Poland
Overview and recent developments

Poland has made a number of changes to its regulatory management practices since 2015, based on the new rules of work of the Council of Ministers, which was an activity within the Better Regulation Programme. The rules applying to the Council of Ministers which took effect in 2015 introduced public consultation as a general principle of the regulation making process, as well as requiring a consultation report. In the event that consultation does not take place, ministries are required to provide detailed justifications in Regulatory Impact Assessment (RIA). There has been a significant improvement in stakeholder engagement with the general public via the introduction of a central government website; and the government also maintains an active list of participants who have stated that they wish to be informed about regulatory proposals.

RIAs are required for all laws and regulations. Changes in 2014 have included the development of new guidelines on impact assessment and the dissemination of standardised RIA forms. *Ex post* evaluations can be required at the request of the Council of Ministers or subsidiary bodies, and further actions in the area of systematic regulatory review particularly focused on cutting red tape are planned to commence in 2018. Over time, *ex post* evaluations could be broadened beyond administrative burdens and focus more on the total social, economic, and environmental impacts of regulation.

Regulatory policy requirements for the executive do not apply to laws initiated by parliament, which constituted almost 40% of all laws passed on average between 2014 and 2016. Nevertheless RIAs are expected for all legislative initiatives introduced by the Senate based on standards set by the Council of Ministers.

INSTITUTIONAL SETUP FOR REGULATORY OVERSIGHT

The **Chancellery of the Prime Minister** is responsible for the central oversight of regulatory management tools in Poland. The Ministry of Economic Development is responsible for the systematic improvement of regulation and the better regulation agenda in Poland. The **Coordinator of RIA and the Government Programming Board** are jointly responsible for providing quality control of stakeholder engagement and RIA, with the Board also being responsible for quality checking *ex post* evaluations. The **Legislative Council** is responsible for providing legal scrutiny on the quality of regulatory proposals. Parliamentary oversight is limited to legal scrutiny and is provided for both laws initiated in the executive and by parliament by the **Legislative Office in the Chancellery of the Senate**, and by both the Bureau of Research and the **Legislative Bureau in the Chancellery of the Sejm**, respectively.
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. The indicators on stakeholder engagement and RIA for primary laws only cover those initiated by the executive (57% of all primary laws in Poland).


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

<table>
<thead>
<tr>
<th>Stakeholder engagement</th>
<th>Regulatory impact assessment</th>
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<tbody>
<tr>
<td><strong>Development Stage</strong></td>
<td></td>
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<tr>
<td>The government facilitates the engagement of domestic stakeholders in the European Commission’s consultation process</td>
<td>Yes</td>
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<tr>
<td><strong>Negotiation stage</strong></td>
<td></td>
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<tr>
<td>Stakeholder engagement is required to define the negotiating position for EU directives/regulations</td>
<td>Yes</td>
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<tr>
<td>Consultation is required to be open to the general public</td>
<td>No</td>
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<tr>
<td><strong>Transposition stage</strong></td>
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<tr>
<td>Stakeholder engagement is required when transposing EU directives</td>
<td>Yes</td>
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<tr>
<td>The same requirements and processes apply as for domestically made laws</td>
<td>Yes</td>
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<tr>
<td>Consultation is required to be open to the general public</td>
<td>Yes</td>
</tr>
<tr>
<td>RIA distinguishes between impacts stemming from EU requirements and additional national implementation measures</td>
<td>No</td>
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THE OECD REGULATORY INDICATORS SURVEY AND THE COMPOSITE INDICATORS

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 publically 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
- Regulatory Policy Outlook 2015 and Regulatory Policy Outlook 2018
- 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

THE OECD REGULATORY INDICATORS SURVEY AND THE COMPOSITE INDICATORS