



OECD Working Papers on Public Governance No. 9

**Regulatory Management
Systems Across OECD
Countries: Indicators of
Recent Achievements and
Challenges**

**Stephane Jacobzone,
Gregory Bounds,
Chang-won Choi,
Claire Miguet**

<https://dx.doi.org/10.1787/5kmjr1g0n8bq-en>

OECD WORKING PAPERS ON PUBLIC GOVERNANCE

No. 9

Regulatory Management Systems across OECD Countries: Indicators of Recent Achievements and Challenges

Stéphane Jacobzone, Gregory Bounds, Chang-won Choi, Claire Miguet
Regulatory Policy Division, OECD



ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where the governments of 30 democracies work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD member countries are: Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The Commission of the European Communities takes part in the work of the OECD.

This work is published on the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of the Organisation or of the governments of its member countries.

ACKNOWLEDGEMENTS

This report presents further assessment of the regulatory policies of member countries and of their regulatory management systems using the 1998 and 2005 indicators. These results complement the results presented in Working Paper N°4, “Indicators of Regulatory Management Systems”. This report was presented to delegates in the Spring 2007 and integrates comments received after this discussion. The results also contributed to the OECD project on *Government at a Glance* (see www.oecd.org/gov/indicators/govataglance).

This paper highlights differences in country practices for the various policy areas of regulatory policy. These detailed indicators represent an essential step before further analytical work, exploring the correlations and econometric linkages with other indicators of governance, regulatory reform and broader economic variables.

This work benefited from insights and comments from OECD colleagues. The authors are particularly grateful to Odile Sallard, Josef Konvitz, Nick Manning for their comments. The authors are also indebted to Sander Wagner for statistical assistance. The project was led by Stéphane Jacobzone, Gregory Bounds, Chang-won Choi, and Claire Miguet of the Regulatory Policy Division.

TABLE OF CONTENTS

INTRODUCTION.....	6
COMPOSITE INDICATORS OF THE QUALITY OF REGULATORY MANAGEMENT SYSTEMS	6
Methodological aspects.....	6
Guidelines for constructing composite indicators	6
The choice of a weighting system	7
The role of the weighting system in terms of country rankings	9
AN OVERVIEW OF REGULATORY MANAGEMENT SYSTEMS	10
Regulatory Policies	10
Regulatory institutions	13
Institutional setting to promote quality in regulatory management systems	13
Regulatory management across levels of government	15
The role of the Parliament and the Judiciary	16
Building regulatory capacity through training	17
Regulatory processes	19
Clarity and due process in decision-making procedures	19
Transparency	21
Regulatory Quality Tools.....	24
Provision of justification for regulatory actions, consideration of alternatives.....	24
Regulatory Impact Analysis	25
Administrative simplification and reduction of regulatory burdens.....	28
Dynamic process of evaluation and update	32
Compliance and implementation.....	34
Assessing performance.....	35
CONCLUSION	36
BIBLIOGRAPHY	37
ANNEX 1. DETAILED WEIGHTING FOR COMPOSITE INDICATORS	38

Table

Table 1. Correlation between country rankings between a system of equal weights and the current weighting system	9
--	---

Figures

Figure 1. Adoption of an explicit policy for regulation reform, 1998-2005	11
Figure 2.1. Policy coherence integrating regulatory policy with other policy areas in 2005	12
Figure 2.2. Policy coherence integrating regulatory policy with competition and trade, 1998-2005	12
Figure 3.1. Institutional capacity for managing regulatory reform in 2005	14
Figure 3.2. Institutional capacity for managing regulatory reform, 1998-2005.....	14
Figure 4. Multi-level co-ordination mechanisms for regulatory policy in 2005.....	15
Figure 5. Parliamentary oversight of regulatory policy in 2005	16
Figure 6. Role of the judiciary in regulatory policy in 2005.....	17
Figure 7.1. Training in regulatory reform skills in 2005.....	18
Figure 7.2. Training in regulatory reform skills, 1998-2005	18
Figure 8.1. Clarity and due process in rule-making procedures in 2005	20
Figure 8.2. Clarity and due process in rule-making procedures, 1998-2005	20
Figure 9.1. Quality of consultation processes in 2005	22
Figure 9.2. Quality of consultation processes, 1998-2005.....	22
Figure 10. Transparency and easy access to regulations, 1998-2005	23
Figure 11. Provision of justification for regulatory actions, 1998-2005.....	24
Figure 12.1. Explicit RIA processes in 2005	26
Figure 12.2. Extent of RIA processes in 2005	27
Figure 12.3. Overall RIA processes, 1998-2005.....	28
Figure 13.1. Reduction and control of administrative burdens in 2005.....	29
Figure 13.2. Controlling aggregate regulatory burdens in 2005	29
Figure 13.3. Reduction and control of administrative burdens, 1998-2005.....	30
Figure 14.1. Facilitating licenses, permits and administrative requirements in 2005	31
Figure 14.2. Facilitating licenses, permits and administrative requirements, 1998-2005.....	32
Figure 15.1. Dynamic process of evaluation and update of regulations in 2005	33
Figure 15.2. Dynamic process of evaluation and update of regulations, 1998-2005	33
Figure 16.1. Availability of options for appeals in 2005	34
Figure 16.2. Availability of options for appeals, 1998-2005	35
Figure 17. Indicators of performance, qualitative questions in 2005.....	36

INTRODUCTION

This report presents patterns assessing cross country differences in regulatory management practices using the indicators collected by the OECD in 1998 and 2005. It discusses first the contribution and limits of composite indicators of regulatory management systems. The main part of the report provides an overview of regulatory management systems, including regulatory policies, institutions, processes and tools.

The goal is to offer a broad but detailed picture on country practices as well as recent trends since 1998. The reader should be reminded that the information collected reflects a self-assessment by countries of their regulatory management practices. Sharing this information to a broader audience also helps to achieve a broader understanding of the field of regulatory practice. The information concerning the trends is slightly more restricted since fewer data were available in 1998 and the 2005 questionnaire had a slightly broader scope. These indicators will also be helpful in assessing the impact of regulatory management systems on broader economic variables and in terms of outcome.

COMPOSITE INDICATORS OF THE QUALITY OF REGULATORY MANAGEMENT SYSTEMS

Methodological aspects

Guidelines for constructing composite indicators

The construction and use of composite indicators provide both opportunities and challenges. On the one hand, if each individual variable describes a discrete and narrowly-defined concept, it is relatively straightforward to determine what the variable is describing and consequently the action necessary to change it is reasonably clear. On the other hand, a profusion of separate variables gives little indication about a strategy relevant to policy reform – each might mean something at the micro-level, but, as a group, they provide a scattered picture, leaving the reader to deduce policy implications.

A more aggregated picture which includes composite indicators is necessary to formulate a more complete diagnostic. Composite indicators could provide a more strategic snapshot of the situation, summarising complex issues and facilitating the use of the data. Ideally, they could provide headlines of interest to policy makers concerning the drivers of good or bad performance. They help to identify successes, but also remaining gaps.

However, composite indicators also involve risks, particularly with institutional issues such as policy tools and institutions. There is a political significance to any public assessment of regulatory performance, for example, in terms of related issues to trade and investment, which may push the debate to the headline level at the expense of a serious analytic focus on the underlying success factors or reform possibilities. Second, from an analytical standpoint, some may argue that a composite indicator might be misleading. For these reasons, the OECD Statistics Directorate has elaborated a Handbook on constructing composite indicators, reflected in Box 1, which sets a number of criteria and issues that should be addressed when developing composite indicators.

A composite indicator involves definitional or conceptual issues when there are strong disagreements on the variable being measured. However, in the case of indicators of the quality of regulatory management systems, this should not occur as they rely on objective institutional aspects and have been subject to an extensive review process. The understanding of similar institutional issues may nonetheless differ across countries.

Composite indicators, the OECD statistical perspective

The development of relevant composite indicators of regulatory quality processes rests on capturing appropriate key elements of regulatory quality and on devising a broadly acceptable means of constructing the indicators such as choosing how to frame the composite indicators, selecting questions to be included and calibrating the weights to be employed. As a first stage, composite indicators could be built for the various policy areas explored by the 2005 indicators (see Jacobzone, Choi, Miguet, 2007, Table 1).

The OECD Statistics Directorate has produced a Handbook on Constructing Composite Indicators which offers a number of criteria such as:

- Clear theoretical framework
- Indicators selected on the basis of their quality and relevance
- The methodological choices in weighting and aggregation exposed
- Different approaches for imputing missing values exposed
- Indicators normalised to render them comparable
- Indicators aggregated and weighted according to the underlying theoretical framework
- Explicit assessments made of the robustness of the composite indicator
- Composite indicator correlated with other data
- Presentation should clarify and not mislead
- Underlying indicators or values should be readily available

These criteria were developed by Saisana Nardo, *et al.* (2005) and considered relevant for the meaningful construction of composite indicators.

The conceptual framework for the current set of indicators is provided by the OECD (2005) *Guiding Principles for Regulatory Quality and Performance*, which promotes the general acceptance by OECD member countries of key elements of a regulatory quality system and a commitment to their implementation. As well, the common reference point in terms of objectives and principles – applicable to all of the work of the programme on regulatory management and reform – is that of welfare maximisation in the economic sense. The 2005 *OECD Principles* provide a set of agreed reference guidelines to guide the analysis of regulatory quality. The preference given to each institutional reform or outcome may however vary across countries and reflects local preferences.

Nonetheless, some issues may still arise, for example due to respondents' inconsistent interpretation of questions in the questionnaire. Publication of the detailed results as part of an occasional paper will put the current results in the public domain, thus exposing them to some public scrutiny.

The choice of a weighting system

As part of the process, conducting sensitivity tests is likely to be helpful to determine the extent to which outcomes are dependent on the weights applied. Results are displayed below. The construction of indicators implies attaching some weights to questions of sub elements, so as to gain a more detailed understanding of the differences across countries and broadly summarise the information. Assigning a weight to a categorical answer implies giving a value to an institutional or process aspect of the quality of a regulatory management system. Weights were carried out following the submission of an expert,¹ which had been discussed during the first survey instrument discussions in April 2005. These weights were

1. Mr. Rex Deighton Smith, who was involved in the preparation of the initial questionnaire.

subsequently slightly adjusted following extensive discussions and consultations within the regulatory policy division Secretariat. Weights were sent to the network of data correspondents mid December 2006. A number of responses were received by February 2007 and the weights subsequently adjusted and re-sent to the network of data correspondents early April 2007, with some answers and justifications for the choices made. Feedback has generally been positive and in some cases, marginal changes were suggested by countries. Further marginal changes were suggested by countries during the discussion held in Spring 2007, particularly concerning the issue of delays for consultation. The version currently presented integrates those comments.

Questions have been weighted by priority in the light of the OECD *Guiding Principles for Regulatory Quality and Performance*. Each country has been given an aggregate score for its response. The weights are applied within questions where a particular element of the regulatory quality tool, policy or institution is of substantially greater importance to outcomes than other elements also considered in the question. For example in relation to overall regulatory policy, the primary question “*is there an explicit, published regulatory policy promoting government wide regulatory reform or regulatory quality improvement?*” is given a weighting of 3, while the latter question “*does it establish explicit objectives of reform?*” is given a weighting of 1 as it is clearly subsidiary to the former. The allocation of the weights in each case aims to ensure that results illustrate cases where countries’ responses cover the key elements of the OECD Guidelines for good practice.

The construction of weights is quite complex as it incorporates a large proportion of the questions included in the questionnaire under the relevant heading. This reflects the fact that the questionnaire focuses strongly on areas in which there is a sound understanding of the detailed elements of good practice in relation to a regulatory policy issue. The exclusion of sub-questions from the weighting generally reflects either that the question seeks information in an area where there is not a sound understanding of the elements of good practice or that this question is purely descriptive. This includes open-ended questions, which gather information on current practices for the purpose of subsequent research, rather than benchmarking practices in quality terms. In other cases, sub-questions have been excluded because their role in assuring aspects of regulatory quality appears to be significantly smaller than that of the other sub-questions.

For example, the fact that only the regulations available in a public register are enforceable is weighted more heavily than the simple availability of a register of proposed regulatory initiatives (a weighting of 2 is suggested for the former and of 1 for the latter). This reflects that these registers are likely to be of greater value if they enable stakeholders to know the limits of the regulations that are to be applied. This is unlikely to be the case if regulations that are not in the register are also in force. Weightings are also applied where possible answers to questions are of the form “always/sometimes/rarely/never”. Here, such weightings clearly reflect the fact that the wider application of a particular tool or policy can, in general, be expected to increase its utility. The weightings used are kept as simple as possible, since the judgements made as to importance are clearly qualitative and subjective in nature.

At a more general level, the goal is to assess whether the corresponding features of regulatory management systems are conducive to regulatory quality, as reflected in the OECD principles, and in national practices. In that sense, countries' performance, as illustrated in the weights, reflects the compliance with sound regulatory management practices in the sense of the OECD 2005 *Guiding Principles for Regulatory Quality and Performance*.

One issue of concern is processing missing values. For the moment, the only viable alternative for missing values is to assume that they correspond to a missing element, hence an implicit “no” from the country. Countries with missing values can still correct their answers when and if appropriate. This rule has been consistently adopted throughout the work.

The role of the weighting system in terms of country rankings

A question arises as to whether the weights chosen do greatly influence the country ranking order as shown in the charts. For this reason, a simulation was conducted and the values of the indicators were calculated by applying equal weights to all the sub elements that were given a weight. The correlation was calculated between the two series of country ranks, one using equal weights and the other arbitrary weights. The results clearly show that, while specific weights attached to one or the other element may have some impact, this impact appears to be marginal in terms of specific country rankings. However, the weights are important to assess the relative policy value of a given institutional feature and to give an informed policy-relevant picture of existing and past trends.

Table 1. Correlation between country rankings between a system of equal weights and the current weighting system

Items		Correlation
1	Explicit regulatory policy	99.6
2	Linking regulatory policy and other policy areas	100.0
3	Forward planning of regulatory activities	99.7
4	Rule-making procedures	100.0
5	Communication of regulations	99.5
6	Threshold tests	98.3
7	Choice of policy instruments	98.4
8	Compliance and enforcement	100.0
9	Use of regulatory quality tools - general	97.2
10	Use of Public consultation	96.3
11	Use of regulatory impact analysis (RIA)	99.2
12	Business licenses and permits	96.8
13	Reducing administrative burdens	98.3
14	Training in regulatory quality skills	100.0
15	Central regulatory oversight authority (administrative and political)	98.6
16	Parliamentary oversight of regulatory policy	98.7
17	Role of the judiciary in regulatory policy	100.0
18	Inter-governmental co-ordination on regulatory policy	100.0
19	Regulatory review and evaluation	97.9
20	Controlling aggregate regulatory burdens	100.0
21	Indicators of performance, qualitative questions	100.0

AN OVERVIEW OF REGULATORY MANAGEMENT SYSTEMS

This section illustrates the results of regulatory management systems in OECD countries over the period 1998-2005 in relation to the *OECD Principles for Regulatory Reform and Performance*, which guided the choice of the weighting system, based on an understanding of good practice. The analysis presents the general results based on the wider set of results for 2005. An additional analysis of trends between 1998-2005 is performed when comparative data have been collected over time. The data available for 1998-2005 are often more restricted than the full data for 2005 only. The analysis follows the taxonomy of previous reports, adopted in Jacobzone, Choi, Miguet (2007), relating to policies, institutions, processes and tools which represent the core features of quality practices in regulatory management systems.

