

OECD Regulatory Policy Outlook 2015

Country profile

TURKEY



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 Turkey:** www.oecd.org/regreform/regulatory-policy/regulatory-policy-turkey.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

Turkey started its better regulation agenda in the early 2000s. The “By-Law on Principles and Procedures of Drafting Legislation” decree issued 17 February 2006 by the Council of Ministers (referred to as the By-Law), is the foundational framework for improving and maintaining legal and regulatory quality in Turkey.

The By-Law includes provisions for stakeholder engagement and Regulatory Impact Assessments (RIA). The requirements for RIA were further elaborated in the Prime Ministerial Circular on RIA, issued 3 April 2007 in the Official Gazette. This provided guidelines, roles and responsibilities including for the Better Regulation Group, which is the central oversight body at the Prime Ministry.

In addition, Turkey has conducted burden reduction initiatives through simplification programmes in 2005 and 2009. It reviewed over 14 000 laws, created one-stop shops, and used e government tools to improve citizen and business experiences of regulation.

In order to build on the existing legal framework and to improve the regulatory environment, there should be greater enforcement and monitoring of the requirements that have been put in place. The Better Regulation Group could systematically monitor compliance with the *By-Law* and publish the results to incentivise ministries and regulatory agencies. Making better use of ICT in public consultations to make them “two-way” and document those who have been consulted would help enable more interactive stakeholder engagement and encourage the consultation process to be more transparent. The practice of *ex post* evaluation should be systemised to inform new policy design as well as assess the progress of existing interventions.



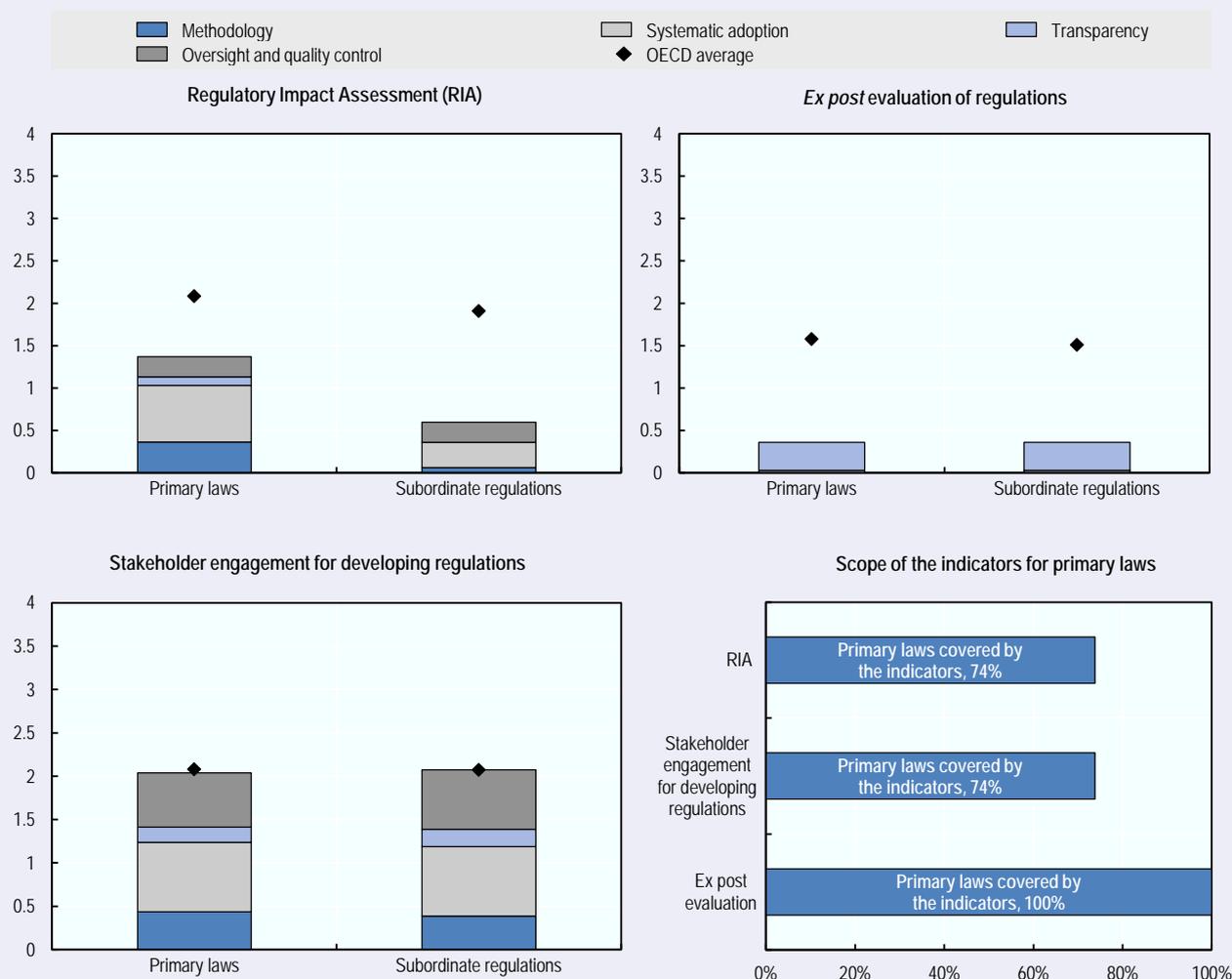
Spotlight: RIA threshold requirements in Turkey

According to the 2006 By-Law on Principles and Procedures of Drafting Legislation, full Regulatory Impact Assessments are required when:

- The effect of draft laws and decrees are estimated to exceed TRY 10 million (USD 8 million).
- The Prime Ministry has requested a RIA regardless of the estimated impact or type of legislation. This may be due to concerns from citizens or business.

However, draft legislation related to national security and national budget is excluded from RIA requirements. RIA is carried out by the proposing ministry or public agency proposing the legislation. For proposals with an estimated impact of under TRY 10 million, a partial RIA is required which does include a quantified impact analysis.

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 Turkey approx. 74% of primary laws are initiated by the executive, the indicators on RIA and stakeholder engagement cover approx. 74% of primary laws. There is no formal requirement in Turkey 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/10.1787/888933263364>

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.

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