for 2016 and 21 for 2017).

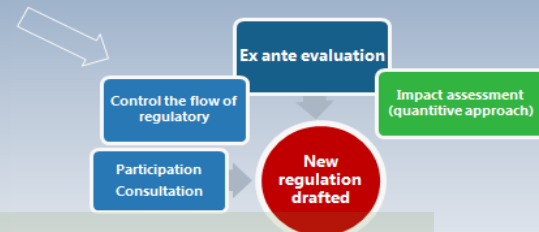
(\*\*) The data include proposed orders, decrees and regulations transmitted to the General Government Secretariat, covering the period from January to December for each year considered (2014, 2015, 2016, 2017).

# From the « one-in, one-out » to the « one-in, two-out » rule



- **Before 1 September 2017, the government operates a ‘one-in, one-out’ rule** : for each new regulation which have negative effects on the public concerned, ministries have to remove or modify existing regulations to at least the value of one euro for each euro of cost imposed.
- **Since 1 September 2017, the government operates a ‘one-in, two-out’ rule to reduce the number of new regulations for businesses, local authorities, “deconcentrated” state services and citizens.**
- **Where policymakers do need to introduce a new regulation, and where there is a cost to the public concerned when complying with that regulation, ministries have to remove or modify existing regulation(s) to the value of “2 regulations for 1 new ”:**
  - The regulations remove or modify should have an equivalent impact than the new regulation
  - The measures to remove or modify may be under the scope of the same ministry or the scope of a same public policy than the new one
  - If the local authorities are affected, the measures removed or modified must concerned its too.
- **The respect of the “one in, two-out” rule is a prerequisite for entry into force of each decree with new constraints applied to local authorities and which has effects on “deconcentrated” state services and natural and legal persons concerned.**
- **It does not apply to some EU legislation (i.e. transposition of EU legislation)**

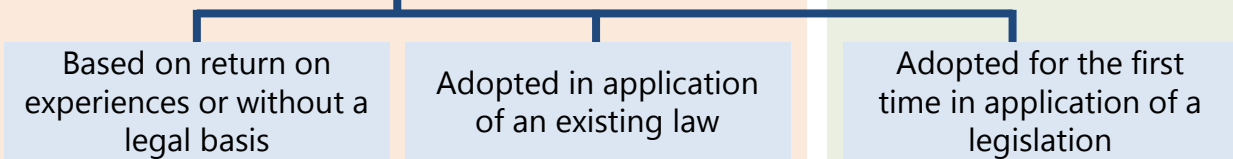
# Scope of « one-in, two-out »



The subordinate regulatory is a(n)



The decree is



And implies new constraints

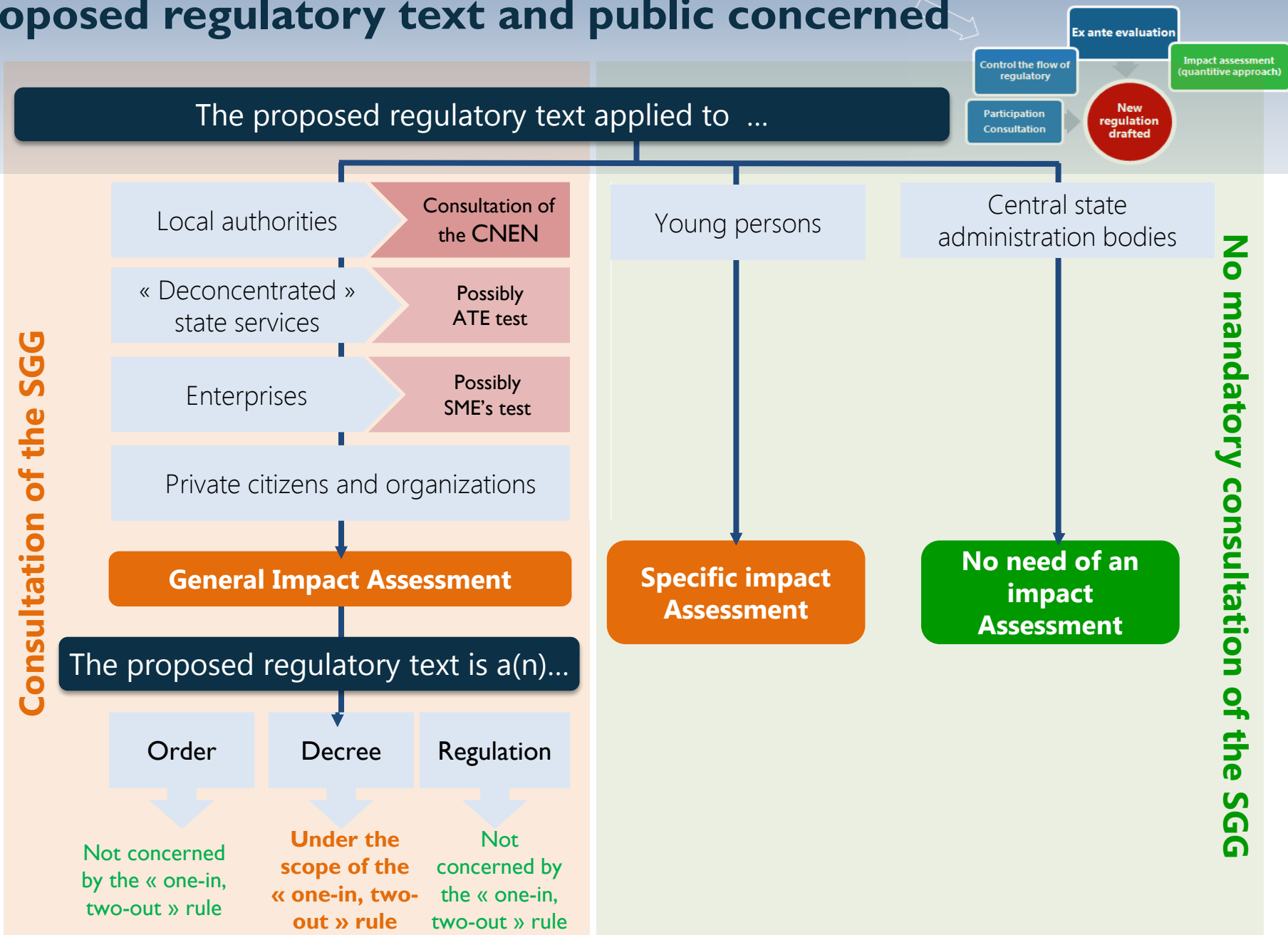
Under the scope of the « One-in ,Two -out » rule

