EMBEDDING REGULATORY POLICY IN LAW AND PRACTICE

7th Expert Meeting on Measuring Regulatory Performance

Hosted by the Prime Minister of Iceland, Mr. Sigmundur Davíð Gunnlaugsson

AGENDA

Reykjavik, Iceland

18-19 June 2015

FOR MORE INFORMATION ABOUT THE MEETING, PLEASE CONTACT:

For content: Christiane Arndt  E-mail: christiane.arndt@oecd.org
For organisational purposes: Elvira Berrueta Imaz   elvira.berrueta-imaz@oecd.org
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 and evidence-based policy-making. Regulatory policy, alongside the ability to tax and spend is the key method by which governments are able to make a positive difference to the lives of their citizens and improve social welfare. The forthcoming Regulatory Policy Outlook 2015 and the Regulatory Indicators Survey find that most OECD countries report having an explicit published regulatory policy and that most countries have formal requirements in place for key practices such as RIA and consultation. The next step therefore is to ensure these policies are consistently implemented in practice.

2. The evidence shows that regulatory policy is rarely expressed in a single high-level document. There is no blueprint or a model legal text to embed these policies into law. The survey also found that the formal process of developing regulations is largely limited to the executive. In the majority of countries, there is no requirement to conduct public consultations or regulatory impact analysis for proposed changes in regulation that are initiated by the parliament. Embedding regulatory policy in law and statutory requirements can encourage its systematic adoption across the whole of government and ensure that a consistent minimum standard is always required. It can also help insulate regulatory policy requirements from being inconsistently applied over time, as the topic of regulatory policy rises or falls in the political agenda.

3. There also remains considerable scope for improving the collection of systematic information on the implementation of key practices. Only one country, for instance, reported regularly publishing performance reports on consultation practices. Two countries reported regularly publishing performance reports on ex-post evaluation, and 6 reported collecting information on the number of regulations on which ex-post evaluation had been conducted. In contrast, eleven countries regularly publish reports on RIA, and 8 publish statistics on the number of RIAs conducted. Collecting this information is a key part of creating a clear framework of accountability and can help governments identify the areas in need of reform.

Objectives of the meeting

4. This meeting aims to help countries identify the challenges to the consistent implementation of regulatory policy and the practices that can help ensure that regulatory policy is embedded in both law and practice. The breakout sessions and plenary discussion will consider the key information and data needed to communicate progress in implementation and quickly locate the areas where the regulatory policy objectives are not being met. The results of the workshop will feed into the forthcoming Best Practice Principles on RIA, ex-post evaluation and consultation.

The OECD Program 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/gov/regulatory-policy/measuring-regulatory-performance.htm). 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, Estonia, 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

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

**Day 1 - 18 June 2015:**

- **Morning:** a keynote speech by Mr. Sigmundur Davíð Gunnlaugsson, Prime Minister of the Republic of Iceland followed by an open conference on reflections on sustainability of regulatory policy and options to embed regulatory policy in law and practice.

- **Afternoon:** closed-door workshop with RPC Delegates and experts organised around three parallel breakout sessions. These sessions will be moderated by the OECD Secretariat, and will centre on the 3 following topics:
  
  o Improving evidence based policy making through RIA
  o Supporting open regulatory policy
  o Closing the regulatory governance cycle through ex-post evaluation

7. The three breakout sessions will touch upon different aspects of evaluating the elements in the regulatory policy cycle, with the general objective to help countries identify the data and information countries need to track the progress in implementing different regulatory tools.

**Day 2 - 19 June 2014:**

- **Morning:** open plenary discussion to discuss the results of the breakout sessions.

- **Morning:** open plenary discussion on communicating the benefits of regulatory policy.

- **Afternoon:** meeting of the Steering Group on Measuring Regulatory Performance

**Chatham House rules**

8. 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 elvira.berrueta-imaz@oecd.org until 6 July if their slides/one-page summaries should not be posted online.

Acknowledgements

9. The Secretariat is grateful to the Icelandic Prime Minister’s office 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 http://www.oecd.org/gov/regulatory-policy. 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 Elvira Berrueta Imaz (elvira.berrueta-imaz@oecd.org).
# 7th EXPERT MEETING – OPENING CONFERENCE

