

A large, faded, grayscale portrait of a man with dark hair, wearing a suit and tie, is positioned on the left side of the slide, serving as a background for the text.

Evaluating and reviewing regulation Closing the loop

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Strategic regulatory Planning

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Missions of AAS

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- ✓ Simplification # better regulation
 - ✓ Multidisciplinary approach
 - > Opportunities to change the law
 - ✓ Consultancy in law improvement
 - ✓ Put in actions plans

**! Need to broaden our official scope
!**

Belgian handicaps

- Federal system
- Deal of competences : federal / federated entities/ local authorities
- Autonomous governments & parliaments
- Coalition of government : need of consensus based decision making
- Heavy traditionnal consultations
- + informal dialogue

Regulation: slimmer and smarter

- Principles:

1. Abrogate if necessary, possible
2. Codification –standardisation
3. Look for alternatives
4. Simplify text, ex post control , ...
5. Regular assesment

- Means:

1. Ex ante: Council of state , Kafka-Test, Sustainability test
2. Ex post monitoring

Elaboration of regulation

- Strict procedure for the Council of Ministers :
 - opinion of the Council of State
 - opinion of Financial Inspection
 - agreement of the Minister of Public Service
 - Kafka test
 - Sustainability test
 - opinion of advisory committees
- Electronic

Council of State

- Obligation to submit drafts of executive branch
- **Legal advice** # non political advice
- **Justified** opinion
- Non binding but obligation counter argument (weapon for opponents!)
- Published in official documents and on demand

Kafka Test

Advantages

✓ For businesses, citizens: = RIA focusing on AB

✓ For public authorities:

- Regulatory tool
- Offers opportunities to reduce administrative costs
- Promotes a positive public image of quality and transparency
- User-friendly tool and motivating
- Delay the decision after serious consideration

Kafka Test

Appreciation Test Kafka

- ✓ **Monitoring (databases)** : produces statistics on key indicators
- ✓ **Quality control (sample)** :
 - Good compliance
 - Additional consultation of the target group
 - « Anti burden » reflex
 - Room for improvement
 - Comparison with ex post measurement
- **Join KT with other analyses** (sustainability test , gender, SME'impact , ...)

Sustainability Test

- Compulsory // TK
- Societal purpose, systemic
- Economic, social, environmental impact
- Two steps: quick scan → complete test
- Difficult answers → weak evaluation
- Substantial changes announced (2011)
- Opportunity to integrate with kafka test?

E procurement : Télémarc multidisciplinary project

- ✓ **Write Regulation** (data exchange, déclaration on oath)
- ✓ **Feasibility** and budgetary analysis, planification
- ✓ **Quality** of the public service, of the data
- ✓ **Reorganisation** of public tasks
- ✓ Respect for **privacy** regulation,
- ✓ **Users monitoring**
- ✓ **Simplification impact:** quantitative measurement AND indirect effect

