

Stakeholder engagement

The central objective of regulatory policy is to ensure that regulations are designed and implemented in the public interest. It can only be achieved with help from those concerned: citizens, businesses, civil society, public sector organisations, etc. The 2012 OECD Recommendation on Regulatory Policy and Governance recommends that governments “actively engage ... all relevant stakeholders during the regulation-making process and design ... consultation processes to maximise the quality of the information received and its effectiveness” (OECD, forthcoming). OECD member countries acknowledge the importance of listening to the voice of users, who need to be part of the regulatory development process. Moreover, stakeholder engagement is commonly considered as a key element of an open government policy.

A majority of OECD member countries have implemented a requirement to engage stakeholders in developing both primary and subordinate regulations. Most countries also ensure easy access to regulations and have policies on using plain language. Many countries are using tripartite consultations to make sure that the views of workers and employers are reflected in newly developed regulations. On the other hand, involvement of stakeholders in performance assessments of regulations and regulatory systems is rather rare.

Stakeholder engagement should be part of all stages of the regulatory governance cycle. Most OECD member countries engage with stakeholders especially when developing or amending regulations. Countries use various types of consultations in various phases of the regulation-making process, however a typical engagement takes place through a public consultation over the internet at the final stage of the process when a legislative draft is submitted to the government. Attempts exist to involve stakeholders in the process of reviewing the stock of available regulations. Some countries such as Denmark now actively seek stakeholders’ input on shaping regulatory reform programmes such as those focusing on administrative simplification. Stakeholders are still rarely engaged in the final delivery stage of the regulatory governance cycle, implementation and monitoring. The UK Better Regulation Delivery Office’s co-operation with stakeholders in improving regulatory delivery and inspections or Canada where regulators are required to develop interpretation policies in co-operation with stakeholders are among the exceptions. Countries could more actively engage with stakeholders at this stage to find ways to implement regulations most effectively, to limit unnecessary burdens and to target better their enforcement methods. Enhanced contact between regulators and regulated entities could result in improved measurement of compliance and a better understanding of the reasons for non-compliance.

The use of ICTs in engaging stakeholders in regulatory policy is widespread. It has become a standard practice that countries publish draft regulations on ministerial websites or dedicated consultation portals. An increasing number of countries experiment with more innovative tools such as social media, crowdsourcing, wiki-based tools, etc. The

experience so far shows that ICTs have failed to significantly increase the level of engagement in policy making or to improve its quality. Despite the fact that the mechanisms of engagement have changed, the nature of the process has remained essentially the same as in the pre-digital era. In general, the effect of the use of ICTs on the quality and quantity of stakeholder engagement is behind expectations (OECD, forthcoming).

Methodology and definitions

The indicators draw upon country responses to the 2014 OECD Regulatory Indicators Survey for all OECD member countries and the European Commission. Responses were provided by delegates to the OECD Regulatory Policy Committee and central government officials. The data only cover primary laws and subordinate regulations initiated by the executive. All questions on primary laws are not applicable to the United States as the US executive does not initiate primary laws at all.

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. Early-stage consultation refers to stakeholder engagement that occurs at an early stage to inform officials about the nature of the problem and to inform discussions on possible solutions. Later-stage consultation refers to stakeholder engagement where the preferred solution has been identified and/or a draft version of the regulation has been issued.

Further reading

OECD (forthcoming), *Regulatory Policy Outlook 2015*, OECD, Paris.

OECD (2014), “Evaluating Stakeholder Engagement in Regulatory Policy”, Policy Findings and Workshop Proceedings, 6th Expert Meeting on Measuring Regulatory Performance, OECD, Paris.

OECD (2012), *Recommendation of the Council on Regulatory Policy and Governance*, OECD, Paris, www.oecd.org/gov/regulatory-policy/2012-recommendation.htm.

Table notes


8.4: Public consultation over the internet refers to consultation open to any member of the public, inviting them to comment with a clear indication how comments can be provided. The public should be able to either submit comments online and/or send them to an e-mail address that is clearly indicated on the website. This excludes simply posting regulatory proposals on the internet without provision for comment.

