

EVALUATING STAKEHOLDER ENGAGEMENT IN REGULATORY POLICY

6th Expert Meeting on Measuring Regulatory Performance

DRAFT AGENDA

The Hague, Netherlands

17-18 June 2014

FOR MORE INFORMATION ABOUT THE MEETING, PLEASE CONTACT:

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Background

1. The *Recommendation of the Council on Regulatory Policy and Governance* (further referred to as the Recommendation) was adopted in March 2012. OECD members agreed to adhere to principles of open government, including transparency and participation in the regulatory process to ensure that regulation serves the public interest and is informed by the legitimate needs of those interested in and affected by regulation. This includes providing meaningful opportunities for the public to contribute to the process of preparing and revising regulations and to the quality of the supporting analysis. Regulations should be comprehensible and clear so that parties can easily understand their rights and obligations.

2. Through the Recommendation, OECD countries also committed to regularly publish reports on the performance of public consultation practices and to involve stakeholders in the review process. The Recommendation highlights that information on the performance of practices to engage with stakeholders is necessary to identify and evaluate if practices are being implemented effectively and if reforms are having the desired impact. Assessing the implementation of consultation practices can also provide a benchmark for improving compliance by ministries and agencies with the requirements. Transparency is also an important feature for ensuring the effectiveness of the information. This depends on the public release of reviews and of performance data to allow external stakeholders to consider and comment on performance information, and to provide incentives to agencies to improve their practices. Countries are at the beginning of implementing this practice. To date, only eight countries confirm publishing reports on the performance of public consultation practices in a recent OECD survey.

Objectives of the meeting

3. This meeting aims to help countries evaluate and improve their practices to engage with stakeholders in the design, implementation and review of regulations. Participants will be asked to identify good practices, challenges and ways to overcome them.

4. The 6th expert meeting is part of a [series of annual workshops](#) which fall under the Programme on Measuring Performance, and brings together experts and delegates for in-depth discussions. Previous workshops focused on “*Identifying best practice in the implementation of the Recommendation*” (hosted by Sweden in Stockholm in 2013), “*Measuring and reducing compliance costs for re-boosting growth*” (hosted by Germany in Berlin in 2012), “*Developing a framework for domestic regulatory policy evaluation*” (hosted by Spain in Madrid in 2011), “*The Use of perception surveys for measuring and communicating progress*” (hosted by Turkey in Istanbul in 2010) and “*The Indicators of Regulatory Management Systems*” (hosted by the UK in London in 2009).

The OECD **Programme on Measuring Regulatory Performance** helps OECD countries demonstrate how improvements to regulatory governance deliver actual benefits to business and citizens. It supports efforts by countries to measure regulatory performance, to identify areas where improvements to regulatory policies, programmes and tools will pay the highest dividends and to communicate progress.. (www.oecd.org/regreform/measuringperformance). The programme is guided by a steering group composed of delegates from the Regulatory Policy Committee (RPC) and is chaired by Canada. Members of the steering group currently include delegates from Australia, Austria, Canada, Belgium, the Czech Republic, Denmark, the European Commission, Germany, Ireland, Mexico, the Netherlands, Norway, Sweden, Spain, the United Kingdom and the United States. Other OECD members may also nominate delegates to join the steering group.

Structure of the meeting

5. To allow for a good balance between discussion time and exchange of country practices, the meeting will be structured as follows:

Day 1 - 17 June 2014:

- **Morning:** open conference on “Evaluating stakeholder engagement in regulatory policy” staged by interventions from High-level Government officials, representatives from the Civil Society and the Business sector, and Academics in the field of regulatory policy;
- **Afternoon:** closed-door workshop with RPC Delegates and experts organised around **three parallel break-out sessions**. These sessions will be moderated by the OECD Secretariat, and will centre on the 3 following topics:
 - o Evaluating stakeholder engagement: practices in OECD countries
 - o The 2014 OECD survey on stakeholder engagement
 - o Assessing the impact of stakeholder engagement

Day 2 - 18 June 2014:

- **Morning:** launch of the OECD Publication “*OECD Framework for Regulatory Policy Evaluation*”
- **Morning:** closed-door plenary session and table dialogues to discuss the results of the break-out sessions and identify key policy lessons
- **Afternoon:** final policy conclusions

6. The three break-out sessions will be held in parallel on Day 1. They will touch upon different aspects of evaluating the engagement with stakeholders in the regulatory policy cycle, with the general objective to help countries **evaluate the benefits, challenges and impacts of stakeholder engagement in regulatory policy**.

