

OECD REGULATORY INDICATORS QUESTIONNAIRE 2008

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OECD REGULATORY INDICATORS QUESTIONNAIRE

This indicators questionnaire revises, updated and expands the Regulatory Indicators Questionnaire on Government Capacity to Produce High Quality Regulation that was circulated in 1998, 2000 and 2005.

This questionnaire focuses on the dimensions of regulatory quality, including regulatory processes and capacities in the public administration. The questionnaire reflects a balance between the need to keep consistency with the previous 1998 and 2005 data, and the need to reflect recent policy advances and better address some policy areas. Some questions have been removed, and additional questions have been added, with a particular focus being to expand the scope of the questionnaire to include some indicators of the resulting regulatory outputs and outcomes.

To facilitate responses, the Secretariat will provide electronic Excel Sheets, which will be pre-filled with the 2005 answers.

The questionnaire includes four main areas:

1. Content of Regulatory Policies
2. Regulatory quality tools
3. Institutional arrangements to promote regulatory quality
4. Dynamic aspects of regulatory quality

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.

Please see the glossary attached to the questionnaire for other definitions.

Contact details of the main respondent for follow up:

Name: _____

Telephone: _____

Email: _____

Ministry/National Administration: _____

Position: _____

Address: _____

How to answer the questionnaire:

- The Questionnaire should be answered electronically in one of the official languages of the Organisation. Please tick the appropriate boxes or provide the data requested for each question.
 - The questionnaire involves both categorical questions (e.g. yes/no) as well as open-ended qualitative questions. The qualitative questions may only need to be answered when significant changes occurred between 2005 and 2008 given specific reference to the answers provided to the 2005 questionnaire. It would be very helpful if you can supplement your answers with more detailed information about specific practices in your country. Supplementary data, studies or articles that are requested or that may be helpful should be provided in attachment and referred to in the text.
 - Answers should reflect the regulatory situation as it exists at the time of response (mid 2008), or as recently as possible. Future regulatory or reform actions should be clearly identified as such, noting the current stage of implementation, the body responsible for the reform and the expected date of completion. The data should only reflect the situation as of 2008.
 - The questions refer only to regulation or policies issued or accepted by the national level of government. National governments may choose to also supply responses for one or more sub-national authorities. If a question concerns an issue that is exclusively or primarily dealt with at the sub-national level, answers should be given for a chosen jurisdiction (with indication of which jurisdiction has been selected).
 - We draw your attention to the need to answer the comments and qualitative questions as well.
 - A glossary of terms is provided in an annex.
- **Please return the questionnaire** to gregory.bounds@oecd.org or emmanuel.job@oecd.org, or mail to: Public Governance and Territorial Development Directorate, OECD, 2 rue André-Pascal, 75775 PARIS CEDEX 16, France.
 - For assistance or questions regarding the questionnaire please contact: gregory.bounds@oecd.org or emmanuel.job@oecd.org

SECTION 1: CONTENT OF REGULATORY POLICIES

1. Regulatory policies

	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"/>
<p>➤ If the answer is “yes”:</p> <p style="padding-left: 20px;"><i>Please attach a copy of the document</i></p>		
	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? (i.e. a reform mandate at the ministerial level.)	<input type="checkbox"/>	<input type="checkbox"/>
a(iv) In what year was the policy introduced or last substantially revised?		
<p>➤ If there is no published regulatory policy, please indicate briefly how the existing elements of your country's strategy for regulatory reform (if one exists) accords with the 2005 OECD Guiding Principles for Regulatory Quality and Performance (www.oecd.org/dataoecd/19/51/37318586.pdf): Please discuss if this policy was significantly amended between 2005 and 2008.</p>		
b) What is identified in your policy as the main motives for regulatory reform?	Yes	
b(i) Need to boost competitiveness and growth	<input type="checkbox"/>	
b(ii) International commitment (e.g. European commitment)	<input type="checkbox"/>	
b(iii) Domestic policy agenda	<input type="checkbox"/>	
b(iv) Improve social welfare	<input type="checkbox"/>	
b(vi) Reduce the burden on business	<input type="checkbox"/>	
b(vii) Other (<i>Specify in your comments</i>)	<input type="checkbox"/>	
b(viii) No main motive is explicitly identified	<input type="checkbox"/>	