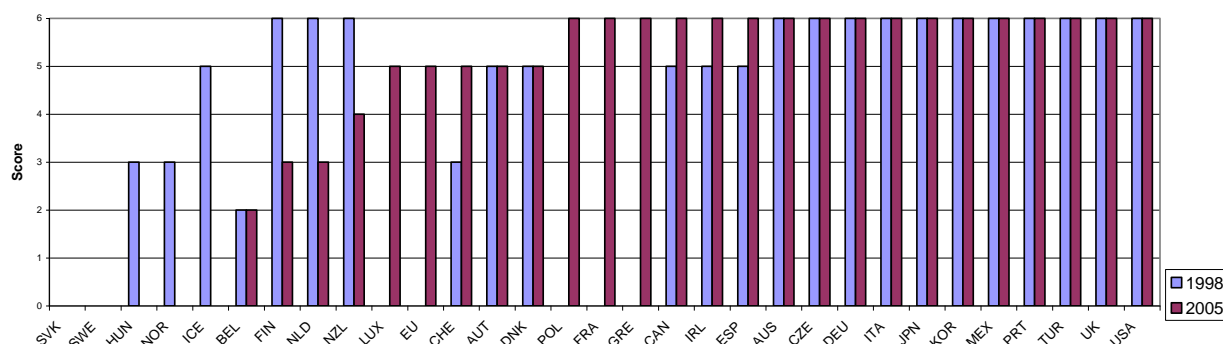
Regulatory Policies

The adoption of a clear political commitment to the established principles for regulatory reform articulated in the *1995 OECD Recommendation on Improving the Quality of Government Regulation*, and reiterated in the subsequent 1997 and 2005 *principles for Regulatory Quality and Performance*, is a key component for a successful system of regulatory quality management. The results in Figure 1 illustrate whether a country has adopted an explicit policy for regulatory reform, if it includes objectives for reform and principles for good regulation, and if it establishes explicit responsibilities for reform at the ministerial level. As mentioned above, the principal issue as to whether a country has an explicit policy for reform or regulatory quality is weighted more heavily than the elements of the policy, which while important, are nonetheless subsidiary.

The results from the 2005 survey indicated a broad take up of the OECD principle *i.e.*, that countries should adopt an explicit policy for regulatory quality. The majority of OECD countries have promulgated policies which articulate clear regulatory quality principles. Eighteen countries reportedly publish a government-wide policy on regulatory quality management with explicit objectives, principles and ministerial responsibilities. Of these, Canada, Iceland and Spain report some improvements to their policies compared with 1998. The remaining countries, with the exception of Sweden and the Slovak Republic, report that policies exist, although elements may be absent.

Responses for Finland, the Netherlands and New Zealand show that while answers were positive to all the questions in 1998, this was no longer the case in 2005. A different policy setting may account for that. For example, as of 2005, in the Netherlands and Finland, the policy was not at ministerial level and did not have explicit principles and objectives. In New Zealand, it just had explicit principles. Further analysis of nature of the specific changes in policy in these countries and the causes underlying these changes may be instructive to understanding obstacles when trying to adopt a government-wide policy.

Figure 1. Adoption of an explicit policy for regulation reform, 1998-2005



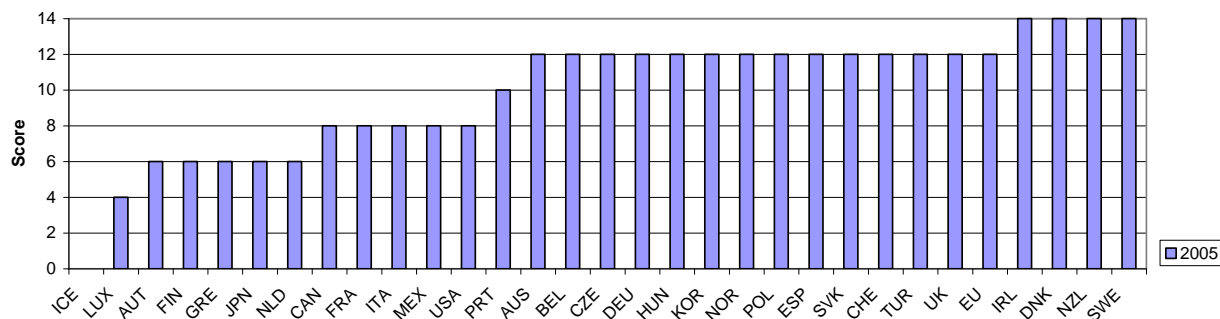
Weights:

- Is there an explicit, published regulatory policy promoting government-wide regulatory reform or regulatory quality improvement? if yes, weight=3
- Does it establish explicit objectives of reform? if yes, weight=1
- Does it set out explicit principles of good regulation? if yes, weight=1
- Does it establish specific responsibilities for reform at the ministerial level? if yes, weight=1

See Q1 / 2005 OECD regulatory indicators questionnaire

In terms of broader policy coherence and linking regulatory policy with other policy areas, the results illustrate whether the regulatory management systems of member countries routinely require consultation with the bodies responsible for trade, competition and consumer policy when developing new regulations. As these are key issues in terms of regulatory quality, these elements are given equal weighting in scoring the results of the questionnaire, as well as whether the consultation is mandatory or not, which reinforces the impact. Other possible policy areas which were not specified in that question were given a slightly lower weight. As illustrated in Figure 2.1, consultation of the bodies responsible for competition, consumer policy and market openness, was nearly fully integrated in half of the OECD member countries in 2005. For a second set of countries, the results were intermediate, often due to the fact that consultation was not mandatory. In very small countries, consultation was restricted to one policy area, such as consumer policy in Iceland or market openness in Luxembourg. The results over time are restricted to the integration with competition and trade. On these dimensions, and without considering the mandatory character of the consultation, this was nearly universal in 2005, except in Luxembourg, a marked improvement compared with 1998 for some countries.

Figure 2.1. Policy coherence integrating regulatory policy with other policy areas in 2005

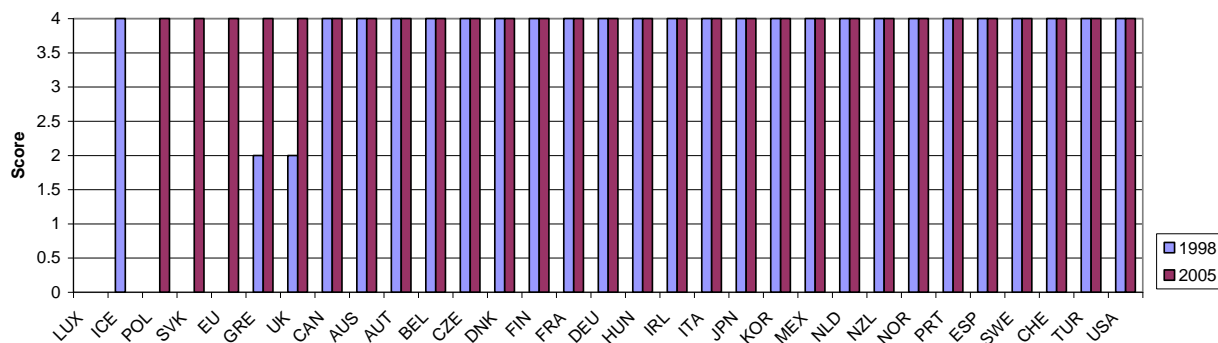


Is the body responsible for competition policy usually consulted on new regulations?
 If, the answer is yes, is this consultation mandatory? (At least in certain cases)
 Is the body responsible for trade policy usually consulted on new regulations?
 If, the answer is yes, is this consultation mandatory? (At least in certain cases)
 Is the body responsible for consumer policy usually consulted on new regulations?
 If, the answer is yes, is this consultation mandatory? (At least in certain cases)
 Are other policy areas involved (e.g. social or environmental concerns, please specify)

Weights:
 if yes, weight=2
 if yes, weight=2
 if yes, weight=2
 if yes, weight=2
 if yes, weight=2
 if yes, weight=2

See Q2 / 2005 OECD regulatory indicators questionnaire

Figure 2.2. Policy coherence integrating regulatory policy with competition and trade, 1998-2005



Is the body responsible for competition policy usually consulted on new regulations?
 Is the body responsible for trade policy usually consulted on new regulations?

Weights:
 if yes, weight=2
 if yes, weight=2

See Q2 / 2005 OECD regulatory indicators questionnaire

Regulatory institutions

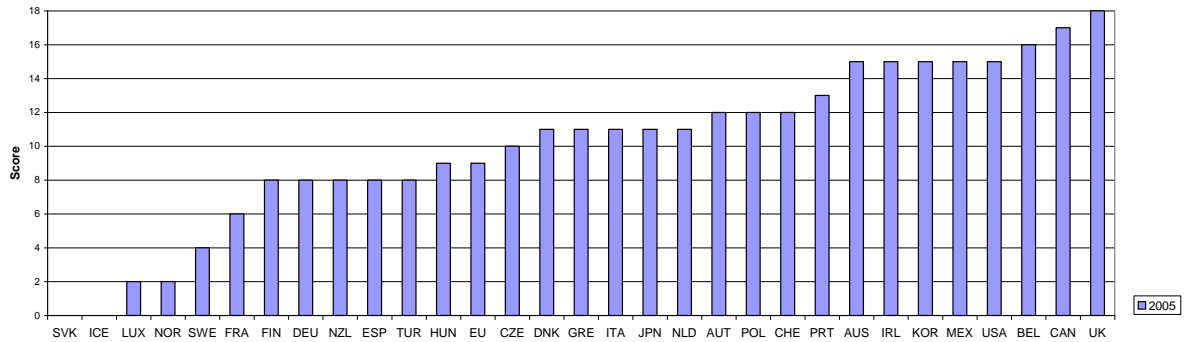
Institutional setting to promote quality in regulatory management systems

The establishment of a central body with responsibility for developing and promulgating regulatory policy from a whole government perspective is an important component of a country's institutional architecture. Co-ordination from the centre of government provides an important role in ensuring that regulatory quality systems are successfully applied. Dedicated regulatory reform agencies are a locus of political authority for regulatory quality as they act as a gatekeeper to ensure that new regulations conform to regulatory quality principles, report on the compliance of ministries with regulatory policies and undertake cross government reviews of the impact of regulation.

The 2005 survey indicates wide adoption among members with nearly all countries having established a dedicated body for monitoring the progress of regulatory policy and reform. The majority reports that the unit incorporates important functions for ensuring the effectiveness of the role; in particular as a body consulted on the impact of new regulatory proposals. However, the function of monitoring and reporting on regulatory reform is less widespread and only half the member countries report that the body has responsibility for undertaking its own reviews of regulatory impacts. A group of countries seems to have a strong framework. The UK and Canada provided a positive answer to nearly all the questions, and Australia, Ireland, Korea, Mexico, the United States and Belgium, identified a body entrusted with a review and/or an advocacy function, and usually a minister accountable for promoting government-wide progress. However, the institutional framework was not developed in the Slovak Republic, Luxembourg, Norway and Sweden.

Notable changes since 1998 are the establishment of dedicated bodies in Hungary, Iceland, the Czech Republic and Greece. Conversely, Italy and Sweden both reported the removal of a dedicated office for regulatory policy, initially established. A new body was just set up again in Italy end 2006. Sweden is currently adopting steps to strengthen its institutional capacity.

Figure 3.1. Institutional capacity for managing regulatory reform in 2005

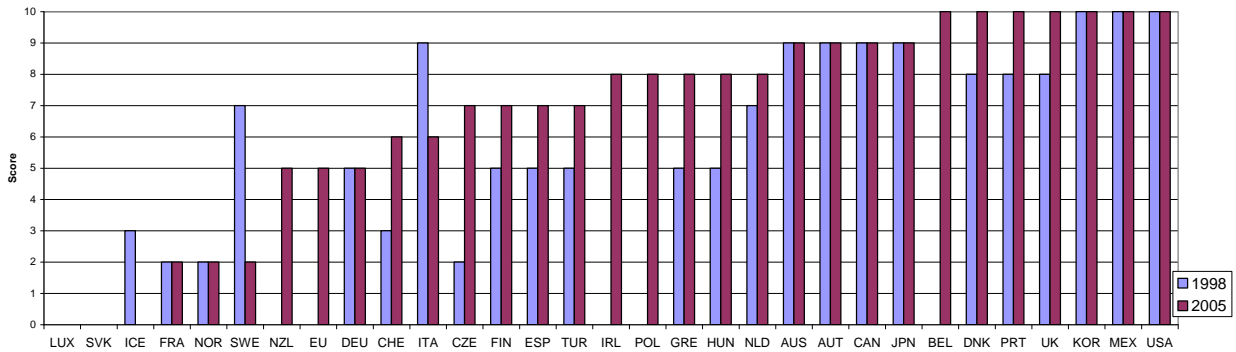


Is there a dedicated body (or bodies) responsible for promoting the regulatory policy and monitoring and reporting on regulatory reform and regulatory quality in the national administration from a whole of government perspective?
 Is this body consulted as part of the process of developing new regulation?
 Does this body report on progress made on reform by individual ministries?
 Is this body entrusted with the authority of reviewing and monitoring regulatory impacts conducted in individual ministries?
 Can this body conduct its own analysis of regulatory impacts?
 Is this body entrusted with an advocacy function to promote regulatory quality and reform?
 Is there an advisory body that receives references from Government to review broad areas of regulation, collecting the views of private stakeholders? (e.g. Better Regulation Task Force in the UK, or External Advisory Council on Smart Regulation in Canada)
 If the answer is "yes": b(i) Does this body have a degree of independence from government (e.g. through a board or commission structure)?
 If the answer is "yes": b(ii) Does this body report its findings publicly?
 Is a specific minister accountable for promoting government-wide progress on regulatory reform?
 If the answer is "yes": c(ii) Is the Minister required to report to Parliament on progress?

Weights:
 if yes, weight=3
 if yes, weight=2
 if yes, weight=2
 if yes, weight=2
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=2
 if yes, weight=2
 if yes, weight=2

See Q15 / 2005 OECD regulatory indicators questionnaire

Figure 3.2. Institutional capacity for managing regulatory reform, 1998-2005



Is there a dedicated body (or bodies) responsible for promoting the regulatory policy and monitoring and reporting on regulatory reform and regulatory quality in the national administration from a whole of government perspective?
 Is this body consulted as part of the process of developing new regulation?
 Does this body report on progress made on reform by individual ministries?
 Can this body conduct its own analysis of regulatory impacts?
 Is a specific minister accountable for promoting government-wide progress on regulatory reform?

Weights:
 if yes, weight=3
 if yes, weight=2
 if yes, weight=2
 if yes, weight=1
 if yes, weight=2

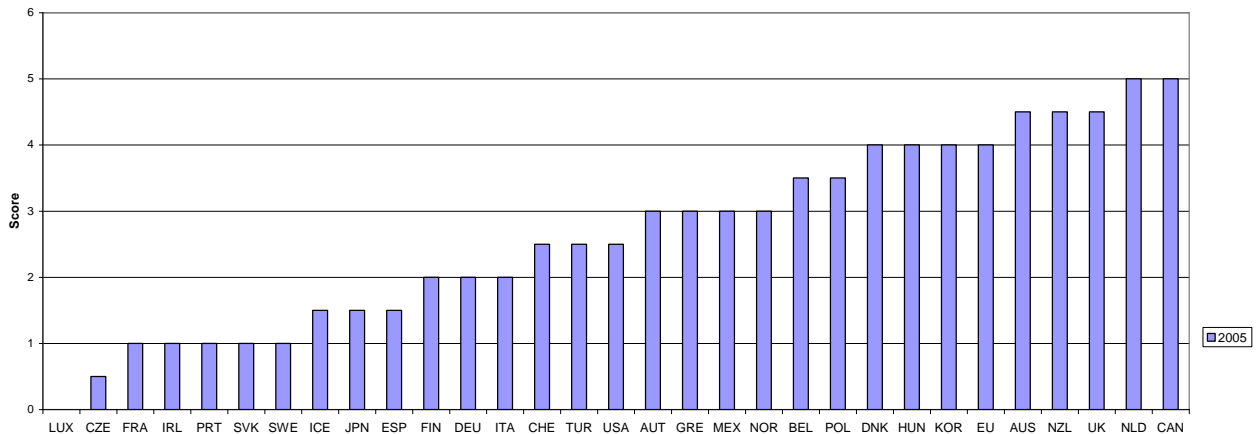
See Q15 / 2005 OECD regulatory indicators questionnaire

Regulatory management across levels of government

The need for better regulation at all levels of government is clearly acknowledged in the 2005 *OECD Guiding Principles for Regulatory Quality and Performance*. This can be obtained through formal agreements between national and local governments, which may impose specific obligations in relation to regulatory practice. This may involve mutual recognition, regulatory harmonisation agreements or strict regulatory uniformity agreements which are weighted more if they are used widely rather than rarely. Of course, the use of such mechanisms will depend on the nature of devolution and decentralisation policies which exist in a country. In small and/or unitary countries, these mechanisms are less relevant.

