

## Chapter 1

### Strategy and policies for Better Regulation

Regulatory policy may be defined broadly as an explicit, dynamic, and consistent “whole-of-government” policy to pursue high quality regulation. A key part of the OECD’s 2005 Guiding Principles for Regulatory Quality and Performance is that countries adopt broad programmes of regulatory reform that establish principles of “good regulation”, as well as a framework for implementation. Experience across the OECD suggests that an effective regulatory policy should be adopted at the highest political levels, contain explicit and measurable regulatory quality standards, and provide for continued regulatory management capacity.

Effective communication to stakeholders is of growing importance to secure ongoing support for regulatory quality work. A key issue relates to stakeholders’ perceptions of regulatory achievements (business, for example, may continue to complain about regulatory issues that are better managed than previously).

Governments are accountable for the often significant resources as well as political capital invested in regulatory management systems. There is a growing interest in the systematic evaluation of regulatory management performance – “measuring the gap” between regulatory policies as set out in principle and their efficiency and effectiveness in practice. How do specific institutions, tools and processes perform? What contributes to their effective design? The systematic application of *ex post* evaluation and measurement techniques can provide part of the answer and help to strengthen the framework.

E-Government is an important support tool for Better Regulation. It permeates virtually all aspects of regulatory policy from consultation and communication to stakeholders, to the effective development of strategies addressing administrative burdens, and not least as a means of disseminating Better Regulation policies, best practices, and guidance across government, including local levels. Whilst a full evaluation of this aspect is beyond the scope of this exercise and would be inappropriate, the report makes a few comments that may prove helpful for a more in-depth analysis.

## Assessment and recommendations

### *Development of Better Regulation strategy and policies*

*There have been considerable developments and achievements, driven by a growing awareness across Belgium of the need to address regulatory inflation and improve regulatory quality.* Belgian governments have launched a large number of initiatives in the area of Better Regulation in recent years, which tackle the reduction of administrative burdens on citizens and businesses, codification and modernisation of existing regulations (including an important project to codify and modernise economic law), impact assessment (with the *Kafka* Test on administrative burdens), and more recently a “Sustainability Test” at the federal level, as well as the Flanders Impact Assessment.

*Policies cover a rich mix of projects shared between Belgian governments, and initiatives specific to each government within its area of competence.* Shared initiatives are a particularly striking feature of current projects, underlining the fact that Belgian governments are not always compartmentalised on their own projects. Shared projects are supported by a 2003 co-operation agreement signed by the federal, community and regional governments. Important initiatives in this category include the *Kafka* contact point where citizens, businesses and public servants across Belgium can propose ideas for cutting red tape, and projects on single data collection (for example, the penal data register, the Crossroads Bank for Enterprise, the Crossroads Bank for social security, and the *Telemarc* public procurement project). The transposition of EU directives, and consultation on international issues are also important areas of shared work. Institutional support is provided by the ASA whose Annual Action Plan covers not only initiatives to reduce burdens in federal regulations, but also long term projects shared with the other Belgian governments. Beyond the shared initiatives, the federal government, Wallonia and the French community have tended to focus on administrative simplification and the use of e-Government to drive Better Regulation projects. Wallonia also advocates for Better Regulation, with an implicit general objective over time to broaden the scope of its work. Flanders has adopted a programme encompassing broader regulatory quality as well as administrative simplification.

*Regulatory quality in all its dimensions is rising up the agenda.* In particular, Belgian governments have taken steps to integrate *ex ante* impact assessment in the development of regulations. *Ex ante* impact assessment is a relatively new policy in Belgium, and still a work in progress. Although steps have been taken to enlarge the scope of impact assessments, for most Belgian governments these are still largely confined in practice to evaluating administrative burdens. The federal government introduced the *Kafka* Test to measure administrative burdens in 2004, and has broadened its approach since 2007 with the development of a sustainability assessment. The governments of the Walloon Region and the French Community have also adopted the *Kafka* Test. This has proved a good starting point for raising awareness of impact assessment and its potential. The Flemish government stands out as especially active in the development and practical roll out of an *ex ante* impact assessment process with a broad scope, starting in 2005. A variable geometry is at work, with different governments sometimes adopting different versions of the same processes.

