

Recent simplification of law and procedure in France

Responsibility for modernisation and simplification has recently been shifted to the ministry of finance, which is now competent to pursue the “réforme de l’Etat”, i.e. the modernisation of central government and administration. As an introduction to more detailed work on measurement of administrative burden and simplification policies, this paper will summarize the various components of the overall modernisation policy, as planned and implemented by successive ministers in charge of “réforme de l’Etat”. I will address six very different aspects of the policy.

1. Redirect budget procedure towards objectives

Modernise public management : the drive for objective based budgeting. OBB has been on the cards for a number of years

- introduction of performance indicators in the budget (1994)
- yearly government performance reports (1999) and improved as activity reports by ministry in 2001
- organic law on public finances, dated 1 August 2001. This is a large scale reform, which has moved from a means approach to a output-driven budget process.
- evaluation of public policies: introduced by a Prime minister instruction in 1998

2. Adapt Structures and competences

Deconcentration and decentralization are two key concepts in French administrative structural / competences reform, constantly under discussion in a traditionally very centralized government.

- deconcentration is a transfer of decision making powers to representatives of ministries in the départements and regions (préfets)
- decentralisation is devolution to locally elected bodies (conseil general, conseil régional)

In 1992, a law on new devolutions stated that the normal level for public service delivery was the deconcentrated level (which goes against our whole tradition)

pluri- annual modernisation programs submitted by ministries since 1998 : they have influenced mainly recruitment issues, and social dialogue

The Ministerial reform strategies (SMR) announced in December 2002 and implemented in June 2003.: they can lead to an overall review of activities and missions of each ministry. The key difference with the modernisation programs is that they are presented to Parliament.

A major law of “local freedoms and responsibilities” (13 August 2004) has introduced a new set of decentralization measures. A ministerial instruction dated 21 October 2004 has introduced regional competence poles in the deconcentrated administrations, to make them more efficient. Missions will be streamlined and prioritised and control made easier by the introduction of Draft Strategic Action Plans (PASE), from 1 January 2004.

Lastly, the new minister, Mr Copé, launched in October 2005 a new policy based on “modernisation audits” to be conducted in all ministries according to a centralized methodology, as a first step towards structural reform. The SMR’s will be abandoned.

3. Improve the Administration’s relationship with the public

“Administrative simplification” is a heading under which hundreds of specific measures have been taken by all governments since 1970. Private companies have always been a prime target for these simplifications, as they are they are on the receiving end of a high number of texts regulating the creation and operation of businesses, from the small artisan with a few assistants to the major corporation. The most recent law of this kind (entitled law promoting economic initiative) was adopted on 1 August 2003.

For a long time, governments concentrated on official forms, to curtail their proliferation and make them more user-friendly. Call centres for administrative information are also quite
A major law on “relationships between the administrations and the public” (12 avril 2000) tries to nudge the balance of power a little towards the user (“usager”) of public services. For instance, if a member of the public hands in a request and some item of supporting justification is missing, the administration has a duty to inform the client and assist him in completing the file. The philosophy of this text is that the Administration should be made responsible for its own complexity, and not place the onus on the public.

4. Introduce a concern for Quality

France has a long standing tradition of introducing change by regulation. This may be about to change with the apparent success of the Quality movement, a sort of administrative TQM . The efforts conducted over the past 20 years have been summed up in the Cannac report, presented to the Prime minister in May 2004, which examines ways and means of a “quality revolution”.

One of the offshoots of this permanent revolution is the improvement of the quality of welcome you get when you pop round to your local community centre, and is known as the “Charte Marianne” (Marianne being the name of our feminine symbol of national unity, a bust of which is placed in all mairies and on stamps). As usual, the movement starts from the top, with an instruction of the Prime minister, inviting all administrations to adopt “quality commitments”, a number of which are compulsory, others to be selected and adjusted to local conditions.

5. Harness the impact of IT

Major improvements have also been sought from the introduction of IT in administrative processes. Slightly hampered by France’s small lag in internet connection (after being at the forefront of progress with the minitel), the movement has already been very fruitful. The ministry of finance is particularly successful with on-line income forms.

A specific agency was created in 2003 (Agence pour le développement de l’administration électronique). They are preparing a strategy plan and a programme of action for the 2003-2007 period. Several types of improvements are expected

- better information of the public via the multiplication of websites of public administrations, (which have been growing at the rate of 20% a year, and now number over 7,000) and access points (more than 5,000)
- more opportunities for connected citizens to settle their administrative business via the net, by way of “téléprocédures”. More than 84% of official forms can be accessed and printed from internet, then handed in. A government plan asks each ministry to select two procedures a year for computerization and distant connection.
- the most ambitious and public- friendly projects are the development of “personalized services” by the ADAE: computerized personal file, central point for change of address, on-line subsidy request,

The most significant recent developments have been the provision of a single phone number for all administrative enquires (the 3939), in October 2004, and the on-line change-of-address registration, by which the citizen can inform a range of administration by filling a single on-line form.

As you would expect in France, all these developments have been supported by the related legal reforms, to align the validity of IT communications and information dissemination with the classic media.

6. Simplify the law

The initiative to reduce the burden of legislation and regulation was apparently launched by President Chirac himself a few years ago. The idea is that too much regulation can hamper democracy, and put the weakest at a further disadvantage. The most spectacular vector for this change are the simplification laws, which technically are laws empowering the government to propose legislative changes later ratified in a streamlined process by Parliament.

- the first simplification law was voted on 2 July 2003 and primarily concerns relations between administrations and the public especially the legal basis for IT transactions;
- the second was voted on 9 December 2004 : it is a strategy for the simplification of the regulatory environment : it reduces burdens on citizens and reinforces legal security for users and business. New simplification priorities bear on building licences, improved legal security for business in their dealings with administrations, simplification of tax system.
- the third law is in draft and will probably be adopted in June 2006. It will contain a new set of administrative simplifications in favour of citizens, companies and the local authorities and renewed efforts for modernizing the administration, its structures and its procedures.

This law would be completed by a law called "loi anti-loi" (a killer law) to drastically reduce the volume of legal documentation. A batch of some 150 out-of-date, redundant or useless texts will thus be abrogated at one blow.

Simplification by improved communication: codification

A second way to improve access to law is to codify it, i.e. to gather up related texts, check their consistency and group them in a logical structured order. There is a discussion between those who hold that codification must not change an iota to the texts, and those who support minor changes to improve the legibility of the overall presentation. The codification venture is highly successful and every profession or activity worth its salt will be endowed with a code.

The ultimate form of simplification: suppression

One of the ideas of the minister is that we have to drastically reduce the volume of legal documentation is to abrogate laws. He calls it the "loi anti-loi". We yet have to find the suspects to be convicted and abrogated, but the idea shows that the government means business.

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