c) Which groups are lobbying for, or are strongly in favour of, the regulatory reform agenda?	Yes
c(i) Government itself	<input type="checkbox"/>
c(ii) Large businesses (or their associations)	<input type="checkbox"/>
c(iii) Small businesses (or their associations)	<input type="checkbox"/>
c(iv) Consumer organisations	<input type="checkbox"/>
c(vi) Citizens, national opinion	<input type="checkbox"/>
c(vii) International Organisations	<input type="checkbox"/>
c(viii) Welfare Groups	<input type="checkbox"/>
c(ix) Environment groups	<input type="checkbox"/>
c(ix) Think tanks	<input type="checkbox"/>
c(xi) other (<i>specify in your comments</i>)	<input type="checkbox"/>
<i>Comments on Question 1 (if necessary):</i>	

2. Regulatory management and policy coherence

<i>Consultation within government</i>	Always	In some cases	No
a) Are there formal processes for consultation when preparing new <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there formal processes for consultation when preparing new subordinate <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Is the body responsible for competition policy usually consulted on new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
➤ If, the answer is yes, is this consultation mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Is the body responsible for trade policy usually consulted on new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
➤ If, the answer is yes, is this consultation mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Is the body responsible for consumer policy usually consulted on new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
➤ If, the answer is yes, is this consultation mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Are other policy areas involved (e.g. social or environmental concerns, please specify)			

Provisions to promote the adoption of international standards and rules.			
g) Is there a formal requirement that regulators consider comparable international standards and rules before setting new domestic standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Are regulators required to explain the rationale for diverting from international standards when country specific rules are proposed ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments on Question 2 (if necessary):			

3. Clarity and due process in decision making procedures

Forward Planning	Yes	No
a) Does the government periodically publish a list of primary laws to be prepared, modified, reformed or repealed in the next six months or more?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes”:		
a(i) Is it available to the public? (i.e. via the Internet)	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the government periodically publish a list of subordinate regulations to be prepared, modified, reformed or repealed in the next six months or more?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes”:		
b(i) Is it available to the public? (i.e. via the Internet)	<input type="checkbox"/>	<input type="checkbox"/>
Appeal Processes	Yes	No
c) When appealing against adverse regulatory <u>enforcement</u> decisions in <u>individual</u> cases, which of the following options are typically available to affected parties:		
c(i) Administrative review by the regulatory enforcement body?	<input type="checkbox"/>	<input type="checkbox"/>
c(ii) Administrative review to an independent body?	<input type="checkbox"/>	<input type="checkbox"/>
c(iii) Judicial review?	<input type="checkbox"/>	<input type="checkbox"/>
d) Has there been an evaluation of the effective functioning of appeals processes in terms of possible costs and delays (in the past five years)?	<input type="checkbox"/>	<input type="checkbox"/>
e) Has there been a programme to facilitate appeal processes in the past five years?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes” does it relate to:		
e(i) costs to appellants?	<input type="checkbox"/>	<input type="checkbox"/>
e(ii) length of delays for appeals?	<input type="checkbox"/>	<input type="checkbox"/>
e(iii) number of stages for appeal	<input type="checkbox"/>	<input type="checkbox"/>
e(iv) other (specify in your comments)	<input type="checkbox"/>	<input type="checkbox"/>
Please provide details.		
	Yes	No
f) Are elements of the regulatory policy subject to judicial review? (e.g. If RIA or	<input type="checkbox"/>	<input type="checkbox"/>

consultation requirements are legislatively or constitutionally based, can the validity of laws or subordinate legislation be challenged if these requirements are not met?)

Please provide details.