*However, important challenges need to be addressed if ex ante impact assessment is to make a real difference.* The simplicity of the *Kafka* Test limits its influence, as it only addresses administrative burdens. The highly ambitious objectives set for the federal Sustainable Development Impact Assessment, combined with significant exemptions, could

complicate efforts to make progress. All the different initiatives suffer, to a greater or lesser extent, from a range of problems including timeliness, limited coverage, and weak institutional frameworks. Reflecting the often limited reach of general procedures for the development of regulations, many draft regulations are currently exempted from any form of impact assessment. The involvement of politicians in rule drafting makes the implementation of impact assessment particularly difficult. Impact assessment is often done too late and becomes an *ex post* justification for decisions which have already been reached. This often causes implementation problems downstream and requires revisions to the law in the worst cases. Institutional frameworks are weak and generally unable to challenge poorly implemented assessments. Quantification is limited. Transparency is also weak with often limited efforts to consult with stakeholders and little effort at publication. Strengthening impact assessments will require strong high-level commitment and further culture change. Consideration of alternatives to regulation is included in some but not all of the impact assessment mechanisms, an important issue for Belgium against the background of significant regulatory inflation.

*There remains a strong emphasis on administrative simplification, and all Belgian governments are putting considerable efforts into this, with measurable success.* Administrative simplification is a political priority and common denominator across all governments, backed up by successive ministerial policy statements. Each government has defined its own strategy. Policies extend well beyond programmes to reduce burdens in specific regulations, and include a mix of broad long term structural projects as well as short-term projects aimed at “quick win” results; target citizens, businesses and non-profit organisations (the programmes do not particularly distinguish between burdens for business and citizens); make strong use of ICT; tackle (to a greater or lesser extent) both the flow and stock of regulations; and integrate efforts to improve transparency and easier access to the administration (portals, websites, etc.). The biannual surveys of the Federal Planning Bureau indicate that administrative burdens on businesses decreased from an estimated 3.5% of GDP in 2000 to 1.72% of GDP in 2008.

*Belgium’s current institutionalised system of consultation is based on fundamental principles of representative democracy, but needs some further reform.* The system covers a very wide range of sectors and issues. Belgian governments have a well-established and well-supported practice of consulting external shareholders when preparing new regulations, which is based on institutionalised bodies (“advisory boards”) set up by each government. The system has the broad support of most stakeholders. Belgian governments are also deploying or testing a number of new approaches alongside the traditional structures. Transparency as a basic principle of consultation has, however, become compromised over time by the growing size of the advisory board system. There have been significant efforts to simplify the advisory board system, particularly in the regions. The overall approach to consultation would benefit from an updated and clearer policy to guide the process and reinstate transparency.

*The management of EU aspects of Better Regulation displays both strengths and weaknesses.* The management of EU origin regulations (negotiations and transposition) is well-organised and an area where co-ordination between Belgian governments is especially strong. Belgium, however, by July 2009 still had not reached the 1% deficit target for timely transposition of internal market directives set by the European Commission. Policies for transposition would benefit from a strategic review (a review was launched after the OECD peer review mission). The interface with the EU’s own Better Regulation policies appears to be underexploited. As the federal government has pointed out, Belgium is at the heart of Europe and was a founder member of the EU. It could consider how to play a stronger and more visible role in the development of EU Better Regulation.

Belgium's Presidency of the EU in the second half of 2010 is a good opportunity to influence developments.

*Beyond the specific initiatives, it is hard to distinguish a clear and compelling overall Better Regulation strategy linked to public policy goals.* There is a strong shared appreciation in Belgium of the need to address regulatory inflation and improve regulatory quality. How do current and planned initiatives come together to support this? How can the policies of the different governments be brought together in a shared vision, without compromising each government's autonomy? Initiatives for Better Regulation are not explicitly framed within an overarching and visible policy strategy and objectives against which progress can be monitored and communicated, and which links Better Regulation to broader public policy goals. This weakens the impact of the good work being done, and makes it harder for the very wide range of stakeholders (both within and outside governments) to lend their support. Yet there are powerful potential drivers at work, including the need to boost competitiveness and support a stronger public administration.