The results show unsurprisingly that a group of small or unitary countries make limited use of such mechanisms, including Luxembourg, the Czech Republic, France, Ireland, the Slovak Republic or Iceland. Sweden presents a more specific case, as the tradition for local government is relatively strong. A recent report highlighted the lack of such formal mechanisms in Sweden. On the other hand, Canada, Australia, the United Kingdom and the EU which have a federal or quasi federal structure, make greater use of the formal co-ordination agreement. This is also the case in Belgium, Germany, Greece, Mexico, the Netherlands, New Zealand, Norway and Poland which have formal co-ordination agreements with specific obligations in relation to regulatory practice.

Figure 4. Multi-level co-ordination mechanisms for regulatory policy in 2005



Are there formal co-ordination mechanisms between National/Federal and State/regional governments? (in Federal or quasi-federal countries, between national and regional/local governments in unitary countries)
 Do any of these mechanisms impose specific obligations in relation to regulatory practice?
 Are any of the following regulatory harmonisation mechanisms used?
 - Mutual recognition?
 - Regulatory harmonisation agreements?
 - Strict regulatory uniformity agreements?

Weights:
 if yes, weight=1
 if not at all, weight=0; if rarely, weight=0.5; if widely, weight=1

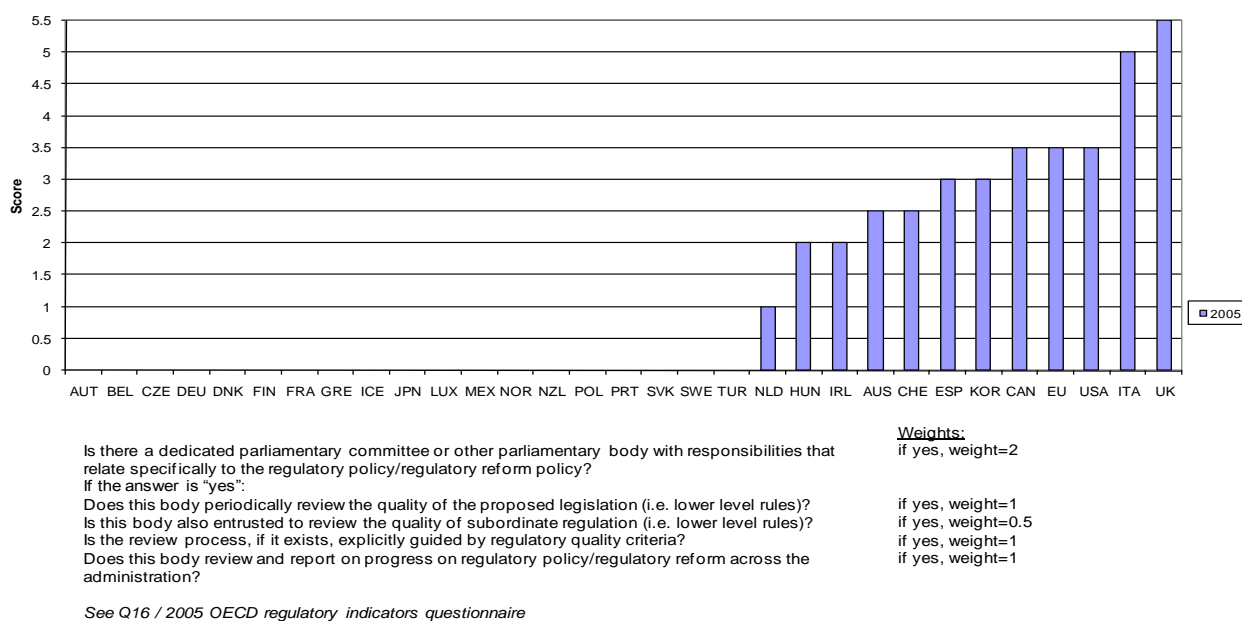
See Q18 / 2005 OECD regulatory indicators questionnaire

The role of the Parliament and the Judiciary

Parliaments and the judiciary present emerging issues in regulatory management and policy. As a result, only a small number of countries had specific institutional arrangements in this field. The UK, Spain, Italy and the EU were the only countries with a fully fledged regulatory quality policy, involving a parliamentary body in charge of periodically reviewing the quality of the proposed legislation. Not surprisingly, these elements were also developed in Switzerland, the United States and Canada. Conversely, most of these elements were absent in more than half of the countries.

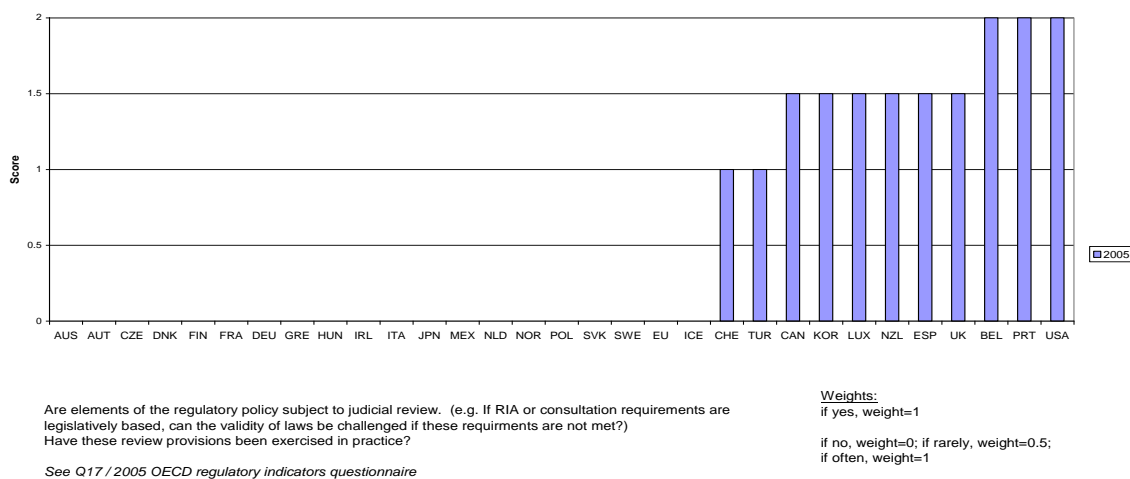
This may be a cause for concern and future work. In some countries, the growing effectiveness of the regulatory quality control system in the executive has indirectly led to a situation where the majority of laws are directly proposed in Parliaments, outside formal regulatory management control systems. This could have implications for the overall quality of regulatory frameworks.

Figure 5. Parliamentary oversight of regulatory policy in 2005



Similarly, the fact that elements of regulatory policy would be subject to judicial review is limited to a handful of countries. Only in the United States, Portugal and Belgium are elements of the regulatory policy subject to judicial review, with effective exercise of these provisions often met in practice. These also exist in the United Kingdom, Spain, New Zealand, Luxembourg, Korea and Canada but were rarely used.

Figure 6. Role of the judiciary in regulatory policy in 2005



Building regulatory capacity through training

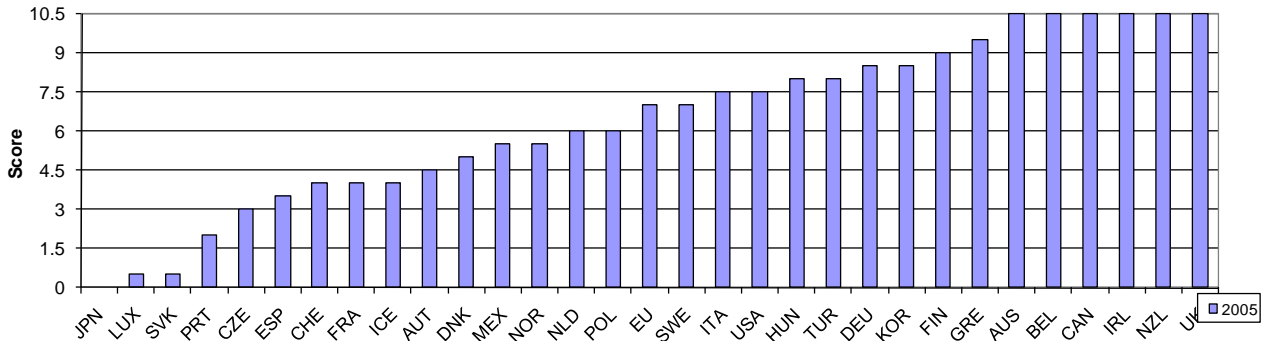
The conduct of a successful regulatory management programme requires skilled officers to administer regulatory functions, assess the case for government intervention and undertake analysis of the costs and benefits of regulatory and non regulatory proposals. Question 14 of the 2005 survey addressed an institutional feature of the quality of regulatory management systems: that of ensuring that regulators are able to access the appropriate training to acquire the necessary skills to develop high quality regulation.

The questions that underlie the indicator address whether formal training programmes exist and whether they specifically cover the conduct of RIA and the use of alternative policy instruments. The three components of the question are weighted equally as each element is considered to be fundamental to ensuring that regulatory management systems are supported by appropriately skilled civil servants.

In Figure 7.1, results for 2005 illustrate significant variations. Half of the countries seemed to have formal training programmes in place that paid attention to regulatory quality issues; Australia, Belgium, Canada, Ireland, New Zealand and the United Kingdom being the most advanced. On the other hand, training was very limited in Japan, Luxembourg, the Slovak Republic, Iceland, Portugal and the Czech Republic.

In Figure 7.2, the results over 1998-2005 suggest considerable diffusion of training practices across member countries based on a more limited set of indicators. Notably, a number of countries which had only partial scores in 1998 reported fully on these three core dimensions in 2005. However, the overall response to Question 14 reveals considerable scope to further develop training programmes in member countries.

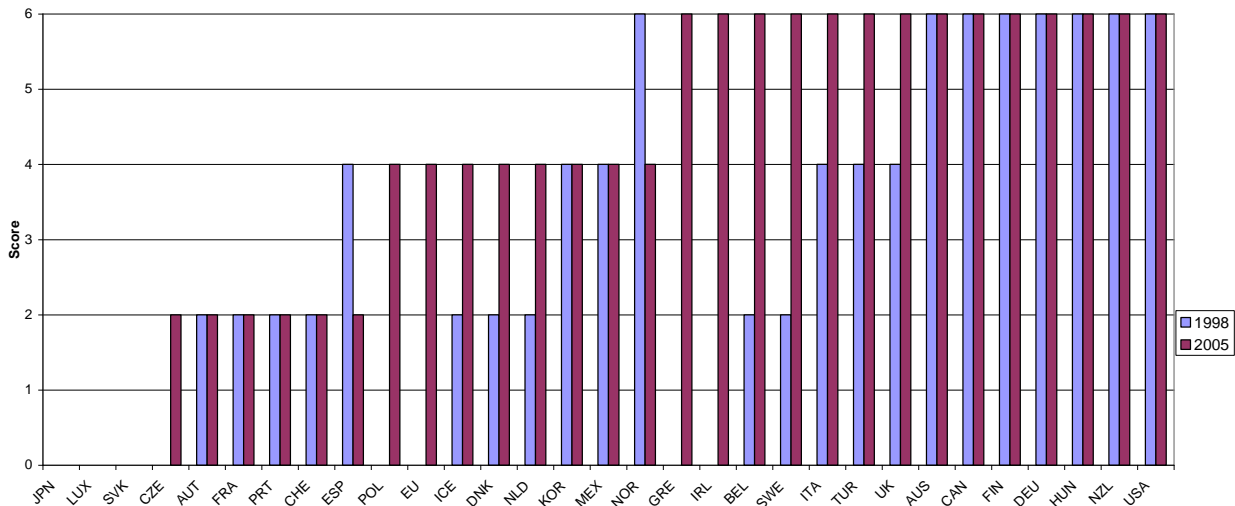
Figure 7.1. Training in regulatory reform skills in 2005



Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation?
 If the answer is "yes":
 - Does this include training in how to conduct regulatory impact analysis?
 - Does this training include use of alternative policy instruments?
 - Does this include training on how to inform and communicate with the public?
 Is general guidance on the regulatory policy and its underlying objectives published and distributed to regulatory officials?
 Is general guidance on compliance and enforcement published and distributed to regulatory officials?
 Are other strategies in place to promote changes in the regulatory culture consistent with the objectives of the regulatory policy? (e.g. mobility of officials across areas, exchanges with the private sector, others)
 See Q14 / 2005 OECD regulatory indicators questionnaire

Weights:
 if yes, weight=2
 if yes, weight=2
 if yes, weight=2
 if yes, weight=1
 if yes, weight=1
 if yes, weight=0.5

Figure 7.2. Training in regulatory reform skills, 1998-2005



Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation?
 If the answer is "yes":
 - Does this include training in how to conduct regulatory impact analysis?
 - Does this training include use of alternative policy instruments?
 See Q14 / 2005 OECD regulatory indicators questionnaire

Weights:
 if yes, weight=2
 if yes, weight=2
 if yes, weight=2

Regulatory processes

Transparent, non discriminatory and efficient regulatory processes are core features of regulatory quality. It is critical for citizens and businesses to fully understand their regulatory environment and to have a voice in regulatory decision-makings.

Clarity and due process in decision-making procedures

The 2005 *Guiding Principles* call on countries to "Ensure that regulations, regulatory institutions charged with implementation, and regulatory processes are transparent and non discriminatory". These issues include forward planning of regulatory activities. Weights were therefore given to the publication of a list of primary laws and subordinate regulations, with a slightly lower weight to acknowledge whether this list was easily accessible, for example through the Internet. Another aspect of clarity and due process concerns whether there are standard procedures for primary laws, whether these involve any kind of scrutiny and whether there are procedures for subordinate regulations. These have been given equal weight.

Countries tend to fall broadly into three groups in relation to this criteria, mainly due to the forward planning aspects which are fully developed only in a third of the countries, including the US, Turkey, Hungary, Canada, the UK, Switzerland, Korea, Italy, Australia, the EU, the Slovak Republic and Poland. On the other hand, Belgium, France Greece, Japan, Luxembourg, New Zealand, Spain, Iceland, the Netherlands and Portugal had no element of forward planning in 2005, the case of Turkey being slightly striking.

Most countries had more or less fully developed rule-making procedures in 2005, a marked improvement over the situation in 1998, when only half of the countries were concerned. In the past 7 years, countries seem to have significantly structured their processes for rule making which offers increased opportunities for a high quality regulation approach.

As a result, nearly all countries, except Turkey, and to a very minor extent the Netherlands and Portugal, show marked improvements in terms of the regulatory management elements that foster clarity and due processes when preparing new regulations. Except for the US, where all these elements were already in place in 1998, all countries have experienced significant improvements from a formal perspective.