Comments on Question 3 (if necessary):

4. Regulatory processes

	Yes	No
a) Are there standard procedures by which the administration develops draft <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
➤ <i>If there are standard procedures by which draft laws are developed:</i>		
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 <i>subordinate regulations</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
➤ <i>If there are standard procedures by which draft subordinate regulations are developed:</i>		
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"/>
b(ii) Please provide a list of the main formal normative documents in force in 2008 including: the title; whether it is a legislative requirement or an administrative procedure and; the date that the instrument was last substantially reviewed.		
<i>Comments on Question 4 (if necessary):</i>		

5. Transparency

	Yes	No
➤ Which of the following systematic procedures for making regulation known and accessible to affected parties are employed:		
a(i) <i>Codification of primary laws?</i>	<input type="checkbox"/>	<input type="checkbox"/>
a(i-1) If “yes”: <i>Is there a mechanism for regular updating of the codes or codified laws? (at least yearly basis)</i>	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Publication of a consolidated register of all <i>subordinate regulations</i> currently in force?	<input type="checkbox"/>	<input type="checkbox"/>

a(ii-a) If “yes”: Is there a provision that only <i>subordinate regulations</i> 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 <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(iv) Public access via the Internet to the text of all or most <i>subordinate regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(v) A general policy requiring <i>plain language</i> drafting of <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
a(vi) Is guidance on plain language drafting issued?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 5 (if necessary):</i>		

6. Provision of justification for regulatory actions, consideration of alternatives.

	Always	In some cases	No
a(i) Are <i>regulators</i> required to provide a <u>written justification</u> of the need for new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “always” or “in some cases”:			
a(ii) Are explicit decision criteria to be used when justifying a new regulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Is a risk assessment required to be included as part of the <u>written justification</u> for the regulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Has guidance been issued on the main rationales for the use of regulation?	<input type="checkbox"/>		<input type="checkbox"/>
➤ If the answer is “yes” does it address the following topics:			
b(i) Economic tests (examples of market failures)?	<input type="checkbox"/>		<input type="checkbox"/>
b(ii) Acceptable risk thresholds?	<input type="checkbox"/>		<input type="checkbox"/>
b(iii) Improving regulation, repairing regulatory failure?	<input type="checkbox"/>		<input type="checkbox"/>
b(iv) Social goals, equity issues?	<input type="checkbox"/>		<input type="checkbox"/>
b(v) Other rationales? (please provide details)	<input type="checkbox"/>		<input type="checkbox"/>
<i>Comments on Question 6 (if necessary):</i>			

7. Provision of justification for regulatory actions, continued

	Always	In some cases	No
a) Are <i>regulators</i> required to identify and assess potentially feasible <i>alternative policy instruments</i> (regulatory and non-regulatory) before adopting new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes		No

b) Has guidance been issued on using <i>alternative policy instruments</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes” does it address the following topics:		
b(i) Performance based regulation?	<input type="checkbox"/>	<input type="checkbox"/>
b(ii) Process (or management) based regulation?	<input type="checkbox"/>	<input type="checkbox"/>
b(iii) Co-regulation?	<input type="checkbox"/>	<input type="checkbox"/>
b(iv) Economic instruments?	<input type="checkbox"/>	<input type="checkbox"/>
b(vi) the use of Quasi regulatory guidelines as an alternative to regulation?	<input type="checkbox"/>	<input type="checkbox"/>
b(vii) Voluntary approaches?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 7 (if necessary):</i>		

8. Compliance and enforcement

	Yes	No
a) Do regulatory policies explicitly require that the issue of securing compliance and enforcement be anticipated when developing new regulation?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes”:		
a(i) Are there specific policies on developing compliance-friendly regulation?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Is written guidance on compliance and/or enforcement issues made available to regulators?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Is there a policy on risk based enforcement? (i.e. requiring that regulators focus inspection on high risk activities in order to reduce compliance burdens on low risk activities)	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 8 (if necessary):</i>		

