

## 2005 QUESTIONNAIRE

1. This indicators questionnaire revises, updated and expands the Regulatory Indicators Questionnaire on Government Capacity to Produce High Quality Regulation that was circulated in 1998 and 2000. Its revisions reflect the subsequent work of the OECD Working Party on Regulatory Management and Reform particularly as reflected in the 2002 publication *Regulatory Policies in OECD Countries: From Interventionism to Regulatory Governance* and in the 2004 report *Regulatory Performance: Ex post Evaluation of Regulatory Tools and Institutions*.

This questionnaire focuses on the dimensions of regulatory quality, including regulatory processes and capacities in the public administration. Additional questions have been tentatively added to expand the scope of the questionnaire to include some indicators of the resulting regulatory outputs and outcomes.

The questionnaire includes five main areas:

1. Content of Regulatory Policies
2. Regulatory quality tools
3. Institutional arrangements to promote regulatory quality
4. Dynamic aspects of regulatory quality
5. Performance/outcome indicators

Respondents may wish to refer to the definitions of terms used in the attached glossary. All terms highlighted in ***bold italics*** appear in the glossary. Where the term “required” is used, it means required by law or government policy. For each question:

- the term ***regulation*** covers the diverse set of instruments by which governments impose requirements on enterprises and citizens. Regulations include all primary laws, formal and informal orders, subordinate regulations, administrative formalities and rules issued by non-governmental or self-regulatory bodies to whom governments have delegated regulatory powers;
- the term ***primary law*** refers to those regulations adapted by the legislature (Parliament or Congress); and
- the term ***subordinate regulations*** refers to lower-level regulation issued by the government, by individual ministers or by the Cabinet, *i.e.* by powers delegated by law.

## Section 1: Content of Regulatory Policies

### 1. *Explicit regulatory policy*

	Yes	No
a) Is there an explicit, published regulatory policy promoting government-wide <i>regulatory reform</i> or regulatory quality improvement?	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “yes”: <i>Please attach a copy</i>		
	Yes	No
a(i) Does it establish explicit objectives of reform?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Does it set out explicit principles of good <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Does it establish specific responsibilities for reform at the ministerial level?	<input type="checkbox"/>	<input type="checkbox"/>
a(iv) In what year was the policy introduced or last substantially revised?		
– If the answer is “No”, please provide the existing elements of your country's strategy for regulatory reform :		
b) What is the main motive for the reform?	Yes	No
b(i) Need to boost competitiveness and growth	<input type="checkbox"/>	<input type="checkbox"/>
b(ii) International commitment (e.g. European commitment)	<input type="checkbox"/>	<input type="checkbox"/>
b(iii) Domestic policy agenda	<input type="checkbox"/>	<input type="checkbox"/>
b(iv) Other ( <i>Specify in your comments</i> )		
c) What is the constituency of the reform? (Groups pushing for reform)	Yes	No
c(i) Government itself	<input type="checkbox"/>	<input type="checkbox"/>
c(ii) Businesses	<input type="checkbox"/>	<input type="checkbox"/>
c(iii) Citizens, national opinion	<input type="checkbox"/>	<input type="checkbox"/>
c(iv) NGOs	<input type="checkbox"/>	<input type="checkbox"/>
c(v) International Organisations	<input type="checkbox"/>	<input type="checkbox"/>
c(vi) other ( <i>specify in your comments</i> )		
<i>Comments on Question 1 (if necessary):</i>		

**2. Linking regulatory policy and other policy areas**

	<b>Yes</b>	<b>No</b>
a) Is the body responsible for competition policy consulted on new <i>regulations</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
→ If, the answer is yes, is this consultation mandatory? (At least in certain cases)	<input type="checkbox"/>	<input type="checkbox"/>
b) Is the body responsible for trade policy consulted on new <i>regulations</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
→ If, the answer is yes, is this consultation mandatory? (At least in certain cases)	<input type="checkbox"/>	<input type="checkbox"/>
c) Is the body responsible for consumer policy consulted on new <i>regulations</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
→ If, the answer is yes, is this consultation mandatory? (At least in certain cases)	<input type="checkbox"/>	<input type="checkbox"/>
d) Are other policy areas involved (e.g. social or environmental concerns, please specify)		
<i>Comments on Question 2 (if necessary):</i>		