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**Recommendation 1.1. (federal government, all governments): Identify and disseminate a shared strategic vision of what Better Regulation is seeking to achieve, both in terms of curbing regulatory inflation but also for the broader contribution which it can make to economic and other public policy goals. Develop a global agreement to sustain a shared approach and shared goals. Confirm and strengthen the commitment to sharing experiences and best practices, and to identifying those areas where it makes sense to work together. Ensure that policies to address the stock of regulations are joined up with policies to address the flow. Flesh out the strategy through a set of agreed principles to which each government would commit, thus contributing to the durability of key Better Regulation institutions and projects.**

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### ***Communication on Better Regulation strategy and policies***

*Significant efforts have been put into communicating developments and achievements with respect to administrative simplification.* The *Kafka* brand, for example, has been a useful instrument for communication both within the administration and to the external public. This is a well-known initiative, which has also gained visibility outside Belgium. However, it contrasts sharply with the lack of communication on other important Better Regulation policies.

*There is a need at this stage for strong visibility and transparency of the range of work carried out in support of Better Regulation.* Belgium's institutional and regulatory environment is complex, which means that special attention needs to be paid, on an ongoing basis, to transparency and visibility of the work carried out to address regulatory management issues. This is important both for internal stakeholders (officials in the administration of each government, given the tradition of substantial ministry autonomy, so that they can buy-in to the process); and external stakeholders (businesses and citizens who need to feel the benefits of Better Regulation, to support the efforts which are being made, and to contribute ideas for further development). How much is known of policies and achievements beyond simplification by those who need to know?

*There is a linked need for visible leadership.* The rapidly shifting political environment means that officials need to be in the front line, as well as their political leaders. How well-known are the Better Regulation units? Greater visibility and transparency would help

to spread good practices and successful initiatives across the different governments. The different governments appear to be at different stages in the communication process. For example, Wallonia has made considerable efforts to establish *EASI-WAL* as a recognisable brand, as part of its Better Regulation strategy. The issue is, however, relevant to all Belgian governments. The OECD peer review team heard, for example, that the experiences of the German speaking community needed be better known.

*The need for effective communication and clearly visible leadership is especially important for the ASA, given its Belgium wide mission.* There is a special need to highlight effectively the major initiatives that have been taken in recent years which involve shared work across Belgian governments, and through this, to highlight the role and importance of the ASA as facilitator. The establishment of shared portals and databases on regulations and related issues, such as the Crossroads Bank for Enterprises is a major success of the Belgian Better Regulation experience so far, and these achievements should be widely communicated.

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**Recommendation 1.2. (federal government): Reinforce communication and visibility. Define and put in place a communication strategy which highlights the work being carried out, the achievements so far, and which promotes the identity of the Better Regulation unit and its leader(s). If necessary, engage the services of communications experts to determine what approach might work best.**

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**Recommendation 1.3. (all governments): Co-operate on the development of common communication strategy for shared work and achievements, as well as for overall Better Regulation strategy. The co-operation agreement on administrative simplification between the federal government, regions and communities could be the platform to start this necessary co-ordination.**

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### ***Ex post evaluation of Better Regulation strategy and policies***

*As in many other OECD countries, ex post evaluation of Better Regulation policies is (with some exceptions) not well-developed.* Strategic *ex post* evaluations of policies to assess the need for major adjustments (for example policies for impact assessment) are largely absent, with the notable exception of Flanders where efforts have been made to take stock. Annual progress reports on simplification are not a substitute for a more strategic review of the underlying programmes. The *Court of Audit* might be a useful independent evaluator of Better Regulation policies (other audit offices in the EU such as the United Kingdom National Audit Office have developed this role).