7. RPC delegates will be asked to indicate their preferred choices for the break-out sessions when registering for the event. However, to allow for in-depth discussions and exchange, the Secretariat could reallocate country participation ahead of the workshop if registrations exceed available places in a break-out session.

Side meetings

8. Delegates are invited to attend the academic pre-conference on *Transparency and Stakeholder Engagement in Regulatory Policy* on **16 June**, organised by the Dutch Government, in cooperation with the University of Amsterdam and ACTAL (the Dutch Advisory Board on Regulatory Burden). For security reasons, only registered participants will be able to attend the Conference.

Chatham House rules

9. The meeting will be held in accordance with the *Chatham House rules*, which state that “participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed”. Hence, the statements made throughout the workshop will not be affiliated with a person, unless he/she gives his/her consent. Speakers and discussants will be informed that their PowerPoint slides and one-page summaries are exempted from this rule and will be posted online. They can send an e-mail to Sara Kincaid (sara.kincaid@oecd.org) until **6 July** if their slides/one-page summaries should not be posted online.

Acknowledgements

10. The Secretariat is grateful to the Dutch Ministry of the Interior and Kingdom Relations (BZK) for hosting the workshop.

The OECD Regulatory Policy Committee

The Regulatory Policy Committee (RPC) was created by the OECD Council on 22 October 2009 to assist member and non-member economies in building and strengthening their regulatory reform efforts. It is a platform to help countries adapt regulatory policies, tools and institutions, learning from each other’s experience. The Regulatory Policy Committee is supported by staff within the Regulatory Policy Division of the Public Governance and Territorial Development Directorate. More information about OECD work on regulatory policy, including information about how governments can design, apply and enforce better rules can be found at www.oecd.org/regreform.

The OECD’s Public Governance and Territorial Development Directorate’s unique emphasis on institutional design and policy implementation supports mutual learning and diffusion of best practice in different societal and market conditions. The goal is to help countries build better government systems and implement policies at both national and regional levels that lead to sustainable economic and social development.

For further information on the Regulatory Policy Committee, please contact Sara Kincaid (Sara.Kincaid@oecd.org)

RECEPTION BY THE MAJOR OF THE HAGUE

Monday, 16 June 2014 (18.00 – 19.30)

6th EXPERT MEETING – OPENING CONFERENCE

Day 1 - Tuesday, 17 June 2014 (09.00 – 12.30)

(Peace Palace)

Open to all registered participants

Chair: Prof. Gary Banks, Chair of the OECD Regulatory Policy Committee and Dean of the Australia New Zealand School of Government, Australia

08.15 - 09.00	<i>Registration for the Conference and the Workshop. A welcome coffee will be served at 08h15 outside the room. Participants are kindly asked to be seated at 09.00.</i>
09.00 - 09.20	Opening remarks
<i>Speakers</i>	<ul style="list-style-type: none"> • Gary Banks, Chair of the OECD Regulatory Policy Committee and Dean of the Australia New Zealand School of Government, Australia • Rolf Alter, Director, Public Governance and Territorial Development Directorate, OECD
09.20 – 09.50	Keynote speech
<i>Speaker</i>	<ul style="list-style-type: none"> • Ernst Hirsch Ballin, Professor for Dutch and European Constitutional Law, Tilburg Law School, and Former Minister of Justice and the Interior, the Netherlands
09.50 – 10.20	<i>Coffee break</i>
10.20 – 11.40	Panel discussion: Better participation for better policies and better lives
<i>Objective</i>	Discuss the role of better stakeholder participation in the regulatory policy cycle to achieve key objectives for OECD countries: <i>“Better policies, better lives and inclusive growth”</i> .
<i>Questions for discussion</i>	<ul style="list-style-type: none"> • What are the benefits of engaging with stakeholders in every phase of the regulatory policy cycle? Do more inclusive processes lead to more inclusive growth? • What are the challenges in engaging with stakeholders? How to deal with consultation fatigue? How to deal with powerful vested interests? • What innovative practices have helped to improve the engagement of stakeholders in rule-making? • What are examples of good practices in evaluating government systems to engage with stakeholders? How did the evaluation help to improve stakeholder engagement in rule-making?

