

What assessments are conducted before and after a law is passed?

Public policy assessments are gaining ground in France Their actual utility still needs to be measured, however. This can be done by looking at the response to academic assessments in the public debate¹. From a more unprecedented standpoint, we can also look at the number of broadly defined evaluative research publications cited during the legislative process and the number of impact assessments produced after a law is passed².

In a sample of 262 laws passed between 2008 and 2020, an average of 18 assessment studies were cited before the vote. This number is higher for bills put forward by the executive branch (*projets de loi*) than for bills put forward by the legislative branch (*propositions de loi*) or for Finance Act measures. Only 14 laws did not give rise to assessment citations. Conversely, some laws generate more than a hundred citations, with the record going to the 2019 Pacte Act. The numbers have been on the rise, with 25 citations for each law in 2020 compared to only 8 in 2008. For executive-branch bills, 25% of citations appear in the government's preliminary impact studies, and the rest in parliamentary proceedings. As expected, there are more citations for laws containing an evaluative or experimental clause, and for those with strong media impact.

After being passed, 40% of the 262 laws were subject to at least one *ex-post* assessment, averaging 2.7 assessments per law (1.1 for the whole sample). Logically, given the time needed to do an *ex-post* assessment, the percentage of laws evaluated is higher for the 2008-2017 period (46%). From 2008 to 2020, this percentage is higher for Finance Act measures (76%) and lower for legislative-branch bills (25%). It sits at 62% for laws subject to an evaluative or experimental clause. Laws on labour, the economy, housing or energy were evaluated much more often than laws on tourism, security and police, or civil service. Nearly 42% of assessments were carried out by public administrations, 23% by researchers, 18% by joint committees and 13% in the course of parliamentary proceedings.

Roughly half of assessments, covering 74 laws, contain recommendations: 45 of these laws followed - at least partially - one of these recommendations, i.e. 61%. This percentage is higher for laws with an assessment clause (66%) or an experimental clause (72%). This statistical analysis may be extended by case studies in order to clarify the dynamics at work and formulate appropriate recommendations.

Features of law	Average number of ex-ante citations	Percentage of laws assessed ex-post	Percentage of laws amended post- recommendation
Type of law			
Executive-branch bill	32.1	47%	65%
Legislative-branch bill	8.7	25%	55%
Finance Act measure	9.2	76%	60%
Scope of law			
Limited	9	23%	53%
Moderate	15	45%	62%
Large	34	59%	65%
Law contains assessment clause?			
Yes	29	62%	66%
No	11	25%	48%
General sample	18.1	40%	61%

Interpretation: prior to being passed, executive-branch bills cited 32.1 assessments: 47% were subject to *ex-post* impact assessment, and 65% of bills subject to assessments containing recommendations at least partially acted on those recommendations.

Source: France Stratégie

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To view all assumptions, methods and results, see the report from which the two analysis papers were derived: Baïz et al. (2022), Quelle évaluations des politiques publiques pour quelles utilisations? (What public policy assessments are conducted for what purposes?), Report, France Stratégie, June.

GENERAL INTRODUCTION

While impact assessments published in academic journals are increasingly cited, what about their use in legislative processes and in relation to other types of evaluative publications? Section 1 of the analysis, with a restrictive definition of public policy assessment³, arrived at two main findings, based on a sample of 227 assessments over the 2008-2020 period. First, academic impact assessments are mainly cited among researchers (94% of citations). Second, the number of citations is increasing rapidly among other stakeholders, thanks to the growing number of assessments available: for example, the number of citations was 3.6 times higher in 2020 than in 2008. However, the level of these citations remains low overall: over the 2008-2020 period, public policy-makers, public administrations and the media combined cite each of the 227 assessments only 2.3 times on average.

This second analysis paper takes a doubly different approach. It starts from the basis of laws rather than assessments, and examines the variety of evaluative publications mobilised, without limiting itself to the impact assessments published in academic journals. This document thus considers publications with an evaluative scope in the broad sense of the term, i.e. any publication aiming to shed light on a field of public policy or the conduct of government intervention, while drawing on recognised expertise and data with evidential value (statistics, testimonies, etc.). These publications may address any evaluative criterion (impact, relevance, cost, etc.), be based on any method (qualitative or quantitative, counterfactual or not, etc.) and come from any legitimate stakeholder4 (researcher, administration, member of parliament, private firm, etc.) The aim is to answer the following question: in addition to the 227 quantitative impact assessments published in scientific journals over the last thirteen years, what are the characteristics of other evaluative publications used before and after passing the laws constituting the main public policies during this same period?

As in section 1 of the analysis, we conduct a textual analysis of the legislative process leading to the enactment of 262 laws.

We construct a number of quantitative indicators to track the citations used in evaluative publications and provide information on the follow-up of any recommendations. Interviews with the department heads of several parliamentary committees⁵ contributed significantly to the refinement of the assumptions used and to the statistical analysis.

SAMPLE OF 262 LAWS PASSED BETWEEN 2008 AND 2020

Over the 2008-2020 period (the same period of reference in section 1), 262 laws were selected for our sample. We excluded laws ratifying treaties or international agreements, laws ratifying or amending ordinances, organic laws or laws amending codes. On topics as varied as healthcare, education and security, only laws serving as the basis of public policy in the strictest sense of the term have been included. Examples in our sample include the law for real gender equality (2014), the anti-food waste law (2016) and the law on the modernisation of press distribution (2019).

The Finance Acts ("LFs"), Amending Finance Acts and Social Security Financing Acts ("LFSS") have been addressed in a specific and discretionary manner. They generally contain a large number of varied measures. The choice was made to identify, in each law, the measures⁶ which are similar to nationwide public policies, and to consider by convention each of these measures⁷ as a "law" in its own right in the analysis sample. Examples include the research tax credit reform ("LF 2008"), the introduction of the competitiveness and employment tax credit (2012 Amending Finance Act) and, more recently, the reduction of the housing tax for 80% of households ("LF 2018") and the replacement of the wealth tax with the tax on real estate assets ("LF 2018"). A total of 33 measures were extracted and considered as "laws" in their own right (referred to as such for convenience in the rest of the document). Adding these to the 229 laws resulting from executive-branch bills and legislative-branch bills, we get a total sample of 262 laws, each corresponding to a public policy.

^{3.} Baïz A. et al. (2022), "Qui utilise les évaluations académiques des politiques publiques ?" (Who uses academic assessments of public policies), op. cit.