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**Recommendation 1.4. (all governments): Consider how to ensure that *ex post* evaluations of major Better Regulation programmes are carried out on a systematic basis, in order to secure an effective feedback loop which can be used to further strengthen the programmes.**

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### ***E-Government in support of Better Regulation***

*Strong use is made of e-Government in some key areas of Better Regulation, but there are some issues.* In some cases (Wallonia, for example) e-Government is an integral part of Better Regulation strategy. Generally, strong and effective use is made of e-Government for a range of Better Regulation policies, including Belgium wide initiatives such as databases on the stock of regulations and the Crossroads Bank for Enterprises, as well as for large parts of the administrative simplification programmes. The Internet is also increasingly used for public consultations, but this could be further developed.<sup>1</sup> An issue to watch is that the digitisation does not mask a failure to simplify the underlying process and to provide a genuinely more effective front office for businesses and citizens. A more strategic vision of the areas and issues where ICT developments need to be shared would be helpful, and with this, a stronger identification of the technical aspects which need a co-operative approach. What issues could be shared? What technical aspects need to be shared?<sup>2</sup>

## **Background**

### ***Main developments in Belgium's Better Regulation agenda***

Belgium has a long-standing history for developing Better Regulation policies. The first initiative for Better Regulation dates back to 1975. At that time, a working group was established to formulate proposals for administrative simplification. This was followed by other initiatives to reduce burdens on businesses. While these actions had limited results, they paved the way for a sharper policy on administrative simplification. The programme law of 1998 on entrepreneurship was a milestone in that respect, as it established a more global and structural approach to simplification, and led to the creation of the Administrative Simplification Agency. The new government that came to power in June 2003 maintained the administrative simplification policy, though it refocused it by defining 12 strategic areas. A major initiative was the launch of the *Kafka* website in December 2003 to serve as a focal point “where citizens, businesses, organisations and civil servants can suggest projects and ideas for cutting red tape”. Over the past few years the federal government has not made any major changes to its policy line, although it has extended the scope of its simplification policy to citizens.

Regions and communities have also developed their own Better Regulation agenda in parallel to – and partly in co-operation with – the federal government.

- The Flemish government initiated its Better Regulation policy in 1999 by announcing a cut in the volume of regulations by 25%. While the target was not detailed, it served as a strong signal that the government wanted to improve the regulatory framework. This policy, formally defined in 2000, mainly addressed administrative simplification and focused on institutional capacities (with the creation of a dedicated unit the following year). With the Flemish government agreement of 2004 that included a chapter on Better Regulation, the scope has extended to embrace a broader view of regulatory quality. Since then the Flemish government has focused on defining policy tools for Better Regulation, which are organised into three pillars: administrative burden reduction, regulatory impact analysis, and the legal quality of regulations including codification. The new government agreement, concluded in July 2009, gives less visibility to Better

Regulation compared to the previous government agreement. However, it mentions administrative simplification and regulatory quality as key instruments for a more efficient government, and the most recent Policy paper of Administrative Affairs gives further weight to administrative burden reduction and impact assessment combined with an efficient and effective government (see Annex E).

