

45. Improving the transparency of regulations

Increased transparency is a goal of the 2005 OECD *Guiding Principles for Regulatory Quality and Performance*. Transparency in communication and open access to regulations promotes government accountability and sustains confidence in the legal environment, which in turn fosters a business-friendly environment and helps build trust in government institutions. Indeed, a country's regulations contain much information about how a society is organised, i.e. about the rules of the game and the political decisions taken. If citizens and businesses can readily access and understand regulations, it is more likely that they will participate in the legislative process and comply with the rules. Furthermore, the easier it is for foreign nationals to understand a country's regulations, the easier trade and investment becomes.

It is now common practice in all OECD member countries to make the text of regulations available publically on the Internet. It is less common for member countries to publish their plans for new or changing regulations. This forward planning would provide a greater opportunity for citizens, businesses and government Ministries to offer suggestions for improvement, highlight potentially adverse aspects of plans and anticipate potential changes that will affect them. For example, in Korea, the Ministry of Legislation publishes on the Internet the yearly law enactment/amendment plans by each Ministry. It is also increasingly common for OECD countries to publish the views of participants in the consultation process: 20 OECD member countries disclose the views expressed by stakeholders on draft subordinate regulations.

As the number and complexity of regulatory instruments have increased over time, governments have taken steps to help citizens and businesses to understand and comply with rules. Plain language drafting is the most common method used by countries to enhance the accessibility of regulations. Publication of a consolidated register and the codification of laws can also help increase transparency. For instance, primary laws are codified in 28 OECD member countries, but only 20 countries have a mechanism in place for the codification to be regularly updated.

Regulatory impact analysis (RIA) can be a key tool for enhancing transparency when citizens' and business' views are taken into account in the process and the results are made available to the public. While an increasing number of OECD countries report that they incorporate the views of the public in RIA (in 2008, 24 OECD countries did so for primary laws and 21 for subordinate ones), OECD country reviews indicate that few countries do so systematically and that the quality of consultation varies significantly. Less than two-thirds of OECD members report releasing RIA documents for consultation. The practice of regularly monitoring the compliance of government

Ministries with the requirements of RIA and releasing these reports to the public is also not widespread. In 2008, 10 OECD countries reported doing so, including Australia, Belgium, the Czech Republic, Denmark, Finland, Ireland, New Zealand, Switzerland, the United Kingdom and the United States.

Methodology and definitions

The indicators draw upon country responses to the OECD Regulatory Management Systems' Indicators Survey conducted in 2005 and 2008 for the (then) 30 OECD member countries. Responses were provided by OECD delegates and central government officials. Data were subsequently collected in 2010 for the four countries that joined the OECD in 2010 (Chile, Estonia, Israel and Slovenia), as well as three other major economies (Brazil, the Russian Federation and South Africa). Data for these countries refer to 2009. Country-specific data are available on line at: <http://dx.doi.org/10.1787/888932392267>.

Primary laws are those approved by the legislature, while subordinate regulations are those that can be approved by delegation to the executive (that is, by an authority other than the legislature). A consolidated register compiles all regulations into one place. Codification is the systematic arrangement of laws in force, often by areas (e.g. penal code or company law).

Further reading

OECD (2009), *Regulatory Impact Analysis: A Tool for Policy Coherence*, OECD Publishing, Paris.

OECD (2010), "Open Government and E-Rulemaking: A Discussion Note", paper prepared for the Regulatory Policy at the Crossroads Conference, Paris, 28-29 October 2010, OECD Publishing, Paris.

OECD (2010), *Regulatory Policy and the Road to Sustainable Growth*, OECD Publishing, Paris, www.oecd.org/regref/eu15.