<p>Speakers</p>	<ul style="list-style-type: none"> • Bernhard Welschke, Secretary General, Business and Industry Advisory Committee (BIAC) • Alex Brenninkmeijer, Member of the European Court of Auditors and former National ombudsman of the Netherlands • Alexander Hunt, Branch Chief, Office of Information and Regulatory Affairs, Office of Management and Budget, United States. • Veronica Nilsson, Confederal Secretary, European Trade Union Confederation, (ETUC). <p>Moderator: Rolf Alter, Director, Public Governance and Territorial Development Directorate, OECD</p>
<p>Supporting literature</p>	<ul style="list-style-type: none"> • OECD (2012), “Recommendation of the Council on Regulatory Policy and Governance” • OECD (2014), “OECD Best Practice Principles for Regulatory Policy: Regulatory Enforcement and Inspections” • OECD (2014), “Best Practice Principles for Regulatory Policy: Governance of Regulators” • OECD (2012), “Measuring Regulatory Performance: A Practitioner’s Guide to Perception Surveys” • OECD (2012), “Regulatory Consultation: A MENA-OECD Practitioners’ Guides for Engaging Stakeholders in the Rulemaking Process” • Ubaldi B. (2013), “Open Government Data: Towards Empirical Analysis of Open Government Data Initiatives”, OECD Working Papers on Public Governance, No.22, OECD Publishing • OECD (2014), “Social Media Use by Governments: A policy primer to discuss trends, identify policy opportunities and guide decision makers” – Preliminary Version • OECD (2013), “Government at a Glance 2013”
<p>11.40 – 12.30</p>	<p>Academic speaker</p>
<p>Speaker</p>	<ul style="list-style-type: none"> • E. Allan Lind (2014), <i>“Procedural Justice: Inclusive Process for Inclusive Growth”</i>, James L. Vincent Distinguished Professor of Leadership, Duke University
<p>Supporting literature</p>	<ul style="list-style-type: none"> • Lind, E. Allan (2014), “Perceived Fairness and Regulatory Policy” – draft paper
<p>12.30 – 14.00</p>	<p>Buffet lunch (Peace Palace)</p>

6th EXPERT MEETING - CLOSED-DOOR WORKSHOP Day 1: Tuesday, 17 June 2014 (14.00 – 17.30) <i>(Peace Palace)</i> <i>Open to RPC Delegates and experts only</i>	
Chair: Prof. Gary Banks, Chair of the OECD Regulatory Policy Committee and Dean of the Australia New Zealand School of Government, Australia	
14.00 -14.40	Introduction and overview of practices in OECD countries
<i>Objective</i>	Explain the aim and working mechanisms of the workshop and to provide an overview of evaluation practices of stakeholder engagement in OECD countries.
<i>Speakers</i>	<ul style="list-style-type: none"> • OECD Secretariat
14.45 - 17.30	BREAKOUT SESSIONS <i>Coffee breaks will be organised at the moderators' discretion</i>
Breakout session 1 - Evaluating stakeholder engagement: practices in OECD countries	
<i>Objective</i>	Identify good practices in evaluating government practices to engage with stakeholders in the regulatory policy cycle.
<i>Speakers</i>	<i>Facilitator:</i> Daniel Trnka, OECD <i>Kick-off presentation 1:</i> Daniel Trnka and Laura Seiffert, OECD <i>Kick-off presentation 2:</i> Cary Coglianese, University of Pennsylvania Law School <i>Rapporteur:</i> David Sousa, Cabinet of the State Secretary for Administrative Modernization, Portugal
<i>Supporting literature</i>	<ul style="list-style-type: none"> • OECD (2014), "OECD Framework for Regulatory Policy Evaluation" – Official launch on Wednesday, 18 June at the Workshop • Evaluation reports of countries on their consultation practices • OECD (2012), "Measuring Regulatory Performance: A Practitioner's Guide to Perception Surveys" • Coglianese, C. (2012), "Measuring Regulatory Performance: Evaluating the Impact of Regulation and Regulatory Policy." Expert Paper No. 1, August 2012 • Radaelli and Fritsch (2012), "Measuring Regulatory Performance: Evaluating Regulatory Management Tools and Programmes", Expert Paper No. 2, August 2012 • OECD (2005), "Evaluating Public Participation in Policy Making"