Figure 8.1. Clarity and due process in rule-making procedures in 2005

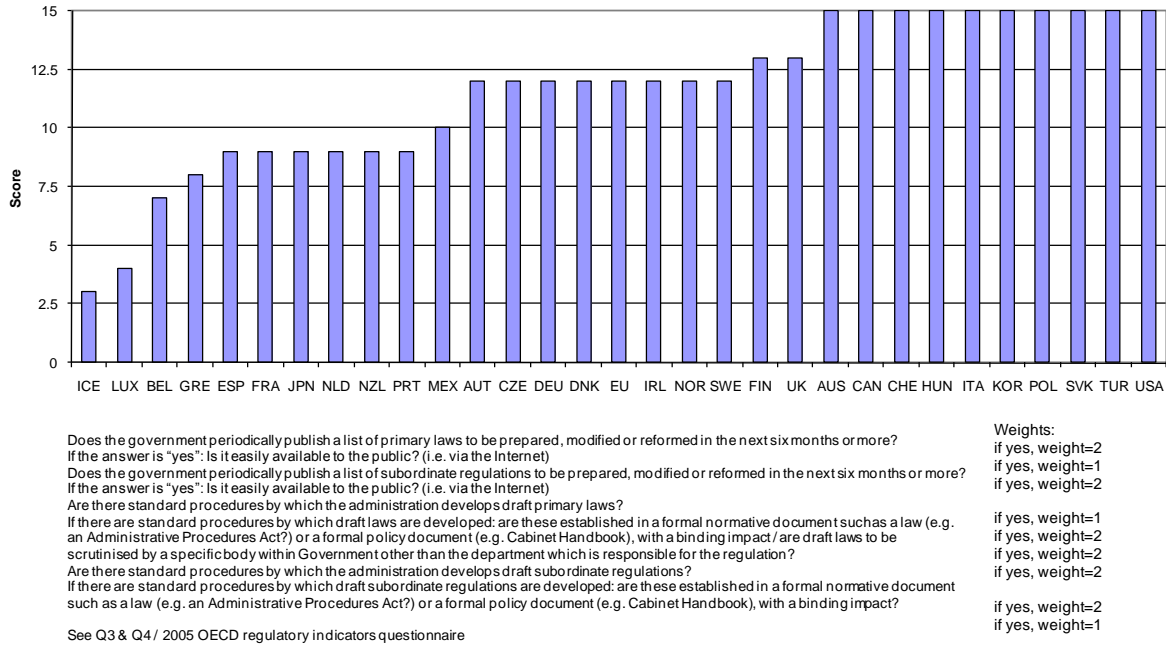
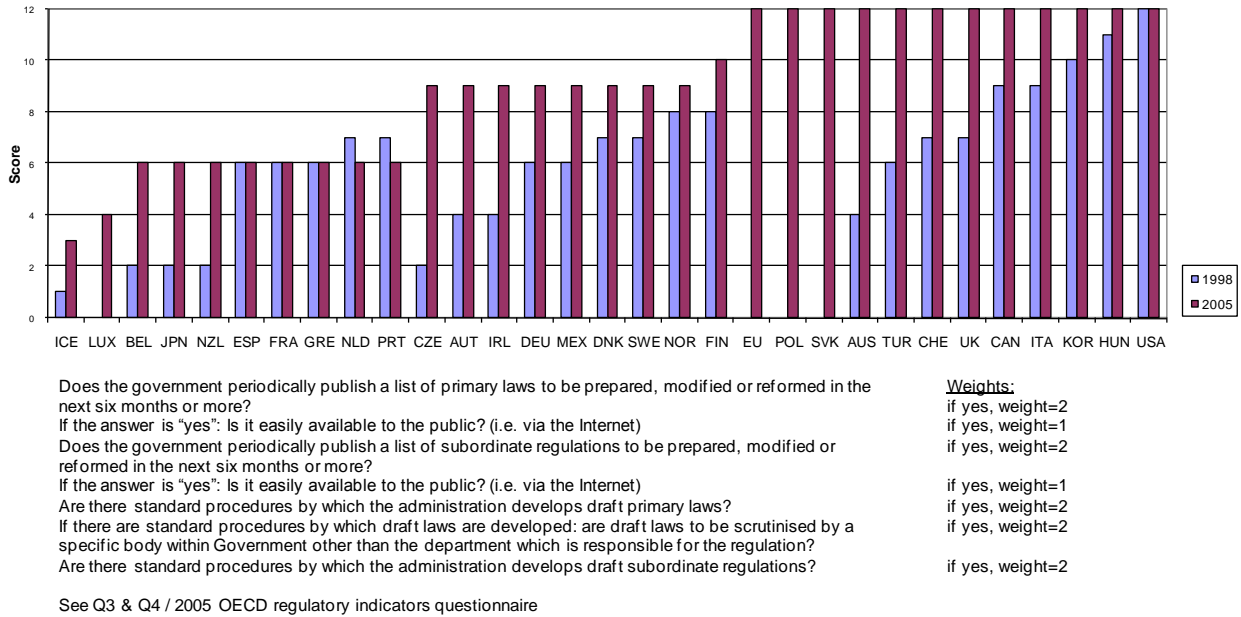


Figure 8.2. Clarity and due process in rule-making procedures, 1998-2005



Transparency

Transparency and the need for consultation are clearly highlighted in the 2005 *Guiding Principles for Regulatory Quality and Performance*. These dimension of regulatory quality are measured through consultation procedures, as well as communication and easy access to regulation

Consultation procedures

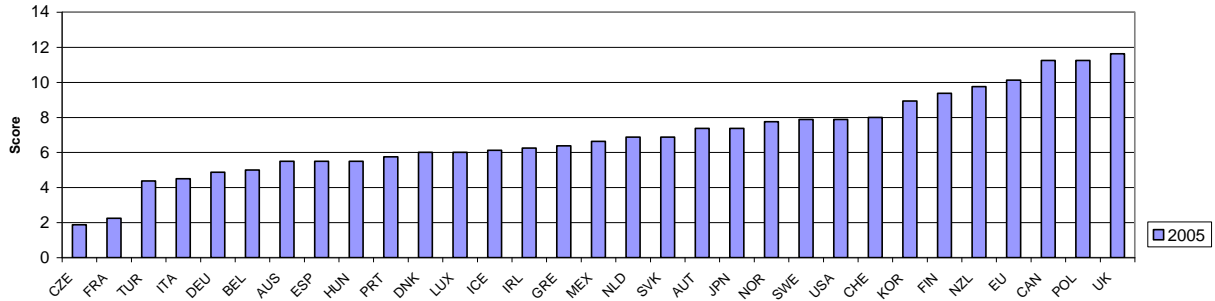
Quality in consultation is essential if citizens and businesses are to be involved. It is also considered a positive step for consultation to be mandatory. Different forms of consultation were weighted differently. The possibility for all members of the public to be involved, whether to make the comments public, and to offer a response to consultation comments, were weighted more heavily than more traditional methods of consultation. Informal consultation with selected groups, which is neither transparent and does not offer equal opportunities, was not given any positive weight. The monitoring of the consultation process was also weighted as a positive contributing factor. Receiving possible comments following a consultation inside the government was weighted, but it was weighted less than external consultation, which is more important from a transparency perspective.

The issue of whether or not to quantify and include the consultation periods could be subject to further discussion. The period for comments was weighted as a contribution, from 0 to 1, between 0 and 12 weeks. It is true that it could be questioned whether 12 weeks as a maximum is an optimum, as this could also result in significant delays for the decision-making process. While it is convenient to expose the results analytically, this follows a subjective judgement, and the notion of an "ideal delay for consultation" could be difficult to define precisely.

From the current data, countries appear to fall in three main groups (Figure 9.1). A first group, including the United Kingdom, Poland, Canada, New Zealand, the European Union, Finland, Korea, Switzerland, Sweden, Iceland and the United States had slightly more developed standards for consultation processes according to the criteria used. A second group would fall somewhere in the middle. A third group would include the Czech Republic, France, Turkey, Italy, Germany, Belgium, Australia, Hungary and Spain with relatively less formalised consultation practices. It is interesting to note that Australia, which has a highly developed system for regulatory quality assessment, tends to differ from other countries with a similar legal system, such as the UK or the US in respect of consultation processes.

When considering trends over time, many countries had generally made progress in making their consultation processes more formal and transparent between 1998 and 2005 (Figure 9.2). This was the case in Belgium, Greece, Iceland, Switzerland, Korea, the Netherlands, Portugal, Japan, Finland, and Ireland. However, these consultation processes appeared less formal in 2005 in Italy, Mexico, Australia and the United States than was the case before. For example, in Italy, the views of those consulted were no longer public nor were the consultations open to the public. In Australia and Mexico, the lesser forms of consultation were no longer mentioned in 2005, which may reflect exclusive reliance on the Internet as a powerful tool for consultation.

Figure 9.1. Quality of consultation processes in 2005

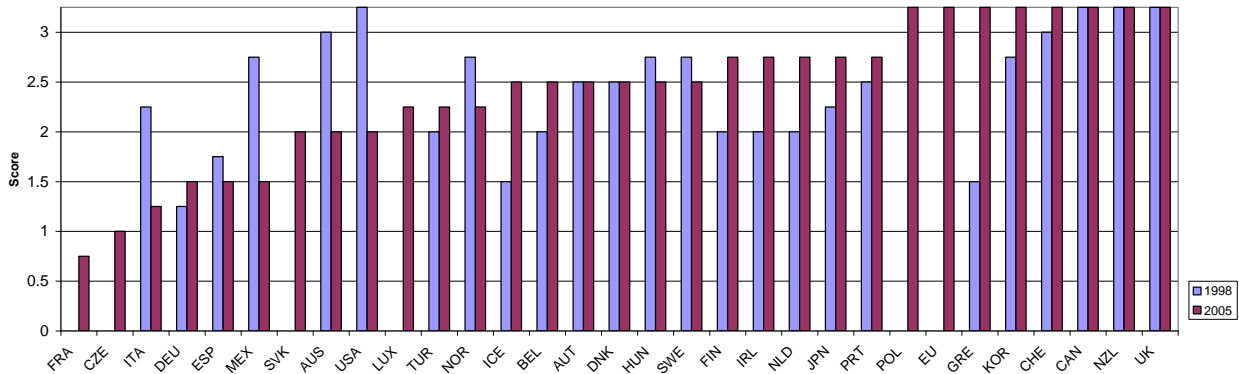


- a) Is public consultation with parties affected by regulations a routine part of developing draft primary laws?
- b) Is public consultation with parties affected by regulations a routine part of developing draft subordinate regulations?
- If the answer is "always" or "in some cases" to a) or b): Primary laws b(i) Is consultation mandatory?
- If the answer is "always" or "in some cases" to a) or b): Subordinate regulation b(i) Is consultation mandatory?
- b(ii) What forms of public consultation are routinely used: Primary laws & Subordinate regulation
 - Informal consultation with selected groups? - Broad circulation of proposals for comment? - Public notice and comment?
 - Public meeting? - Internet? - Advisory group? - Preparatory public commission/committee? - Other?
- b(iii) Can any member of the public choose to participate in the consultation? Primary laws & Subordinate regulation
- c(i) What is the minimum period for allowing consultation comments inside government?
- c(ii) What is the minimum period for allowing consultation comments by the public, including citizens and business?
- d(i) Are the views of participants in the consultation process made public? Primary laws & Subordinate regulation
- d(ii) Are regulators required to respond in writing to the authors of consultation comments? Primary laws & Subordinate regulation
- d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis? Primary laws & Subordinate regulation
- d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments) Primary laws & Subordinate regulation

Weights:
 if no=0, in some cases=0.5, always=1
 if no=0, in some cases=0.5, always=1
 if yes, weight=0.5
 if yes, weight=0.5
 if ticked, weight=0, 0.25, 0.5, 0.25, 0.25, 0.25, 0.25, 0.125
 if yes, weight=0.5
 c(i) if 1 week=0.125, 2 weeks=0.25, 3 weeks=0.375, 4 weeks=0.5
 c(ii) if 2 weeks=0.125, 3 weeks=0.25, 4 weeks=0.375, 6 weeks=0.5, 8 weeks=0.375, 12 weeks=0.25
 until end, if yes, weight=0.5 except d(ii)

See Q10 / 2005 OECD regulatory indicators questionnaire.

Figure 9.2. Quality of consultation processes, 1998-2005



- Is public consultation with parties affected by regulations a routine part of developing draft primary laws?
- What forms of public consultation are routinely used: Primary laws
 - Informal consultation with selected groups?
 - Broad circulation of proposals for comment?
 - Public notice and comment?
 - Public meeting?
 - Advisory group?
- Can any member of the public choose to participate in the consultation? Primary laws
- Are the views of participants in the consultation process made public? Primary laws

Weights:
 if no=0, in some cases=0.5, always=1
 if yes, weight=0
 if yes, weight=0.25
 if yes, weight=0.5
 if yes, weight=0.25
 if yes, weight=0.25
 if yes, weight=0.5
 if yes, weight=0.5
 if yes, weight=0.5

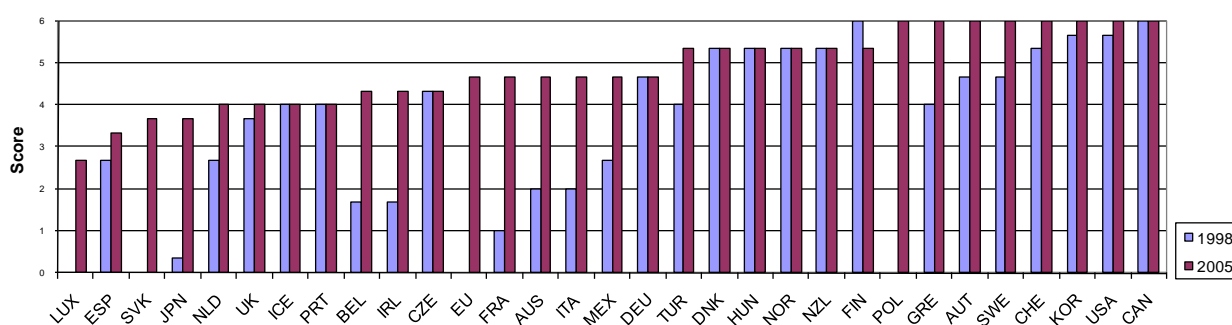
See Q10 / 2005 OECD regulatory indicators questionnaire

Communication and easy access to regulation

Transparency and easy access to regulation are reflected in the first and third principles of the 2005 *Guiding Principles for Regulatory Quality and Performance* and were also mentioned in the 1995 Checklist and 1997 principles. The existence of systematic procedures for making regulations known and accessible was more heavily weighted. The various measures for facilitating access involve codification, publication of a consolidated register of regulations, provisions that only the regulations in the published register are enforceable and Internet access to the main as well as subordinate regulations. However, the general policy on plain language with the existence of a corresponding guidance received slightly lower weights, as its effective impact can be subject to discussion and the comparability across countries is more difficult to ascertain.

Countries generally made significant efforts to improve transparency and easy access between 1998 and 2005, a trend which was certainly reinforced by the use of Internet and e-government technologies over that period. Eight countries met all these requirements in 2005, while only two countries were in that position in 1998. A large number of countries were also very close, but several such as Turkey, the EU, Denmark, Hungary Norway, Mexico did not carry the provision, probably due to legal considerations, that only the regulations in the registry were enforceable. Luxembourg had Internet access for regulations and laws, and Spain added a policy on plain drafting with guidance, while the Slovak republic also had codifications for primary laws, but no guidance on plain drafting.

Figure 10. Transparency and easy access to regulations, 1998-2005



Are there systematic procedures for making regulations known and accessible to affected parties?
 If the answer is "yes", which of the following measures are employed: Codification of primary laws?
 If "yes": Is there a mechanism for regular updating of the codes? (at least yearly basis)
 If the answer is "yes", which of the following measures are employed: Publication of a consolidated register of all subordinate regulations currently in force?
 If "yes": Is there a provision that only subordinate regulations in the registry are enforceable?
 If the answer is "yes", which of the following measures are employed: Public access via the Internet to the text of all or most primary laws?
 If the answer is "yes", which of the following measures are employed: Public access via the Internet to the text of all or most subordinate regulation?
 If the answer is "yes", which of the following measures are employed: A general policy requiring "plain language" drafting of regulation?
 If "yes": Is guidance on plain language drafting issued?

Weights:

if yes, weight=1.3333
 if yes, weight=0.6666
 if yes, weight=0.6666
 if yes, weight=0.6666
 if yes, weight=0.6666
 if yes, weight=0.6666
 if yes, weight=0.3333
 if yes, weight=0.3333

See Q5 / 2005 OECD regulatory indicators questionnaire

Regulatory Quality Tools

Key regulatory quality tools exist to improve the quality of regulations, covering the whole life span of a given regulation. These include consideration of alternatives *ex ante* and justification for regulatory action; regulatory impact assessment; administrative simplification and the reduction administrative burdens; and mechanisms for evaluation and update. All contribute to increased regulatory quality.

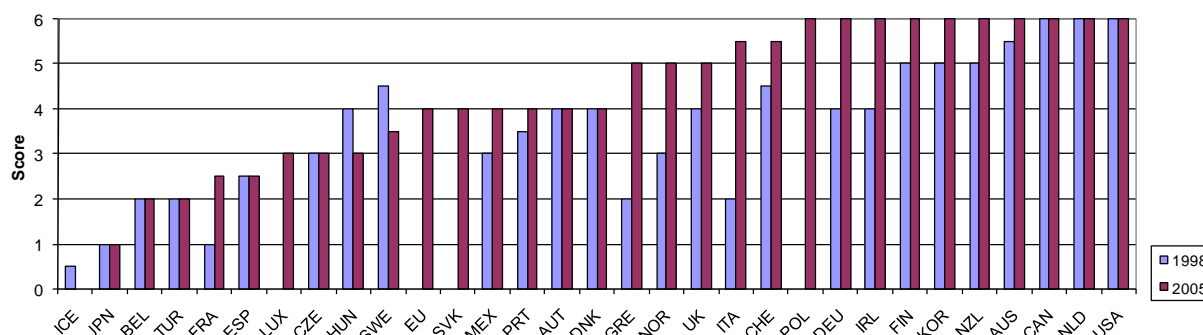
Provision of justification for regulatory actions, consideration of alternatives

The OECD 2005 *Guiding Principles for Regulatory Quality and Performance* explicitly call on regulations to serve clearly identified policy goals and to be effective in achieving those goals, with a sound legal and empirical basis, promoting innovation through market incentives and goal-based approaches.

