

## *Introduction: Conduct of the review*

### **Peer review and country contributions**

The review was conducted by a team consisting of members of the OECD Secretariat, and peer reviewers drawn from the administrations of other European countries with expertise in Better Regulation. The review team for Belgium was:

- Caroline Varley, Project Leader for the EU 15 reviews, Regulatory Policy Division of the Public Governance Directorate, OECD.
- Sophie Bismut, Policy Analyst, EU 15 project, Regulatory Policy Division of the Public Governance Directorate, OECD.
- Sofia Hercules, Project Manager, Better Regulation Division, Swedish Agency for Economic and Regional Growth (Tillväxtverket, formerly NUTEK), Sweden.
- Michael Fruhmann, Head of Unit in the Constitutional Service of the Federal Chancellery, Austria.

The current review of Belgium reflects contributions from Belgian governments and discussions held in Brussels and Namur by an OECD review team with Belgian officials and external stakeholders on 26-28 November 2008, 3-5 December 2008, and 18 June 2009. Major initiatives and developments between these missions and clearance of the report for publication in April 2010 are referenced in the report, but have not been evaluated.

The team interviewed representatives of the following organisations:

#### *Federal administrations*

AFSCA  
 ASA  
 Banque Carrefour des Entreprises  
 Bureau fédéral du plan  
 Chancellerie du Premier Ministre, secrétariat du Conseil des ministres  
 Chambre des représentants  
 Collège des médiateurs fédéraux  
 Conseil d'Etat  
 Conseil national du travail (CNT)  
 Cour constitutionnelle  
 Cour de cassation  
 Cour des comptes  
 Fédération royale du notariat belge

Inspection des Finances  
Inspection sociale  
Office des étrangers  
ONSS  
SPF Affaires étrangères  
SPF Développement durable  
SPF Economie  
SPF Emploi  
SPF Finances  
SPF Sécurité sociale, SIRS  
SRCT  
Secrétariat du comité anti fraude – administration fiscale

### *French Community*

Administration générale des personnels de l'enseignement (AGPE)  
Administration générale de l'enseignement et de la recherche scientifique (AGERS)  
Cabinet de Monsieur le Ministre Daerden  
Conseil supérieur de l'audiovisuel  
Secrétariat général  
Direction générale des affaires générales et de l'audit général  
Direction générale de l'enseignement obligatoire  
Direction des affaires juridiques et du contentieux  
Service du Médiateur  
Cellule ISA, Secrétariat général

### *German-speaking Community*

Ministry of German-speaking Community

### *Brussels-Capital Region*

Brussels Regional Parliament  
Ministry of Brussels-Capital Region  
Brussels Regional Informatics Centre  
Agence bruxelloise de l'entreprise

### *Flemish Region*

Agentschap voor Binnenlands Bestuur (Agency for Local Governments)  
Kabinet Minister President (Cabinet of Minister President)  
Cel Wetskwaliteit Onderwijs en vorming (Department of Education, Unit for Regulatory Quality)  
Departement Internationaal Vlaanderen (Department of Foreign Affairs)  
Cel Wetskwaliteit Welzijn, Volksgezondheid en Gezin (Department of Welfare, Public Health and Family, Unit for Regulatory Quality)  
Dienst Westmatiging (DMW) – (Regulatory Management Unit)  
Vlaams Parlement (Flemish Parliament)

Departement Bestuurszaken (Public Governance Department)  
 Sociaal-Economische Raad van Vlaanderen (Social and Economic Council of  
 Flanders)

### *Walloon Region*

Cabinet Demotte  
 Conseil économique et social (Social and Economic Council)  
 Chancellerie et secrétariat du gouvernement wallon (Wallonian Government  
 Chancellery and Secretariat)  
 Comité législatif (Legislative Committee)  
 Easi-Wal  
 Médiateur de la Région wallonne (Wallonian Region Mediator)  
 Parlement wallon (Wallonian Parliament)  
 Service Public Wallonie (SPW)

### *External stakeholders and experts*

Christian Trade Union (ABV – CSC)  
 Federation of Enterprises in Belgium (FEB – VBO)  
*Interuniversitair Centrum voor Wetgeving* (ICW) – Interuniversity centre for  
 Legislation  
 Liberal Trade Union  
 Socialist Trade Union (ABVV – FGTB)  
 Union of Self-Employed Entrepreneurs (UNIZO)  
*Université catholique de Louvain*  
*Université libre de Belgique*  
*Universiteit Antwerpen*

## Structure of the report

The report is structured into eight chapters. The project baseline is set out at the start of each chapter. This is followed by an assessment and recommendations, and background material.