**3. Forward planning of regulatory activities**

	<b>Yes</b>	<b>No</b>
a) Does the government periodically publish a list of <i>primary laws</i> to be prepared, modified or reformed in the next six months or more?	<input type="checkbox"/>	<input type="checkbox"/>
→ If the answer is “yes”:		
a(i) Is it easily available to the public? ( <i>i.e.</i> via the Internet)	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the government periodically publish a list of <i>subordinate regulations</i> to be prepared, modified or reformed in the next six months or more?	<input type="checkbox"/>	<input type="checkbox"/>
→ If the answer is “yes”:		
b(i) Is it easily available to the public? ( <i>i.e.</i> via the Internet)	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 3 (if necessary):</i>		

#### 4. Rule-making procedures

	Yes	No
a) Are there standard procedures by which the administration develops draft <b>primary laws</b> ?	<input type="checkbox"/>	<input type="checkbox"/>
– 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	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Are draft laws to be scrutinised by a specific body within Government other than the department which is responsible for the regulation?	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there standard procedures by which the administration develops draft <b>subordinate regulations</b> ?	<input type="checkbox"/>	<input type="checkbox"/>
– 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), with a binding impact	<input type="checkbox"/>	<input type="checkbox"/>
Comments on Question 4 (if necessary):		

#### 5. Communication of regulations

	Yes	No
a) Are there systematic procedures for making <b>regulations</b> known and accessible to affected parties?	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “yes”, which of the following measures are employed:		
a(i) <b>Codification of primary laws?</b>	<input type="checkbox"/>	<input type="checkbox"/>
a(i-1) If “yes”: Is there a mechanism for regular updating of the codes? (at least yearly basis)	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Publication of a consolidated register of all <b>subordinate regulations</b> currently in force?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii-a) If “yes”: Is there a provision that only <b>subordinate regulations</b> in the registry are enforceable?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Public access via the Internet to the text of all or most <b>primary laws</b> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(iv) Public access via the Internet to the text of all or most <b>subordinate regulation</b> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(v) A general policy requiring “plain language” drafting of <b>regulation</b> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(v-1) If “yes”: Is guidance on plain language drafting issued?	<input type="checkbox"/>	<input type="checkbox"/>
Comments on Question 5 (if necessary):		

## 6. *Threshold tests*

	Always	In some cases	No
a(i) Are <b>regulators</b> required to provide a written justification of the need for new <b>regulation</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “ <b>always</b> ” or “ <b>in some cases</b> ”:			
a(ii) Are explicit decision criteria to be used when justifying a new regulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 6 (if necessary):</i>			

## 7. *Choice of policy instruments*

	Always	In some cases	No
a) Are <b>regulators</b> required to identify and assess potentially feasible <b>alternative policy instruments</b> (regulatory and non-regulatory) before adopting new <b>regulation</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes		No
b) Has guidance been issued on using <b>alternative policy instruments</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 7 (if necessary):</i>			

## 8. *Compliance and enforcement*

	Yes	No
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?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Administrative review to an independent body?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Judicial review?	<input type="checkbox"/>	<input type="checkbox"/>
b) Has there been a change in appeal procedures since 1998, or is a change foreseen or in progress?	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “ <b>yes</b> ”:		
b(i) Will the change imply restructuring of specific appeal bodies?	<input type="checkbox"/>	<input type="checkbox"/>
b(ii) Moving from general courts to specific appeal bodies?	<input type="checkbox"/>	<input type="checkbox"/>
b(iii) Moving from specific appeal bodies to general courts?	<input type="checkbox"/>	<input type="checkbox"/>
c) Do regulatory policies explicitly require that compliance and enforcement issues be anticipated when developing new regulation?	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “ <b>yes</b> ”:		
c(i) Are there specific policies on developing compliance-friendly regulation?	<input type="checkbox"/>	<input type="checkbox"/>
c(ii) Is written guidance on compliance and/or enforcement issues made available to regulators?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 8 (if necessary):</i>		

## Section 2: Regulatory quality tools

### 9. Use of regulatory quality tools - general

a) Are the following regulatory quality tools used within the present administration? (tick all that apply)	For specific sectors or policy areas		Government wide	
	Yes	No	Yes	No
a(i) <b>Regulatory Impact Analysis</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Assessment of <b>regulatory alternatives</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Consultation with affected parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(iv) Plain language drafting requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(v) Systematic evaluation of the results of regulatory programmes (for example use of ex-post evaluation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Note:** The goal of this question is to provide a general overview in a snapshot. The various aspects will be explored in more detail in the following questions.