SECTION 2: REGULATORY QUALITY TOOLS

9. Consultation procedures with affected parties

	Always	In some cases		No
a) Is public consultation with parties affected by <i>regulations</i> a part of developing new draft <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
When is it conducted?	Yes			No
a(i) at the inception of the legal proposal?	<input type="checkbox"/>			<input type="checkbox"/>
a(ii) during the drafting of the law?	<input type="checkbox"/>			<input type="checkbox"/>
a(iii) on an established law?	<input type="checkbox"/>			<input type="checkbox"/>
b) Is public consultation with parties affected by <i>regulations</i> a part of developing new draft <i>subordinate regulations</i> ?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
When is it conducted?	Yes			No
b(i) at the inception of the legal proposal?	<input type="checkbox"/>			<input type="checkbox"/>
b(ii) during the drafting of a regulatory impact statement (RIS)?	<input type="checkbox"/>			<input type="checkbox"/>
b(iii) after a regulatory impact statement (RIS) is finalised?	<input type="checkbox"/>			<input type="checkbox"/>
➤ If the answer is “ always ” or “ in some cases ” to a) or b):	Primary laws		Subordinate regulation	
	Yes	No	Yes	No
b(iv) Is consultation mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b(v) Are there consultation guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b(vi) If so, are they mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b(vi) What forms of public consultation are routinely used (tick all that apply):	Primary laws		Subordinate regulation	
- Informal consultation with selected groups? (eg Tripartite discussions)	<input type="checkbox"/>		<input type="checkbox"/>	
- Broad circulation of proposals for comment?	<input type="checkbox"/>		<input type="checkbox"/>	
- Public notice and calling for comment?	<input type="checkbox"/>		<input type="checkbox"/>	
- Public meeting?	<input type="checkbox"/>		<input type="checkbox"/>	

- Simply posting proposals on the internet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Advisory group?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Preparatory public commission/committee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	Yes	No
b(vii) Can any member of the public choose to participate in the consultation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Where there is a formal requirement for public consultation with parties affected by <i>regulations</i> what is the minimum period for consultation that is specified? ➤ In number of weeks from 1 to 25 weeks	Primary laws		Subordinate regulation	
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, business and civil society organisations?				
	Primary laws		Subordinate regulation	
	Yes	No	Yes	No
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"/>
d(v) Is guidance available on how to conduct effective consultation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 9 (if necessary):</i>				

10. Use of regulatory impact analysis (RIA)

	Always	In some cases	No
a) 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>			
b) At what stage is the RIA prepared?		Yes	No
b(i) Early in the development of a regulatory proposal?		<input type="checkbox"/>	<input type="checkbox"/>
b(ii) Following the finalisation of the regulatory proposal?		<input type="checkbox"/>	<input type="checkbox"/>

c) Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA?	<input type="checkbox"/>	<input type="checkbox"/>		
➤ If the answer is “ yes ”: Name the body and its location in the administration:				
➤ Please indicate how many full time equivalent staff are responsible for reviewing Regulatory Impact Assessments:				
d) As part of this review is there scope for:?	Yes	No		
d(i) Revising the regulatory proposal?	<input type="checkbox"/>	<input type="checkbox"/>		
d(ii) Blocking the regulatory proposal?	<input type="checkbox"/>	<input type="checkbox"/>		
e) Is there a clear "threshold" for applying RIA to new regulatory proposals?	<input type="checkbox"/>	<input type="checkbox"/>		
➤ If the answer is “ yes ”:				
e(i) Is the threshold defined as a single objective criterion (Yes), or does it combine criteria (No)?	<input type="checkbox"/>	<input type="checkbox"/>		
e(ii) Please provide details of the threshold test.				
f) As a result of the threshold test is there a requirement for a <u>simplified RIA</u> as an alternative to a full RIA?	<input type="checkbox"/>	<input type="checkbox"/>		
f(i) If yes please provide details of the requirement for a simplified RIA.				
g) Is guidance on the preparation of RIA provided?	<input type="checkbox"/>	<input type="checkbox"/>		
g(i) If yes please when was it last updated?				
	Always	Only for major regulation¹	In other selected cases	No
h(i) Is RIA required by law or by a similarly strictly binding administrative instrument?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h(ii) Is RIA required for draft <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h(iii) Is RIA required for draft <i>subordinate regulations</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ Major regulation is regulation with a significant economic impact.