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

8.3. Requirements and types of stakeholder engagement, 2014

	Requirement to conduct stakeholder engagement		Stakeholder engagement to inform officials about the problem and possible solutions		Consultation on draft regulations/proposed rules	
	Primary laws	Subordinate regulations	Primary laws	Subordinate regulations	Primary laws	Subordinate regulations
Australia	▲	▷	▲	▲	■	▲
Austria	▷	▷	▷	▷	▷	▷
Belgium	■	■	▲	▲	▲	▲
Canada	■	■	▲	■	■	■
Chile	▷	▷	▷	▷	▷	▷
Czech Republic	▲	▲	▷	▷	■	■
Denmark	■	▷	▷	▷	■	▷
Estonia	■	▲	▷	▷	■	■
Finland	■	■	▷	▷	■	■
France	▷	▲	▷	▷	▷	▷
Germany	■	■	▷	▷	■	■
Greece	■	●	▷	●	■	▲
Hungary	■	■	●	●	■	■
Iceland	▷	●	▷	▷	▷	▷
Ireland	▷	▷	▷	●	■	●
Israel	●	●	●	●	●	●
Italy	■	■	▷	▷	▷	▷
Japan	●	▲	●	●	●	▷
Korea	▲	▲	▷	●	■	■
Luxembourg	■	■	▷	▷	■	■
Mexico	■	■	▷	▷	■	■
Netherlands	▷	●	●	●	▷	▷
New Zealand	■	■	■	■	■	■
Norway	■	■	▷	▷	■	■
Poland	■	■	▷	▷	■	■
Portugal	▲	▲	●	●	■	■
Slovak Republic	■	■	▷	▷	■	■
Slovenia	■	■	▲	▲	■	■
Spain	■	■	▷	▷	■	■
Sweden	■	■	▷	▷	■	▲
Switzerland	■	▲	▷	▷	■	▲
Turkey	■	■	▷	▷	▲	▲
United Kingdom	■	■	▲	▷	■	■
United States	X	■	X	▷	X	■
European Union	▲	▲	▲	▲	●	■
OECD Total						
■ For all regulations	21	18	1	2	23	18
▲ For major regulations	4	7	5	3	2	6
▷ For some regulations	6	5	22	21	6	8
● Never	2	4	5	8	2	2
X Not applicable	1	0	1	0	1	0


Source: OECD (forthcoming), *Regulatory Policy Outlook 2015* based on the 2014 OECD Regulatory Indicators Survey results.

StatLink  <http://dx.doi.org/10.1787/888933248928>

8.4. Use of ICTs to consult in different stages of regulation development, 2014

Government uses interactive websites to consult with stakeholders on:	List of countries	Number of countries
Public consultation conducted over the internet with invitation to comment	AUS, BEL, CAN, CHL, CZE, DNK, EST, FIN, FRA, DEU, GRC, ISL, IRL, ITA, JPN, KOR, MEX, NDL, NZL, NOR, POL, PRT, SVK, SVN, ESP, SWE, CHE, TUR, GBR, USA, European Union	31
Plans to regulate	AUS, BEL, CAN, CHL, DNK, EST, FIN, DEU, KOR, MEX, NDL, NZL, NOR, POL, SVK, SVN, CHE, USA, European Union	19
Draft regulations	AUS, BEL, CAN, CHL, DNK, EST, FIN, FRA, DEU, GRC, ISL, ITA, JPN, KOR, MEX, NDL, NZL, NOR, POL, SVK, SVN, CHE, GBR, USA	24
Plans to change existing regulations	AUS, BEL, CAN, CHL, DNK, FIN, FRA, DEU, GRC, ITA, KOR, MEX, NDL, NZL, NOR, POL, PRT, SVK, SVN, CHE, GBR, USA, European Union	23
Finalised regulations	AUS, BEL, CAN, CHL, DNK, EST, FIN, GRC, JPN, KOR, MEX, NDL, NZL, SVN, USA	15

Source: OECD (forthcoming), *Regulatory Policy Outlook 2015* based on the 2014 OECD Regulatory Indicators Survey results.

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