### 10. Use of Public consultation

	Always	In some cases	No
a) Is public consultation with parties affected by <b>regulations</b> a routine part of developing draft <b>primary laws</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Is public consultation with parties affected by <b>regulations</b> a routine part of developing draft <b>subordinate regulations</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “ <b>always</b> ” or “ <b>in some cases</b> ” to a) or b):	<b>Primary laws</b>		<b>Subordinate regulation</b>
	Yes	No	Yes No
b(i) Is consultation mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b(ii) What forms of public consultation are routinely used (tick all that apply):	<b>Primary laws</b>		<b>Subordinate regulation</b>
- <i>Informal consultation with selected groups?</i>	<input type="checkbox"/>		<input type="checkbox"/>
- <i>Broad circulation of proposals for comment?</i>	<input type="checkbox"/>		<input type="checkbox"/>
- <i>Public notice and comment?</i>	<input type="checkbox"/>		<input type="checkbox"/>
- <i>Public meeting?</i>	<input type="checkbox"/>		<input type="checkbox"/>
- <i>Internet?</i>	<input type="checkbox"/>		<input type="checkbox"/>
- <i>Advisory group?</i>	<input type="checkbox"/>		<input type="checkbox"/>
- <i>Preparatory public commission/committee?</i>	<input type="checkbox"/>		<input type="checkbox"/>
- <i>Other</i>	<input type="checkbox"/>		<input type="checkbox"/>
	Yes	No	Yes No
b(iii) Can any member of the public choose to participate in the consultation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		<b>In number of weeks (from 2 to 24 weeks):</b>			
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?					
		<b>Primary laws</b>		<b>Subordinate regulation</b>	
		<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
d(i)	Are the views of participants in the consultation process made public?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d(ii)	Are regulators required to respond in writing to the authors of consultation comments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d(iii)	Are the views expressed in the consultation process included in the regulatory impact analysis?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d(iv)	Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 10 (if necessary):</i>					

**11. Use of regulatory impact analysis (RIA)**

	Always	In some cases	No
<b>a)</b> Is <i>regulatory impact analysis</i> (RIA) carried out before new <i>regulation</i> is adopted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>IF THE ANSWER TO a) IS "ALWAYS" OR "IN SOME CASES" :</i>			
		<i>Yes</i>	<i>No</i>
<b>b)</b> Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA? – If the answer is “yes”: Name the body and its location in the administration:		<input type="checkbox"/>	<input type="checkbox"/>
<b>c(i)</b> Is there a clear "threshold" for applying RIA to new regulatory proposals? – If the answer is “yes”:		<input type="checkbox"/>	<input type="checkbox"/>
c(ii) Is the threshold defined as a single objective criterion (Yes), or does it combine criteria (No)?		<input type="checkbox"/>	<input type="checkbox"/>
c(iii) Please provide details of the threshold test.			

	Always	Only for major regulation	In other selected cases	No
<b>d(i)</b> Is <i>RIA formally</i> required by law or by a similarly binding legal instrument?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>d(ii)</b> Is <i>RIA</i> required for draft <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>d(iii)</b> Is <i>RIA</i> required for draft <i>subordinate regulations</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>d(iv)</b> Are <i>regulators</i> required to identify the costs of new <i>regulation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
↪ If yes: Does the impact analysis include the quantification of the costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>d(v)</b> Are <i>regulators</i> required to identify the benefits of new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
↪ If yes: Does the impact analysis include quantification of the benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>d(vi)</b> Does the <i>RIA</i> require <i>regulators</i> to demonstrate that the benefits of new <i>regulation</i> justify the costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>d(viii)</b> Are <i>RIA</i> documents required to be publicly released for consultation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>d(ix)</b> Is the <i>RIA</i> required to include assessments of other specific impacts:				
Impacts on the budget	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impacts on competition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impacts on market openness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impacts on small businesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on specific regional areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on specific social groups (distributional effects across society)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on other groups (charities, not for profit sector)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on the public sector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>e)</b> Is <i>risk assessment</i> required when preparing a <i>RIA</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e(i) in all cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e(ii) For Health and safety <i>regulation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e(iii) For Environmental <i>regulation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
↪ If “yes”: Does the risk assessment require quantitative modelling?			Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>f(i)</b> Are <i>RIAs</i> required to explicitly consider compliance and enforcement issues when preparing new regulations?		Yes <input type="checkbox"/>	No <input type="checkbox"/>	

