

OECD Regulatory Policy Outlook 2015

Country profile

Poland



Access links

- **OECD Regulatory Policy Outlook 2015:** www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm
- **Indicators of Regulatory Policy and Governance and the underlying data:** www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm
- **Regulatory policy in Poland:** www.oecd.org/regreform/regulatory-policy/regulatory-policy-poland.htm
- **Regulatory Policy Outlook country profiles:** www.oecd.org/regreform/regulatory-policy/outlook-country-profiles.htm
- **OECD regulatory policy website:** www.oecd.org/governance/regulatory-policy/

Overview

Poland has substantially improved its regulatory policy system over the last years. The government introduced a central online system to provide access to the general public to RIA and other documents sent for consultation to selected groups such as trade unions and business. Public consultation is conducted for some proposals over the internet in a pilot project allowing users to comment on draft legislation and RIAs and to view comments provided by others. New guidelines for RIA, consultation and *ex post* evaluation have been prepared for adoption in 2015, providing more detailed guidance and stronger emphasis on public consultation.

The Ministry of Economy co-ordinates the implementation of the Better Regulation Programme 2015 and reports to the Council of Ministers. The Programme has been prepared in co-operation with the Chancellery of the Prime Minister, which oversees the quality of RIA, and the Government Legislation Centre, in charge of ensuring legal quality.

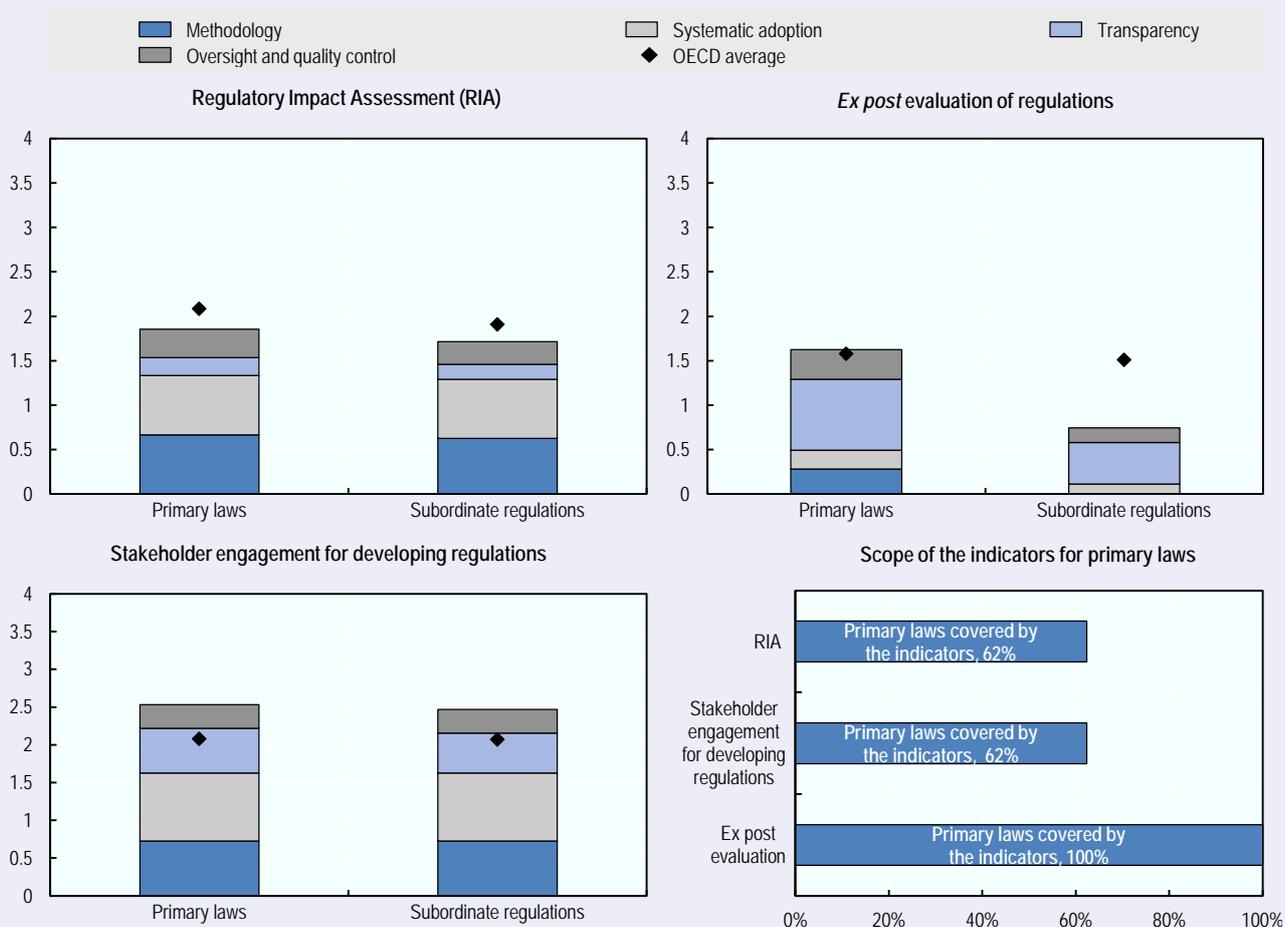
Like many countries Poland faces challenges to fully implement its regulatory policy requirements and to ensure that RIA and consultation comments are actually used to improve decision making. For example, minimum periods for consultation with stakeholders are not always respected. Poland may also extend its online public consultation system and consider using instruments such as green papers more systematically for early-stage consultation to identify options for addressing a policy problem and to avoid “regulating by default”. Steps taken in 2014 to introduce *ex post* evaluation of regulations are encouraging. Poland would further benefit from establishing an independent standing capacity to regularly undertake comprehensive in-depth reviews of regulations in specific areas in order to inform structural reforms.