h(iv) 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: Is the impact analysis required to include the quantification of the costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h(v) 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: Is the impact analysis required to include quantification of the benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h(vi) 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"/>
h(viii) Are RIA documents required to be released for consultation with the general public?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h(ix) Is the RIA 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 (not for profit sector including charities)	<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"/>
Impact on gender equality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on poverty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Is <i>risk assessment</i> required when preparing a RIA?				
i(i) For all regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i(ii) For Health and safety <i>regulation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Yes	No	
j(i) Does the <i>RIA</i> require <i>regulators</i> to explicitly consider compliance and enforcement issues when preparing new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Regularly</i>	<i>Ad hoc basis</i>	<i>No</i>
j(ii) Are reports prepared on the level of compliance by government departments with the above requirements of RIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Yes</i>		<i>No</i>
j(iii) Are these reports published?	<input type="checkbox"/>		<input type="checkbox"/>
k) Are ex post comparisons of the actual vs predicted impacts of regulations made?	<input type="checkbox"/>		<input type="checkbox"/>
l) 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?			
Comments on Question 10 (if necessary):			

11. Administrative simplification licences and permits.

Note: This question is consistent with previously collected responses. It is generally concerned with the licences and permits for which are necessary to conduct commercial or industrial operations for which a business may need to apply. The purpose of this question is to identify if certain elements apply (such as *one stop shops* and *silence is consent* rules) as part of the systems of regulatory governance to reduce the regulatory burden on business. As such the responses may refer to licences at a State or Federal level. Respondents may wish to provide clarification of their responses in their comments.

	Yes	No
a) Is a “silence is consent” rule used <i>at all</i> (i.e. that <i>licences</i> 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 Yes , 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 <i>licences</i> and <i>notifications</i> ?	<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)	In %	
c) Are there single contact points for accepting <i>notifications</i> and issuing <i>licences</i> (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)	In %	
d) Is there a programme underway to review and reduce the number of <i>licences</i> and		

<i>permits</i> 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 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 <i>licences</i> at sub-national levels of government?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 11 (if necessary):</i>		

12. Measurement and reduction of administrative burdens

Burden Measurement	Yes	No
a) Has your country completed a measurement of <i>administrative burdens</i> imposed by government on enterprises and/or citizens?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes”:		
a(i) In what year was the last measurement undertaken?		
a(ii) Is there an embedded program to update and repeat burden measurement?	<input type="checkbox"/>	<input type="checkbox"/>
(b) Which groups are targeted in your measurement of administrative burdens?		
(i) impacts on citizens	<input type="checkbox"/>	<input type="checkbox"/>
(ii) impacts on businesses	<input type="checkbox"/>	<input type="checkbox"/>
(iii) impacts on the public sector	<input type="checkbox"/>	<input type="checkbox"/>
(iv) other impacts (e.g. on the not-for-profit sector.) Please specify	<input type="checkbox"/>	<input type="checkbox"/>
(c) What policy areas and/or sectors are included in your measurements (e.g. all regulations, regulations in the service sector, VAT-regulation)?		
(d) If only some sectors are targeted, please explain how these sectors were chosen.		
(e) Please indicate progress in terms of <i>actual burden reductions</i> since measurements began. (If possible, progress should be reported on the policy targets specified in section 1a. Please provide references to relevant documents.)		
(f) If administrative burdens are measured by your government, what is the methodology used.	Yes	No
i(i) Standard Cost Model (SCM)	<input type="checkbox"/>	<input type="checkbox"/>