	<i>Regularly</i>	<i>Ad hoc basis</i>	<i>No</i>
<b>f(ii)</b> Are reports on the level of compliance with the above RIA requirements prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Yes</i>		<i>No</i>
<b>f(iii)</b> Are these reports published?	<input type="checkbox"/>		<input type="checkbox"/>
<b>g)</b> What proportion of laws and subordinate/lower-level regulations was subject to RIA in the last full year? Please also indicate what proportion <i>of these RIA documents</i> was published.	<b>Proportion RIA prepared (%)</b>		<b>Proportion published(%)</b>
g(i) Primary legislation?			
g(ii) Subordinate regulations (i.e. decrees)?			
	<i>Yes</i>		<i>No</i>
<b>h)</b> Are ex post comparisons of the actual vs predicted impacts of regulations made?	<input type="checkbox"/>		<input type="checkbox"/>
<b>i)</b> Is there an assessment of the effectiveness of RIA in leading to modifications of initial regulatory proposals undertaken?	<input type="checkbox"/>		<input type="checkbox"/>
– If “Yes”: What is the proportion of initial regulatory proposals that were modified?			
<i>Comments on Question 11 (if necessary):</i>			

## 12. *Business licenses and permits*

**Note:** This question concerns all the licences and permits for which a business needs to apply, and that are necessary to conduct commercial or industrial operations. Quantitative aspects will be addressed as part of question 22.

	<b>Yes</b>	<b>No</b>
a) Is a “silence is consent” rule used at all ( <i>i.e.</i> that <b>licences</b> are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)?	<input type="checkbox"/>	<input type="checkbox"/>
a(i) if <i>Yes</i> , please specify the statutory response period, or the corresponding time limit for a reply, in number of weeks		
a(ii) Are administrations obliged to provide the name of the person responsible for handling the application in any formal correspondence?	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there single contact points (“one-stop shops”) for getting information on <b>licences</b> and <b>notifications</b> ?	<input type="checkbox"/>	<input type="checkbox"/>
b(i) To what proportion of license applications do they apply? (e.g. if implemented at the local level, but only in certain areas)		<b>In %</b>
c) Are there single contact points for accepting <b>notifications</b> and issuing <b>licences</b> (one-stop shops)?	<input type="checkbox"/>	<input type="checkbox"/>
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)		<b>In %</b>

d) Is there a programme underway to review and reduce the number of <b>licenses</b> and <b>permits</b> required by the national government?	<input type="checkbox"/>	<input type="checkbox"/>
d(i) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?	<input type="checkbox"/>	<input type="checkbox"/>
d(ii) Has there been a clear decline in the aggregate number of licences and permits?	<input type="checkbox"/>	<input type="checkbox"/>
e) Is there a programme underway to co-ordinate the review and reform of permits and <b>licences</b> at sub-national levels of government?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 12 (if necessary):</i>		

### 13. **Reducing administrative burdens**

	<b>Yes</b>	<b>No</b>
a) Is there an explicit government programme to reduce the <b>administrative burdens</b> imposed by government on enterprises and/or citizens?	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “ <b>yes</b> ”:		
a(i) Does this programme include quantitative targets?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Does this programme include qualitative targets?	<input type="checkbox"/>	<input type="checkbox"/>
– If “yes” : Please specify which targets		
a(iii) Which of the following strategies are used (tick as many as necessary)?		
- Modification and streamlining of existing laws and regulations		<input type="checkbox"/>
- Information and communication technologies for regulatory administration (e.g. electronic databases, online formats)		<input type="checkbox"/>
- Other streamlining of government administrative procedures		<input type="checkbox"/>
- Establishment of a system for measuring administrative burdens of regulation		<input type="checkbox"/>
- Reallocating powers and responsibilities between government departments and/or between levels of government		<input type="checkbox"/>
- Other (please specify)		
<i>Comments on Question 13 (if necessary):</i>		

