Luxembourg
Overview and recent developments

Since 2015, Luxembourg has made some minor improvements to its regulatory management tools. Digital means of consultations are now undertaken in Luxembourg, albeit not systematically. Members of the public can now choose to participate in some consultations through a central government website in addition to ministry websites. Over time, it will be important to expand the usage of the central website to all regulatory proposals.

RIA is undertaken for all regulations in Luxembourg and takes the form of a checklist mainly focussing on administrative burdens and enforcement costs. In order to enhance the usefulness of RIA, the analysis included in the impact assessments could be deepened and extended to other types of impacts and benefits of regulation. While Luxembourg currently refers to European Commission best practice instead of providing own guidance material, the limited current focus of RIA in Luxembourg does not reflect EC standards. Luxembourg may consider creating bespoke guidance material to enhance domestic support for regulatory policy.

Ex post evaluations have been undertaken in Luxembourg although they remain an inconsistently applied regulatory management tool. Putting in place an evaluation framework, including a clear methodology, could help to ensure that regulations remain fit for purpose.

INSTITUTIONAL SETUP FOR REGULATORY OVERSIGHT

The Ministry of the Civil Service and Administrative Reform is the central oversight body responsible for quality control of regulatory management tools in Luxembourg. Its oversight functions apply to stakeholder engagement, RIA, and ex post evaluations; however it has no gatekeeper role with respect to any of these areas. It does however provide advice and guidance to ministries in the use of these regulatory management tools. It is also responsible for a range of other oversight functions including the evaluation of regulatory policy, identifying areas where regulation can be made effective, and co-ordination on regulatory policy. The Council of State is an arm's length body that is responsible for providing legal scrutiny of regulatory proposals. It has a gatekeeper function with the possibility of stopping a regulation from proceeding any further where it considers that certain legal criteria have not been met.
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.


**INDICATORS OF REGULATORY POLICY AND GOVERNANCE (IREG): LUXEMBOURG, 2018**

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**REQUIREMENTS TO USE REGULATORY MANAGEMENT TOOLS FOR EU-MADE LAWS: LUXEMBOURG**

**Development Stage**

The government facilitates the engagement of domestic stakeholders in the European Commission's consultation process

**Negotiation stage**

Stakeholder engagement is required to define the negotiating position for EU directives/regulations

Consultation is required to be open to the general public

**Transposition stage**

Stakeholder engagement is required when transposing EU directives

The same requirements and processes apply as for domestically made laws

Consultation is required to be open to the general public

Regulatory Impact Assessment (RIA)

RIA is required when transposing EU directives

The same requirements and processes for RIA apply as for domestically made laws

RIA includes a specific assessment of provisions added at the national level beyond those in the EU directives

RIA distinguishes between impacts stemming from EU requirements and additional national implementation measures

The data presented in the 2019 Better Regulation Practices across the EU report are the results of the 2014 and 2017 indicators of Regulatory Policy and Governance (iREG) surveys. The results from these surveys for OECD members and accession countries as well as the European Union have also been presented in the 2015 and 2018 Regulatory Policy Outlooks. Composite indicators and country profiles for the five EU countries that are not members of the OECD are published for the first time and are solely based on the data from the 2017 iREG survey.

The Regulatory Indicators Survey investigates in detail three principles of the 2012 OECD Recommendation of the Council on Regulatory Policy and Governance: stakeholder engagement, regulatory impact assessment (RIA) and ex post evaluation. Three composite indicators were developed based on information collected through the surveys for these areas. Each composite indicator is composed of 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 publicly available evaluations; and

- **Transparency** which records information from the questions that relate to the principles of open government e.g. whether government decisions are made publicly available.

The data underlying the composite indicator reflect practices and requirements in place at the national level of government, as of 31 December 2017. Whilst the indicators provide an overview of a country’s regulatory policy 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. A full score on the composite indicators does not imply full implementation of the Recommendation. To ensure full transparency, the methodology for constructing the composite indicators and underlying data as well as the results of sensitivity analysis are available publicly on the OECD website (http://oe.cd/ireg).

Related links:

- **Full report: Better Regulation Practices across the European Union**
- **Indicators and underlying data and methodology**
- **2012 Recommendation of the Council on Regulatory Policy and Governance**
- **OECD Measuring Regulatory Performance Programme**
- **OECD work on regulatory policy**

For more information:

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- http://oe.cd/ireg