i(ii) Adapted or modified version from the Standard Cost Model	<input type="checkbox"/>	<input type="checkbox"/>
i(iii) Other Please describe:	<input type="checkbox"/>	<input type="checkbox"/>
(g) How are administrative burdens defined in the methodology?		
j(i) Substantive compliance costs	<input type="checkbox"/>	<input type="checkbox"/>
j(ii) Time and paperwork costs	<input type="checkbox"/>	<input type="checkbox"/>
(h) What is the main mechanism used for data collection:	Yes	No
h(i) Business surveys collected by third parties or statistical offices?	<input type="checkbox"/>	<input type="checkbox"/>
h(ii) Focus groups comprised of companies?	<input type="checkbox"/>	<input type="checkbox"/>
If so please indicate the number of businesses represented in the focus group.		
h(iii) Self perceived information reported by businesses or their associations?	<input type="checkbox"/>	<input type="checkbox"/>
h(iii) Other. Please explain.	<input type="checkbox"/>	<input type="checkbox"/>
(i) Is the methodology applied		
i(i) ex-ante (prior to the introduction of the regulation)?	<input type="checkbox"/>	<input type="checkbox"/>
i(ii) ex-post (after the regulation has been implemented)?	<input type="checkbox"/>	<input type="checkbox"/>
(j) Does your methodology allow you to differentiate between various ministries or policy areas?	<input type="checkbox"/>	<input type="checkbox"/>
(k) Does your methodology allow you to differentiate between administrative burdens imposed by different levels of government, i.e. supra, central and local government levels?	<input type="checkbox"/>	<input type="checkbox"/>
(l) If yes, can it differentiate between supra national and central government's regulations? (e.g. EU vs domestic in Europe)	<input type="checkbox"/>	<input type="checkbox"/>
(m) What is the estimated percentage of the total administrative burden accounted for by international regulatory requirements?		
(n) Are the measured burdens expressed in:		
n(i) time (i.e. time spent complying with administrative obligations)?	<input type="checkbox"/>	<input type="checkbox"/>
n(ii) financial terms (i.e. the monetised value of time spent on compliance with administrative obligations)?	<input type="checkbox"/>	<input type="checkbox"/>
(o) Is the body responsible for co-ordinating your country's administrative simplification policy also in charge of regulatory oversight / promotion of other regulatory quality issues, such as RIA and consultation procedures?	<input type="checkbox"/>	<input type="checkbox"/>
(p) What were the actual costs of implementing the program for the measurement of administrative burdens?		

Burden Reduction	Yes	No
q) Is there an explicit government programme to reduce the <i>administrative burdens</i> imposed by government on enterprises and/or citizens?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes”:		
q(i) Does this programme include quantitative targets?	<input type="checkbox"/>	<input type="checkbox"/>
q(ii) Does this programme include qualitative targets?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If “yes” : Please specify which targets, when they were established and when they are supposed to be met.		
q(iii) Which of the following strategies are used (tick as many as necessary)?		
- Removal of obligations		<input type="checkbox"/>
- 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"/>
- Reallocating powers and responsibilities between government departments and/or between levels of government		<input type="checkbox"/>
- Other (please specify)		
<i>Comments on Question 12 (if necessary):</i>		

13. Training in regulatory quality skills

	Yes	No
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) If so please describe.	<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

14. Central regulatory oversight authority (administrative and political)

	Yes	No
a) Is there a dedicated body (or bodies) responsible for promoting the regulatory policy as well as 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"/>
➤ If the answer is “yes”:		
What is the name and administrative situation of the main central body (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?) (Please discuss only if significant changes since 2005)		
Please specify in general terms the mission of this body, and its main tasks and powers		
Please specify staffing levels of this body, and annual resources if available		
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"/>
Yes No		
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. Past bodies have included; the Better Regulation Task Force in the UK, the External Advisory Council on Smart Regulation in Canada and the Regulatory Reform Council in Korea)	<input type="checkbox"/>	<input type="checkbox"/>

➤ If the answer is “yes”:

b(i) Does this body have a degree of independence from government (e.g. through a board or commission structure)?

b(ii) Does this body report its findings publicly?

b(iii) Is the body a permanent administrative entity, or convened for a fixed duration? *Permanent* *Fixed*

Name and administrative situation of the advisory body (please specify relationship to the government, eg serviced by departmental staff)

Please specify in general terms the mission of this body, and its main tasks and powers.