**14. Training in regulatory quality skills**

	<b>Yes</b>	<b>No</b>
a) Do formal training programmes exist to better equip civil servants with the skills to develop high quality <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “yes”:		
a(i) Does this include training in how to conduct <i>regulatory impact analysis</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Does this training include use of <i>alternative policy instruments</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Does this include training on how to inform and communicate with the public?	<input type="checkbox"/>	<input type="checkbox"/>
b(i) Is general guidance on the regulatory policy and its underlying objectives published and distributed to regulatory officials?	<input type="checkbox"/>	<input type="checkbox"/>
b(ii) Is general guidance on compliance and enforcement published and distributed to regulatory officials?	<input type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input type="checkbox"/>
Comments: if available, please provide details on any strategies used to promote changes.		

### Section 3: Institutional arrangements to promote regulatory quality

#### 15. Central regulatory oversight authority (administrative and political)

	Yes	No
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?	<input type="checkbox"/>	<input type="checkbox"/>
<p>→ If the answer is “yes”:</p> <p>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?)</p> <p>Please specify in general terms the mission of this body, and its main tasks and powers</p> <p>Please specify staffing levels of this body, and annual resources if available</p>		
a(i) Is this body consulted as part of the process of developing new regulation?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Does this body report on progress made on reform by individual ministries?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Is this body entrusted with the authority of reviewing and monitoring regulatory impacts conducted in individual ministries?	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Yes</b>	<b>No</b>
a(iv) Can this body conduct its own analysis of regulatory impacts?	<input type="checkbox"/>	<input type="checkbox"/>
a(v) Is this body entrusted with an advocacy function to promote regulatory quality and reform?	<input type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input type="checkbox"/>
<p>→ If the answer is “yes”:</p> <p>b(i) Does this body have a degree of independence from government (e.g. through a board or commission structure)?</p> <p>b(ii) Does this body report its findings publicly?</p>		
c) Is a specific minister accountable for promoting government-wide progress on <i>regulatory reform</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
<p>→ If the answer is “yes”:</p> <p>c(i) Which minister?</p> <p>c(ii) Is the Minister required to report to Parliament on progress?</p>	<input type="checkbox"/>	<input type="checkbox"/>
Comments on Question 15 (if necessary):		

**16. Parliamentary oversight of regulatory policy**

	<b>Yes</b>	<b>No</b>
a) Is there a dedicated parliamentary committee or other parliamentary body with responsibilities that relate specifically to the regulatory policy/regulatory reform policy?	<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “yes”:		
a(i) Does this body periodically review the quality of the proposed legislation? (i.e. lower level rules)?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Is this body also entrusted to review the quality of subordinate regulation? (i.e. lower level rules)?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Is the review process, if it exists, explicitly guided by regulatory quality criteria?	<input type="checkbox"/>	<input type="checkbox"/>
a(iv) Does this body review and report on progress on regulatory policy/regulatory reform across the administration?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 16 (if necessary). Please add any relevant additional information in relation to parliamentary scrutiny conducted as part of the regulatory policy.</i>		

**17. Role of the judiciary in regulatory policy**

	<b>Yes</b>	<b>No</b>
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?)	<input type="checkbox"/>	<input type="checkbox"/>
	<i>No</i>	<i>Rarely</i>
	<i>Often</i>	
b) Have these review provisions been exercised in practice?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 17 (if necessary) :</i>		

**18. Inter-governmental co-ordination on regulatory policy**

	Yes	No	
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)	<input type="checkbox"/>	<input type="checkbox"/>	
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).	<input type="checkbox"/>	<input type="checkbox"/>	
c) Do any of these mechanisms impose specific obligations in relation to regulatory practice?	<input type="checkbox"/>	<input type="checkbox"/>	
	<b>widely</b>	<b>rarely</b>	<b>Not at all</b>
d) Are any of the following regulatory harmonisation mechanisms used?			
c(i) Mutual recognition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(ii) Regulatory harmonisation agreements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(iii) Strict regulatory uniformity agreements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 18 (if necessary).</i>			