^{4.} We do not propose to rank the quality of evaluative publications in this document, but only to observe a number of characteristics, without making any normative judgement. For the sake of convenience, we will thus continue to use the term "assessment" to refer to any publication of an evaluative nature considered in this paper.

^{5.} We would like to extend our thanks to the department heads at the French National Assembly for the interviews conducted: Thierry Anjubault (Economic Affairs Committee), Simon Corley (Social Affairs Committee), Adrien Gaffier and Sylvain Sautier (Finance Committee), Emmanuelle Lavie (Sustainable Development and Regional Planning Committee), Christophe Maisonneuve (Public Policy Assessment and Oversight Committee). We would also like to thank the hundred or so researchers and assessors interviewed, as well as the Court of Auditors, INSEE, the ministerial statistical departments contacted and the Directorate-General of the Treasury for their feedback.

^{6.} The scope of the measures was assessed based on the cost in terms of public finances, the scope of the public affected and the number of dedicated pages, using search engines.

Or groups of measures, within a given Finance Act, given their proximity in the field of government intervention.



Three uses of evaluative publications: exante, ex-post and effective

In order to measure the use made of evaluative publications for the same of 262 laws, three types of use are distinguished.

For ex-ante use, the aim is to measure the number of publications with an evaluative scope - in the broad sense of the term - that are cited during the legislative process prior to the vote on each of the 262 laws. Through a textual analysis, these publications were researched using the same documents: reports and opinions resulting from initial readings in the French Senate and National Assembly; preliminary impact studies, where applicable⁸; and finally transcripts of all parliamentary debates⁹.

For ex-post use, this involves measuring the number of assessments carried out after the enactment of each law considered¹⁰. In contrast to the academic assessments in section 1, these ex-post assessments may employ both qualitative and quantitative methods, and be produced by non-academic stakeholders. At a minimum, they must address the impact criterion. They were researched using search engines and on government and institutional websites¹¹.

Finally, for effective use, we measure the number of laws impact to ex-post assessment recommendations and subsequently amended as a result. Specifically, we only took into consideration those recommendations suggesting an express amendment to the law, to its implementation or related provisions¹². We were able to identify any amendments by performing a textual analysis on the Légifrance website and via search engines. For example, the 2012 Finance Act introduced a new soft drink tax¹³: the tax was assessed in a briefing by the National Assembly (No. 3868)14, which recommended a further increase in the tax15: this increase was then enacted on 1 July 2018 in the Social Security Financing Act.

Factors likely to promote the use of evaluative publications

As in section 1 of the analysis, the 262 laws are detailed by their characteristics in order to identify those that make the greatest use of evaluative publications and to compare them with those that make the least use of evaluative publications. Six characteristics were selected and systematically noted:

- type of law: a distinction is made between laws stemming from an executive-branch bill (40% of the sample), those stemming from a legislative-branch bill (48%)¹⁶, and flagship measures stemming from a Finance Act (12%):
- year of enactment: from a relatively stable standpoint,
 20 laws in the sample were passed each year over the
 2008-2020 period:
- main issue addressed: the classification adopted in section 1 is also used here. In this case, the issues most represented in the sample are the economy (43 laws), social and healthcare issues (25), society (26), labour (25) and justice (22). Other issues are less represented, with fewer than 10 laws each (e.g. as tourism, sport and research):
- scope of law: where the cost of the 262 laws or the number of people directly affected could not be calculated, the scope of each law was estimated in terms of media coverage (online). Three categories were defined: limited scope (fewer than 5,000 main results, 41% of the sample), moderate scope (5,000 to 20,000 results, 30% of the sample) and large scope (more than 20,000 results, 29% of the sample).

^{8.} Impact studies are therefore not counted as evaluative publications in this document, due to the highly variable quality of their evaluative scope.

^{9.} For example, the impact study of the Pacte Act (2019) cites Aubert N. et al. (2016), "Actionnariat salarié, gouvernance et performance de la firme : une étude de cas économétrique portant sur un groupe français coté" (Employee share ownership, governance and firm performance: an econometric case study of a listed French group), Revue d'économie industrielle, 2016/2, No. 154.

^{10.} The absence of an *ex-post* assessment for a given law can be interpreted in three ways: either no assessment was carried out; or an assessment is in progress, or it has not been published. In any case, the *ex-post* assessment is considered unavailable for parliamentary debate and therefore non-existent or inaccessible until proven otherwise.

^{11.} For example, the law on the individualisation of prison sentences (2014) was the subject of an assessment of its implementation: see "Vers une nouvelle justice? Observation de la mise en œuvre des dispositions de la loi du 15 août 2014 relative à la contrainte pénale et à la libération sous contrainte" (A new type of justice on the horizon? Observation on the implementation of the provisions of the Act of 15 August 2014 on, imprisonment and parole), research carried out under the coordination of C. Mouhanna, with the support of La Mission de Recherche Droit et Justice, September 2017.

^{12.} For convenience, we will say that a law has been *amended* as a result of a recommendation. While it is not possible to establish strict causality between the recommendation and the amendment, the aim here is to assess whether the recommendation could reasonably have contributed to the amendment, if only by fuelling the public debate.

^{13.} Art. 46 of Act No. 2011-1977 of 28 December 2011 (2012 Finance Act).

^{14.} Briefing No. 3868, field in accordance with Article 145 of the Regulation by the Committee on Finance, the General Economy and Budget Oversight, in conclusion of a fact-finding mission on the taxation of Food & Beverage products, submitted by Véronique Louwagie and Razzy Hammadi.

^{15. &}quot;Proposal No. 11: Increase the tax rate on beverages containing added sugar in order to encourage a reduction in the consumption of these beverages for public health reasons: the revenue generated by this increase would thus offset the various tax reduction measures proposed by the fact-finding team."

^{16.} Laws resulting from legislative-branch bills (propositions de loi) are over-represented in the sample due to the exclusion of multiple government-initiated laws, such as ordinance ratification or amendment laws.

This measurement seeks to indirectly capture the political, economic but also social, media and symbolic impact of each law.

- presence or absence of assessment clause¹⁷: in the sample of 262 laws under review, 40% included at least one such clause. Of these 106 laws, the type of entity in charge of the assessment is mentioned 93 times¹⁸.
- presence or absence of trial clause¹⁹: the sample includes 65 laws with at least one such clause. And of the 106 laws with an assessment clause, 60 are trial laws.