Spotlight: Pilot system for public online consultation

Following its “Better Regulations Programme 2015” launched in 2013, Poland implemented a pilot public online consultation system (www.konsultacje.gov.pl). For selected legislative projects, any member of the public can comment on the draft legislation and its accompanying RIA by posting remarks on-line on paragraphs or articles, or by supporting remarks posted earlier by other users. So far, about 90 legislative proposals have been published and about 280 comments were received, which is a lower rate compared to the number of comments submitted in paper form. Increasing responsiveness to the website, ensuring support of the public for consultation processes, and enhancing the public’s trust in the usefulness of online consultation remain challenges for the near future, as experience shows that many stakeholders still do not believe that their voice will be considered by the authorities in the legislative process.

Indicators of Regulatory Policy and Governance 2015



1. The figures display the aggregated scores from all four categories giving the total composite score for each indicator. The maximum score for each category is one and the maximum score for each aggregated indicator is four.
2. The information presented in the indicators for primary laws on RIA and stakeholder engagement only covers processes of developing primary laws that are carried out by the executive branch of the national government. As in Poland approx. 62% of primary laws are initiated by the executive, the indicators on RIA and stakeholder engagement cover approx. 62% of primary laws. There is no formal requirement in Poland for consultation with the general public and for conducting RIAs to inform the development of primary laws initiated by parliament. The information presented in the indicators for primary laws on ex post evaluation covers processes in place for both primary laws initiated by parliament and by the executive. The percentage of primary laws initiated by parliament is an average between the years 2011 to 2013.

Source: 2014 Regulatory Indicators Survey results, www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm.

Statlink: <http://dx.doi.org/10.1787/888933263293>

Indicators of Regulatory Policy and Governance (iREG)

The three composite indicators provide an overview of a country's practices in the areas of stakeholder engagement, Regulatory Impact Assessment (RIA) and *ex post* evaluation. Each indicator comprises four equally weighted categories:

- Systematic adoption which records formal requirements and how often these requirements are conducted in practice.
- Methodology which gathers information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used.
- Oversight and quality control records the role of oversight bodies and publically available evaluations.
- Transparency records information from the questions that relate to the principles of open government, e.g. whether government decisions are made publically available.



The composite indicators are based on the results of the *OECD 2014 Regulatory Indicators Survey*, which gathers information from all 34 OECD countries and the European Commission as of 31 December 2014. The survey focuses on regulatory policy practices as described in the 2012 *OECD Recommendation on Regulatory Policy and Governance*. The more of these practices a country has adopted, the higher its indicator score. Further information on the methodology is available online at www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm.

Whilst the indicators provide an overview of a country's regulatory framework, 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.

OECD Regulatory Policy Outlook 2015

The *OECD Regulatory Policy Outlook* (www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm) provides the first evidence-based, cross-country analysis of the progress made by OECD countries in improving the way they regulate. Findings are based on the results of the *OECD 2014 Regulatory Indicators Survey*.

Key findings:

- Laws and regulations are essential instruments, together with taxes and spending, in attaining policy objectives such as economic growth, social welfare and environmental protection. OECD countries have generally committed at the highest political level to an explicit whole-of-government policy for regulatory quality and have established a standing body charged with regulatory oversight.
- Implementation of regulatory policy varies greatly in scope and form across countries. While RIA has been widely adopted, few countries systematically assess whether their laws and regulations achieve their objectives. Stakeholder engagement on rule making is widespread in OECD countries, taking place mostly in the final phase of developing regulation.
- The national executive government has made important progress over the last decade to improve the quality of regulations. Parliaments, regulatory agencies and sub-national and international levels of government need to be more engaged to ensure that there are evidence-based and efficient laws and regulations for stimulating economic activity and promoting well-being.
- The impact of regulatory policy could be further improved by addressing shortcomings in the implementation and enforcement of regulations and by considering new approaches to regulatory design and delivery such as those based on behavioural economics.

Contact information:

Christiane Arndt, Head of Programme, Measuring Regulatory Performance, christiane.arndt@oecd.org and Céline Kauffmann, Deputy Head of Division, Regulatory Policy, celine.kauffmann@oecd.org