- **Strategy and policies for Better Regulation.** The chapter first considers the drivers of Better Regulation policies and the country’s public governance framework seeks to provide a “helicopter view” of Better Regulation strategy and policies. It then considers overall communication to stakeholders on strategy and policies, as a means of encouraging their ongoing support. It reviews the mechanisms in place for the evaluation of strategy and policies aimed at testing their effectiveness. Finally, it (briefly) considers the role of e-Government in support of Better Regulation.
- **Institutional capacities for Better Regulation.** This chapter seeks to map and understand the different and often interlocking roles of the entities involved in regulatory management and the promotion and implementation of Better Regulation policies. It also examines training and capacity building within government.

- **Transparency through consultation and communication.** This chapter examines how the country secures transparency in the regulatory environment, both through public consultation in the process of rule-making and public communication on regulatory requirements.
- **The development of new regulations.** This chapter considers the processes, which may be interwoven, for the development of new regulations: procedures for the development of new regulations (forward planning; administrative procedures, legal quality); the *ex ante* impact assessment of new regulations; and the consideration of alternatives to regulation.
- **The management and rationalisation of existing regulations.** This chapter looks at regulatory policies focused on the management of the “stock” of regulations. These policies include initiatives to simplify the existing stock of regulations, and initiatives to reduce burdens which administrative requirements impose on businesses, citizens and the administration itself.
- **Compliance, enforcement, appeals.** This chapter considers the processes for ensuring compliance and enforcement of regulations, as well administrative and judicial review procedures available to citizens and businesses for raising issues related to the rules that bind them.
- **The interface between member states and the EU.** This chapter considers the processes that are in place to manage the negotiation of EU regulations, and their transposition into national regulations. It also briefly considers the interface of national Better Regulation policies with Better Regulation policies implemented at EU level.
- **The interface between subnational and national levels of government.** This chapter considers the rule-making and rule-enforcement activities of local/sub federal levels of government, and their interplay with the national/federal level. It reviews the allocation of regulatory responsibilities at the different levels of government, the capacities of the local/sub federal levels to produce quality regulation, and co-ordination mechanisms between the different levels.

## Methodology

The starting point for the reviews is a “project baseline” which draws on the initiatives for Better Regulation promoted by both the OECD and the European Commission over the last few years:

- The OECD’s 2005 Guiding Principles for Regulatory Quality and Performance set out core principles of effective regulatory management which have been tested and debated in the OECD membership.
- The OECD’s multidisciplinary reviews over the last few years of regulatory reform in 11 of the 15 countries to be reviewed in this project included a comprehensive analysis of regulatory management in those countries, and recommendations.

- The OECD/SIGMA regulatory management reviews in the 12 “new” EU member states carried out between 2005 and 2007.
- The 2005 renewed Lisbon Strategy adopted by the European Council which emphasises actions for growth and jobs, enhanced productivity and competitiveness, including measures to improve the regulatory environment for businesses. The Lisbon Agenda includes national reform programmes to be carried out by member states.
- The European Commission’s 2006 Better Regulation Strategy, and associated guidelines, which puts special emphasis on businesses and especially small to medium-sized enterprises, drawing attention to the need for a reduction in administrative burdens.
- The European Commission’s follow up Action Programme for reducing administrative burdens, endorsed by the European Council in March 2007.
- The European Commission’s development of its own strategy and tools for Better Regulation, notably the establishment of an impact assessment process applied to the development of its own regulations.
- The OECD’s recent studies of specific aspects of regulatory management, notably on cutting red tape and e-Government, including country reviews on these issues.

The report, which was drafted by the OECD Secretariat, was the subject of comments and contributions from the peer reviewers as well as from colleagues within the OECD Secretariat. It was fact checked by Belgium.

The report is also based on material provided by Belgium in response to a questionnaire, including relevant documents, as well as relevant recent reports and reviews carried out by the OECD and other international organisations on linked issues such as e-Government and public governance.

Within the OECD Secretariat, the EU 15 project is led by Caroline Varley, supported by Sophie Bismut. Elsa Cruz de Cisneros and Shayne MacLachlan provided administrative and communications support, respectively, for the development and publication of the report.

## **Regulation: what the term means for this project**

The term “regulation” in this project is generally used to cover any instrument by which governments set requirements on citizens and enterprises. It therefore includes all laws (primary and secondary), formal and informal orders, subordinate rules, administrative formalities and rules issued by non-governmental or self-regulatory bodies to whom governments have delegated regulatory powers. The term is not to be confused with EU regulations. These are one of three types of EC binding legal instrument under the Treaties (the other two being directives and decisions).



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