

# Regional charter for **REGULATORY QUALITY**



MENA - OECD  
**GOVERNANCE  
PROGRAMME**



## Background Information

The 2009 Regional Charter for regulatory Quality (the Charter) aimed at providing a common framework of principles and good practice for regulatory management in countries of the Middle East and North Africa (MENA) region. The Charter was highlighted as a priority by the Working Group IV on Public Service Delivery, Public Private Partnerships and Regulatory Reform of the MENA-OECD Governance Programme.

It has also been prepared on the basis of technical and political consultations since 2009 with both OECD and MENA countries during the following meetings:

- The 9th annual meeting of the MENA-OECD Working Group IV on Public Service Delivery, Public Private Partnerships and Regulatory Reform, 17-18 March 2016, Tunis
- The 8th annual meeting of the MENA-OECD Working Group IV on Public Service Delivery, Public Private Partnerships and Regulatory Reform, 22-23 January 2013, Paris
- The Regional Seminar for Public Officials in the MENA countries on administrative simplification, 14-15 February 2012, Budapest
- The Special Session of the Regulatory Policy Committee and the MENA-OECD Governance Programme Working Group IV, 2 November 2011, Paris
- The 7th annual meeting of the MENA-OECD Working Group IV on Public Service Delivery, Public Private Partnerships and Regulatory Reform, 31 May 2011, Tunis
- The 6th annual meeting of the Working Group IV on Public Service Delivery, Public Private Partnerships and Regulatory Reform, 3-4 June 2010, Tunis
- The Special Session of the Regulatory Policy Committee and of the MENA-OECD Governance Programme Working Group IV, 27 October 2010, Paris

The 2009 Charter relied upon the 1995 OECD Recommendation on Improving the Quality of Government Regulation and the 2005 OECD Guiding Principles for Regulatory Quality and Performance when improving procedures to draft laws and regulations.

This update of the Charter draws from the *OECD 2012 Recommendation of the Council on Regulatory Policy and Governance* and the following *OECD Best Practice Principles for Regulatory Policy* as well as the 2013 *OECD Regulatory Reform in MENA* report, which have been utilised and adapted to the institutional and organisational relevance for the MENA region.

## Next steps

During the 9th annual meeting held on 17-18 March 2016 in Tunisia, delegates of the Working Group IV of the MENA-OECD Governance Programme agreed to present a revised Regional Charter to the Ministerial Conference that will be held on 4 October 2016 in Tunis. The endorsement of the Regional Charter means an acceptance in a non-binding manner. Each country is responsible for integrating the principles of the Regional Charter in its regulatory management system.

## 2016 Regional Charter for Regulatory Quality

We recall the 2009 Regional Charter for Regulatory Quality and recognise its importance and significance in supporting national and regional economic, social and environmental development.

We recognise that Regulatory Policy and Governance is a cross-cutting theme for MENA countries that supports inclusive economic growth, public administration modernisation, open government and citizen participation, diversity initiatives such as on gender and youth, and supporting trust in governance.

We agree that regulatory policy is as one of three key levers available to governments alongside tax and spending to achieve important outcomes such as social welfare, environmental protection and sustainable inclusive economic growth.

We agree that in an increasingly global, complex and fast-changing world there is a need for a dynamic and pro-active approach towards governance that ensures the regulatory environment is adaptive and responsive to new opportunities and challenges.

On the occasion of the 2016 Ministerial Conference of the MENA-OECD Initiative on Governance and Competitiveness on 3<sup>rd</sup> and 4<sup>th</sup> October 2016, [we endeavour to]:

- i) An explicit policy on regulatory quality that has the highest political support and recognition of regulatory policy as a whole of major government agenda;
- ii) The implementation of open government strategies and effective stakeholder engagement tools, including online, to provide the necessary input, feedback and buy-in for the implementation of policies, laws and other regulatory instruments;
- iii) Provide the appropriate Regulatory oversight of the implementation of the explicit policy on regulatory quality and make sure the good regulation should be clear, simple and practical for users through the relevant institutional arrangements that has the appropriate powers and levers;
- iv) Integrated evidence based policy making using an adopted version of regulatory impact assessments relevant to the administrative culture, which also take into account impacts on gender equality and other economic and social policy dimensions, but applying the most modern techniques that enhance regulatory quality;
- v) Regulatory reviews of existing stock of regulations to reduce unnecessary and burdensome regulatory burdens including administrative burdens as well as implementing an ex-post evaluation of new regulatory proposals;
- vi) Regularly publish performance evaluation of the implementation of regulatory policy to inform stakeholders of progress and developments and to encourage continuous improvement among regulators;

- vii) Embed good governance of regulatory agencies, when appropriate, to ensure efficient and effective regulatory delivery and user experience of regulatory policy, which is accompanied by efficient, accessible recourse and dispute resolution mechanisms;
- viii) Apply administrative and judicial reviews to regulatory policy to ensure justice and fairness in the regulatory process;
- ix) Give careful consideration to the appropriate risk strategies in developing policies, laws and regulatory proposals that are realistic and admit a responsible level of risk;
- x) Ensure regulatory coherence across all levels of government at the national level with the appropriate capacities and adoption of regulatory tools;
- xi) Regional regulatory cooperation across the MENA region to have consistent and coherent regulatory frameworks for better integration regionally and globally;
- xii) Inclusive policies in regulatory management that involves all relevant stakeholders, especially women and young people.

## References

OECD (1995) Recommendation of the Council on Improving the Quality of Government Regulation

OECD (2009) Regional Charter for Regulatory Quality, MENA-OECD

OECD (2012) Recommendation of the Council on Regulatory Policy and Governance

OECD (2013) MENA-OECD Practitioners' Guide on Regulatory Consultation

OECD (2013) Reviews of Regulatory Reform: Regulatory Reform in the Middle East and North Africa: Implementing Regulatory Policy principles to Foster Inclusive Growth

OECD (2013) International Regulatory Cooperation; Addressing Global Challenges

OECD (2014) Best Practice Principles for Regulatory Policy: Regulatory Enforcement and Inspections

OECD (2014) Best Practice Principles for Regulatory Policy: Governance of Regulators

OECD (2015), OECD Regulatory Policy Outlook 2015

OECD (2016), Open Government in Tunisia, OECD Public Governance Reviews

OECD (2015), Open Government in Morocco, OECD Public Governance Reviews

OECD/CAWTAR (2014), Women in Public Life: Gender, Law and Policy in the Middle East and North Africa

OECD (2016), 2015 OECD Recommendation of the Council on Gender Equality in Public Life

Equal Access to Justice- OECD Expert Roundtable, December 2015, Paris