## Section 4: Dynamic aspects of regulatory quality

### 19. *Regulatory review and evaluation*

	For all policy areas?	For specific areas	Not required
a) Is periodic evaluation of existing <i>regulation</i> mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<i>Yes</i>	<i>No</i>
b) Are there standardised evaluation techniques or criteria to be used when <i>regulation</i> is reviewed?		<input type="checkbox"/>	<input type="checkbox"/>
c) Are reviews required to consider explicitly the consistency of regulations in different areas and take steps to address areas of overlap/duplication/inconsistency?		<input type="checkbox"/>	<input type="checkbox"/>
d) Are there mechanisms by which the public can make recommendations to modify specific <i>regulations</i> ?		<input type="checkbox"/>	<input type="checkbox"/>
– If the answer is “ <b>yes</b> ”, please specify (tick as many as necessary):			
d(i) Electronic mailboxes			<input type="checkbox"/>
d(ii) Ombudsman			<input type="checkbox"/>
d(iii) Other (please specify)			
		<i>Yes</i>	<i>No</i>
e) Is <i>sunsetting</i> used for <i>primary laws</i> or other <i>regulations</i> ?		<input type="checkbox"/>	<input type="checkbox"/>
f) Do specific <i>primary laws</i> include automatic review requirements?		<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 19 (if necessary):</i>			

**20. Controlling aggregate regulatory burdens**

	Yes	No
a) Is there a yearly calculation of <b>regulatory inflation</b> ? (Laws, ordinances and other official regulations)	<input type="checkbox"/>	<input type="checkbox"/>
b) Have attempts been made to measure trends in the <b>aggregate burden of regulation</b> over time?	<input type="checkbox"/>	<input type="checkbox"/>
b(i) If Yes, please attach any available study, or provide any available data on these trends in the past 5 to 10 years.		
c) Is there an explicit policy in relation to the control of the <i>aggregate</i> burden of regulation?	<input type="checkbox"/>	<input type="checkbox"/>
– If yes:		
<i>c(i)</i> Are there explicit targets?	<input type="checkbox"/>	<input type="checkbox"/>
<i>c(ii)</i> Are specific strategies or rules used to affect aggregate burdens?	<input type="checkbox"/>	<input type="checkbox"/>
Please provide detail on policies in relation to aggregate regulatory burdens.		
<i>Comments on Question 20 (if necessary):</i>		

## Section 5: Performance/outcome indicators

### 21. Indicators of performance, Qualitative questions

	Yes	No
a) Has the compliance with the key requirements of regulatory policy been assessed?	<input type="checkbox"/>	<input type="checkbox"/>
<i>→ If yes, in which of these areas has compliance been assessed:</i>		
a(i) Regulatory Impact Analysis?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Consultation?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Other (please specify)?		
b) 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)?	<input type="checkbox"/>	<input type="checkbox"/>
<i>→ If the answers to b) is "yes", Please provide details and attach any available studies</i>		
<i>Comments on Question 21 (if necessary):</i>		

**22. Indicators of performance, Quantitative questions, outputs**

Number of existing legal requirements for business licences and permits in force in a given year								
	1997	1998	1999	2000	2001	2002	2003	2004
At the federal level								
State/pro. level (when state/prov. authorities source of the legal requirement)								
Number of new laws at the national/federal level	1997	1998	1999	2000	2001	2002	2003	2004
Number of new subordinate regulations (decrees, others)	1997	1998	1999	2000	2001	2002	2003	2004
Number of RIAs for new laws	1997	1998	1999	2000	2001	2002	2003	2004
Number of RIAs for new subordinate regulations (decrees, others)	1997	1998	1999	2000	2001	2002	2003	2004
Training sessions offered for regulatory quality and regulatory impact analysis (in number of persons/days of training delivered to all Impact Assessment analysts), any recent year	2000	2001	2002	2003	2004			
<i>Comments on Question 22 (if necessary): please discuss any methodological issues or definitions related to the data that are available in your country:</i>								

## **Glossary of terms indicators questionnaire**

### **Administrative burdens of regulation**

The costs involved in obtaining, reading and understanding regulations, developing compliance strategies and meeting mandated reporting requirements, including data collection, processing, reporting and storage, but **NOT** including the capital costs of measures taken to comply with the regulations, nor the costs to the public sector of administering the regulations.

### **Administrative compliance costs**

See administrative burdens of regulation.