Breakout session 2 – The 2014 OECD survey on stakeholder engagement	
Objective	<p>Brief delegates on the section on stakeholder engagement and open government in the 2014 OECD regulatory indicator survey of government officials, clarify questions and discuss methodological issues including the construction of indicators and of a good practice database.</p> <p>The 2014 regulatory indicator survey builds on the 2008 regulatory indicator survey, discussions with delegates on implementation of the Recommendation and intensive consultations with the Steering Group on Measuring Regulatory Performance on the actual design of questions.</p>
Speakers	<p><i>Facilitator:</i> Christiane Arndt, OECD</p> <p><i>Kick-off presentation 1:</i> Christiane Arndt and Antonia Custance Baker, OECD</p> <p><i>Kick-off presentation 2:</i> Stephan Naundorf, German Chancellery</p> <p><i>Rapporteur:</i> Eduardo Romero Fong, Ministry of Economy, Mexico</p>
Supporting literature	<ul style="list-style-type: none"> • OECD (2012), "Recommendation of the Council on Regulatory Policy and Governance" • OECD (2014), "OECD Regulatory Indicators Questionnaire 2014" – draft version • OECD (2009), "Indicators of Regulatory Management Systems - 2009 report" • Regulatory Policy Committee (2014), Room document 2, "Key practices for drafting survey questions on the implementation of the Recommendation: Results of consultation with RPC delegates" • OECD (2013), "Policy Findings and Workshop Proceedings of the 5th Expert Workshop on Measuring Regulatory Performance" • OECD, (2013), "Implementation of Regulatory Policy: Assessing Progress in Countries - Revised project plan and timeline" • OECD (2013), "Government at a Glance 2013"
Breakout session 3 – Assessing the impact of stakeholder engagement	
Objective	<ul style="list-style-type: none"> • Discuss the impact of engaging with stakeholders on outcomes including trust in government, inclusive growth, compliance with regulations and better regulatory quality. • Discuss how outcomes depend on specific engagement practices and on who is engaged. Participants will identify research gaps and formulate a <i>wish list</i> for future research on the impact of stakeholder engagement.

Speakers	<p><i>Facilitator:</i> James Sheppard, OECD</p> <p><i>Introductory remarks:</i> James Sheppard and Miriam Allam, OECD</p> <p><i>Kick-off presentation 1:</i> Claudio Radaelli, Professor of Political Science at the University of Exeter, and Director of the Centre for European Governance</p> <p><i>Kick-off presentation 2:</i> E. Allan Lind, James L. Vincent Distinguished Professor of Leadership, Duke University</p> <p><i>Rapporteur:</i> Florentin Blanc, Expert and consultant on Regulatory Policy</p>
Supporting literature	<ul style="list-style-type: none"> • OECD (2013), <i>Trust in Government, Policy Effectiveness and the Governance Agenda</i> in “Government at a Glance 2013” • Coglianese, C. (2012), “Measuring Regulatory Performance: Evaluating the Impact of Regulation and Regulatory Policy,” Expert Paper No. 1, August 2012. • Parker and Kirkpatrick (2012), “Measuring Regulatory Performance: The Economic Impact of Regulatory Policy: A Literature Review of the Quantitative Evidence,” Expert Paper No. 3, August 2012 • OECD (2009), “Focus on Citizens : Public Engagement for Better Policy and Services, OECD Studies on Public Engagement” • Lind, E. Allan (2014), “Perceived Fairness and Regulatory Policy”
18.30	<i>“Peace and Justice tour”, The Hague</i>
20.00	<i>Dinner in Scheveningen at the beach</i>