On the justification of regulatory action, the existence of a requirement was weighted more when this was systematic rather than only in some cases. In addition, the use of explicit decision criteria was given a slightly lower weight. A similar weighting was applied to the use of alternatives, with an additional but lower weight attached to the existence of guidance documents.

More than a quarter of all OECD countries did fulfil these criteria in 2005, a marked improvement over 1998, where this only concerned 3 countries. On the whole, close to half of the countries observe these requirements almost in full, with only decision criteria used in some cases, or lack of guidance. Among those countries where these elements are less developed, Japan, Belgium, France, Spain and Turkey are all countries where justification is only provided sometimes, or where alternatives are barely considered on a general basis. Sweden, Hungary and Turkey appeared to rely less on the need for justification and the search of alternatives between 1998 and 2005.

Figure 11. Provision of justification for regulatory actions, 1998-2005



Are regulators required to provide a written justification of the need for new regulation?
 If the answer is "always" or "in some cases": Are explicit decision criteria to be used when justifying a new regulation?
 Are regulators required to identify and assess potentially feasible alternative policy instruments (regulatory and non-regulatory) before adopting new regulation?
 Has guidance been issued on using alternative policy instruments?

Weights:
 if no=0, in some cases=1, always=2
 if no=0, in some cases=0.5, always=1
 if no=0, in some cases=1, always=2
 if yes, weight=1

See Q6 & Q7 / 2005 OECD regulatory indicators questionnaire

Regulatory Impact Analysis

The systematic conduct of Regulatory Impact Analysis (RIA) underpins the capacity of governments to ensure that regulations are efficient and effective. Reflecting this, the ten questions in the checklist in the 1995 *Recommendations on Improving the Quality of Government Regulatory Decision Making* identify the principles of good decision making that are used in OECD countries to improve the effectiveness and efficiency of government regulation. Broadly, the checklist has the same policy goals as RIA; that is ensuring that regulation is a necessary response to a policy problem, that it is transparent and that it is of an appropriate scale. The 2005 OECD *Guiding Principles for Regulatory Quality and Performance* reiterated the essential requirement that regulations should be systematically assessed to ensure that they meet their intended objectives efficiently and effectively in a changing and complex world.

The OECD has reported a steady trend in the adoption of RIA by members since 1974 when only a few countries had systematic RIA procedures.² The results of the 2005 survey suggest that all member countries now routinely carry out RIA before new regulation is adopted. However, the fact of countries' widespread adoption of RIA does not in itself ensure the presence of systems which support the development of quality regulatory policies. Effective RIA is a multifaceted and complex activity requiring institutional and policy support. Accordingly, while the 2005 survey results suggest its uptake is widespread, it also illustrates that the extent of its practical application among members remains highly variable.

In the interests of deriving a more detailed appreciation of the RIA procedures of members, the 2005 survey goes beyond the high level question of whether or not RIA is required and asks a number of subordinate questions designed to draw out the extent to which members have a fully elaborated RIA procedure. The components of the questionnaire cover the institutional underpinning for RIA. Countries are asked first whether RIA is conducted on new regulation and whether it is required to be publicly consulted on and published; required by law; subject to independent assessment, and; applied to all regulatory instruments. The questions also address the extent to which RIA routinely requires an analysis of costs and benefits and assesses impacts on competition, market openness, and small business. Finally, the questionnaire inquires whether the RIA is required to consider distributional effects across society and whether risk assessment is required. Scope is provided for the responses to identify if the above elements are required for all regulation, as it would be in the most developed RIA systems, or only for major regulation.

The graduations in the questions are intended to provide a detailed perspective of the extent to which the RIA systems of individual member countries are well developed and correspond to the important elements of the OECD Guiding Principles. The question on the *Use of Regulatory Impact Assessment* has ten sub questions covering the factors noted above. Each of these sub questions can have one of three possible responses: *always*; *only for major regulation* or; *in other selected cases*. The weighting applied to these possible responses reflects the degree to which RIA has elaborated components and is fully integrated, or is less extensive in its application. Answers of *always* attract a weighting of 3, *only for major regulation* a weighting of 2 and *in other selected cases* a weighting of 1.

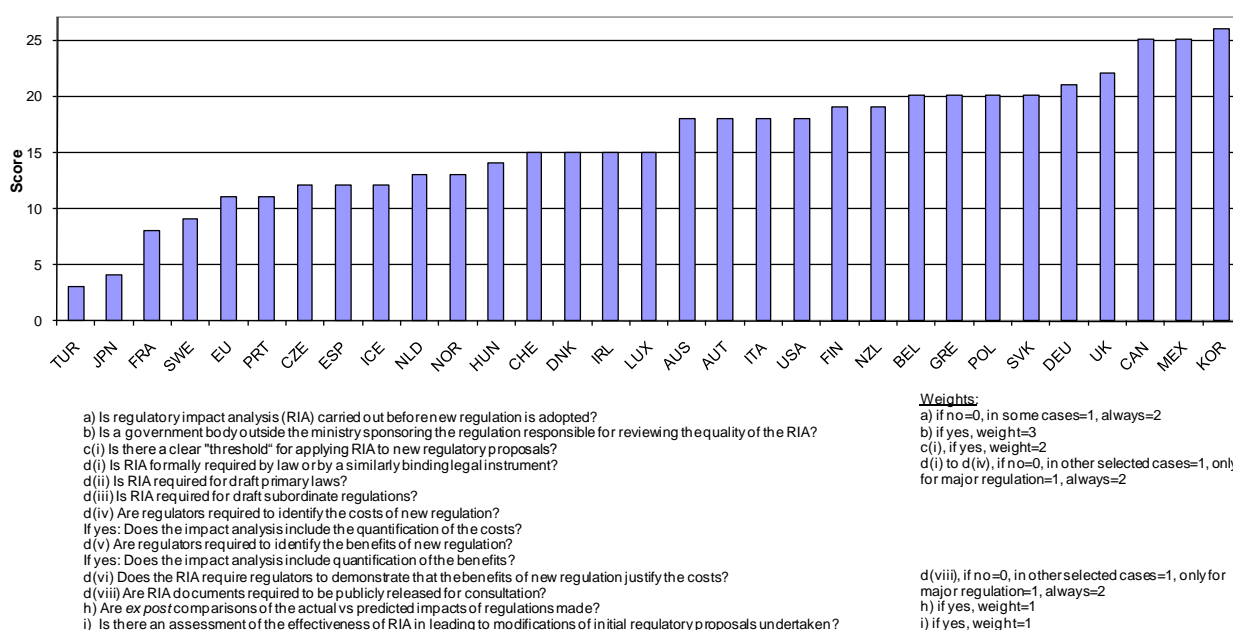
From the results, it is possible to group countries broadly according to how explicit their RIA systems appear to be, based on the weighted elements. Using this approach, a disparate picture emerges. Some countries have well developed systems of RIA that are required by law to be applied to all regulation, which include rigorous benefit-cost analysis, and are subject to independent oversight. Other countries have very few of the key elements that are considered best practice embedded in their RIA systems. Because of the multiple elements within the RIA topic, a country's score may be made up from a range of

2. Figure 1, Jacobzone, Choi, Miguet (2007).

variable responses. Accordingly, it is difficult to precisely match up the respondent countries simply on the basis of the aggregated result. For example, no single country provided a fully affirmative response to all the questions.

An aggregated approach reveals that at the top end of the scale Korea, Mexico, Canada, the United Kingdom, Iceland, Germany, the Slovak Republic, Poland, Greece, Belgium, New Zealand, Finland, the United States, Italy, Austria and Australia all reported fairly structured RIA systems which comply with a number of the guidelines. At the other end are Turkey, Japan, Portugal and France which have fewer elements.

Figure 12.1. Explicit RIA processes in 2005



A more detailed understanding of the relative complexity of the RIA systems can be obtained by disaggregating the results. The analysis reveals that the RIA systems of each member country generally include some, but never all of the elements that the OECD consider to reflect all aspects of the guiding principles.

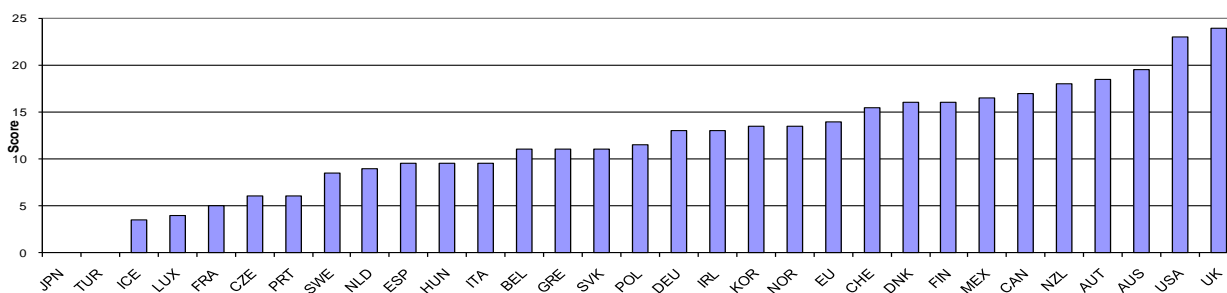
Seventeen members reported that RIA is always required for new regulation: Austria, Belgium, Canada, Denmark, Finland, Germany, Korea, Mexico, the Netherlands, New Zealand, Poland, Spain, Slovakia, Sweden, Czech Republic and the EU. Thirteen members report that RIA is sometimes carried out and only Turkey reports not applying RIA to new regulation.

Less widespread among members is the existence of a body that is responsible for reviewing the quality of the RIA which is outside the ministry responsible for preparing the regulation. Only seventeen members reported a positive response to this question. They are: Austria, Belgium, Canada, the Czech Republic, Germany, Iceland, Ireland, Italy, Japan, Korea, Mexico, New Zealand, Poland, Switzerland, the UK, the USA and the EU.

In 2005, RIA was formally required by law for all regulations in only eighteen member countries: Austria, Belgium, Canada, Denmark, Germany, Greece, Hungary, Iceland, Italy, Korea, Luxembourg, Mexico, the Netherlands, Norway, Poland, Spain, Slovakia, and Switzerland. Six members reported that RIA was not required by law: Australia, Finland, France, Ireland, New Zealand, and the EU. In Portugal and the USA, it is only required by law for major regulation. The Czech Republic, Sweden and the UK reported that it is not required by law and Japan and Turkey did not respond.

The analysis of RIA processes gives another picture on what types of impacts are being assessed and how broad the RIA process is. This includes risk and whether it is subject to modelling, and whether compliance and enforcement issues should be considered. This reveals a slightly different grouping of countries, with the UK being by far the country with the widest types of analytical content, including various assessments, some risk analysis, followed by the United States, Australia, Iceland, Austria, New Zealand and Canada. It also appears that Japan and Turkey did not have any of these elements in 2005, and that they were limited in Luxembourg, France, the Czech Republic and Portugal.

Figure 12.2. Extent of RIA processes in 2005



d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on the budget, impacts on competition, impacts on market openness, impacts on small businesses, impact on specific regional areas, impact on specific social groups, impact on other groups (charities, not for profit sector), impact on the public sector

Weights:

d(ix), Impacts on the budget, competition, market openness, small businesses, specific regional areas, specific social groups, the public sector: if no=0, in other selected cases=1, only for major regulation=1, always=2
d(ix), Impact on other groups (charities, not for profit sector): if no=0, in other selected cases=0.5, only for major regulation=0.5, always=1

e) Is risk assessment required when preparing a RIA? in all cases, for Health and safety regulation, for environmental regulation

If "yes": Does the risk assessment require quantitative modelling?

f(i) Are RIAs required to explicitly consider compliance and enforcement issues when preparing new regulations?

f(ii) Are reports on the level of compliance with the above RIA requirements prepared?

f(iii) Are these reports published?

e) if no=0, in other selected cases=0.5, only for major regulation=0.5, always=1

f(i) if yes, weight=1

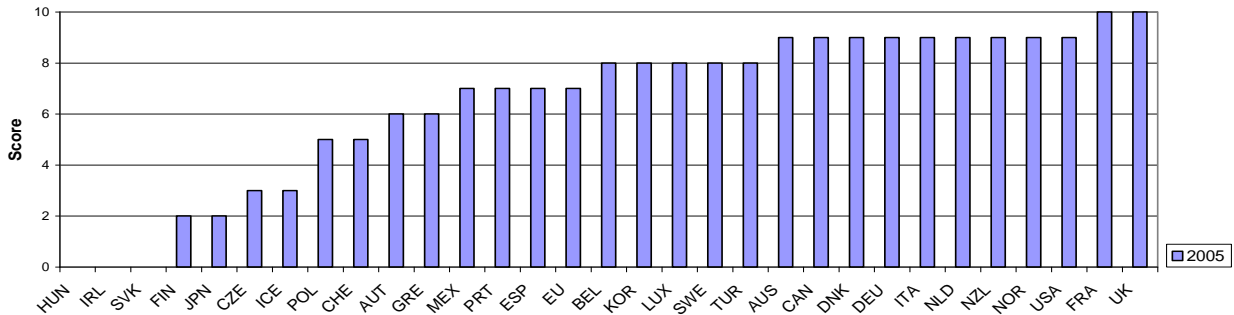
f(ii) if no=0, ad hoc basis=1, regularity=2

f(iii) if yes, weight=2

See Q11 / 2005 OECD regulatory indicators questionnaire.

The data presenting trends between 1998 and 2005, are more restricted than the data available for 2005 (Figure 12.3). This comparison illustrates a consistent trend across almost all members of improvements in RIA systems. However, some member countries have improved their systems to a larger extent, and others, notably Belgium and Iceland, are coming off a relatively low base.

Figure 13.1. Reduction and control of administrative burdens in 2005

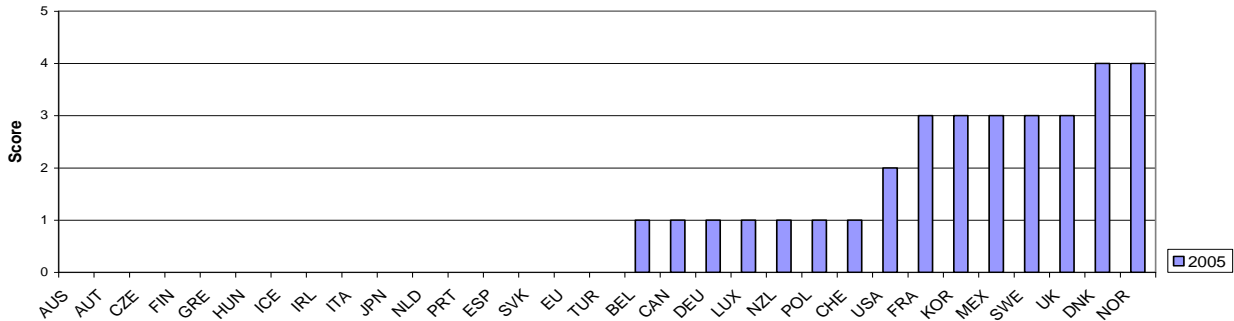


Is there an explicit government program to reduce the administrative burdens imposed by government on enterprises and/or citizens?
 If the answer is "yes": does this program include quantitative targets?
 If the answer is "yes": does this programme include qualitative targets?
 If the answer is "yes": which of the following strategies are used?
 - Modification and streamlining of existing laws and regulations
 - Information and communication technologies for regulatory administration (e.g. electronic databases, online formats)
 - Other streamlining of government administrative procedures
 - Establishment of a system for measuring administrative burdens of regulation
 - Reallocating powers and responsibilities between government departments and/or between levels of government

Weights:
 if yes, weight=2
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=2
 if yes, weight=1

See Q13 / 2005 OECD regulatory indicators questionnaire

Figure 13.2. Controlling aggregate regulatory burdens in 2005



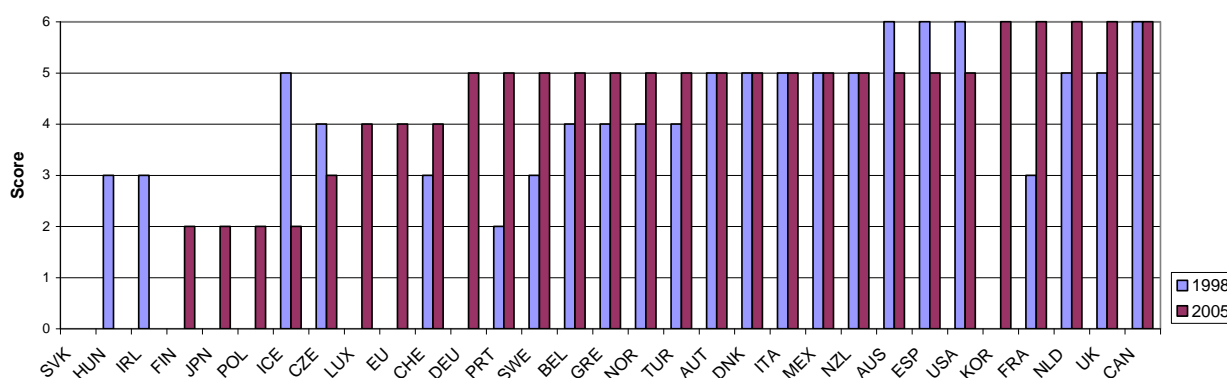
Is there a yearly calculation of regulatory inflation? (Laws, ordinances and other official regulations)
 Have attempts been made to measure trends in the aggregate burden of regulation over time?
 Is there an explicit policy in relation to the control of the aggregate burden of regulation?
 If yes:
 - Are there explicit targets?
 - Are specific strategies or rules used to affect aggregate burdens?