- The Walloon government launched policies for simplification in 2002, in parallel with policies for the development of e-Government. These two policies were integrated in 2005 when the two relevant units were merged into *EASI-WAL*, the Commissioner for administrative simplification and e-Government. The 2005 policy statement of the Walloon government provided for actions to improve regulatory quality, mainly by improving the quality of existing regulations and introducing a first aspect of impact assessment when formulating new regulations. The policy for administrative simplification and e-Government is seen as a lever for changing the administrative culture, developing a demand for regulatory quality both within and outside the administration, eventually leading to a broader policy on regulatory quality. It is structured into four pillars: rationalisation of existing laws, institutional reinforcement, evaluation of administrative burdens, and information and guidance to raise awareness.<sup>3</sup>
- The Brussels Capital Region has been catching up. In 2006 it created a unit for administrative simplification and e-Government (*AVEG*) co-operative projects for the reduction of administrative burdens. In 2008, it launched a pilot for SCM, with a view to creating an SCM procedure. With the “Brussels Plan for Administrative Simplification” launched in October 2009, this will be developed into a full programme, with the objective of a 25% reduction in administrative burdens. From 2010 a selective measurement approach will be launched, the first target being the legislation of Economy and Employment.
- The Better Regulation policy of the French Community, which is outlined in a ministerial note of 2005, focuses on administrative simplification along with e-Government, with a view to improving services to citizens and work conditions of civil servants. The implementation of a policy on simplification and e-Government is considered as a lever for changes to the administrative organisation and culture, and increased awareness of regulatory quality within the administration.<sup>4</sup>
- In the German-speaking Community, the approach is rather informal, reflecting the small size of the community. Better Regulation issues are addressed through an inter-departmental group of 8 lawyers. Policies have focused on simplification issues (using the experience of other federated entities and the federal state) and legal regulatory quality (with specific concerns such as German legal terminology in Belgian law).

**Table 1.1. Milestones in the development of Better Regulation policies in Belgium**

1975	The government creates the Working Group on administrative simplification.
1980	Territorial reform: creation of communities and regions.
1982-87	Commission “ <i>Comform</i> ” assesses administrative formalities of federal regulations.
1986	The government releases a report on modernisation of public services.
1987	Creation of modernisation cells in the public administration.
1990	The government creates the Social Security Crossroads Bank.
1991	<ul style="list-style-type: none"> <li>• Law on motivation of public acts.</li> <li>• Law on state accountability.</li> </ul>
1991-93	“ <i>Radioscopie</i> ” project (audit of federal departments).
1993	<ul style="list-style-type: none"> <li>• Project “<i>Auditform</i>” is launched, which aims at halving the number of forms that have to be filled out by small and medium-sized companies.</li> <li>• Charter of public services.</li> </ul>
1996	Law on modernisation of social security.
1998	Programme law of 18 February 1998 on promotion of entrepreneurship establishes the Administrative Simplification Agency (ASA).
1999-2003	The federal government carries out the <i>Copernicus</i> reform.
2000	The Flemish government approves a “general framework for the simplification of regulations, procedures and rules”.
2001	<ul style="list-style-type: none"> <li>• The federal government establishes <i>Fedict</i> (e-Government).</li> <li>• The Flemish government presents the “<i>Beter Bestuurlijk Beleid</i>” (“Better Governance Policy”, otherwise known as BBB).</li> <li>• The Walloon government adopts its e-Government project “Wall-On-line”, following which it launches an Action plan for e-Government for 2002-04 in 2002.</li> </ul>
2002	<ul style="list-style-type: none"> <li>• Flemish Regulatory Management Unit is operational.</li> <li>• The Walloon government launches a policy aimed at improved quality of regulations.</li> </ul>
2003	<ul style="list-style-type: none"> <li>• The new federal government formulates 12 Strategic Works in the area of administrative simplification.</li> </ul>



	<ul style="list-style-type: none"> <li>• The federal government launches the <i>Kafka</i> initiative.</li> <li>• Co-operation agreement on administrative simplification between the federal government and regions and communities.</li> <li>• The Flemish government approves “eight principles of good regulation”.</li> </ul>
2004	The Flemish Government Agreement for 2004-09 includes a specific chapter on Better Regulation.
2005	<ul style="list-style-type: none"> <li>• Creation of Business Crossroads Bank.</li> <li>• The Walloon Region launches the <i>EASI-WAL</i> Action Plan for administrative simplification and e-Government for the 2005-09 period.</li> <li>• Following a policy statement in 2004, which set administrative simplification as a transversal objective among the government policy objectives, the Government of the French Community publishes a Strategy for administrative simplification and e-Government for 2005-10.</li> <li>• The Flemish government introduces the compensation rule and impact assessment (compulsory).</li> </ul>
2006	<ul style="list-style-type: none"> <li>• The Flemish government launches the regulatory agenda and sets up regulatory quality units in different policy areas.</li> <li>• The Brussels Capital Region government launches <i>AVEG</i>, a unit to promote administrative simplification.</li> </ul>
2007	The Flemish government launches a project for the measurement of administrative burdens.
2008	<ul style="list-style-type: none"> <li>• The Flemish government concludes an inter-institutional agreement about RIA with the Parliament, strategic advisory boards and the Social Economic Council of Flanders (SERV).</li> <li>• The Brussels Capital region government launches a pilot for the development of SCM.</li> </ul>