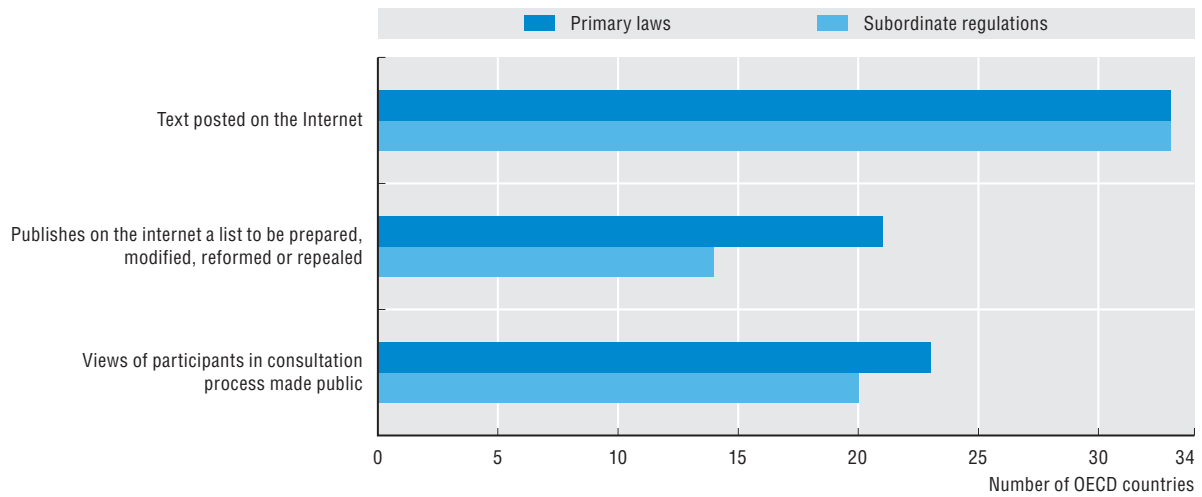
Figure notes

45.1: Data for Chile, Estonia, Israel and Slovenia refer to 2009.

45.2: Data for Chile, Estonia, Israel and Slovenia are not available for 2005. Therefore, the figure is based on data for 30 countries for 2005, and 34 countries for 2008.

Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>.

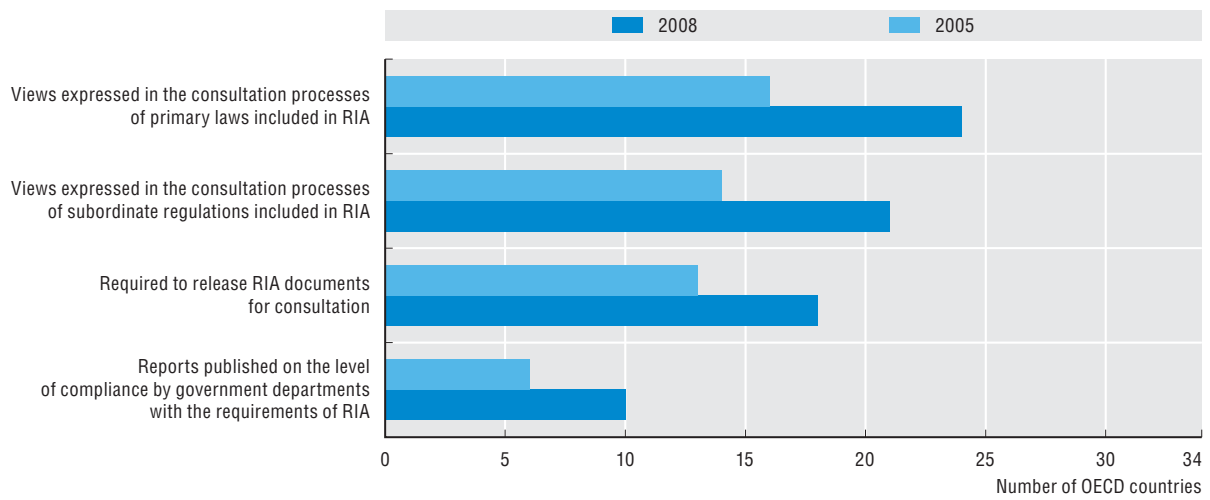
45.1 Public availability of central government regulatory information (2008)



Source: OECD Regulatory Management Systems' Indicators Survey 2008/09, www.oecd.org/regreform/indicators. See StatLink for country-specific data.

StatLink <http://dx.doi.org/10.1787/888932391165>

45.2 Transparency of central government RIA (2005 and 2008)



Source: OECD Regulatory Management Systems' Indicators Survey 2005 and 2008/09, www.oecd.org/regreform/indicators. See StatLink for country-specific data.

StatLink <http://dx.doi.org/10.1787/888932391184>



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