Weights:
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1

See Q20 / 2005 OECD regulatory indicators questionnaire

Overall, strategies for administrative simplification were slightly more developed in 2005 than in 1998, but the number of countries that had intensified their efforts was comparable to the number that had tended to scale them down. In 2005, scores were slightly lower for Hungary, Ireland, Iceland, as well as Australia, Spain and the US than in 1998. Results also show that administrative simplification strategies were already developed as early as in 1998; half of the countries had a score above 5. These widespread practices were established early on as a priority when countries tried to implement better regulation strategies. Eastern European countries have tended to give comparatively less emphasis to this aspect of quality indicators of regulatory management, both in 1998 and in 2005.

Figure 13.3. Reduction and control of administrative burdens, 1998-2005



Is there an explicit government programme to reduce the administrative burdens imposed by government on enterprises and/or citizens? if yes, weight=2
 If the answer is "yes": Does this programme include quantitative targets? if yes, weight=1
 Which of the following strategies are used?
 - Information and communication technologies for regulatory administration (e.g. electronic databases, online formats) if yes, weight=1
 - Other streamlining of government administrative procedures if yes, weight=1
 - Reallocating powers and responsibilities between government departments and/or between levels of government if yes, weight=1

See Q13 / 2005 OECD regulatory indicators questionnaire

Facilitating licences, permits and administrative requirements

This item covers various specific strategies to facilitate licences, permits and administrative requirements, as part of national administrative simplification strategies. Countries commented significantly on the weights. Use of one-stop shops to either receive information on licences or accept notifications was weighted with 3. A weight of 2 was given to the use of a "silence is consent rule" as well as to the assessment of a decline in the aggregate number of licences and permits. Programmes to co-ordinate efforts at sub-national levels, the availability of a complete count of licences and permits with a programme to reduce them received a weight of 1. Availability of the name of the respondent was weighted with 0.5.

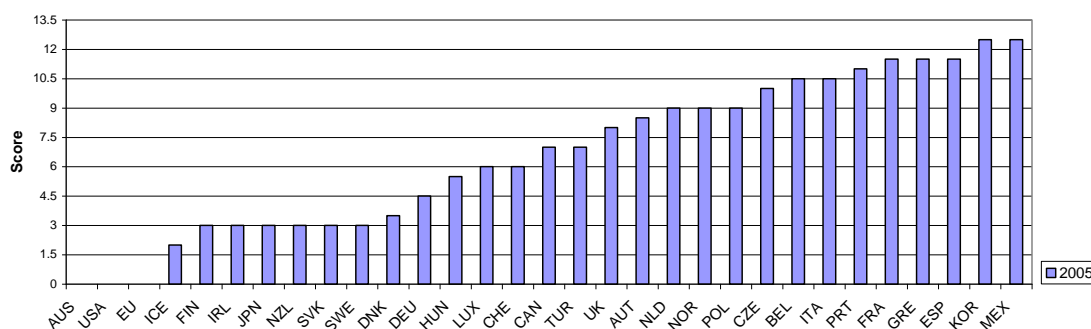
The results for the analysis *ex post* reveal striking differences across countries: a set of countries attached high priority to this approach while in others, the use of *ex ante* tools was more prominent. Southern European countries, such as Greece, Spain, France, Italy and Portugal, together with Korea and Mexico put significant emphasis on this aspect of regulatory quality. But Australia, the United States and the EU did not have recourse to any of these elements. Sweden, Finland, Ireland, Japan, New Zealand and the Slovak Republic made limited use of them. These tools were used to some extent at national level in

countries such as Canada, the United Kingdom and Switzerland. However, for some countries, giving consideration only at national level, might give a biased impression on national efforts as a significant share of licences and permits are awarded at local level.

Between 1998 and 2005 most countries intensified their recourse to *ex post* quality tools, except for Hungary, Germany and Finland, and to a lesser extent Italy. This could either reflect significant efforts conducted at the beginning of the period, (such as in Hungary and Italy), or the fact that the overall programme for administrative simplification was not yet in place, as was the case for Germany in 2005.

Results may deserve cautious interpretation. They might reflect the speed at which the stock of regulation is improving, but may not reflect the relative quality or user-friendliness of the overall stock of regulation. Overall, some of the countries well represented below put less emphasis on *ex ante* regulatory quality tools, and thus focus more on improving their stock of regulations *ex post* on a "curative" basis.

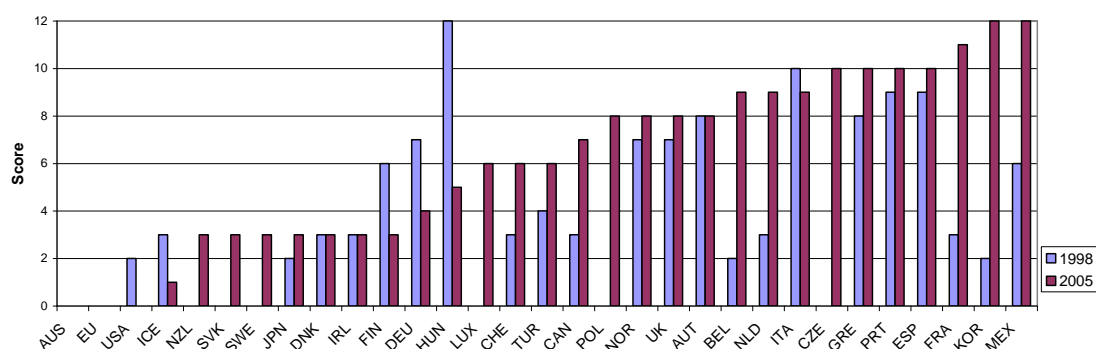
Figure 14.1. Facilitating licenses, permits and administrative requirements in 2005



- | | |
|---|--------------------|
| Is a "silence is consent" rule used at all (i.e. that licences are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)? | if yes, weight=2 |
| Are administrations obliged to provide the name of the person responsible for handling the application in any formal correspondence? | if yes, weight=0.5 |
| Are there single contact points ("one-stop shops") for getting information on licences and notifications? | if yes, weight=3 |
| Are there single contact points for accepting notifications and issuing licences (one-stop shops)? | if yes, weight=3 |
| Is there a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government? | if yes, weight=1 |
| Has there been a clear decline in the aggregate number of licences and permits? | if yes, weight=2 |
| Is there a complete count of the number of permits and licences required by the national government (all ministries and agencies)? | if yes, weight=1 |
| Is there a program underway to review and reduce the number of licenses and permits required by the national government? | if yes, weight=1 |

See Q12 / 2005 OECD regulatory indicators questionnaire

Figure 14.2. Facilitating licenses, permits and administrative requirements, 1998-2005



Is a "silence is consent" rule used at all (i.e. that licences are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)?
 Are there single contact points ("one-stop shops") for getting information on licences and notifications?
 Are there single contact points for accepting notifications and issuing licences (one-stop shops)?
 Is there a programme underway to review and reduce the number of licences and permits required by the national government?
 Is there a complete count of the number of permits and licences required by the national government (all ministries and agencies)?
 Is there a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government?

Weights:
 if yes, weight=2
 if yes, weight=3
 if yes, weight=3
 if yes, weight=1
 if yes, weight=2
 if yes, weight=1

See Q12 / 2005 OECD regulatory indicators questionnaire

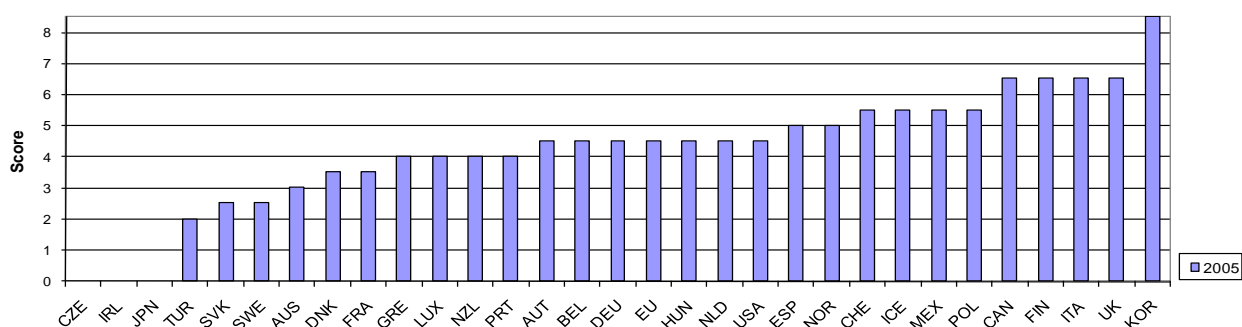
Dynamic process of evaluation and update

The 2005 *Guiding Principles for Regulatory Quality and Performance* were explicitly acknowledged, with reference to effective use of *ex post* evaluation. The criteria involve the use of periodic evaluation, weighted more heavily (2) if applied to all policy areas, with additional weights for standardised evaluation techniques, or explicit requirements for review. The existence of mechanisms to involve the public in the review process is also considered, with additional weights given to tools such as electronic mailboxes, ombudsmen or other mechanisms. The use of sun-setting and the inclusion of specific review requirements in the laws are also valued.

Under this approach, a group of countries tended to be more advanced in the use of *ex post* evaluation in 2005, including Korea, the United Kingdom, Italy, Iceland, Finland and Canada. Almost half of the countries were in an intermediate position, while the Czech Republic, Ireland, and Japan made no reference to this approach.

The use of a dynamic process has generally increased even though data are more limited to assess trends between 1998 and 2005. All reporting countries except Australia and the US did witness increased reliance on *ex post* evaluation.

Figure 15.1. Dynamic process of evaluation and update of regulations in 2005

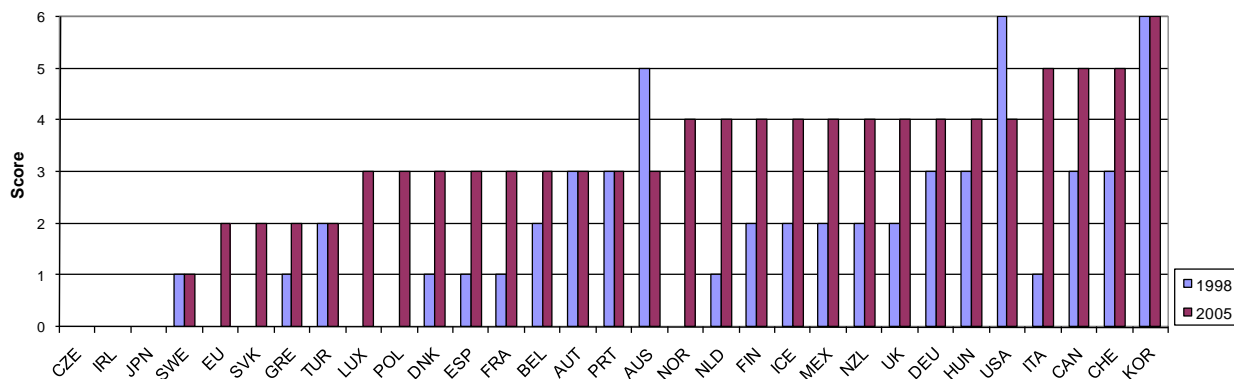


Is periodic evaluation of existing regulation mandatory?
 Are there standardised evaluation techniques or criteria to be used when regulation is reviewed?
 Are reviews required to consider explicitly the consistency of regulations in different areas and take steps to address areas of overlap/duplication/inconsistency?
 Are there mechanisms by which the public can make recommendations to modify specific regulations?
 If the answer is "yes", please specify:
 - Electronic mailboxes
 - Ombudsman
 - Other
 Is sunseting used for primary laws or other regulations?
 Do specific primary laws include automatic review requirements?

Weights:
 if not required=0, specific areas=1, all policy areas=2
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=0.5
 if yes, weight=0.5
 if yes, weight=0.5
 if yes, weight=1
 if yes, weight=1

See Q19 / 2005 OECD regulatory indicators questionnaire

Figure 15.2. Dynamic process of evaluation and update of regulations, 1998-2005



Is periodic evaluation of existing regulation mandatory?
 Are there standardised evaluation techniques or criteria to be used when regulation is reviewed?
 Are there mechanisms by which the public can make recommendations to modify specific regulations?
 Is sunseting used for primary laws or other regulations?
 Do specific primary laws include automatic review requirements?

Weights:
 if not required=0, for specific areas=1, for all policy areas=2
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1

See Q19 / 2005 OECD regulatory indicators questionnaire

Compliance and implementation

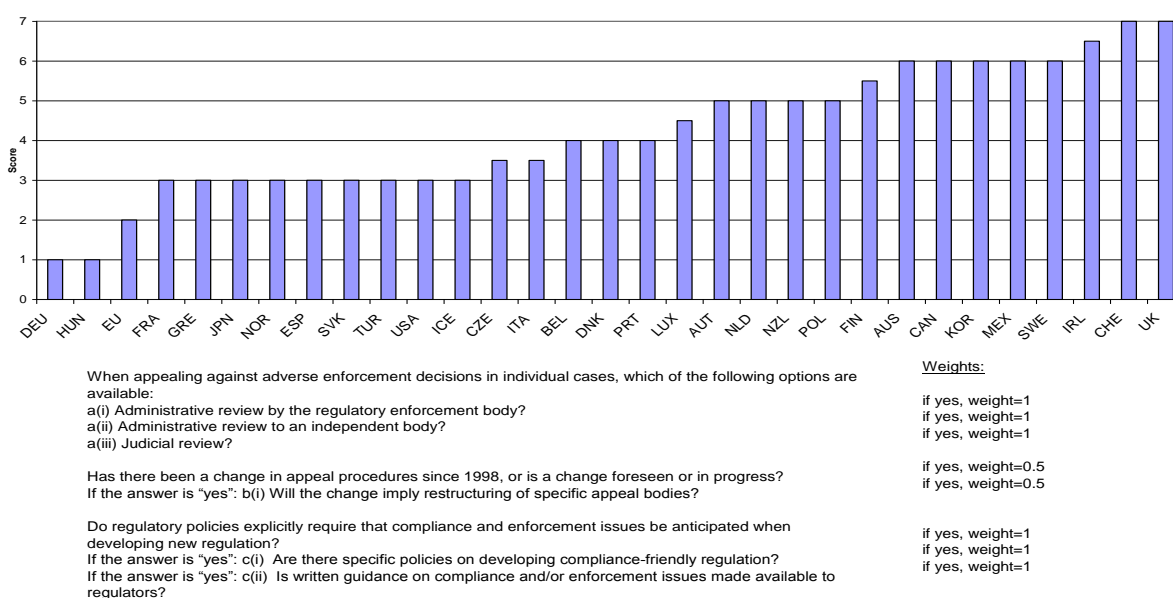
High quality regulation management explicitly involves compliance and implementation. The need to have “systems to discharge enforcement responsibilities” is mentioned in the first *2005 Guiding Principles for Regulatory Quality and Performance*. The third principle acknowledges the need to have an appeals process against individual actions, and to ensure that efficient appeals procedures are in place.