The same identification of characteristics was applied to the evaluative publications mobilised around these 262 laws. For the thousands of publications identified, the type of author was systematically noted. Six types of authors were identified: members of parliament; public administrations and institutions; researchers²⁰; joint assessment committees (involving the State and other stakeholders²¹); experts called on by the government as qualified and independent parties; other stakeholders (press, research firms, think tanks, professional federations, etc.).

For *ex-post* assessments, two other characteristics of the evaluative publication were also noted. First, the *criteria* addressed by the assessment (which may be cumulative): effectiveness or impact criteria relating to the effects of the government intervention²², implementation criteria and finally efficiency criteria relating to the costs and benefits of the government intervention. Second, the *type of* assessment method: quantitative methods (mathematical modelling, econometrics, descriptive statistics), qualitative methods (interviews, field observation, contribution analysis, etc.) and finally a combination of the two.

EX-ANTE USE: MORE RECENT LAWS CITE MORE EVALUATIVE PUBLICATIONS

The aim here is to assess the number and types of evaluative publications cited by each of the 262 laws at the time of the parliamentary debates²³, i.e. before the laws were passed, and to identify the characteristics of the laws citing them the most, compared to those citing them the least.

Aggregate statistics

On an aggregate basis, the 262 laws make a total of 4,734 *ex-ante* citations of evaluative publications. Taking a closer look, we see that more than 99% of these citations are from single sources, i.e. sources that are different from one another. In other words, few publications are cited more than once, with the annual reports of the Court of Auditors being one of the rare exceptions. This result is not surprising, given that the 262 laws cover a wide range of public policy issues. Accordingly, below we will indiscriminately employ the terms "citations" or "sources cited".

With 4,734 citations for 262 laws, this gives an average of 18.1 citations per law. Some laws, during the legislative process prior to enactment, do not cite any publications exante (14 out of 26224). This is the case for the 2014 law allowing days off to be donated to parents of a seriously ill child; the 2010 law aimed at guaranteeing fair remuneration conditions for employees affected by a reclassification procedure; and the 2013 law on the exceptional release of funds from profit-sharing and incentive schemes. Conversely, some laws cite a large number of evaluative publications. The 2019 law on the growth and transformation of businesses (known as the Pacte Act) tops the list with 176 evaluative publications cited ex-ante; followed by the 2019 mobility guidance act (101 citations) and the 2016 law on transparency, the fight against corruption and the modernisation of economic life (98 citations).

18. Almost two-thirds of these laws also contain a trial clause (in at least one of their provisions): in such case, they are associated with assessment clauses.

22. All ex-post assessments must address this impact criterion at a minimum.

^{17.} An assessment clause in a law is a clause that institutes the *ex-post* assessment of the law, or certain provisions of the law. The clause usually specifies the scope of the assessment, the timeframe for its completion or the stakeholder expected to perform it. For example, the 2009 law on audiovisual communication and the new public television service states (art. 28): "By 1 May 2011 at the latest, the Government shall submit a report to Parliament, after consulting the professional bodies representing the advertising sector, assessing the impact of the implementation of paragraph 1 of Article 53 (VI) herein on the development of the advertising market and the situation of all television service providers."

^{19.} Following the constitutional revision of 28 March 2003, the right to conduct trials was introduced for local authorities in Article 72 of the Constitution. Article 37-1 gives the legislative branch, as well as the regulatory authorities, the possibility of adopting trial provisions. For example, the 2010 law instituting a national commitment to the environment authorises certain local authorities to trial a household waste collection tax "consisting of a variable component, calculated by the weight or volume of waste" over a five-year period.

^{20.} Any publication by a researcher (academic articles, general public works, etc.) will be classified in the "researcher" category, unless the researcher publishes the work from a public administration, as an expert consultant to the government, or in a joint committee, in which case the publication will be placed in the corresponding category.

^{21.} This includes all collaborations between members of State (parliament, public administration or public institution) and stakeholders from another category (trade union, NGO, randomly selected citizens, researchers, etc.). Examples in this category include the assessment committees at France Stratégie and certain committees at the Ministry of Labour.

^{3.} For convenience, we will say "a law cites" to indicate that a citation was made during the parliamentary debates preceding enactment.

^{24.} These examples are exclusively laws arising from legislative-branch bills and laws containing relatively few provisions.



Table 1 - Summary of the average number of ex-ante citations based on the law's characteristics

Features of law	Average number of ex-ante citations per law	Sample size
Type of law		
Executive-branch bill	32.1	104
Legislative-branch bill	8.7	125
Finance Act measure	9.2	33
Year of enactment		
2008	8	20
2020	25	19
Examples of issues addressed		
Economy, business, society, labour	More than 20	
Tourism, sport, research, environment	Fewer than 10	
Scope of law		
Limited	9	108
Moderate	15	78
Large	34	76
Law contains evaluative clause?		
Yes	29	106
No	11	156
Law contains trial clause?		
Yes	36	65
No	12	197
General sample	18.1	262

Interpretation: under the "type of law" characteristic, we see that each of the 104 laws resulting from an executive-branch bill cites an average of 32.1 evaluative publications prior to enactment.

Source: France Stratégie

In particular, preliminary impact studies²⁵ cite relatively few evaluative publications, accounting for about 25% of the citations for laws subject to an impact study. Of the 4,734 citations for all laws, over 90% were made for the purposes ex-ante parliamentary proceedings (briefings, parliamentary debates, etc.). Note: parliamentary proceedings in particular cite evaluative publications when it comes to discussing executive-branch bills, potentially acting as a check-and-balance system by members of parliament over government-originated legislation.

Statistics drawn from the comparison of law characteristics

Some stylised facts emerge from the characteristics of the laws under review (see Table 1). In particular:

 type of law: on average, each law arising from a legislative-branch bill cites 8.7 assessments; finance act measures cite 9.2 assessments; and laws arising from executive-branch bills cite 32.1 assessments, i.e. more than 3 times more²⁶:

- year of enactment: while the trend is not stable, we can see an increase in the number of ex-ante citations over time. Thus, the number of annual citations on average per law passed each year, increases from 8 in 2008 to 25 in 2020:
- **issue addressed**: the laws citing the most *ex-ante* assessments are those addressing "business", "society", "civil service", "labour" and the "economy", with more than 20 citations on average per law. In contrast, the laws under the themes of "tourism", "sport", "research" and "environment" cite less than 10 each on average:
- scope of law: laws with large scopes each cite an average of 34 evaluative publications during their legislative process, compared to 15 for moderate-scope laws and only 9 for limited-scope laws:

^{25.} Impact studies are only compulsory for executive-branch bills, in accordance with the organic law of 15 April 2009 (Art. 39 of the amended Constitution).

