The evaluation of regulations is essential to ensure that they are relevant and fit for purpose. Only after implementation can the effects and impacts of regulations be fully assessed, including direct, indirect, and unintended consequences. Regulations may become outdated as the result of changes, such as in societal preferences or technological advancement. Without review or evaluation processes, red tape and regulatory costs tend to organically grow over time. This complicates the daily life of citizens and impedes the efficient functioning of business. Ex post evaluation should not be considered as the final stage in the life of regulations, but as a deliberate and responsible loop back into the regulatory cycle that provides an understanding of areas for potential improvement and a tool for regulatory planning. Ex post evaluation is also instrumental to increase transparency and accountability of regulatory performance, and hence trust in government action.

The iREG indicator for ex post evaluation is based on the practices described in the 2012 OECD Recommendation of the Council on Regulatory Policy and Governance. The more of these practices a country has adopted, the higher is its indicator score. The composite indicator is composed of four equally weighted categories: methodology gathers information on different assessments used in ex post evaluations, oversight and quality control records mechanisms to monitor the quality of ex post evaluations, systematic adoption records formal requirements and the use of different types of ex post evaluations, and transparency records the openness of ex post evaluations. The maximum score for each category is 1, and the total score for the composite indicator ranges from 0 to 4. The average score on the iREG indicator for ex post evaluation for primary laws is lower (1.48) than for the indicators on stakeholder engagement and regulatory impact assessment processes for developing new regulations. This suggests that the implementation of ex post evaluation seems to have lower priority for many OECD countries than ex ante regulatory governance tools. A systematic approach to ex post evaluation is not widespread across the OECD, and methodologies applied vary strongly. Many countries still lack standardised evaluation techniques, and only about a third of OECD countries systematically assess whether a regulation’s underlying policy goals have been achieved when conducting ex post evaluations. By contrast, those countries that conduct ex post evaluations frequently involve stakeholders in the process and make evaluations publicly available. Only a few OECD countries have put in place oversight and quality control mechanisms for ex post evaluation, including Australia and the United Kingdom. For many OECD countries, scores for ex post evaluation practices for primary laws and subordinate regulations differ only marginally. Canada and the United States receive substantially higher scores on the indicator for subordinate regulations, which may reflect the fact that subordinate regulations play an important role in the regulatory frameworks of these countries. On the other hand, Chile and Poland have higher scores on the indicator for primary laws than for subordinate regulations.

The majority of OECD countries (27 countries) have conducted principle-based ex post reviews, i.e. they focus on a specific aspect of regulations as an initial filter to identify which regulations warrant review or reform. Most countries focus on reducing administrative burdens and compliance costs or the promotion of competition. Countries could move away from the assessment of individual regulations towards more strategic and systematic evaluation efforts. This could be achieved by conducting comprehensive in-depth reviews that assess the cumulative impact of the regulatory framework in a sector as a whole, with a particular focus on the policy outcomes. So far, only nine OECD countries have conducted such reviews. At the same time, capacities need to be built for conducting evaluations. Countries may benefit from the establishment of a standing body that regularly undertakes comprehensive in-depth evaluations of sectors or policy areas to inform large-scale reforms.

Methodology and definitions

The Indicators of Regulatory Policy and Governance (iREG) draw upon responses provided by delegates to the OECD Regulatory Policy Committee and central government officials to the 2014 OECD Regulatory Indicators Survey for all OECD countries and the European Commission. More information on the iREG indicators can be found in an Annex online and at www.oecd.org/gov/regulatory-policy/indicators-regulatory-policy-and-governance.htm.

Primary laws are regulations which must be approved by the legislature, while subordinate regulations can be approved by the head of government, by an individual minister or by the cabinet.

Further reading


Figure notes

Data for Latvia are not available.

Information on data for Israel: http://dx.doi.org/10.1787/888932315602.
8.6. Ex post evaluation of regulations, 2014


8.7. Ad hoc reviews of the stock of regulation conducted in the last 12 years, 2014