**Day 1 – Thursday, 18 June 2015 (09.30 – 13.00)**  
*The Hilton Reykjavik Nordica Hotel*

Open to all registered participants

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

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>08.30</td>
<td>Registration for the Conference and the Workshop. A welcome coffee will be served at 08h30 outside the room. Participants are kindly asked to be seated at 09.30.</td>
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<tr>
<td>09.30 – 09.50</td>
<td><strong>Keynote speech</strong></td>
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<td>Speaker: Sigmundur Davíð Gunnlaugsson, Prime Minister of the Republic of Iceland</td>
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<tr>
<td>09.50 – 10.05</td>
<td><strong>Opening remarks</strong></td>
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<td>Speaker: Luiz de Mello, Deputy Director, OECD Public Governance and Territorial Development Directorate</td>
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<tr>
<td>10.05 – 10.35</td>
<td><strong>Reflections on sustainability of regulatory policy</strong></td>
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<td><strong>Objective</strong> Share reflections on the success factors to ensure regulatory policy is implemented in the long-run and whether embedding regulatory policy in law is necessary and sufficient to ensure it is implemented in practice.</td>
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<td><strong>Speaker</strong> - Gary Banks, Chair of the OECD Regulatory Policy Committee, and Dean of the Australia and New Zealand School of Government, Australia</td>
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<tr>
<td>10.35 – 11.15</td>
<td><strong>Options to embed regulatory policy in law - an academic perspective</strong></td>
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<td><strong>Objective</strong> Identify the pros and cons of the different options to embed regulatory policy and governance in law, including consideration of the role of both the executive and parliament.</td>
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|        | **Speaker** - Tony Prosser, Professor of Public Law, University of Bristol  
<p>|        | Discussant: Gunnar Haraldsson, Economist, University of Iceland, Chairman of the Consultative Committee on Better Regulation |
| 11.15 – 11.40 | <strong>Coffee break</strong>                                                        |</p>
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<tr>
<th>11.40 – 13.00</th>
<th>Panel discussion – “Sustainable regulatory policy: from law to practice”</th>
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<td><strong>Objective</strong></td>
<td>Identify ways to sustain high-level policy commitment to regulatory policy and ensure regulatory policy is implemented in practice.</td>
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| **Questions for discussion** | • How do OECD countries sustain high-level policy commitment to regulatory policy?  
  • How can countries ensure regulatory policy is implemented in practice?  
  • What is the role of parliament in embedding regulatory policy in law and practice? How can parliament and the executive work together to improve regulatory policy?  
  • How do governments and civil society know whether regulatory policy is systematically implemented? What data and information is needed to track progress? |
| **Speakers** | • Katrín Jakobsdóttir, Member of Parliament, Iceland  
  • Andrea Budgell, Senior Advisor Regulatory Affairs, Treasury Board of Canada Secretariat  
  • Céline Kauffmann, Deputy Head of OECD Regulatory Policy Division  
  • Bernhard Welschke, Secretary General, Business and Industry Advisory Committee (BIAC)  
  **Moderator:** Luiz de Mello, Deputy Director, OECD Public Governance and Territorial Development Directorate |
| **13.00 – 14.30** | **Lunch (Hilton Reykjavik Nordica Hotel)**  
  Breakout meeting in Icelandic on the relations between Parliament and the Executive in the regulatory process (voluntary). |
### CLOSED-DOOR WORKSHOP: How to measure the implementation of regulatory policy in practice?

14.30 – 17.45

*Open to RPC Delegates and experts only*

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

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<tr>
<td>14.30 – 15.00</td>
<td>Measuring the implementation of regulatory policy in practice – an overview</td>
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<td><strong>Objective</strong></td>
<td>Provide an overview of how OECD countries measure the implementation of regulatory policy in practice.</td>
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<td><strong>Speakers</strong></td>
<td>- Nick Malyshev, Head of Regulatory Policy Division, and Christiane Arndt, Programme Co-ordinator Measuring Regulatory Performance, OECD</td>
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| 15.00 – 17.30 | BREAKOUT SESSIONS  
*Coffee break at 4pm* |

#### Breakout session 1 – Improving evidence based policy making through RIA (Room F+G)

**Objective**
Identify what data and information countries need to track progress in implementing RIA and how to use it for communicating progress and getting high-level political support. This session will build on the findings of the regulatory indicators survey 2014 and feed into the forthcoming Best Practice Principles on RIA.

**Questions for discussion**
- What statistics and information are already available to track progress in implementing RIA and what are the gaps that need to be filled?
- What are the benefits of collecting and using the information?
- What are the challenges in collecting the information and how can they be addressed?

**Speakers**
- Introduction: Céline Kauffmann, Deputy Head of Regulatory Policy Division; and Antonia Custance Baker, Policy Analyst, Regulatory Policy Division, OECD
- Monika Beniulyte, Deputy Head, Better Regulation Policy Unit, Ministry of Economy, Lithuania
- Roland Schneider, Federal Performance Management Office, Federal Chancellery, Austria
**Breakout session 2 – Supporting open regulatory policy (Room I)**

| **Objective** | Identify what data and information countries need to track progress in implementing open stakeholder engagement and how to use it for communicating progress and getting high-level political support. This session will build on the findings of the regulatory indicators survey 2014 and feed into the forthcoming Best Practice Principles on stakeholder engagement. |
| **Questions for discussion** | - What statistics and information are already available to track progress in implementing stakeholder engagement and what are the gaps that need to be filled?  
- What are the benefits of collecting and using the information?  
- What are the challenges in collecting the information and how can they be addressed? |
| **Speakers** | - Introduction: Daniel Trnka, Senior Policy Analyst; and Rebecca Schultz, Junior Policy Analyst, Regulatory Policy Division, OECD  
- Helena Braun, Advisor of Better Regulation Legislative Policy Department, Ministry of Justice, Estonia  
- Janja Jenc, Senior Adviser, Better Regulation, Administrative Processes and Quality Service, Ministry of Public Administration, Slovenia |