^{26.} It would thus appear that members of parliament exercise more control over laws arising from executive-branch bills and finance acts than over laws arising from their own legislative-branch bills.

- presence or absence of assessment clause: each law containing an assessment clause cites an average of 29 assessments ex-ante, compared with about 11 for each of the laws without such clauses²⁷:
- presence or absence of trial clause: each law containing a trial clause cites an average of 36 assessments ex-ante, versus about 12 for each of the laws without such clauses.

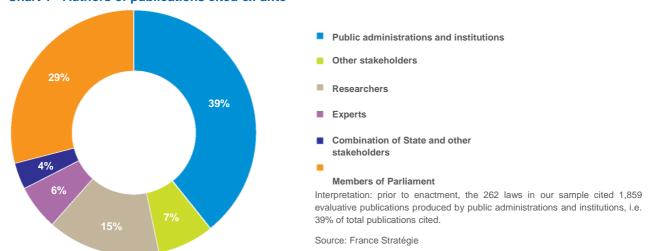
Statistics on evaluative publications cited exante

Of the 4,734 evaluative publications cited, 1,859 were produced by public administrations and institutions, i.e. 39% of the total, which makes them the main authors of assessments cited ex-ante (see Chart 1). This result is not surprising, given that public administrations (and especially ministerial statistical departments), are in the front line when it comes to shedding light on the issues involved and laying the groundwork for the voting process. Members of Parliament are the second largest authors of evaluative publications, with 1,374 publications, or 29% of the total, primarily consisting of briefings. Almost 6% of assessments cited are expert reports: 3% were produced by joint assessment committees involving the State and other stakeholders. and 7.4% by other stakeholders (associations, private firms, etc.).

Evaluative publications produced by researchers are the third most cited *ex-ante* publication in the 262 laws.

Researchers generated 704 evaluative publications cited, i.e. 15% of the total. Of the 227 impact assessments examined in section 1 of the analysis28, only one is included in the 704 evaluative publications cited ex-ante. In other words, hardly any impact assessments published in academic journals are cited during the legislative process. Despite their scientific standing, these academic assessments are thus not used in parliamentary debates or the legislative process. There are multiple reasons for this: late, difficult or paid access, language barriers, technical complexity, etc. However, the use of research and academic publications in the legislative process should not be underestimated. This because they are often used in other forms. Researchers are cited, directly or indirectly, via the works they produce for the general public, press articles, blogs, think tanks, articles of an academic nature but not published in peer-reviewed journals (notes, working papers, etc.) or published in such journals but before 2008. Researchers are also called on for their expertise by public administrations - as civil servants or members of assessment committees - or solicited in expert reports submitted to the government²⁹. All in all, and at a minimum³⁰, researchers are thus authors or co-authors of nearly one-fourth of the 4,734 ex-ante assessments cited by the 262 laws under review.

Chart 1 - Authors of publications cited ex-ante³¹



^{27.} It may be that laws include an assessment clause precisely because parliamentary debates note a variety of assessments covering the scope of the law: this variety implies both the possibility of conducting a new (ex-post) assessment and may point to controversy over the potential effects of the law. A similar interpretation can be made for trial clauses.

^{28.} Baïz A. et al. (2022), "Qui utilise les évaluations académiques des politiques publiques ? " (Who uses academic assessments of public policies), op. cit.

^{9.} Various examples are given in the report. See Baïz A. et al. (2022), op. cit.

^{30.} These fall into the minority, however, as research publications are sometimes quoted indirectly by legislators. An academic article, for example, may be cited in an assessment carried out by a public administration, and it is this assessment that is cited in a parliamentary report before the law is passed.

^{31.} These percentages change little over time. At most, the trend observed is that evaluative publications produced by public administrations are gaining in importance, while parliamentary publications are not.



Over the 2008-2020 period, assessments carried out by public administrations make up an increasing proportion of the total number of assessments cited each year. While *this trend* is not stable, it is clearly on the rise, from 32% in 2008 to almost 43% in 2020. In contrast, assessments produced by members of parliament are increasingly less represented, making up 37% of assessments cited in 2008 and 26% in 2020. The percentage of assessments carried out by academics in the total number of assessments cited *ex-ante* each year is relatively stable over time, at around 15%.

EX-POST USE: 40% OF LAWS WERE SUBJECT TO AN EX-POST IMPACT ASSESSMENT

The aim here is to identify laws subject to at least one *expost* impact assessment, i.e. post-implementation, and to isolate their characteristics in relation to laws not subject to ex-post assessment.

Aggregate statistics

On an aggregate basis, 105 out of the 262 laws were subject to at least one *ex-post* assessment, i.e. 40% of the sample. Because these assessments may cover only one article of the law, this result by no means indicates that 40% of the legislative provisions contained in the 262 laws in our sample have been assessed. For these 105 laws, a total of 283 *ex-post* assessments were conducted, i.e. an average of about 1.1 assessments per law, and nearly 2.7 assessments per assessed law. If we restrict ourselves to laws passed from 2008 to 2017, in order to take into account the average period of 4.5 years before an *ex-post* assessment is conducted, the percentage of laws assessed *ex-post* is 46%.

Several laws have not been subject to *ex-post* assessment at all. This is the case for 157 of the 262 laws in our sample. Some of these generate a substantial number of Internet results, however, such as the 2017 law reforming the statute of limitations in criminal matters or the 2018 law on the protection of business secrecy.

At the other end of the spectrum, the most assessed law was subject to 18 *ex-post* assessments, namely the law instituting the competitiveness and employment tax credit ("CICE"), enacted by the Amending Finance Act for 2012: 7 assessments were carried out by researchers (and published on a proprietary basis³²); 3 assessments were conducted by public administrations or institutions; 7 by the CICE Oversight Committee headed by France Stratégie (2013-2020); and 1 report was published by the Senate. The second most assessed law is the 2008 law instituting active solidarity income ("RSA"), with 16 *ex-post* assessments: 3 assessments were carried out by researchers; 8 by public administrations or institutions; 1 by a private-sector stakeholder, and finally 4 by the RSA National Assessment Committee between 2009 and 2013.