### ***Guiding principles of the current Better Regulation policy agenda***

Simplification is a shared objective. Beyond that, the emphasis and breadth of regulatory policy varies between governments. The General Policy Statement of the federal Minister for Economy and Administrative Simplification of April 2008<sup>5</sup> specifies the modernisation of regulation as one of the actions to be undertaken to promote the competitiveness of the economy, and defines the elimination and simplification of regulations as strategic objectives. It also calls for the pursuit of administrative simplification through a number of “crucial” projects to be undertaken, the measurement of burdens and the application of the *Kafka* test to measure administrative burdens of new regulations. There are however no documents or other evidence, which set out a broad vision of Better Regulation, or provide structured targets at the government level. The National Reform Programme for 2008-10 elaborated by Belgium in the framework of the

Lisbon Strategy classifies initiatives of Belgian governments around four main pillars,<sup>6</sup> but does not specify strategic targets.

Different strategies are at work across the regions and communities. In Flanders the government agreement of 2004 includes a chapter on Better Regulation. The focus is on establishing tools and processes for promoting regulatory quality and administrative simplification, based on a set of eight principles for Better Regulation. In Wallonia the Government has set specific objectives regarding the improvement of regulations in its Regional Policy Statement of June 2005, and spelled out a number of actions which associate administrative simplification and e-Government. The underlying strategy is to extend the scope of the Better Regulation agenda gradually, as the implementation of administrative simplification brings changes to the administrative culture and helps building support to Better Regulation policies. There are regular exchanges of information between the entities involved in Better Regulation in the federal state, regions and communities. The Administrative Simplification Agency (ASA) plays a key role in that respect since one of its official missions is to promote dialogue on administrative simplification between all Belgian governments.

The need for Better Regulation is increasingly acknowledged across Belgium. The implementation of administrative simplification has raised awareness of the need to raise the quality of the regulatory framework, both within and outside the administration. For example, the introduction of the *Kafka* Test for all draft regulations, by which law drafters must assess the administrative burdens of proposals, has helped introduce the notion of impact analysis when making regulations. Business representative organisations and trade unions support initiatives to reduce administrative burdens, but also call for a broader policy on regulatory quality.

### ***Main Better Regulation policies***

The initiatives of Belgian governments can be classified under three main headings: reduction of administrative burdens; simplification of the regulatory stock; and development of *ex ante* impact assessment for the development of new regulations. Consultation processes and the management of EU origin regulations are other important features of the Better Regulation landscape.

#### *Administrative burden reduction*

Policies for the reduction of administrative burdens are pursued by all Belgian governments, which exchange information and methodologies through formal and informal co-ordination and co-operation mechanisms. These policies combine structural and *ad hoc* projects, often include a strong IT component, and associate efforts directed at the stock of existing legislation with efforts directed at the inflow of new regulations.

At the federal level, the *Kafka* Plan has combined simplification projects resulting from a governmental commitment in 2003 to reduce red tape (referred to as the “12 Strategic Works”<sup>7</sup>), and the yearly action plan of the ASA. Projects have included flagship structural projects and quick-win projects aimed at building support for the simplification policy. One of the flagship projects is the Crossroads Bank for Enterprises, which consists in the implementation of a single data collection system for enterprises. This is a form of one-stop shop and data databank, set up in 2003, which aims to connect up the databanks of the different administrations, and to streamline relations between businesses and administrations (see Chapter 5). The annual action plans of the Administrative Simplification Agency consist of more specific initiatives to reduce administrative burdens

(and referred to as the *Kafka* initiative). Regions and communities have also conducted their own policies for the reduction of administrative burdens.

