Colombia’s regulatory policy establishes an institutional mechanism to promote regulatory quality, building capacities for RIA, carrying out RIA for subordinate regulations, requiring regulators to consult with stakeholders prior to the issuance of regulation, and reducing administrative burdens. The National Development Plan, and the policy document CONPES 3816/2014 create the framework for the country’s regulatory policy. The most recent National Development Plan for 2018–2022 reiterates the need to further reduce regulatory burdens, as well as to strengthen regulatory quality. It mandates that existing regulations be evaluated to determine their effectiveness, and that RIA be conducted for new regulations. Likewise, it aims to increase the transparency and openness of the regulatory process by creating a centralised online consultation system that fosters public participation.

Consultations are carried out systematically on draft regulations but could be more homogeneous across the administration

All regulators are formally required to consult with stakeholders in the preparation of regulations, in line with the Code of Administrative Procedure and Administrative Litigation. In practice, regulators consult with stakeholders on draft subordinate regulations, and engage with stakeholders at an early stage of the regulatory-making process only for some regulations. Nevertheless, there is no homogenous guidelines or procedures that regulators have to follow. Each Ministry still uses their own website to seek comments from the general public, even though the country is currently consolidating its consultations through the centralised public consultation system (SUCOP). The consultation mechanisms include consulting with interest groups, having informal sectoral consultations and roundtables at different stages of the regulatory process. Colombia could benefit from promoting the use of their centralised public consultation system, which would aid in systematising the requirement to consult with stakeholders.

Colombia has started to adopt RIA and ex post evaluations

The government of Colombia has started its RIA implementation focused on technical regulations. To improve the evidence-base for regulations, it will be important to further expand its adoption in the future to all regulations. Ex post evaluation has been gradually implemented by the regulatory agencies in telecommunications, energy, transport and water for the review of existing regulations. In addition to this, in recent years Colombia has carried out several initiatives to reduce administrative burdens of regulations and administrative procedures both at the national and at the sub-national level.

The institutional landscape for regulatory policy is divided into multiple oversight institutions

The National Planning Department (DNP) is responsible for systematic improvement and advocacy across the government, issuing guidance on regulatory management tools and ensuring co-ordination amongst entities. The mandate of the Public Function Administrative Department includes identifying policy areas where there is possibility for reducing red tape. The Ministry of Commerce, Industry and Tourism is in charge of the National Quality Subsystem that covers the development of technical regulation. It oversees public consultation on technical regulation and, starting in 2018 also ex ante evaluations in co-ordination with the guidance of the DNP.

Spotlight: Single System for Public Consultation (SUCOP)

SUCOP is a digital platform that centralises stakeholder engagement practices across all government entities, which was introduced in May 2018 as part of the 2018-2022 National Development Plan of Colombia. SUCOP constitutes a single portal providing citizens and businesses with ready access to existing and forthcoming regulations and administrative acts. It allows stakeholders to actively participate in the processes of public consultation for these proposals, by providing comments and observations, as well as by monitoring responses from regulatory entities. This single platform fosters better coordination between government entities involved in the regulatory-making process.
iREG composite indicator: Stakeholder engagement during the development of subordinate regulations, 2016 and

Note: The more regulatory practices as advocated in the OECD Recommendation on Regulatory Policy and Governance a country has implemented, the higher its iREG score.

Stakeholder engagement and RIA during the development of subordinate regulations, 2019
Source: OECD Indicators of Regulatory Policy and Governance (iREG) for Latin America 2019, http://oe.cd/ireg-lac

Administrative simplification and review of existing regulations, 2019
Source: OECD Indicators of Regulatory Policy and Governance (iREG) for Latin America 2019, 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.

**LINKS**
- Indicators and underlying data
- Regulatory policy in Latin America and the Caribbean
- Regulatory Policy Outlook 2018
- OECD work on regulatory policy
- Government at a Glance - Latin America and the Caribbean 2020

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![Diagram](image.png)