Statistics drawn from the comparison of law characteristics

Some stylised facts also emerge from the characteristics of the laws under review (see Table 2 overleaf). In particular:

- type of law: 76% of the Finance Act measures considered in our sample, which by construction constitute major tax measures, were subject to an *expost* assessment, versus 47% for executive-branch bills and only 25% for legislative-branch bills.
- year of enactment: the percentage of laws assessed ex-post increases from 41% on average over the 2008-2012 period to 52% over the 2013-2017 period. This percentage drops after 2018 (e.g. 21% in 2020), due to the average time taken to complete an ex-post impact assessment (4.5 years).
- **issue addressed**: in terms of number or proportion, the laws most frequently assessed *ex-post* address the "economy", "labour" or "housing" and "energy" (1.5 to 3 assessments per law on average). Among the issues subject to the fewest *ex-post* assessments are "tourism", "security and police" and "civil service", with less than 0.5 assessments on average³³.

^{32.} Some academic assessments were commissioned by the France Stratégie Assessment Committee and directly contributed to its reports. The choice was made to count these separately, since they were published through their own channels, and as committee's reports do not simply reiterate the academic assessments (they provide a critical overview and new elements).

^{33.} The laws addressing these issues and subject to the fewest *ex-post* assessments, and in fact subject to zero *ex-post* assessments, include: the 2009 law on mobility and career paths in civil service jobs; the 2013 law on the independence of expertise in healthcare and environment, and whistleblower protection; Act No. 2018-697 of 3 August 2018 on the harmonisation of the use of mobile cameras by public security authorities, etc.

Table 2 - Summary of *ex-post* evaluative coverage based on the law's characteristics

Features of law	Ex-post evaluative coverage	Sample size
Type of law		
Executive-branch bill	47%	104
Legislative-branch bill	25%	125
Finance Act measure	76%	33
Year of enactment		
2008-2012	41%	94
2013-2017	52%	104
2018-2020	21%	64
Examples of issues addressed		
Economy, labour, housing, energy	1.5 to 3 assessments on average per law	
Tourism, civil service, security and police	0.5 assessments on average	
Scope of law		
Limited	23%	108
Moderate	45%	78
Large	59%	76
Law contains evaluative clause?		
Yes	62%	106
No	25%	156
		.00
Law contains trial clause?		
	62%	65
Law contains trial clause? Yes No		

Interpretation: under the "type of law" characteristics, 47% of the 104 laws arising from an executive-branch bill were subject to at least one *ex-post* assessment.

Source: France Stratégie

- scope of law: about 59% of laws with a large scope were subject to ex-post assessment versus 45% of moderate-scope laws and just 23% of limited-scope laws.
- Presence or absence of assessment or trial clause: for laws containing at least one assessment - or trial clause³⁴, more than 62%³⁵ were subject to ex-post assessment, versus nearly 50% for laws containing no assessment clause.

Statistics on ex-post assessments

Of the 282 ex-post impact assessments identified, the main authors of ex-post assessments are public administrations and institutions, with 118 assessments produced.

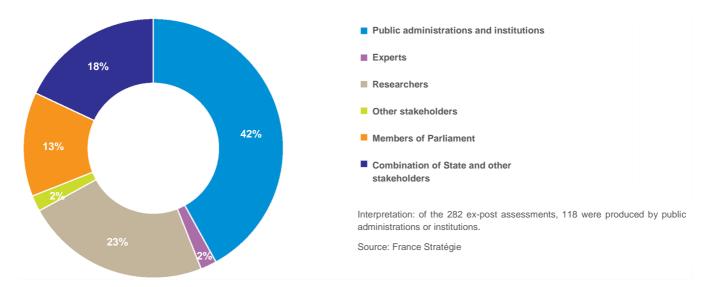
This represents almost 42% of the total. They consist almost exclusively of publications produced by independent stakeholders, such as the Court of Auditors, General Inspection Departments, INSEE, or ministerial statistical departments working for INSEE. In second place, researchers were responsible for 66 ex-post assessments, or 23% of the total. Partnerships between the State and other stakeholders (mainly assessment committees) accounted for 50 ex-post assessments, or 18% of the total. This is followed by the 38 assessments produced by members of parliament (13%), 5 produced by experts (2.0%) and 5 produced by other stakeholders such as think tanks or consulting firms (2.0%). The percentage breakdown of assessments by author held relatively steady over time. For example, members of parliament were responsible for 12% of the 73 ex-post assessments carried out from 2009 to 2015, versus 14% of the 209 ex-post assessments conducted from 2013 to 2020.

³⁴ Which confirms a number of situations where the evaluation clause is not observed. For example, this is the case for Act No. 2010-238 of 9 March 2010 aimed at making smoke detector installation mandatory in all residential housing (an assessment was supposed to be submitted to Parliament within five years, however the Senate questioned the government on its absence in 2015.

The trial covers a limited period and must, in principle, be assessed prior to widespread implementation.



Chart 2 - Authors of ex-post assessments



For public administrations, this percentage is stable at 42%; for researchers it ranges from 21% to 24%; and for partnerships between State and other stakeholders it is also stable at 18% (see Chart 2).

Of these 282 ex-post impact assessments, 29% also address the cost criterion; 46% also address the implementation criterion; 15% address the impact, cost and implementation criteria. In addition, some specific characteristics can be highlighted when considering the author of the assessment. For example, assessments performed by members of parliament focus in particular on the implementation criterion: 76% address this criterion, versus 50% of public administration assessments and 26% of researcher assessments.

Finally, with regard to assessment methods, 11% are based on a qualitative method only; 38% on a quantitative method only; and 51% on a combination of the two. Consequently, 57% of the assessments carried out by public administrations and institutions are based on a combination of methods; 80% of researcher assessments are based on strictly quantitative methods; finally, for assessments conducted by members of parliament, combined methods take first place (68%), followed by qualitative methods (26%)³⁶.

EFFECTIVE USE: OF THE 74 LAWS CONTAINING RECOMMENDATIONS, 45 WERE AMENDED

The aim here is to identify laws subject to at least one *expost* impact assessment and at least one recommendation, and to isolate those laws that acted on at least one recommendation compared to those that did not.

Aggregate statistics

Looking only at recommendations aimed at expressly amending the law or its implementation, we see that of the 105 laws assessed *ex-post*, 74 were subject to at least one recommendation, i.e. 70% of the sample³⁷. These recommendations are sometimes the result of several different assessments. There is no significant trend over time in terms of the percentage of assessments containing recommendations. The percentage is high in some fields such as the "environment" and weak in others such as the "economy". *Ex-post* assessments produced by researchers contain the fewest recommendations (17%).

³⁶ These trends may be due to the fact that quantitative methods are more difficult to employ without ad hoc expertise.