Availability of either judicial review, administrative review to an independent body or administrative review was equally weighted. The change in the appeals system was slightly less weighted as the question could not for sure ascertain that this would bring direct benefits in terms of regulatory quality. The additional dimension is whether compliance and enforcement issues are anticipated when developing compliance friendly regulations, either with specific policies or with corresponding guidance, all being equally weighted.

In terms of appeal, compliance and enforcement, the United Kingdom, Switzerland, Iceland, Ireland, complied with almost all the elements in the questions. Australia, Canada, Korea, Mexico and Sweden reached almost full completion. A set of countries showed intermediate scores: the Czech Republic, Italy, Belgium, Denmark, Portugal, Luxembourg, Austria, the Netherlands, New Zealand and Poland. Finally, Germany, Hungary and the EU tended to offer fewer options, while a set of countries including France, Greece, Japan, Norway, Spain, the Slovak Republic, Turkey and the United States also had limited systems.

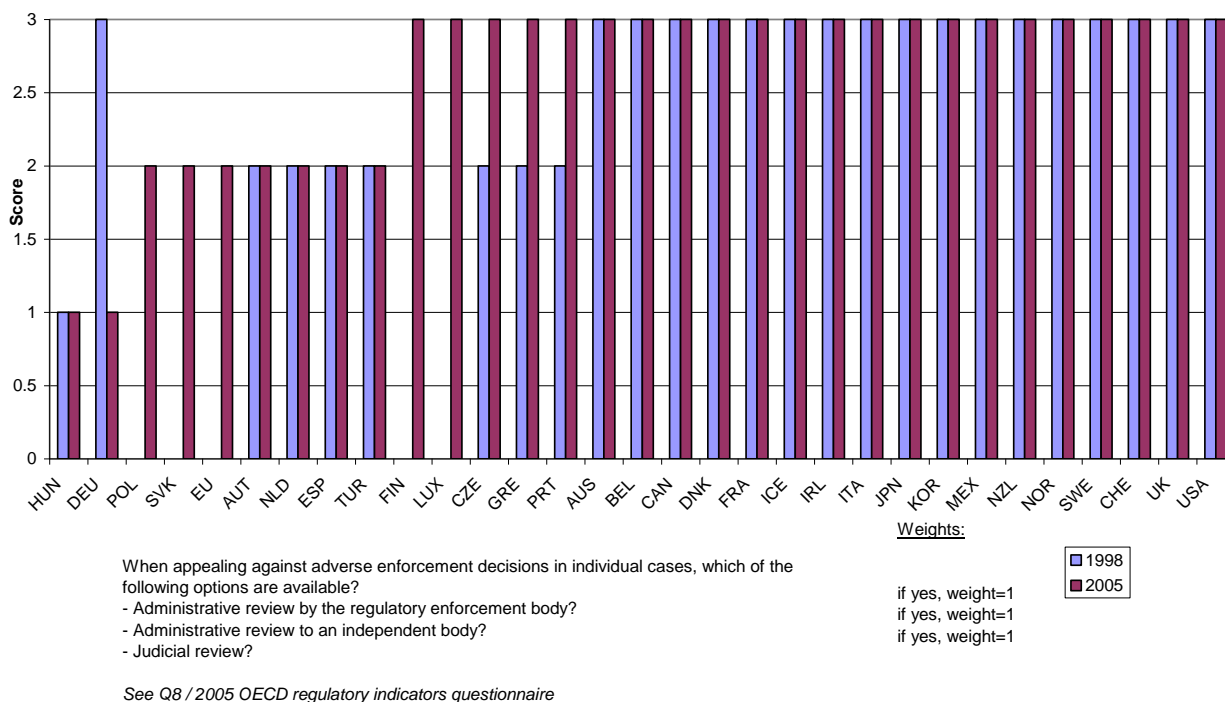
A more detailed analysis of the results shows that almost all countries provide the three basic features of administrative review, including to an independent body as well as a judicial review, except the three in the left side. Consideration of compliance and enforcement issues was restricted to Australia, Austria, Canada, Finland, Iceland, Ireland, Korea, the Netherlands, Poland, Sweden, Switzerland and the United Kingdom.

Figure 16.1. Availability of options for appeals in 2005



Data comparing trends over time between 1998 and 2005 were restricted to the availability of options for appeals. On this limited basis, the situation shows comparatively little change over the period 1998-2005, with two thirds of the countries offering nearly all options in 2005, against slightly more than half of the countries in 1998. The only striking exception is Germany where options for appeals appeared more limited in 2005 than in 1998.

Figure 16.2. Availability of options for appeals, 1998-2005



Assessing performance

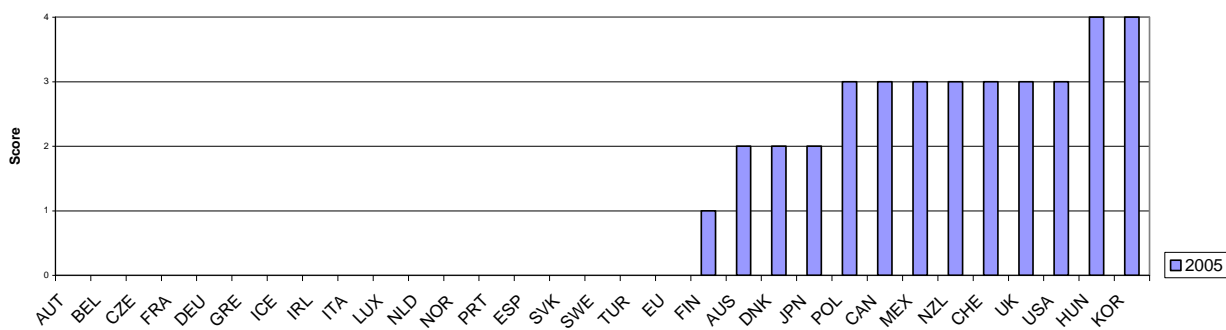
This element is the last part of the survey. The emphasis on performance assessment is relatively new as part of the OECD principles on regulatory reform, and was only reflected in the 2005 *Guiding Principles for Regulatory Quality and Performance*. The effective mention of *ex post* evaluation is mentioned at the end of the first principle, while the use of performance-based assessment of regulatory tools and institutions is mentioned as part of the second principle, to assess how effective they are in contributing to good regulation and economic performance and to assess their cost-effectiveness.

However, the data collection remains scanty. Questions on performance were limited to whether compliance with key requirements of regulatory policy had been assessed, whether the assessment had addressed RIA, consultation, and whether any attempts had been made to measure outputs or outcomes. All these elements were weighted equally on an exploratory basis.

On this limited basis, Korea and Hungary were the only countries to fully comply with these elements, with significant efforts to assess the effectiveness of investment in regulatory policy. The US, the UK, Switzerland, New Zealand, Mexico, Canada and Poland formed another group where attention has been paid to these issues, followed by Japan, Denmark, Australia and Finland. However, more than half of the countries were not at the stage where these elements had been considered.

This tends to show that this is still an area for future development in a number of countries where further methodological work is required and perhaps greater efforts at assessing performance. This would be a very promising area, as it would demonstrate the benefits of regulatory reform on a cross country basis.

Figure 17. Indicators of performance, qualitative questions in 2005



Has the compliance with the key requirements of regulatory policy been assessed?
 If yes, in which of these areas has compliance been assessed:
 - Regulatory Impact Analysis?
 - Consultation?
 Have attempts been made to measure the impact of regulatory policy on regulatory outputs or outcomes (e.g. on changes in the form and/or extent of regulation over time and its performance)?

Weights:
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1
 if yes, weight=1

See Q21 / 2005 OECD regulatory indicators questionnaire

CONCLUSION

The findings in this report provide a complementary picture on the initial findings elaborated from the 2005 survey. They allow for comparisons across countries and for a deeper understanding of the trends as well as of underlying differences. They also provide information on the achievements of countries in meeting some of the requirements for regulatory quality that are reflected in the 2005 Principles.

These results also represent an intermediary step in the analytical approach. They represent a way to aggregate the detailed information that has been collected and make it relevant from a broader policy perspective. On this basis countries can consider further steps in terms of using more powerful statistical techniques and drawing broader policy conclusions from the current work.

BIBLIOGRAPHY

Jacobzone S., C.W. Choi, C. Miguët (2007), “Indicators of Regulatory Management Systems”, *OECD Working Papers on Public Governance* 2007/4, OECD Publishing, Doi:10.1787/112082475604.

Knack, Stephen, Mark Kugler and Nick Manning (2003), “Second Generation Governance Indicators”, *International Review of Administrative Sciences*, 69 (3), pp. 345-364.

Knack, Steve and Nick Manning, (2000), “Towards Consensus on Governance Indicators: Selecting Public Management and Broader Governance Indicators”, www1.worldbank.org/publicsector/dac13.doc, paper presented at the joint UN/OECD/World Bank/IMF International Development Forum, March, Washington, DC.

Nardo, Michael, Michaela Saisana, Andrea Saltelli, Stefano Tarantola, Anders Hoffman and Enrico Giovanni (2005), “OECD Handbook on Constructing Composite Indicators: Methodology and User Guide”, [www.oilis.oecd.org/olis/2005doc.nsf/LinkTo/std-doc\(2005\)3](http://www.oilis.oecd.org/olis/2005doc.nsf/LinkTo/std-doc(2005)3), OECD, Paris.

ANNEX 1. DETAILED WEIGHTING FOR COMPOSITE INDICATORS

Q1 EXPLICIT REGULATORY POLICY		Weights
1	a) Is there an explicit, published regulatory policy promoting government-wide regulatory reform or regulatory quality improvement? (No=0, Yes=1)	3
2	a(i) Does it establish explicit objectives of reform?	1
3	a(ii) Does it set out explicit principles of good regulation?	1
4	a(iii) Does it establish specific responsibilities for reform at the ministerial level?	1
5	a(iv) In what year was the policy introduced or last substantially revised?	
6	b) What is the main motive for the reform?	
	b(i) Need to boost competitiveness and growth	
	b(ii) International commitment (e.g. European commitment)	
	b(iii) Domestic policy agenda	
	b(iv) Other (Specify in your comments)	
7	c) What is the constituency of the reform? (Groups pushing for reform)	
	c(i) Government itself	
	c(ii) Businesses	
	c(iii) Citizens, national opinion	
	c(iv) NGOs	
	c(v) International Organisations	
	c(vi) Other (Specify in your comments)	
Q2 LINKING REGULATORY POLICY AND OTHER POLICY AREAS		
8	a) Is the body responsible for competition policy usually consulted on new regulations? (No=0, Yes=1)	2
9	If, the answer is yes, is this consultation mandatory? (At least in certain cases)	2
10	b) Is the body responsible for trade policy usually consulted on new regulations?	2
11	If, the answer is yes, is this consultation mandatory? (At least in certain cases)	2
12	c) Is the body responsible for consumer policy usually consulted on new regulations?	2
13	If, the answer is yes, is this consultation mandatory? (At least in certain cases)	2
14	d) Are other policy areas involved (e.g. social or environmental concerns, please specify)	2
Q3 FORWARD PLANNING OF REGULATORY ACTIVITIES		
15	a) Does the government periodically publish a list of primary laws to be prepared, modified or reformed in the next six months or more? (No=0, Yes=1)	2
16	If the answer is "yes": a(i) Is it easily available to the public? (<i>i.e.</i> via the Internet)	1
17	b) Does the government periodically publish a list of subordinate regulations to be prepared, modified or reformed in the next six months or more?	2
18	If the answer is "yes": b(i) Is it easily available to the public? (<i>i.e.</i> via the Internet)	1
Q4 RULE-MAKING PROCEDURES		Weights
19	a) Are there standard procedures by which the administration develops draft primary laws? (No=0, Yes=1)	2
20	If there are standard procedures by which draft laws are developed: a(i) Are these established in a formal normative document such as a law (e.g. an Administrative Procedures Act?) or a formal policy document (e.g. Cabinet Handbook), with a binding impact	2
21	If there are standard procedures by which draft laws are developed: a(ii) Are draft laws to be scrutinised by a specific body within Government other than the department which is responsible for the regulation?	2
22	b) Are there standard procedures by which the administration develops draft subordinate regulations?	2
23	If there are standard procedures by which draft subordinate regulations are developed: b(i) Are these established in a formal normative document such as a law (e.g. an Administrative Procedures Act?) or a formal policy document (e.g. Cabinet Handbook)	1

Q5 COMMUNICATION OF REGULATIONS		Weights
24	a) Are there systematic procedures for making regulations known and accessible to affected parties?	2
25	If the answer is "yes", which of the following measures are employed: a(i) Codification of primary laws?	1
26	a(i-1) If "yes": Is there a mechanism for regular updating of the codes? (at least yearly basis)	1
27	If the answer is "yes", which of the following measures are employed: a(ii) Publication of a consolidated register of all subordinate regulations currently in force?	1
28	a(ii-1) If "yes": Is there a provision that only subordinate regulations in the registry are enforceable?	1
29	If the answer is "yes", which of the following measures are employed: a(iii) Public access via the Internet to the text of all or most primary laws?	1
30	If the answer is "yes", which of the following measures are employed: a(iv) Public access via the Internet to the text of all or most subordinate regulation?	1
31	If the answer is "yes", which of the following measures are employed: a(v) A general policy requiring "plain language" drafting of regulation?	0.5
32	a(v-1) If "yes": Is guidance on plain language drafting issued?	0.5
Q6 THRESHOLD TESTS		
33	a(i) Are regulators required to provide a written justification of the need for new regulation? (No=0, In some cases=1, always=2)	0/1/2
34	If the answer is "always" or "in some cases": a(ii) Are explicit decision criteria to be used when justifying a new regulation?	0/1/2
Q7 CHOICE OF POLICY INSTRUMENTS		
35	a) Are regulators required to identify and assess potentially feasible alternative policy instruments (regulatory and non-regulatory) before adopting new regulation? (No=0, In some cases=1, Always=2)	0/1/2
36	b) Has guidance been issued on using alternative policy instruments? (No=0, Yes=1)	0/1
Q8 COMPLIANCE AND ENFORCEMENT		
37	a) When appealing against adverse enforcement decisions in individual cases, which of the following options are available	
	a(i) Administrative review by the regulatory enforcement body?	1
	a(ii) Administrative review to an independent body?	1
	a(iii) Judicial review?	1
38	b) Has there been a change in appeal procedures since 1998, or is a change foreseen or in progress?	0.5
39	If the answer is "yes": b(i) Will the change imply restructuring of specific appeal bodies?	0.5
40	If the answer is "yes": b(ii) Moving from general courts to specific appeal bodies?	
41	If the answer is "yes": b(iii) Moving from specific appeal bodies to general courts?	
42	c) Do regulatory policies explicitly require that compliance and enforcement issues be anticipated when developing new regulation?	1
43	If the answer is "yes": c(i) Are there specific policies on developing compliance-friendly regulation?	1
44	If the answer is "yes": c(ii) Is written guidance on compliance and/or enforcement issues made available to regulators?	1
Q9 USE OF REGULATORY QUALITY TOOLS - GENERAL		
45	a) Are the following regulatory quality tools used within the present administration?	
	a(i) Regulatory Impact Analysis For specific sectors or policy areas	2
	a(ii) Assessment of regulatory alternatives For specific sectors or policy areas	2
	a(iii) Consultation with affected parties For specific sectors or policy areas	2
	a(iv) Plain language drafting requirements For specific sectors or policy areas	1
	a(v) Systematic evaluation of the results of regulatory programmes (for example use of ex-post evaluation) For specific sectors or policy areas	3
	a(i) Regulatory Impact Analysis For Government wide	4
	a(ii) Assessment of regulatory alternatives For Government wide	2
	a(iii) Consultation with affected parties For Government wide	2
	a(iv) Plain language drafting requirements For Government wide	1
	a(v) Systematic evaluation of the results of regulatory programmes (for example use of ex-post evaluation) For Government wide	2