Regulation/
planification

Improvement

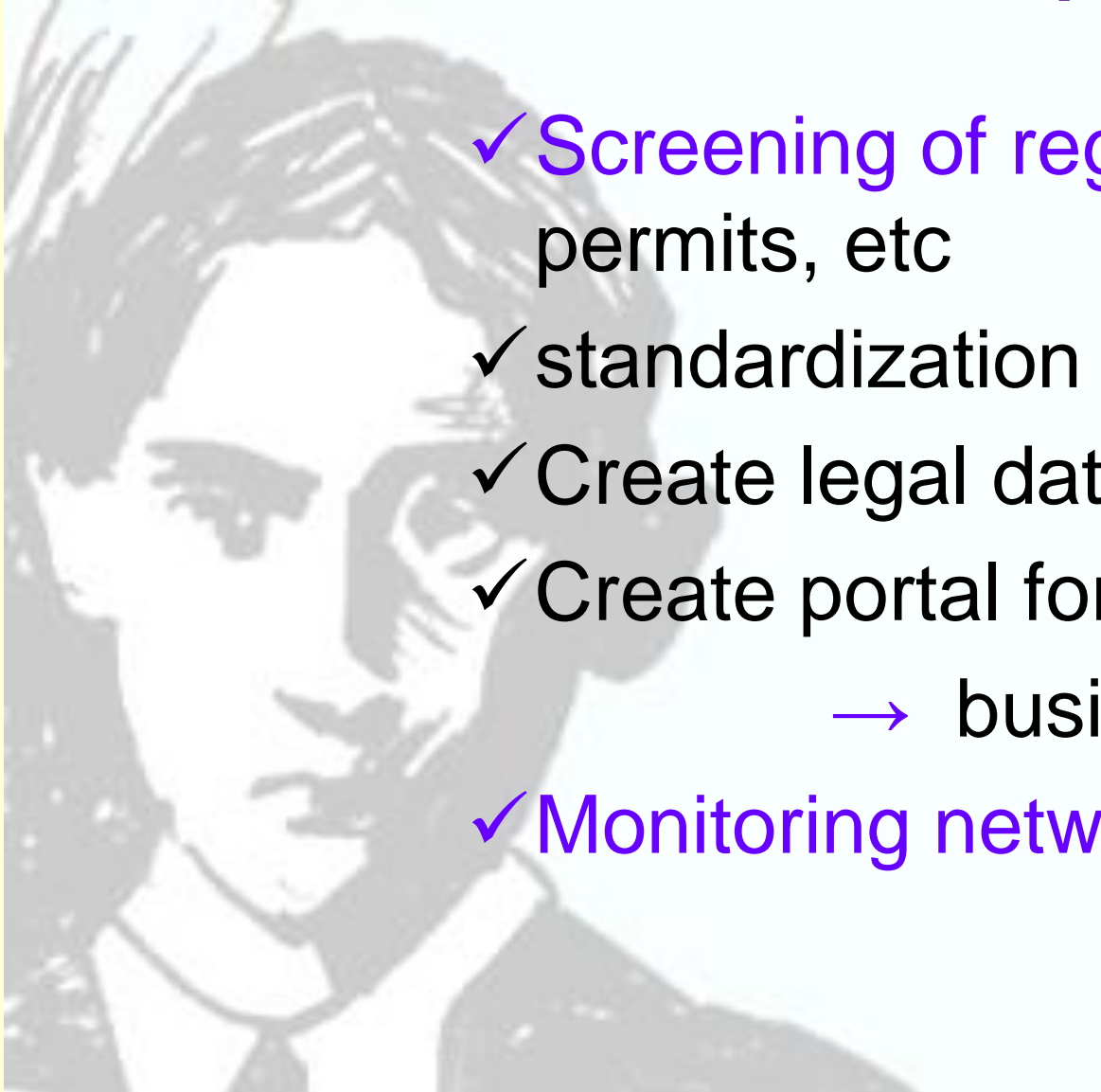
Feasibility

Evaluation

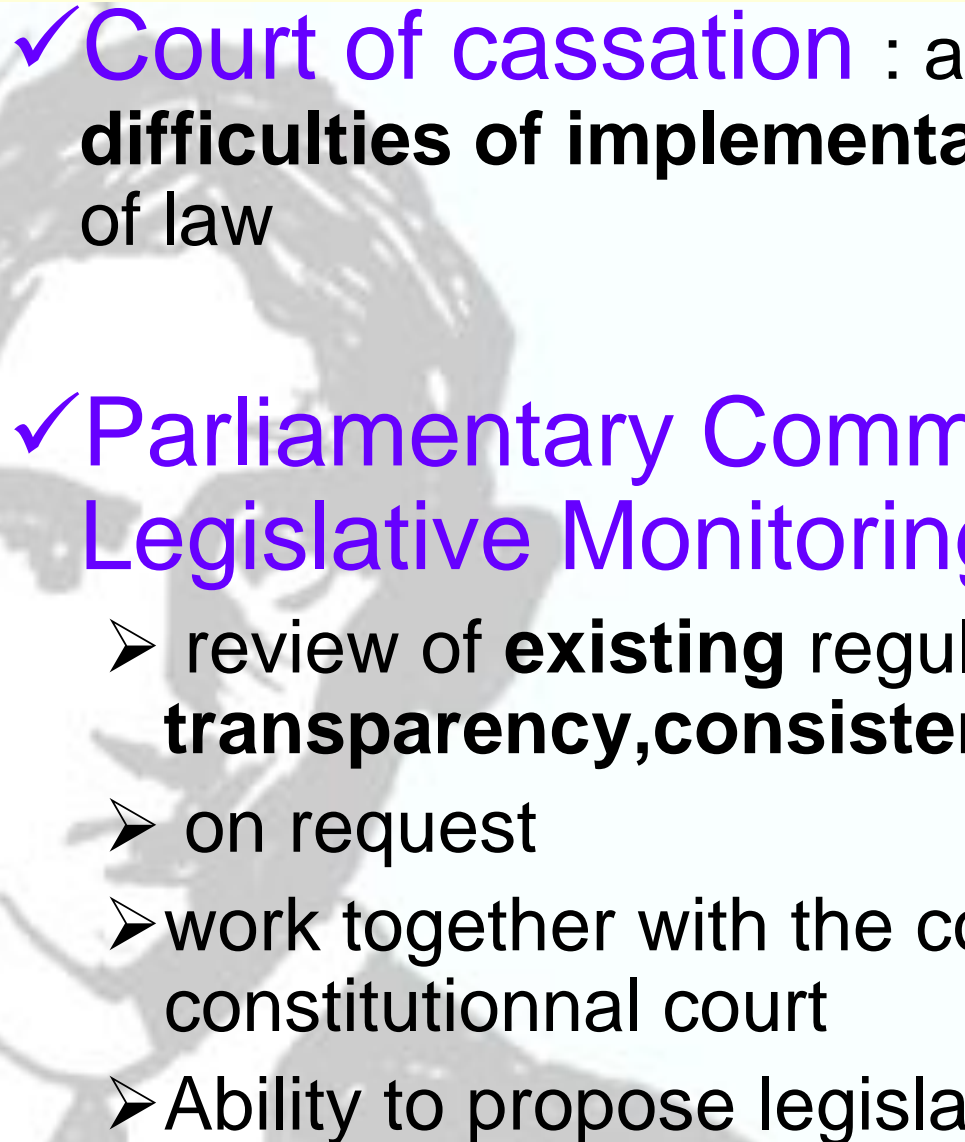
Reengineering

Monitoring

Directive service implementation

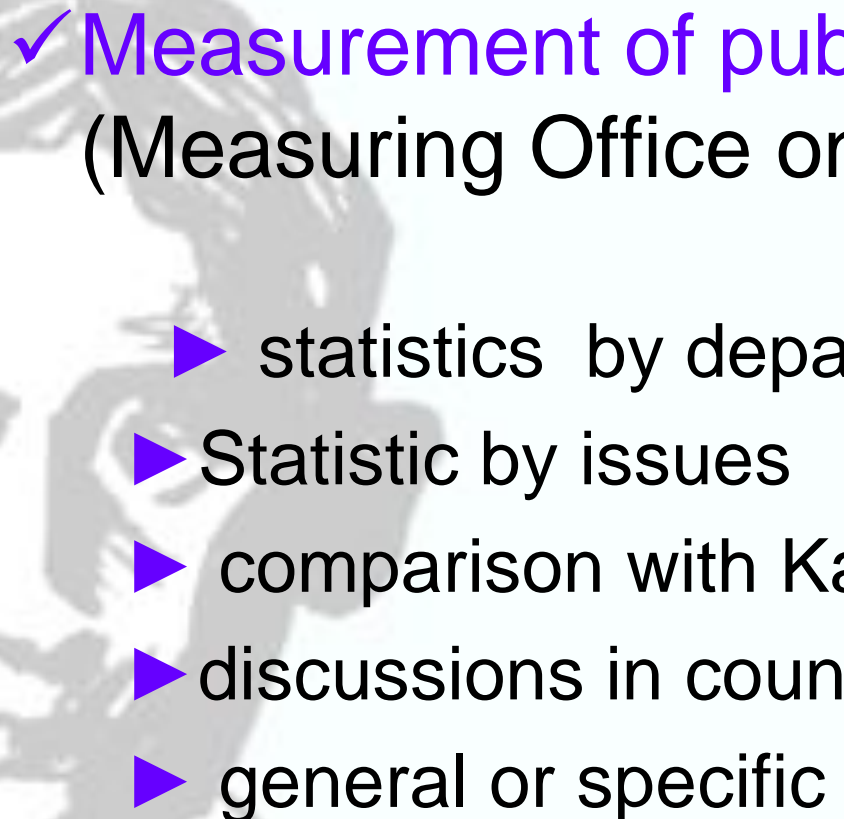
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- ✓ Screening of regulations, permits, etc
 - ✓ standardization → fiches
 - ✓ Create legal data bank
 - ✓ Create portal for enterprises
→ business.belgium.be
 - ✓ Monitoring network