### *Simplification of the regulatory stock*

All Belgian governments have undertaken efforts to tackle the stock of existing regulations, as part of their simplification objective, and there are also some Belgium wide initiatives. For example, since the early 1980s the legal information technology service of the Justice FPS has been responsible for feeding and managing the Belgium wide “*Justel*” database. In the area of economic regulations, the Economy SPF has launched a major codification project as part of a project to assess and modernise economic law.

### *Ex ante impact assessment*

Different initiatives have been undertaken to introduce impact assessment in the development of regulations. The first initiative relates to the simplification policy. To ensure that new regulations do not add complexity when efforts are made to simplify existing regulations, the federal government introduced a requirement to measure burdens when preparing federal regulations, first in 2001, then refined in 2004 (known as the *Kafka* Test). Another initiative was launched by the PFS for Sustainable Development in 2004. This is a “sustainability test”, which consists in assessing the economic, social, environmental consequences of new regulations for current and future generations in the case of major policy decisions. This test was made a requirement for all new regulations going to the Council of Ministers in 2007. Impact assessment is also part of Better Regulation policies of the regions (introduction of a Regulatory Impact Analysis and a compensation rule for administrative burdens of new legislation by the Flemish government in 2005, introduction of the *Kafka* Test by the Walloon government in 2007).

### *Other Better Regulation policies*

The framework for consultation of stakeholders in the development of policies and regulations is a major underlying element of the Better Regulation framework. Belgian governments have a well-established and highly institutionalised practice of consulting external stakeholders, largely based on an extensive network of advisory boards. New approaches using the Internet are starting to make their way alongside the established mechanisms. As yet, there is no overall strategy or guidance to frame these processes.

Management of EU regulations is an important part of the work on Better Regulation. The management of EU origin regulations (negotiations and transposition) is well-organised and an area where co-ordination between Belgian governments is especially strong. Transposition remains an issue.

### *Communication on the Better Regulation agenda*

Most Belgian governments have so far focused on simplification policies for their communication on the Better Regulation agenda. The federal government has used *Kafka* as a brand for its policy. It has created the *Kafka* website. The *Kafka* Book reviews existing measures. The *Kafka* contact point enables all citizens and business to report on issues with administrative burdens. In all governments agencies in charge of simplification have provided regular information on their mission and action through their website.

In Wallonia the government has given a lot of attention to communication on Better Regulation policies. One of its nine key principles for administrative simplification is: “You have simplified something: let it know!” It has accordingly put in place different tools to communicate its Better Regulation policies to both the administration and external stakeholders. Within the administration, this has included the organisation of several workshops, an annual event to present the achievements of the action plan, a dedicated page on the administrative simplification and e-Government plan, as well as an information letter. With respect to external stakeholders, communication has included press releases and radio campaigns as well as specific presentations to the Walloon Region Economic and Social Council. In addition, *EASI-WAL* makes regular presentations of its activities to the Walloon parliament, for members of the Recording Office, members of parliament and political group staffs. In early 2007, it released the second edition of a good practice guide on administrative simplification and e-Government, which presents nearly 40 simplification initiatives in 13 policy areas as well as a selection of future projects in a synthetic format (*Commissariat EASI-WAL, 2007*).

Flanders also pays considerable attention to communication for target groups. The website [www.vlaanderen.be/wetsmatiging](http://www.vlaanderen.be/wetsmatiging) is the central source of information for developments relating to regulatory management and the initiatives of the Regulatory Management Unit. There is also a suggestion form where people can submit a suggestion or complaint. There are plans to align this website with the central website for Flemish legislation which will soon be on line, with more pages in English and French. Each quarter, the most recent developments in regulatory management and the activities of the Regulatory Management Unit are communicated via an electronic newsletter on Regulatory Management. In order to monitor the results, key indicators were selected. A set of ten indicators provides trend information in the field of project achievements (completed projects), the reduction in administrative costs, the quality of RIAs and regulations, and the satisfactory transposition of EU regulations. The Government of Flanders has kept track of these indicators since 2005. Together they provide a picture of developments in different policy areas. The reported key figures are used for the communication of the results to citizens, industry, local government and social organisations, helping to raise awareness, and helping civil servants at management level to steer policy. The quarterly figures for the indicators of regulatory management are published on the website.