Please specify staffing levels of this body, and annual resources if available. Include details of whether the members of the body are remunerated or voluntary.

c) Is a specific minister accountable for promoting government-wide progress on *regulatory reform*?

➤ If the answer is “yes”:

c(i) Which minister? (list)

c(ii) Is the Minister required to report to Parliament on progress?

Comments on Question 14 (if necessary):

15. The role of Parliament in regulatory quality

	Yes	No
a) Is there a specific 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 proposed primary legislation?	<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"/>

Comments on Question 15 (if necessary). Please add any relevant additional information in relation to parliamentary scrutiny conducted as part of the regulatory policy.

16. 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"/>	
	Yes	Sometimes	Not at all
d) Are any of the following regulatory harmonisation mechanisms used?			
c(i) <i>Mutual recognition</i> ?	<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 16 (if necessary).</i>			

SECTION 4: DYNAMIC ASPECTS OF REGULATORY QUALITY

17. Ex post regulatory review and evaluation

	For all policy areas?	For specific areas	Not required
a) Is periodic ex post evaluation of existing <i>regulation</i> mandatory ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there standardised evaluation techniques or criteria to be used when <i>regulation</i> is reviewed?		<i>Yes</i> <input type="checkbox"/>	<i>No</i> <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 “ yes ”, 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)			
e) Is <i>sunsetting</i> used for <i>primary laws</i> ?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
e(i) If yes, what is the standard period within which a primary law must sunset?			
f) Is <i>sunsetting</i> used for <i>subordinate regulations</i> ?		<input type="checkbox"/>	<input type="checkbox"/>
f(i) If yes, what is the standard period within which a subordinate regulation must sunset?			
g) Do specific <i>primary laws</i> include automatic review requirements?		<input type="checkbox"/>	<input type="checkbox"/>
h) Does <i>subordinate regulation</i> include automatic review requirements?		<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 17 (if necessary):</i>			

18. Controlling aggregate regulatory burdens

Note – This question has been retained for compatibility and to continue the time series with previous questionnaires.

	Yes	No
a) Is there a yearly calculation of regulatory inflation ? (Laws, ordinances and other official regulations)	<input type="checkbox"/>	<input type="checkbox"/>
b) Have attempts been made to measure trends in the aggregate burden of regulation over time?	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
➤ <i>If yes:</i>		
<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"/>
<i>Comments on Question 18 (if necessary):</i>		

19. Indicators of performance, Quantitative questions, outputs

Number of new laws at the national/federal level	2001	2002	2003	2004	2005	2006	2007	2008
Number of new subordinate regulations (decrees, others)	2001	2002	2003	2004	2005	2006	2007	2008
<i>Comments on Question 19 (if necessary): please discuss any methodological issues or definitions related to the data that are available in your country:</i>								

GLOSSARY OF TERMS

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.

Mutual recognition

The recognition by different jurisdictions of equivalent licensing standards in order to facilitate the movement of goods and services between complying jurisdictions. It presupposes a close degree of equivalence and reciprocal confidence between the responsible institutions.

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.

Plain language drafting

In the legislative context, the principles of Plain Language aim for clarity in the language of legislation, in the structure of the legal ideas contained in legislation, and in the physical layout and presentation of legislation. The use of Plain Language in legislation is intended to remove barriers to communication and so make the law more accessible without any loss of precision or the introduction of any uncertainties.

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

The task of identifying and exploring, preferably in quantified terms, the types, intensities and likelihood of the (normally undesired) consequences related to a risk. Risk assessment comprises hazard identification and estimation, exposure and vulnerability assessment and risk estimation.

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).