### **Administrators responsible for the regulatory reform programme**

Policy officials in bodies specifically tasked to manage or monitor the regulatory reform programme within the administration.

### **Advisory Groups**

Selected experts and/or interested parties (*e.g.* social partners, environmental groups) are brought together to form a consultative body, either on an *ad hoc* or a standing basis.

### **Aggregate burden of regulation**

Total costs of all requirements imposed by the primary and secondary regulations in force on all citizens and businesses, stemming from all levels of government.

### **Alternative policy instruments**

See regulatory alternatives.

### **Circulation of proposals for comment**

Information on regulatory proposals is circulated to a selected group of experts and/or interested parties for comment.

### **Codification**

Systematic arrangement of laws in force.

### **“Command and Control” regulation**

*Regulations* which specify, usually in detail, the regulatory requirements and a set of penalties for non-compliance. It is generally oriented toward input and behavioural requirements rather than toward outcome.

### **Co-regulation**

A system of shared regulatory responsibilities in which an industry association or professional group will assume some regulatory functions, such as surveillance and enforcement or setting of regulatory standards.

### **Informal Consultation**

*Ad hoc* meetings with selected interested parties, held at the discretion of regulators.

### **License(s)**

A license (or permit) is defined as a notification\* which further to the requirements of a notification also requires prior approval or response by the government authority as a condition for conducting activities.

**Notification(s)**

In this questionnaire, a notification is defined as a requirement for setting up a business calling for (i) providing information to a specific government authority and (ii) complying with minimum standards as conditions for conducting activities. A license or permit is defined as a notification which (iii) also requires prior approval or response by the government authority as a condition for conducting activities.

**Performance based regulation**

Regulations that specifies objectives or “output standards” and that leaves the means of compliance to be determined by the regulated entity.

**Permit(s)**

See licence.

**Primary law(s)**

See primary legislation.

**Primary legislation**

**Regulations** which must be approved by the parliament or congress. Also referred to as principal legislation or primary law.

**Process regulation**

**Regulations** that require that individual enterprises set up and document systemic processes to identify and control certain risks or hazards within their own activities. Such processes are based on Quality Assurance Principles.

**Public Notice and Comment**

Notice of the intention to regulate is published and comments are sought from all interested parties before the law or **regulation** is approved.

**Regulation**

The diverse set of instruments by which governments set requirements on enterprises and citizens. Regulation include all laws, 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.

**Regulators**

Administrators in government departments and other agencies responsible for making regulation.

**Regulatory alternatives**

Alternative policy instruments other than command and control regulation used with the purpose to obtain policy goals. Alternative policy instruments include instruments such as performance based regulation, process regulation, waiver or variance provisions, co-regulation, self-regulation, contractual arrangements, voluntary commitments, tradable permits, taxes and subsidies, insurance schemes, information campaigns.

**Regulatory Impact Analysis (RIA)**

Systematic process of identification and quantification of important benefits and costs likely to flow from adoption of a proposed **regulation** or a non-regulatory policy option under consideration. May be based on benefit/cost analysis, cost effectiveness analysis, business impact analysis etc.

**Regulatory Inflation**

A concept representing the increase in the number and complexity of laws, ordinances, decrees and other official regulations. The concept can be approximated through a number of indicators (e.g. number of laws, or subordinate regulations, number of pages or signs in the legal text book). It may differ from country to country. However, it is important for it to be calculated in a consistent way from year to year for the same country, to reflect a notion of the domestic trends over time.

**Regulatory reform**

Changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of *regulation* and formalities. “Deregulation” is a subset of regulatory reform.

**Risk assessment**

Quantitative estimates of the risks and consequences involved in a particular problem, probably including estimates of the likely effectiveness of control measures.

**Subordinate regulations**

Subordinate regulations are regulations that can be approved by the head of government, by an individual Minister or by the Cabinet - that is, by an authority other than the parliament/congress. Note that many subordinate regulations are susceptible to disallowance by the parliament/congress. Subordinate regulations are also referred to as “secondary legislation” or “subordinate legislation”.

**Sunsetting**

The automatic repeal of regulations a certain number of years after they have come into force.

**Voluntary commitments**

Commitments by firms to reach certain targets or behave in certain ways not mandated by legislation. May be agreed to in exchange for certain other government benefits (e.g. reduced frequency of regulatory inspections).