³⁷ It should be noted that 9 laws would have been added to the 74 if assessments recommending no amendment to the law had been counted.

However, this percentage climbs to almost 44% for assessments produced by public administrations and institutions; 53% for assessments produced by assessment committees involving the State and other stakeholders; 80% for expert reports submitted to the government; and 85% for assessments produced by members of parliament.

Above all, of the 74 laws subject to at least one recommendation, 45 acted on at least one of the recommendations, either in the form of an amendment, a change in implementation or the introduction of related provisions.

Statistics drawn from the comparison of law characteristics

A few stylised facts also emerge from comparing the characteristics of the laws under review, although they should be interpreted with caution due to the small size of some of the samples considered. Of the laws subject to at least one recommendation, the following observations can be made (breakdown by characteristic):

- type of law: the percentage of amended laws is lower for measures stemming from legislative-branch bills (55%) than for measures stemming from Finance Acts (60%) and laws stemming from executive-branch bills (around 65%).
- year of enactment: the percentage of amended laws is slightly higher for those passed from 2013 to 2013-2017 (64%) than for those passed from 2008 to 2012 (61%). However, this percentage is lower in the 2018-2020 period (50%), presumably due to the time needed amend a law subsequent to a recommendation.
- issue addressed: for "labour", the percentage of amended laws is much higher (80%) than average (61%). Conversely, the percentage is lower than average for the "justice" and "culture".

Table 3 - Summary of follow-up to recommendations made by *expost* assessments

Features of law	Percentage of laws amended	Sample size
Type of law		
Executive-branch bill	65%	37
Legislative-branch bill	55%	22
Finance Act measure	60%	15
Year of enactment		
2008-2012	61%	31
2013-2017	64%	33
2018-2020	50%	10
Scope of law		
Limited	53	17
Moderate	62	26
Large	65	31
Law contains assessment clause?		
Yes	66	48
No	48	21
Law contains trial clause?		
Yes	72	32
No	52	42
General sample	61	74

Interpretation: under the "type of law" characteristic, 65% of the 37 laws arising from an executive-branch bill, and subject to at least one ex-post assessment and at least one recommendation, acted on at least one of these recommendations.

Source: France Stratégie



- scope of law: limited-scope laws (little media coverage) have the lowest percentage of amended laws (53%).
 This percentage rises to 62% for moderate-scope laws and 65% for large-scope laws.
- presence or absence of assessment or trial clause: the percentage of amended laws is 66% for those with an assessment clause, 48% for those without. This also applies for trial clauses, i.e. 72% with trial clauses and 52% without. Such laws see assessment at central to the implementation of public policy, and are inherently designed to be amended through trials or post-assessment.
- number of evaluative publications cited ex-ante: the
 percentage of amended laws is lower for those with the
 fewest ex-ante assessments. The percentage is 53% for
 laws having each cited fewer than 10 assessments exante. It is around 61% for laws having each cited
 between 10 and 50 assessments ex-ante, and 86% for
 laws having each cited more than 50 assessments exante.
- number of ex-post assessments: overall, the more recommendations made for a law in various assessments, the greater the chance that at least one of them will be acted upon. While this result is not surprising, due to a volume effect, it suggests that a higher number of assessments and recommendations for a given public policy is a factor that encourages the use of assessments in the review of that public policy (see Table 3 on previous page).

Statistics on ex-post assessments containing acted-on recommendations

Looking individually at the 129 assessments that made recommendations out of the 282 *ex-post* assessments identified³⁸, 57% of them were - at least partially - acted upon. The likelihood of a recommendation being acted upon appears to be correlated with the type of author of the *ex-post* assessment containing the recommendation. For example, only 42% of the recommendations made by researchers are acted upon. This percentage stands at 52% and 54%, respectively, for recommendations made by members of parliament or public administrations; it is 73% for those made by joint committees (State-other stakeholders) and climbs to 100% for the four recommendations made in expert reports submitted to the government.

These differences can be attributed to the greater visibility of the assessments made by public administrations for policy-makers. Recommendations made by joint committees may also hold greater credibility due to the collegiate nature of the assessment process. Researcher proposals appear to hold less influence, unless expressly commissioned by the government, when researchers are called upon as experts.

Similarly, the types of evaluative questions raised by *expost* assessments appears to affect the likelihood of any recommendations being acted upon. If the assessment addresses the issue of cost (in addition to impact), its recommendations have a 73% chance of being partially or fully implemented. This percentage drops to 47% if the issue of cost is not addressed. Conversely, if assessments raise the issue of implementation, their recommendations are less likely to be acted upon, which may be due to the fact that such assessments are largely conducted by members of parliament.

Finally, if the assessment is based solely on a quantitative method, any recommendations it contains are 48% more likely to be acted upon, compared to 57% to 60% for recommendations put forward by assessments employing qualitative or combined methods. This result may be due to the fact that strictly quantitative assessments are most often carried out by researchers, and thus tend to hold less clarity and visibility in the eyes of policy-makers.

ILLUSTRATIONS OF STATISTICS FROM THREE LAWS

In order to illustrate the above statistical analyses, three laws are presented below which, although they cannot represent all 262 laws, are nevertheless emblematic of the last three five-year periods and cover various topics. For each of the three laws, the use of assessments (pre- and post-enactment) is summarised.

Research tax credit (2008 Finance Act)

The research tax credit is a tax measure designed to support corporate research and development efforts. It was substantially reformed by the 2008 Finance Act, passed during Nicolas Sarkozy's presidency.

According to our research, and based on the textual analysis carried out, the law saw moderate media coverage, with nearly 15,000 results identified *via* search engine³⁹. During the parliamentary debates preceding enactment, only about 10 citations of evaluative publications were recorded in the minutes of the debates⁴⁰, i.e. similar to what was observed for most Finance Act measures. Half of these publications were produced by public administrations (IGF, Court of Auditors, etc.), three by members of parliament and one report by the Weightless Economy Committee⁴¹, set up in 2006 by the Minister of the Economy, Finance and Industry and comprising public administrations, researchers and private-sector stakeholders.