The government of Brussels Capital Region has also started to give communication attention. The secretary of Public Affairs will launch a website [geengedoe.be](http://geengedoe.be) (Dutch) and [sanstracas.be](http://sanstracas.be) (French). The goal of this website is to communicate with citizens, companies and public servants about cutting red tape in the Brussels Capital Region. The website is also a platform where everybody can post remarks or make propositions on how to reduce administrative burdens.

### ***Ex post evaluation of Better Regulation strategy and policies***

Belgian governments have quite highly developed systems for monitoring and reporting on progress with simplification initiatives. However, with the exception of the recent evaluation by the Flemish government in 2008 of its Better Regulation processes in preparation for a new government, relatively little attention is paid to strategic evaluation of programmes and policies. The *Court of Audit* (which covers all governments) plays an indirect and *ad hoc* role in evaluating Better Regulation policies. Its performance audits on the sound use of public funds lead it to review *ex post* the implementation of regulations and policies. Its reports often include assessments relating to the quality of laws and their implementation (such as coherence with objectives, adequate tools for implementation).

### *E-Government in support of Better Regulation*

Belgium began to prioritise e-Government at the end of the 1990s, responding to the rapid development of the Internet and the increase in the use of ICT. Key principles for the development of e-Government have covered the unique collection of data (“deliver once, use multiple times”) and the use of reference registers. Further emphasis has primarily been on the technical aspects of e-Government and back-office re-engineering.<sup>8</sup> As in many OECD countries, reducing administrative burdens has been associated with e-Government policies across all governments, and the development of e-Government has helped to promote Better Regulation in the administrations. The OECD peer review team were told that Belgian governments devote considerable efforts responding to challenges regarding privacy legislation, financial costs, technology changes, culture change within the administration. Belgian governments have used e-Government as a tool for transforming the social sector (with the Crossroads Bank for Social Security), in the economic sector, and to improve the regulatory framework for citizens and businesses. This has included efforts to simplify the numbers of forms that exist for services; and to reduce the need to submit data multiple times (for more see Chapter 5).

Another interesting example where e-Government has been combined with administrative simplification is e-Depot (Annex D), which allows a company to be created in three days.

## Notes

1. OECD (2008), *OECD e-Government Studies – Belgium*, Paris, France. Page 190 ff.
2. The OECD emphasised for example the need for increased co-ordinated e-Government strategies and visions and better sharing of good practices among implementers in order to achieve user-centric e-Government implementation and coherent public service delivery. Cf. OECD (2008), *OECD e-Government Studies – Belgium*, Paris, France, *Assessment and Proposals for Action*, page 11 ff.
3. On e-Government leadership in the Walloon Region, cf. OECD (2008), *OECD e-Government Studies – Belgium*, Paris, France. Page 99 ff. See also Table 1.1 on page 48 for an overview of e-Government and public sector modernisation goals in different Belgian governments.
4. See Table 1.1 on page 48 for an overview of e-Government and public sector modernisation goals in different Belgian governments in OECD (2008), *OECD e-Government Studies – Belgium*, Paris, France.
5. *Chambre des Représentants de Belgique, Note de Politique Générale du ministre pour l'Économie et la Simplification administrative, 14 avril 2008*. Doc 52 0995/018.
6. Namely: modernising current regulations, reducing administrative costs, regulating “evidence-based and impact assessment”, correct and prompt transposition of directives.
7. The governmental agreement of 2003 included a paragraph related to cutting red tape, in which the Government committed to carry out at least 12 simplification projects with sustainable and significant impact on citizens and businesses.
8. On the development and challenges of e-Government in Belgium, see OECD (2008), *OECD e-Government Studies – Belgium*, OECD Publishing, Paris.



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