Evaluation Ex post

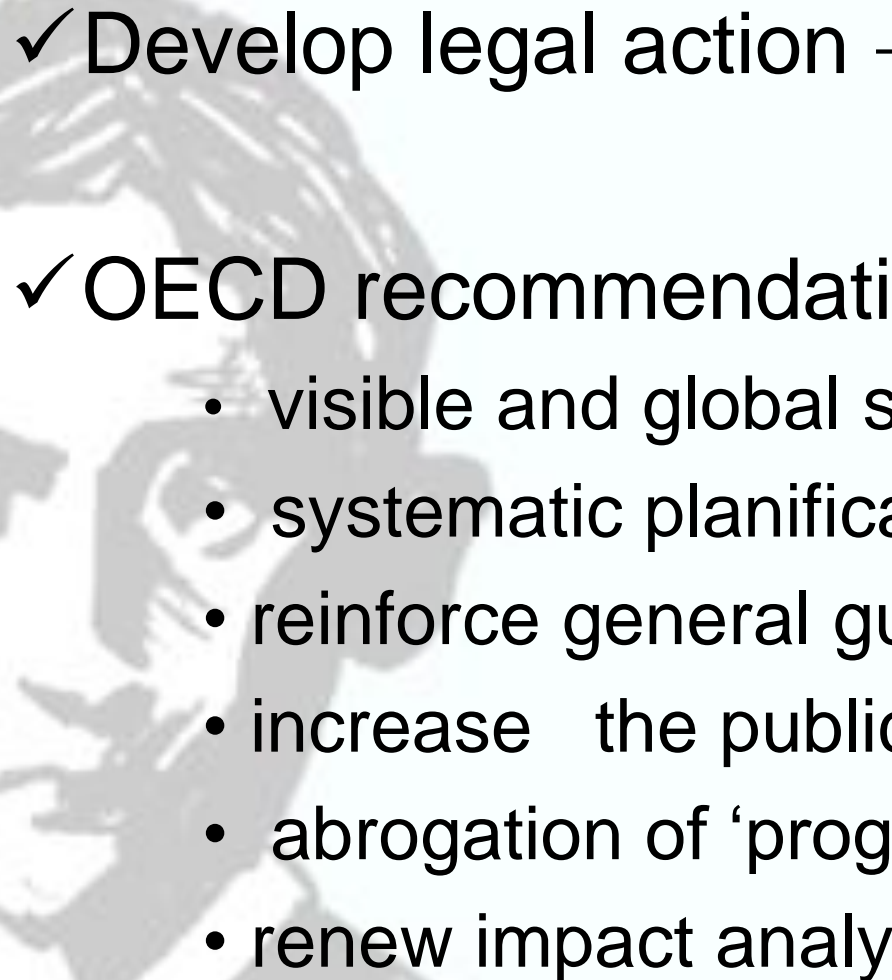
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- ✓ **Court of cassation** : annual report on **difficulties of implementation /interprétation** of law

 - ✓ **Parliamentary Committee for Legislative Monitoring** (2007)
 - review of **existing** regulations according to **transparency,consistency,proportionality,**
 - on request
 - work together with the court of cassation , constitutionnal court
 - Ability to propose legislative initiative

Evaluation Ex post

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- ✓ Measurement of publicised regulation (Measuring Office on AB):
 - ▶ statistics by departement
 - ▶ Statistic by issues
 - ▶ comparison with Kafka test
 - ▶ discussions in council of ministers
 - ▶ general or specific recommendations

Evolution

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- ✓ Develop legal action → new challenge
 - ✓ OECD recommendations :
 - visible and global strategy
 - systematic planification
 - reinforce general guidelines
 - increase the publicity of opinions
 - abrogation of ‘program law ‘
 - renew impact analysis but compact way

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www.chancellerie.belgium.be
www.kafka.be