Post-enactment, six main ex-post assessments were identified. Two were carried out, in 2019 and 2021, by the National Committee for the Assessment of Innovation Policies ("CNEPI")42. This committee, set up in 2014 by the government at France Stratégie, comprises around twenty members (researchers, companies, administrations, etc.) tasked with assessing innovation policies. Based on interviews with stakeholders and in-depth econometric analyses, the reports focus on the impact of the research tax credit on the economic performance of companies and on the attractiveness of France as a country for the establishment of research and development activities by foreign and French companies. Multiple academic studies were commissioned by the CNEPI. Some of these publications, including that of the IPP43, were published independently by their author. The findings of the CNEPI reports are regularly cited. In February 2022, for example, the Conseil des prélèvements obligatoires (Mandatory Social Security Contributions Advisory Board) published a report that reiterated the CNEPI's findings on the limited effectiveness of the research tax credit in terms of the development of private-sector R&D in medium-sized enterprises and large corporates, and in terms of France's attractiveness to foreign multinationals⁴⁴.

Finally, we can point out an assessment carried out in 2010 by the Senate⁴⁵, which makes a number of recommendations. For example, if an innovation tax credit were created, the assessment recommends assigning it a less favourable rate compared to the research tax credit, and "clearly distinguishing the research tax credit from any new tax credit, which should be codified separately". Although it is impossible to prove a strict causal link, this recommendation appears to have been acted on when the new innovation tax credit was created by the 2013 Finance Act (Art. 55).

Act No. 2015-992 of 17 August 2015 on the energy transition for green growth

By setting targets for the reduction of greenhouse gas emissions, this law includes various measures relating to energy production, housing renovation and development of clean vehicles⁴⁶.

According to our research, and based on the textual analysis carried out, the law received very strong media coverage, with nearly 66,000 results identified via search engine. During the parliamentary debates that preceded enactment, some fifty citations of evaluative publications were identified (including a few dozen in the preliminary impact study). Half of these publications were produced by public administrations (Ministry for the Ecological Transition, DG Treasury, etc.), around twenty by members of parliament and half a dozen by researchers.

Post-enactment, five main *ex-post* assessments were identified. Two were produced by the Ministry for the Ecological and Solidarity Transition⁴⁷, in 2021 and 2022. A 2017 Senate assessment report prepared for the Parliamentary Office for the Assessment of Scientific and Technological Choices focuses on a specific aspect of the law relating to energy research strategy⁴⁸.

^{39.} Taking into account only post-2018 citations, bearing in mind that the research tax credit was created in 1983.

^{40.} Ex-ante impact assessments are not yet compulsory for executive-branch bills and finance acts.

^{41.} Weightless Economy Committee (2006), L'économie de l'immatériel. La croissance de demain (The weightless economy. The growth of the future), report by Maurice Lévy and Jean-Pierre Jouyet, November.

^{42.} CNÉPI (2019), L'impact du crédit d'impôt recherche, (Impact of the research tax credit), report, France Stratégie, March. CNEPI (2021), L'impact du crédit d'impôt recherche, (Impact of the research tax credit), report, France Stratégie, June.

Bozio A., Cottet S. and Py L. (2019), Évaluation d'impact de la réforme 2008 du crédit impôt recherche (Impact assessment on the 2008 research tax credit reform), IPP Report, No. 22, March.

^{44.} CPO (2022), Redistribution, innovation, lutte contre le changement climatique : trois enjeux fiscaux majeurs en sortie de crise sanitaire (Redistribution, innovation, climate change: three major fiscal challenges in the wake of the health crisis), February.

^{45.} Briefing No. 493 prepared for the Finance Committee on the assessment of the reform and the research tax credit policy, by Christian Gaudin, Senate, May 2010.

^{46.} See the presentation of the law online at vie.publique.fr.

^{47.} Clément M., Marcus V. and Parent C. (2021), "Le chèque énergie: un dispositif qui contribue à réduire la précarité énergétique" (Energy vouchers: a scheme asimed at reducing energy insecurity), Théma Essentiel, Ministry for the Ecological Transition, October: Callonnec G. and Cancé R. (2022), "Évaluation macroéconomique de la Stratégie nationale bas-carbone (SNBC2) avec le modèle ThreeME" (Macroeconomic assessment of the national low-carbon strategy ("SNBC2") with the ThreeME model), working paper, Ministry for the Ecological Transition.

^{48.} Briefing No. 452 prepared for the Parliamentary Office for the Assessment of Scientific and Technological Choices, on the assessment of the national energy research strategy, by A.-Y. Le Dain and B. Sido, Senate, March 2017.



Inset 1 - Assessment committees headed by France Stratégie

France Stratégie currently heads seven assessment committees: the national committee for the assessment of innovation policies ("CNEPI"), set up in 2014; the committee for the assessment of 2017 labour ordinances; the committee for the assessment of the capital tax reform enacted in the 2018 capital taxation voted in the 2018 Finance Act; the committee for the assessment of the national strategy to prevent and combat poverty, launched in 2018; the committee for assessment of the Pacte Act enacted in 2019, known as the "Impacte Committee"; the committee for the assessment of the very high-speed internet plan; the committee for the assessment of the stimulus plan enacted in 2020.

These committees share a number of common features:

- the assessment focuses on specific, recently implemented measures or sets of measures, not on general policy covering a given topic (e.g. it focuses on the anti-poverty strategy⁴⁹ launched in 2018, not on general anti-poverty policy in France); the conditions of the assessment are typically set out in a mission letter from the Prime Minister or a member of the government, in some cases with legislative support;
- these committees generally have an indefinite term, issuing regular (often annual) reports, with the exception of the committee for the assessment of emergency covid measures⁵⁰ (set up in 2020 and disbanded in 2021), and the committee for the assessment of the very high-speed internet plan⁵¹ (scheduled to deliver its final report at end-2022)⁵²;

In contrast, an assessment report by the Court of Auditors⁵⁵, published in 2015, examines the law itself as well as public policies in general aimed at combating air pollution. In addition, it should be noted that the law includes multiple trial schemes combined with assessment clauses. The law on the gradual implementation of the "energy voucher" was subject to an *ex-post* assessment by the government in 2017, in accordance with Article 201 of the said law.

- the composition of the committees varies by subject, but most often includes the associated public administrations, qualified parties, stakeholders (including social partners) and even members of parliament:
- The committee is usually chaired by an outside party, except for the CNEPI⁵³ and the Impacte Committee⁵⁴, which are chaired by the Chief Commissioner of France Stratégie;
- France Stratégie has operational responsibility for the committee, for the organisation and preparation of draft reports, but the final report, in particular the opinions it formulates, are the responsibility of the committee and are issued in its name; they are not signed by France Stratégie;
- more often than not, France Stratégie partners with university teams to conduct ex-post assessments; the findings of these assessments are presented in the committee's report and the detailed reports submitted by the university teams are systematically made public by France Stratégie.