CLOSED-DOOR WORKSHOP Day 2: Wednesday, 18 June 2014 (9.00 – 14.45) <i>(Paleisstraat 1)</i> <i>Open to RPC Delegates and experts only</i>	
Chair: Prof. Gary Banks, Chair of the OECD Regulatory Policy Committee and Dean of the Australia New Zealand School of Government, Australia	
09.00 – 09.15	Opening speech
09.15 – 10.30	Launch of the OECD Publication “Framework for Regulatory Policy Evaluation”
<i>Speakers</i>	<ul style="list-style-type: none"> • Christiane Arndt, Programme Co-ordinator Measuring Regulatory Performance, OECD • Cary Coglianese, Edward B. Shils Professor of Law and Professor of Political Science at the University of Pennsylvania, and Director of Penn Program on Regulation • Claudio Radaelli, Professor of Political Science at the University of Exeter, and Director of the Centre for European Governance • Lynn Van der Velden, Senior Policy Advisor, Ministry of the Interior and Kingdom Relations, the Netherlands and Anne Meuwese, Associate Professor, Tilburg University, the Netherlands • Luigi Carbone, Commissioner, Regulatory Authority for Electricity, Gas and Water, Italy
<i>Supporting literature</i>	<ul style="list-style-type: none"> • OECD (2014), “OECD Framework for Regulatory Policy Evaluation” • Coglianese, C. (2012), “Measuring Regulatory Performance: Evaluating the Impact of Regulation and Regulatory Policy,” Expert Paper No. 1, August 2012 • Radaelli and Fritsch (2012), “Measuring Regulatory Performance: Evaluating Regulatory Management Tools and Programmes”, Expert Paper No. 2, August 2012 • Parker and Kirkpatrick (2012), “Measuring Regulatory Performance: The Economic Impact of Regulatory Policy: A Literature Review of the Quantitative Evidence,” Expert Paper No. 3, August 2012 • OECD (2012), “Measuring Regulatory Performance: A Practitioner’s Guide to Perception Surveys” • Regulatory Policy Committee, (2014), Room document 3, “The Framework for Regulatory Policy Evaluation of the OECD in the light of experience with the General Administrative Law Act: a pilot study”
10h30 – 11h00	<i>Coffee break</i>

11.00 – 12.30	<p>Plenary and table discussion “Evaluating stakeholder engagement in regulatory policy : identifying good practices and key policy lessons ”</p> <p><i>Results and findings of breakout sessions 1,2 and 3</i></p>
<p><i>Breakout session 1 - Evaluating stakeholder engagement: practices in OECD countries</i></p> <p><i>Breakout session 3 – Assessing the impact of stakeholder engagement</i></p>	
	<p><i>Moderator:</i> Daniel Trnka, OECD</p> <p><i>Rapporteurs breakout sessions 1 and 3:</i> David Sousa and Florentin Blanc</p>
<p><i>Break-out session 2 – The 2014 OECD Survey on stakeholder engagement</i></p>	
	<p><i>Moderator:</i> Christiane Arndt, OECD</p> <p><i>Rapporteur breakout session 2:</i> Eduardo Romero Fong, Mexico</p>
12.30 – 14.00	Buffet lunch (Paleisstraat 1)
14.00 – 14.30	Key conclusions and next steps
Questions for discussion	<ul style="list-style-type: none"> • What are the key take away policy lessons from the workshop? • What are the next steps? • What policy questions on measuring regulatory performance are important to address in future workshops?
14.30 – 14.45	Closing remarks
Speakers	<ul style="list-style-type: none"> • Gary Banks, Chair of the Regulatory Policy Committee and Dean of the Australia New Zealand School of Government, Australia • Céline Kauffmann and Christiane Arndt, OECD