Argentina

Argentina is in the early stages of implementing its regulatory policy

Argentina has enacted several legal instruments for the promotion of good regulatory practices. These instruments promote the use of *ex ante* assessment, administrative simplification and stakeholder engagement for the development of subordinate regulations. The coordination of these initiatives is spread out between two bodies. Since 2018, the Legal and Technical Secretariat has been responsible for coordinating the implementation and improvement of good regulatory practices. Likewise, the Group of Regulatory Policy coordinates good regulatory practices initiatives, provides support and promotes regulatory quality at the national level. Coordinating and promoting regulatory policy is a step in the right direction. Nevertheless, Argentina should aim to have an articulated and fully-fledged regulatory policy bringing together institutions, public policies and government actions to improve regulatory quality into a single coherent framework.

**Stakeholder Engagement in Argentina is not systematic in practice**

Even though there is a legal requirement to conduct stakeholder engagement for the development of subordinate regulation, this is not mandatory to all entities of the executive. Consultation is only mandatory for the development of subordinate regulations of specific regulated sectors. Nevertheless, some regulators have their own guidelines for consultation during the development of their regulations; and there are instruments that promote the use of consultation mechanisms as a way of better understanding policy problems. Despite having a centralized interactive website for public consultation, where all entities of the public administration can post their draft regulations for stakeholders to provide feedback, and where these regulators can respond to stakeholders’ comments, its use is not widespread. Moving forward, Argentina should consider establishing an oversight mechanism for these practices. Effective supervision of regulatory management tools can help consolidate and articulate the current disconnected efforts and promote its adoption more widely.

**Argentina is starting to introduce ex ante assessment for subordinate regulations**

Until recently, the evaluation of draft regulations was limited to assessing their legal quality. After the enactment of Decree 891 that, among other things, promotes the use of *ex ante* assessment, Argentina is at the early stage of introducing Cost-Benefit Analysis for the assessment of subordinate regulations. This step aimed at producing evidence-based regulations should be further developed into a RIA system. Additionally, an oversight body to coordinate and evaluate the quality of these assessments should be considered.

**Argentina has initial efforts of ex post evaluation, but not a systematic policy**

In 2018, Argentina eliminated and modified more than 100 regulations that were obsolete or unnecessary, including regulations from specific economic areas (i.e., public goods administration, SMEs and businesses). Additional to this, Argentina requires entities of the national public administration to simplify their existing administrative procedures so as to minimise regulatory burdens. These efforts should include all subordinate regulations, instead of being limited to those that create administrative procedures.

**Spotlight: ICT tools for administrative simplification**

Argentina has gradually developed a broad policy based on the use of ICT tools for conducting administrative procedures. This policy, introduced by Decree 434/2016 and headed by the Administrative Modernisation Secretariat, aims at a complete digitalisation of all internal government processes in order to reduce the costs of administrative procedures for the administration, businesses and citizens. Some exemplary initiatives introduced throughout the years are: the System of Electronic Management of Files (GDE), a platform making the use of digital files mandatory for the public administration; the Trámites a Distancia system allowing citizens and businesses to exchange and submit information to conduct formalities; and the Electronic Authentication Platform to verify the identity of citizens to secure, simplify and facilitate their interaction with government agencies.
Administrative simplification and review of existing regulations, 2019

<table>
<thead>
<tr>
<th>Administrative simplification processes in the last four years</th>
<th>Conducted reviews that include an analysis of whether the objectives of the regulation have been achieved</th>
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<tbody>
<tr>
<td>ARG</td>
<td>Yes No</td>
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<tr>
<td>LAC</td>
<td>10 0 2 8 3 7</td>
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Source: OECD Indicators of Regulatory Policy and Governance (iREG) for Latin America 2019, [http://oe.cd/ireg-lac](http://oe.cd/ireg-lac)
Indicators of Regulatory Policy and Governance for Latin America 2019

The Indicators of Regulatory Policy and Governance (iREG) for Latin America 2019 provide an up-to-date overview of regulatory systems in selected Latin American and Caribbean (LAC) countries, by which they develop, implement and evaluate regulations. The indicators partially cover three principles of the 2012 OECD Recommendation on Regulatory Policy and Governance: 1) stakeholder engagement; 2) regulatory impact assessment (RIA); and 3) ex post evaluation and administrative simplification.

The composite indicator on stakeholder engagement for developing regulations measures the adoption of good practices to engage with interested parties when developing new regulations, including different methods and openness of consultations as well as transparency and response to comments received. It consolidates information into four equally weighted categories:

- **Systematic adoption** records formal requirements and how often and at what stage in the rulemaking process these requirements are conducted in practice.
- **Methodology** gathers information on the methods used to engage with stakeholders, e.g. forms of consultation and documents to support them.
- **Oversight and quality control** records the role of oversight bodies and publicly available evaluations of the consultation system.
- **Transparency** records information from the questions that relate to the principles of open government, e.g. whether consultations are open to the general public and if comments and responses by authorities are published.

The LAC iREG is based on the results of the 2015 and 2019 Indicators of Regulatory Policy and Governance Survey jointly conducted by the OECD and the Inter-American Development Bank (IDB). The survey gathers information from 7 countries for 2015 and 10 countries in 2019 in Latin America and the Caribbean, with a particular focus on stakeholder engagement. The data underlying the composite indicator reflect practices and requirements put in place at the national level of government, as of 31 March 2019.

Whilst the indicators provide an overview of a country’s regulatory system, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform.

Further analysis based on the LAC iREG and other indicators to benchmark government performance in the region can be found in the Government at a Glance - Latin America and the Caribbean 2020 publication.

An in-depth analysis of regulatory practices amongst OECD countries including composite indicators in the areas of stakeholder engagement, RIA and ex post evaluation can be found in the OECD Regulatory Policy Outlook 2018.