Each of these committees has something that makes it unique, not only in terms of composition or operation, but also in terms of the scope of its remit (some committees only have a few measures to assess, others several dozen), or in terms of capacity to conduct causal assessments, which depends on the types of measures and available data.

The report recommends several measures, including a €50 increase in the amount of the energy voucher in 2019. This recommendation in particular appears to have been expressly acted upon, as it was proposed in March 2018 by the Minister for the Ecological and Solidarity Transition, Nicolas Hulot, and subsequently implemented.

^{49.} See the dedicated page on the France Stratégie website.

^{50.} See the dedicated page on the France Stratégie website.

^{51.} See the dedicated page on the France Stratégie website.

i2. The CICE assessment committee was disbanded when the CICE was eliminated (replaced in 2019 by a reduction in employer contributions).

^{53.} See the dedicated page on the France Stratégie website.

^{54.} See the dedicated page on the France Stratégie website.

^{55.} Court of Auditors (2015), Les politiques publiques de lutte contre la pollution de l'air (Public policies aimed at combatingair pollution), investigation commissioned by the National Assembly's Committee for the Assessment and Oversight of Public Policies, December.

Act No. 2018-771 of 5 September 2018 on the freedom to choose a career

In line with the "Labour" ordinances of September 2017, this law reformed the apprenticeship and continuing vocational training system as well as the functioning of unemployment insurance⁵⁶.

According to our research, and based on the textual analysis carried out, the law received very strong media coverage, with more than 90,000 results identified via search engine. During the parliamentary debates that preceded enactment, 75 citations of evaluative publications were identified (including around 50 in the preliminary impact study). More than 50 of these publications were produced by public administrations (Dares, DEPP, INSEE, etc.), about ten by members of parliament (mainly briefings) and about ten by researchers.

Post-enactment, four main *ex-post* assessments were identified. Three of these addressed a specific measure (professional equality index), including an assessment by Dares⁵⁷ and an assessment by the Institute for Public Policy (IPP)⁵⁸. The fourth, more comprehensive assessment was carried out by the National Assembly's Social Affairs Committee⁵⁹. From a methodology standpoint, the assessment uses both quantitative and qualitative methods (statistical analysis, interviews, field observation, analysis of materials, etc.).

This assessment makes a number of recommendations aimed at renovating the personal training account, enhancing the value of career development counselling and providing more funding for training in VSEs and SMEs. As the report was published in January 2022, it is still too early to assess the effective implementation of these proposals. However, some of them have been widely taken up in the public debate, in particular proposals to combat fraud and abusive direct marketing practices by certain training organisations. For example, the new Minister of Labour, Olivier Dussopt, stated at the end of May 2022 that he wanted to "continue the reform of vocational training" initiated by the Careers Act, and in particular to "identify vocational training courses that do not provide sufficient qualifications and do not lead to lasting employment".

In addition, the law provides for several trial measures, combined with assessment clauses, such as making continued registration on the list of job-seekers contingent on "job-seekers providing information on the progress made in their job search when periodically renewing their registration" (Article 58). Based on the information collected, multiple government assessment reports are currently being prepared.

CONCLUSION

Although they enjoy scientific authority and broader distribution, academic *ex-post* impact assessments are still only marginally cited during the legislative process in comparison to other identified forms of expertise. Section 2 of the analysis shows that other types of evaluative publications are used (parliamentary briefings, institutional papers, expert reports submitted to the government, etc.). That said, researchers and their publications are more often cited through channels other than peer-reviewed journals. They are cited in particular through their works for the general public, the articles they publish for assessment labs (IPP, OFCE, Liepp, etc.) and think tanks, or through their contributions to reports by public administrations and assessment committees (France Stratégie, Dares, etc.). Over the 2008-2020 period, each law cites an average of 18 evaluative publications before it is passed.

After the law has been passed, ex-post impact assessments are increasingly common. Their recommendations, if any, are more likely to be acted upon in certain configurations, particularly if the assessment is produced by a public administration or a committee involving the State and several stakeholders (researchers, civil society, members of parliament, etc.); if the assessment is based on qualitative or combined methods; and finally if the assessment was prompted by an assessment clause or an trial clause built into the law. Each of these findings, supported by statistics, can be seen as a potential lever for action to enhance the perceived utility of assessments and their effective use. In order to be more widely used in public debates, assessments would benefit - and this also emerged from the interviews conducted - from a combination of methods and issues addressed, from being

^{56.} See details of the measures online at Vie.publique.fr.

^{57.} Dares (2021), "Index de l'égalité professionnelle : quel bilan depuis son entrée en vigueur?" (Professional equality index: what conclusions can be drawn post-implementation?), Dares Analyses, No. 68, November.

^{58.} Breda T., Dutrono-Postel P., Sultan J. and M. Tô (2020), "Inégalités femmes-hommes au sein des entreprises : que mesure l'index de l'égalité professionnelle ? " (Gender inequalities in companies: what does the professional equality index measure?), Les notes de l'IPP, No. 52, March.

^{59.} Briefing No. 4922 by the Social Affairs Committee on the assessment of Act No. 2018-771 of 5 September 2018 on the freedom to choose a career, by C. Fabre and G. Cherpion for Title I, S. Maillard and J. Aviragnet for Title II, C. Grandjean and M. de Vaucouleurs for Title III, National Assembly, January.



conducted in a partnership configuration (involving the State, researchers and, in general, civil society) and from being compiled in clear, accessible formats.

Furthermore, as we saw in the conclusion of the section 1⁶⁰, further developments would be useful for future studies: the analysis of implicit uses or mis-uses of assessments, the mitigation of calendar and structure effects, etc. Furthermore, it should be noted that the statistics produced establish correlations and not necessarily causal links. And while we have been careful to present only the most robust results (those based on the largest samples), the textual analysis could be replicated on even larger populations of cases (e.g. regulatory texts or major laws passed in other countries) to increase the materiality of the results. Finally, this analysis could be extended, in particular with more case studies, in order to make more precise assessments of the dynamics at work and, if necessary, to formulate recommendations.

Key words: public policy assessments, parliamentary debates, prior impact studies, citations, *ex-post* assessments, recommendation

^{60.} See Baïz A. et al. (2022), "Qui utilise les évaluations académiques des politiques publiques ?" (Who uses academic assessments of public policies?), op. cit., and Baïz et al. (2022), Quelle évaluations des politiques publiques pour quelles utilisations? (What public policy assessments are conducted for what purposes?), France Stratégie, June.





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