**Breakout session 3 – Closing the regulatory governance cycle through ex-post evaluation (Room H)**

| **Objective** | Identify what data and information countries need to track progress in implementing ex-post evaluation and how to use it for communicating progress and getting high-level political support. This session will build on the findings of the regulatory indicators survey 2014 and feed into the forthcoming Best Practice Principles on ex-post evaluation. |
| **Questions for discussion** | - What statistics and information are already available to track progress in implementing ex-post evaluation and what are the gaps that need to be filled?  
- What are the benefits of collecting and using the information?  
- What are the challenges in collecting the information and how can they be addressed? |
| **Speakers** | - Introduction: Nick Malyshev, Head of Regulatory Policy Division, and Christiane Arndt, Programme Co-ordinator Measuring Regulatory Performance, OECD  
- Gary Banks, Chair of the OECD Regulatory Policy Committee, and Dean of the Australia and New Zealand School of Government, Australia |
• Stephan Naundorf, Advisor to the Minister of State Helge Braun and Representative of the Better Regulation Unit, Federal Chancellery, Germany

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<tr>
<th>17.30</th>
<th>End of breakout sessions</th>
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<tr>
<th>18.15</th>
<th>Reception hosted by the Prime Minister of Iceland</th>
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# CLOSED-DOOR WORKSHOP

**Day 2: Friday, 19 June 2015 (9.30 – 14.30)**  
*(Hilton Reykjavik Nordica Hotel)*  
*Open to RPC Delegates and experts only*

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

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<th>Activity</th>
<th>Details</th>
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| 09.30 – 11.00 | **Plenary and table discussion: “Tracking progress in implementing regulatory policy”**<br>**Results and findings of breakout sessions 1,2 and 3** | **Objective**  
Identify key evidence that countries need to track progress in implementing regulatory policy and insights into how this can be used to communicate progress and sustain commitment to regulatory policy. This session will build on the findings of the regulatory indicators survey 2014 and feed into the forthcoming Best Practice Principles on RIA, ex-post evaluation and consultation.  
**Questions for discussion**  
- What statistics and information are needed to systematically track progress in implementing regulatory policy?  
- What are the benefits of collecting and using the information?  
- What are the challenges in collecting the information and how can they be addressed?  
**Speakers**  
Rapporteur break-out session 1: Uschi Anthamatten, Scientific Advisor, Regulation Analysis DPRA, State Secretariat for Economic Affairs (SECO), Switzerland  
Rapporteur break-out session 2: Iveta Šimončičová, State Counsellor, Department for Analysis and Planning, Ministry of Economy, Slovak Republic  
Rapporteur break-out session 3: Kate Maxwell, Assistant Director, Europe and International Team Better Regulation Executive, Department for Business Innovation & Skills (BIS), UK  
Moderator: Christiane Arndt, Programme Co-ordinator Measuring Regulatory Performance; Regulatory Policy Division, OECD |
| 11.00 – 11.30 | **Coffee break** |                                                                                                                                         |
| 11.30 – 12.15 | **Plenary discussion: Communicating the benefits of regulatory policy** | **Objective**  
Identify ways to communicate the benefits of regulatory policy to ensure commitment to regulatory policy.  
**Speakers**  
- Stephan Naundorf, Advisor to the Minister of State Helge Braun and Representative of the Better Regulation Unit, Federal Chancellery, Germany |
<table>
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<tr>
<th>Time</th>
<th>Session Description</th>
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<tbody>
<tr>
<td>12.15 – 12.30</td>
<td>Closing remarks</td>
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<td><strong>Speakers</strong></td>
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<td></td>
<td>Céline Kauffmann, Deputy Head of Regulatory Policy Division: and Christiane Arndt, Programme Co-ordinator Measuring Regulatory Performance; OECD</td>
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<tr>
<td>12.30 – 14.00</td>
<td><strong>Lunch (Hilton Reykjavik Nordica Hotel)</strong></td>
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</tbody>
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**14.30 – 17.30: Meeting of the Steering Group on Measuring Regulatory Performance**

- Dissemination of the Outlook and indicators
- From the Outlook to the best practice principles
- Key conclusions of the workshop and next steps