Transmission of the impact assessment to the SGG (complete verification of the quality of the « One, Two Out » rule analyze)

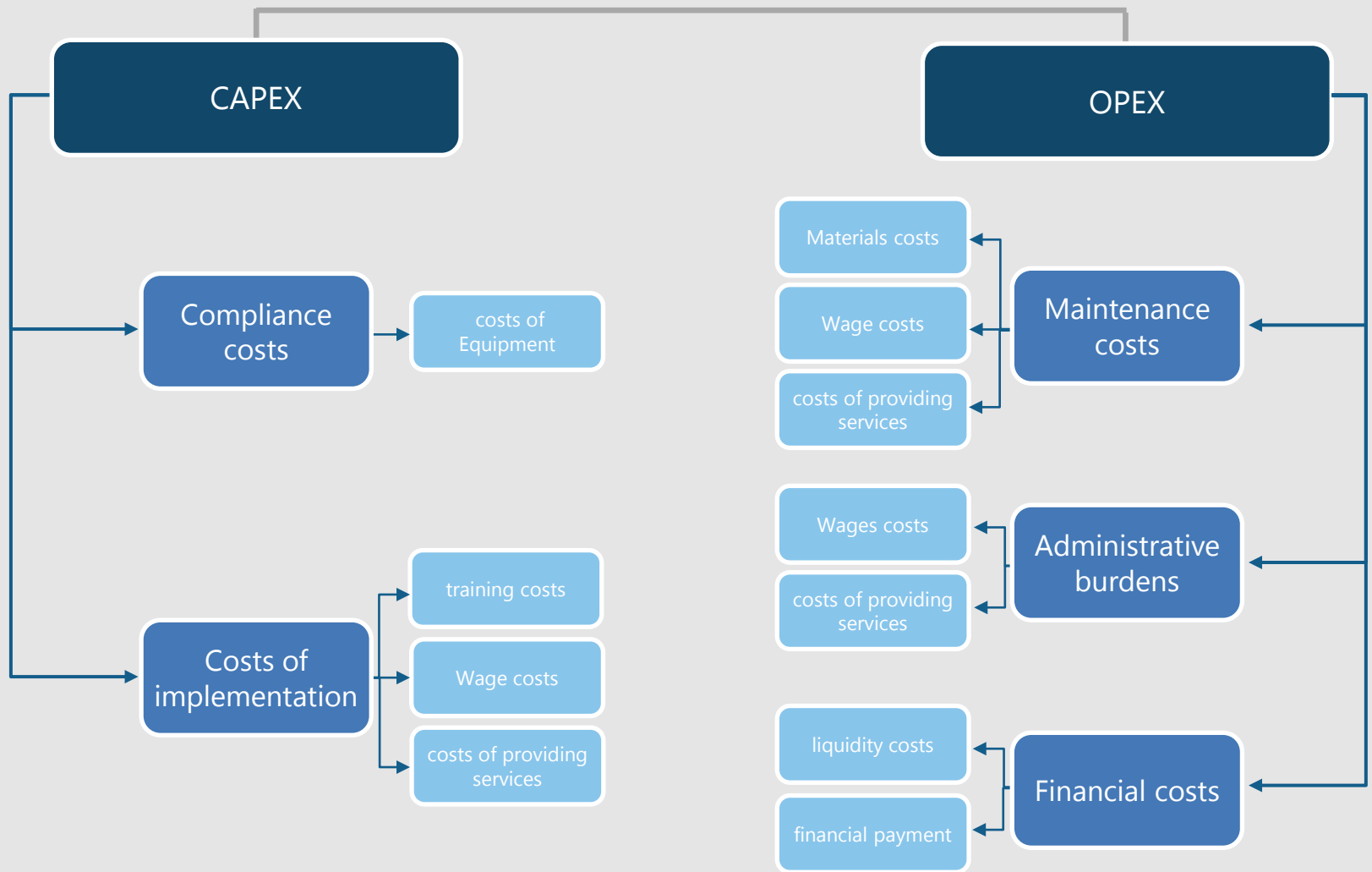
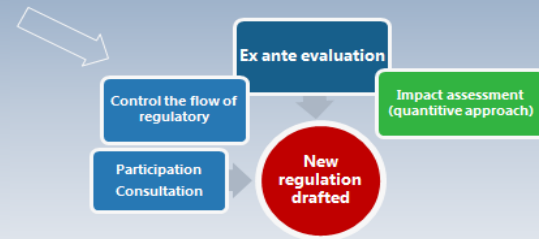
Not concerned by the « One in, Two-out » rule