Q10 USE OF PUBLIC CONSULTATION		Weights
46	a) Is public consultation with parties affected by regulations a routine part of developing draft primary laws? (No=0, In some cases=1, Always=2)	0/0.5/1
47	b) Is public consultation with parties affected by regulations a routine part of developing draft subordinate regulations? (No=0, In some cases=1, Always=2)	0/0.5/1
48	If the answer is "always" or "in some cases" to a) or b): Primary laws b(i) Is consultation mandatory? (No=0, Yes=1)	0.5
49	If the answer is "always" or "in some cases" to a) or b): Subordinate regulation b(i) Is consultation mandatory? (No=0, Yes=1)	0.5
50	b(ii) What forms of public consultation are routinely used: Primary laws	
	b(ii) What forms of public consultation are routinely used: Primary laws - Informal consultation with selected groups? (ticked=1)	0.125
	b(ii) What forms of public consultation are routinely used: Primary laws - Broad circulation of proposals for comment?	0.25
	b(ii) What forms of public consultation are routinely used: Primary laws - Public notice and comment?	0.5
	b(ii) What forms of public consultation are routinely used: Primary laws - Public meeting?	0.25
	b(ii) What forms of public consultation are routinely used: Primary laws - Internet?	0.25
	b(ii) What forms of public consultation are routinely used: Primary laws - Advisory group?	0.25
	b(ii) What forms of public consultation are routinely used: Primary laws - Preparatory public commission/committee?	0.25
	b(ii) What forms of public consultation are routinely used: Primary laws - Other	0.125
51	b(ii) What forms of public consultation are routinely used: Subordinate regulation	
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Informal consultation with selected groups?	0.125
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Broad circulation of proposals for comment?	0.25
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Public notice and comment?	0.5
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Public meeting?	0.25
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Internet?	0.25
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Advisory group?	0.25
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Preparatory public commission/committee?	0.25
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Other	0.125
52	b(iii) Can any member of the public choose to participate in the consultation? Primary laws (No=0, Yes=1)	0.5
53	b(iii) Can any member of the public choose to participate in the consultation? Subordinate regulation (No=0, Yes=1)	0.5
54	c(i) What is the minimum period for allowing consultation comments inside government? 1 week=0.125, 2 weeks=0.25, 3 weeks=0.375, 4 weeks=0.5	
55	c(ii) What is the minimum period for allowing consultation comments by the public, including citizens and business? 1 week = 0, 2 weeks=0.125, 3 weeks=0.25, 4 weeks=0.375, 6 weeks=0.5, 8 weeks=0.625, 12 weeks=1	
56	d(i) Are the views of participants in the consultation process made public? Primary laws (No=0, Yes=1)	0.5
57	d(ii) Are regulators required to respond in writing to the authors of consultation comments? Primary laws (No=0, Yes=1)	0.25
58	d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis? Primary laws (No=0, Yes=1)	0.5
59	d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments) Primary laws (No=0, Yes=1)	0.5
60	d(i) Are the views of participants in the consultation process made public? Subordinate regulation (No=0, Yes=1)	0.5
61	d(ii) Are regulators required to respond in writing to the authors of consultation comments? Subordinate regulation (No=0, Yes=1)	0.25
62	d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis? Subordinate regulation (No=0, Yes=1)	0.5
63	d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments) Subordinate regulation (No=0, Yes=1)	0.5

Q11 USE OF REGULATORY IMPACT ANALYSIS (RIA)		
64	a) Is regulatory impact analysis (RIA) carried out before new regulation is adopted? (No=0, In some cases=1, Always=2)	0/0.25/0.5
65	b) Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA? (No=0, Yes=1)	0/0.75
66	b) If the answer is "yes": Name the body and its location in the administration:	
67	c(i) Is there a clear "threshold" for applying RIA to new regulatory proposals? (No=0, Yes=1)	0.5
68	If the answer is "yes": c(ii) Is the threshold defined as a single objective criterion (Yes), or does it combine criteria (No)?	
69	If the answer is "yes": c(iii) Please provide details of the threshold test.	
70	d(i) Is RIA formally required by law or by a similarly binding legal instrument? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
71	d(ii) Is RIA required for draft primary laws? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
72	d(iii) Is RIA required for draft subordinate regulations? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
73	d(iv) Are regulators required to identify the costs of new regulation (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
74	If yes: Does the impact analysis include the quantification of the costs? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
75	d(v) Are regulators required to identify the benefits of new regulation? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
76	If yes: Does the impact analysis include quantification of the benefits? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
77	d(vi) Does the RIA require regulators to demonstrate that the benefits of new regulation justify the costs? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
78	d(viii) Are RIA documents required to be publicly released for consultation? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
79	d(ix) Is the RIA required to include assessments of other specific impacts:	
	d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on the budget (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
	d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on competition (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
	d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on market openness (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
	d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on small businesses (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
	d(ix) Is the RIA required to include assessments of other specific impacts: Impact on specific regional areas (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
	d(ix) Is the RIA required to include assessments of other specific impacts: Impact on specific social groups (distributional effects across society) (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
	d(ix) Is the RIA required to include assessments of other specific impacts: Impact on other groups (charities, not for profit sector) (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.125/0.1 25/0.25
	d(ix) Is the RIA required to include assessments of other specific impacts: Impact on the public sector (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.25/0.25/ 0.5
80	e) Is risk assessment required when preparing a RIA? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.125/0.1 25/0.25
	e(i) in all cases (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.125/0.1 25/0.25
	e(ii) For Health and safety regulation (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.125/0.1 25/0.25
	e(iii) For Environmental regulation (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	0/0.125/0.1 25/0.25
81	If "yes": Does the risk assessment require quantitative modeling? (No=0, Yes=1)	0.25

Q11 USE OF REGULATORY IMPACT ANALYSIS (RIA)		
82	f(i) Are RIAs required to explicitly consider compliance and enforcement issues when preparing new regulations? (No=0, Yes=1)	0.25
83	f(ii) Are reports on the level of compliance with the above RIA requirements prepared? (No=0, Ad hoc basis=1, Regular=2)	0/0.25/0.5
84	f(iii) Are these reports published? (No=0, Yes=1)	0/0.5
85	g) What proportion of laws and subordinate/lower-level regulations was subject to RIA in the last full year? Please also indicate what proportion of these RIA documents was published.	Not relevant
	g) What proportion of laws and subordinate/lower-level regulations was subject to RIA in the last full year? Please also indicate what proportion of these RIA documents was published. g(i) Primary legislation? Proportion RIA prepared (%)	Not relevant
	g) What proportion of laws and subordinate/lower-level regulations was subject to RIA in the last full year? Please also indicate what proportion of these RIA documents was published. g(i) Primary legislation? Proportion published (%)	Not relevant
	g) What proportion of laws and subordinate/lower-level regulations was subject to RIA in the last full year? Please also indicate what proportion of these RIA documents was published. g(ii) Subordinate regulations (i.e. decrees)? Proportion RIA prepared	Not relevant
	g) What proportion of laws and subordinate/lower-level regulations was subject to RIA in the last full year? Please also indicate what proportion of these RIA documents was published. g(ii) Subordinate regulations (i.e. decrees)? Proportion published (%)	Not relevant
86	h) Are ex post comparisons of the actual vs predicted impacts of regulations made? (No=0, Yes=1)	0/0.25
87	i) Is there an assessment of the effectiveness of RIA in leading to modifications of initial regulatory proposals undertaken? (No=0, Yes=1)	0.25
88	If "Yes": What is the proportion of initial regulatory proposals that were modified?	Not relevant
Q12 BUSINESS LICENSES AND PERMITS		
89	a) Is a "silence is consent" rule used at all (i.e. that licences are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)? (No=0, Yes=1)	2
90	a(i) if Yes, please specify the statutory response period, or the corresponding time limit for a reply, in number of weeks	Chart
91	a(ii) Are administrations obliged to provide the name of the person responsible for handling the application in any formal correspondence?	0.5
92	b) Are there single contact points ("one-stop shops") for getting information on licences and notifications?	3
93	b(i) To what proportion of license applications do they apply? (e.g. if implemented at the local level, but only in certain areas) in %	Chart
94	c) Are there single contact points for accepting notifications and issuing licences (one-stop shops)?	3
95	c(i) To what proportion of license applications does it apply? (e.g. if it is implemented at the local level, but only in certain areas) in %	Chart
96	d) Is there a programme underway to review and reduce the number of licenses and permits required by the national government?	1
97	d(i) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?	2
98	d(ii) Has there been a clear decline in the aggregate number of licences and permits?	1
99	e) Is there a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government?	1

Q13 REDUCING ADMINISTRATIVE BURDENS		
100	a) Is there an explicit government programme to reduce the administrative burdens imposed by government on enterprises and/or citizens? (No=0, Yes=1)	2
101	If the answer is "yes": a(i) Does this programme include quantitative targets?	1
102	If the answer is "yes": a(ii) Does this programme include qualitative targets?	1
103	If "yes" a(ii) : Please specify which targets	
104	If the answer is "yes": a(iii) Which of the following strategies are used?	
	If the answer is "yes": a(iii) Which of the following strategies are used? - Modification and streamlining of existing laws and regulations (ticked=1)	1
	If the answer is "yes": a(iii) Which of the following strategies are used? - Information and communication technologies for regulatory administration (e.g. electronic databases, online formats)	1
	If the answer is "yes": a(iii) Which of the following strategies are used? - Other streamlining of government administrative procedures	1
	If the answer is "yes": a(iii) Which of the following strategies are used? - Establishment of a system for measuring administrative burdens of regulation	2
	If the answer is "yes": a(iii) Which of the following strategies are used? - Reallocating powers and responsibilities between government departments and/or between levels of government	1
	If the answer is "yes": a(iii) Which of the following strategies are used? - Other (please specify)	
Q14 TRAINING IN REGULATORY QUALITY SKILLS		
105	a) Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation? (No=0, Yes=1)	2
106	If the answer is "yes": a(i) Does this include training in how to conduct regulatory impact analysis?	2
107	If the answer is "yes": a(ii) Does this training include use of alternative policy instruments?	2
108	If the answer is "yes": a(iii) Does this include training on how to inform and communicate with the public?	2
109	b(i) Is general guidance on the regulatory policy and its underlying objectives published and distributed to regulatory officials?	1
110	b(ii) Is general guidance on compliance and enforcement published and distributed to regulatory officials?	1
111	c) Are other strategies in place to promote changes in the regulatory culture consistent with the objectives of the regulatory policy? (e.g. mobility of officials across areas, exchanges with the private sector, others)	0.5

Q15 CENTRAL REGULATORY OVERSIGHT AUTHORITY (ADMINISTRATIVE AND POLITICAL)		
112	a) Is there a dedicated body (or bodies) responsible for promoting the regulatory policy and monitoring and reporting on regulatory reform and regulatory quality in the national administration from a whole of government perspective? (No=0, Yes=1)	3
113	If the answer is "yes": Name and administrative situation of the main central body (please specify location inside the government, e.g. in the Ministry of Finance, Prime Minister's Office, or Ministry of justice or else created as an independent body?)	
114	Please specify in general terms the mission of this body, and its main tasks and powers	
115	Please specify staffing levels of this body, and annual resources if available	
116	a(i) Is this body consulted as part of the process of developing new regulation?	2
117	a(ii) Does this body report on progress made on reform by individual ministries?	2
118	a(iii) Is this body entrusted with the authority of reviewing and monitoring regulatory impacts conducted in individual ministries?	2
119	a(iv) Can this body conduct its own analysis of regulatory impacts?	1
120	a(v) Is this body entrusted with an advocacy function to promote regulatory quality and reform?	1
121	b) Is there an advisory body that receives references from Government to review broad areas of regulation, collecting the views of private stakeholders? (e.g. Better Regulation Task Force in the UK, or External Advisory Council on Smart Regulation in Canada)	1
122	If the answer is "yes": b(i) Does this body have a degree of independence from government (e.g. through a board or commission structure)?	1
123	If the answer is "yes": b(ii) Does this body report its findings publicly?	1
124	c) Is a specific minister accountable for promoting government-wide progress on regulatory reform?	2
125	If the answer is "yes": c(i) Which minister?	
126	If the answer is "yes": c(ii) Is the Minister required to report to Parliament on progress?	2
Q16 PARLIAMENTARY OVERSIGHT OF REGULATORY POLICY		
127	a) Is there a dedicated parliamentary committee or other parliamentary body with responsibilities that relate specifically to the regulatory policy/regulatory reform policy? (No=0, Yes=1)	2
128	If the answer is "yes": a(i) Does this body periodically review the quality of the proposed legislation? (i.e. lower level rules)?	1
129	If the answer is "yes": a(ii) Is this body also entrusted to review the quality of subordinate regulation? (i.e. lower level rules)?	0.5
130	If the answer is "yes": a(iii) Is the review process, if it exists, explicitly guided by regulatory quality criteria?	1
131	If the answer is "yes": a(iv) Does this body review and report on progress on regulatory policy/regulatory reform across the administration?	1
Q17 ROLE OF THE JUDICIARY IN REGULATORY POLICY		
132	a) Are elements of the regulatory policy subject to judicial review (e.g. If RIA or consultation requirements are legislatively based, can the validity of laws be challenged if these requirements are not met?) (No=0, Yes=1)	1
133	b) Have these review provisions been exercised in practice? (No=0, Rarely=1, Often=2)	0/0.5/1
Q18 INTER-GOVERNMENTAL CO-ORDINATION ON REGULATORY POLICY		
134	a) Are there formal co-ordination mechanisms between National/Federal and State/regional governments? (in Federal or quasi-federal countries, between national and regional/local governments in unitary countries) (No=0, Yes=1)	1
135	b) Are there formal co-ordination mechanisms at the supra-national level (i.e. as a consequence of membership of international bodies, such as the European Union). (WTO and other broadly constituted bodies should not be included here). (No=0, Yes=1)	
136	c) Do any of these mechanisms impose specific obligations in relation to regulatory practice? (No=0, Yes=1)	1
137	d) Are any of the following regulatory harmonization mechanisms used? (Not at all=0, Rarely=1, Widely=2)	0/0.5/1
	d(i) Mutual recognition?	0/0.5/1
	d(ii) Regulatory harmonization agreements?	0/0.5/1
	d(iii) Strict regulatory uniformity agreements?	0/0.5/1

Q19 REGULATORY REVIEW AND EVALUATION		
138	a) Is periodic evaluation of existing regulation mandatory? (Not required=0, For specific areas=1, For all policy areas=2)	0/1/2
139	b) Are there standardised evaluation techniques or criteria to be used when regulation is reviewed? (No=0, Yes=1)	1
140	c) Are reviews required to consider explicitly the consistency of regulations in different areas and take steps to address areas of overlap/duplication/inconsistency? (No=0, Yes=1)	1
141	d) Are there mechanisms by which the public can make recommendations to modify specific regulations? (No=0, Yes=1)	1
	If the answer is "yes", please specify: d(i) Electronic mailboxes (ticked=1)	0.5
	If the answer is "yes", please specify: d(ii) Ombudsman (ticked=1)	0.5
	If the answer is "yes", please specify: d(iii) Other (please specify)	0.5
142	e) Is sun setting used for primary laws or other regulations? (No=0, Yes=1)	1
143	f) Do specific primary laws include automatic review requirements? (No=0, Yes=1)	1
Q20 CONTROLLING AGGREGATE REGULATORY BURDENS		
144	a) Is there a yearly calculation of regulatory inflation? (Laws, ordinances and other official regulations) (No=0, Yes=1)	1
145	b) Have attempts been made to measure trends in the aggregate burden of regulation over time?	1
146	b(i) If Yes, please attach any available study, or provide any available data on these trends in the past 5 to 10 years.	
147	c) Is there an explicit policy in relation to the control of the aggregate burden of regulation?	1
148	If yes: c(i) Are there explicit targets?	1
149	If yes: c(ii) Are specific strategies or rules used to affect aggregate burdens?	1
150	Please provide detail on policies in relation to aggregate regulatory burdens	