Transmission of an impact assessment to the SGG

# Proposed regulatory text and public concerned

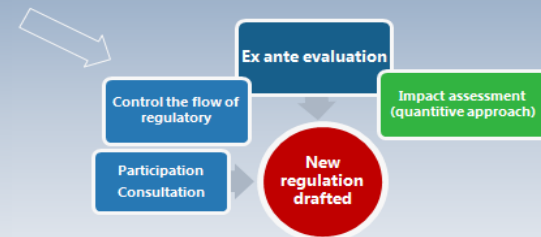


# The impact of the new regulation : costs to be considered





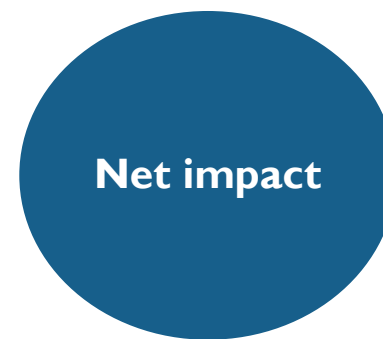
# The impact of the new regulation : methodology used



Compliance costs  
Administrative burdens

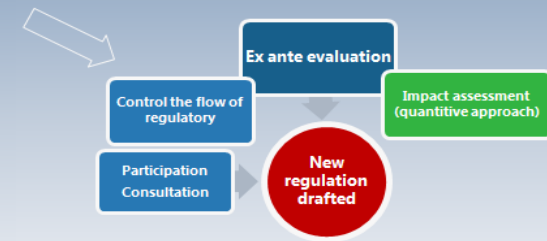


Costs savings



Positive result = Net cost  
Negative result = Net gain

# Accomplishments in progress to simplify legislation



- **Circular on 12-01-18 relative to simplifying legislation and procedures** : each new drafted law should contain a title presenting the simplification measures of the existing legislation which may be under the scope of a same public policy than the new one. Furthermore, in order to provide these simplifications each ministry should elaborate a simplification plan of the existing legislation
- **Circular on 01-02-18 relative to updating the stock of circulars available** : a significant number of circulars available are obsolete.
  - In order to simplify the access to its, ministries must proceed to a new examination of circulars and instructions already published and a review of their relevance regarding the legislation in force
  - Circulars and instructions identified as permanently in force must be published again and available on internet ([cicurlaire.gouv.fr](http://cicurlaire.gouv.fr)) before 01-07-18.

# Websites - Links

- **Websites of the assemblies**
  - **National Assembly** : <http://www2.assemblee-nationale.fr/documents/liste/%28type%29/projets-loi>
  - **The Senate (Sénat)** : <http://www.senat.fr/leg/index.html>
  
- **Légifrance** : <https://www.legifrance.gouv.fr/Droit-francais/Evaluation-prealable-des-projets-de-normes>
  
- **Council of State** : <http://www.conseil-etat.fr/Decisions-Avis-Publications/Decisions>



**Thank you for your attention**