

Please cite this paper as:

Jacobzone, S., C. Choi and C. Miguet (2007), "Indicators of Regulatory Management Systems", *OECD Working Papers on Public Governance*, 2007/4, OECD Publishing. doi:[10.1787/112082475604](https://doi.org/10.1787/112082475604)



OECD Working Papers on Public
Governance 2007/4

Indicators of Regulatory Management Systems

Stéphane Jacobzone^{*}, Chang -
Wong Choi, Claire Miguet

OECD PROJECT ON QUALITY INDICATORS IN GOVERNMENT

Working Paper 4

**INDICATORS
OF REGULATORY
MANAGEMENT
SYSTEMS**

2007

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where the governments of 30 democracies work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD member countries are: Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The Commission of the European Communities takes part in the work of the OECD.

This work is published on the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of the Organisation or of the governments of its member countries.

Acknowledgements

This report presents detailed results on the quality of regulatory management systems, following the survey conducted in 2005-6. The goal of this report is to compare regulatory quality assurance systems; to measure progress and understand trends over time across countries, and to identify general patterns of regulatory management practice. Following initial discussions over the survey instrument in 2005, the survey was circulated in June 2005 and the results, corresponding to 2005, were then collected with final submissions received in Spring 2006. This paper has been revised following comments received from delegates in the Autumn 2006 and Spring 2007.

The current set of results also links to previous regulatory governance indicators collected by the OECD in 1998 and 2000. Some of the early phase issues in terms of checks and a correction of the understanding of the concepts led to a revision of previous 1998 estimates. Therefore, this report is based on the corrected results for 1998 and 2000 received from the countries that had been surveyed then.

These results also feed into the OECD Project on “Management in Government” (OECD (2007), “Towards Better Measurement of government,” OECD Working Papers on Public Governance, 2007/2, OECD Publishing. Doi:110.1787/301575636734).

This paper restricts itself to a descriptive presentation of the materials collected. Further methodological work will be undertaken as this project evolves to conduct more technical statistical analysis and build aggregated indicators.

This work benefited from insights and comments from OECD colleagues. The authors are particularly grateful to Rolf Alter, Josef Konvitz, Glen Hepburn and Nick Manning for their comments, as well as to Peter Ladegaard who participated in some of the initial work. The authors are also indebted to Sander Wagner for statistical assistance. The project was led by Stéphane Jacobzone, Chang Won Choi and Claire Miguet of the regulatory policy division.

TABLE OF CONTENTS

INTRODUCTION.....	7
The role of indicators of regulatory management systems.....	7
A conceptual framework for analysing regulatory management practices	7
Methodological approach, main statistical techniques	9
Key policy issues.....	10
THE DATA	11
A brief survey of the existing GOV REG Indicators	11
The 2005 Survey	12
Ensuring coherence with policy principles	14
Providing a dynamic perspective: linking indicators to the earlier work; mapping 1998 and 2005 data	16
RESULTS.....	18
Regulatory Policies	18
Institutional setting to promote quality in regulatory management systems	20
Regulatory management across levels of government	22
The role of Parliament and the Judiciary.....	23
Building regulatory capacity through training	23
Regulatory Processes	24
Clarity and due process in decision making procedures	25
Transparency	26
Consultation procedures	27
Communications and easy access to regulations	30
Regulatory quality tools.....	31
Provision of justification for regulatory actions, consideration of alternatives.....	32
Regulatory impact analysis	35
Administrative simplification and the measure and reduction of regulatory burdens.....	41
Dynamic process of evaluation and update of regulations.....	45
Compliance and implementation.....	48
Assessing performance	49
PRELIMINARY CONCLUDING REMARKS	52
Methodological aspects.....	52
Policy issues for future investigation.....	52
BIBLIOGRAPHY	56
ANNEX 1. OECD PRINCIPLES FOR REGULATORY QUALITY AND GOOD GOVERNANCE...59	59
ANNEX 2. LIST OF TABLES	61
ANNEX 3: MAPPING OF 1998 AND 2005: REGULATORY QUALITY INDICATORS: METHODOLOGICAL TABLE ACROSS SURVEY INSTRUMENTS	91
ANNEX 4: GLOSSARY OF TERMS.....	100

Tables:

Table 1.	Major Policy Areas covered by the 2005 Questionnaire	13
Table 2.	Mapping of the Core policy areas with the OECD Principles for Regulatory Quality and Performance	15
Table 3.	Mapping of the 2005 questionnaire with the initial 1998 questionnaire	17
Table 4.	Use of main regulatory tools and processes, 2005	32
Table 5.	Explicit regulatory policy promoting government-wide regulatory reform	61
Table 6.	Policy drivers for regulatory quality	62
Table 7.	Regulatory Quality Oversight Bodies in OECD Countries	63
Table 8.	Co-ordination across levels of government, supra national/sub national	68
Table 9.	Parliamentary regulatory quality oversight	69
Table 10.	Role of Judiciary, Compliance and enforcement	70
Table 11.	Training	71
Table 12.	Linking Regulatory policy and other policy areas, forward planning	72
Table 13.	Forms of public consultation	73
Table 14.	Openness of the consultation process	74
Table 15.	Communication of regulations	75
Table 16.	Provision of justification for regulatory actions	76
Table 17.	RIA adoption in OECD countries	77
Table 18.	Regulatory Impact Analysis: core procedural aspects	81
Table 19.	Regulatory Impact Analysis: Assessment of Specific Impacts	82
Table 20.	Regulatory Impact Analysis: risk management and ex post analysis	83
Table 21.	Reducing and controlling administrative and regulatory Burdens	84
Table 22.	Business Licenses and Permits	85
Table 23.	Regulatory review and evaluation	86
Table 24.	Performance Assessments	87
Table 25.	Trends in the number of new laws and regulations	88

Figures:

Figure 1.	Explicit regulatory policy promoting government wide regulatory reform	18
Figure 2.	Main motives for reform	19
Figure 3.	Drivers for reform	19
Figure 4.	Linking regulatory policy with other policy areas	20
Figure 5.	Institutional setting to promote regulatory policy	21
Figure 6.	Responsibilities of the body in charge of promoting regulatory reform from a whole of government perspective	21
Figure 7.	Training	24
Figure 8.	Rule-making procedures	26
Figure 9.	Public consultation when developing draft regulations	27
Figure 10.	Use of public consultation	27
Figure 11.	Forms of public consultation that are routinely used	28
Figure 12.	Minimum period for allowing consultation comments	29
Figure 13.	Openness of the consultation process	30
Figure 14.	Communication of regulations	31
Figure 15.	Requirement to provide a written justification on the need for new regulation	33
Figure 16.	Explicit decision criteria when justifying new regulation	33
Figure 17.	Requirement to identify and access potentially feasible alternative policy instruments	34
Figure 18.	Guidance on using alternative policy instruments	34

Figure 19.	Trend in RIA adoption across OECD countries	35
Figure 20.	Rate of RIA per new subordinate regulations.....	36
Figure 21.	Rate of RIA per new laws.....	37
Figure 22.	Regulatory Impact Analysis: Requirement for RIA	38
Figure 23.	Regulatory Impact Analysis: Requirement for policy impacts.....	39
Figure 24.	Requirement to measure specific impacts when preparing RIA.....	40
Figure 25.	Reducing Administrative Burdens.....	42
Figure 26.	Reducing Administrative Burdens.....	43
Figure 27.	Business Licences and Permits	44
Figure 28.	Strategies used to reduce administrative burdens	45
Figure 29.	Mechanisms for regulatory review and update.....	46
Figure 30.	Mechanisms for regulatory review and update.....	47
Figure 31.	Trend in the number of new subordinate regulations	50
Figure 32.	Trends in the number of new laws.....	51
Figure 33.	Link between trends in new laws and new regulations	51
Figure 34.	Trends in the relative number of new subordinate regulation.....	89
Figure 35.	Trends in the relative number of new subordinate regulations.....	90

Boxes:

Box 1.	Defining regulatory quality: direct and indirect approaches	8
Box 2.	The 1997 principles of good regulation.....	59
Box 3.	The 2005 Guiding Principles for Regulatory Quality and Performance	59

INTRODUCTION

The role of indicators of regulatory management systems

1. Regulations pervade all economic activities. Ensuring proper regulatory management and improving the quality of the regulatory stock as well as of new regulations is an important concern for public officials. While a number of international efforts have been made to assess the economic impact of regulations, few indicators exist on regulatory management systems as such. They are a key component of public management indicators. As the need for effective governance is felt in a growing number of OECD and non OECD countries, the demand for public management indicators has increased.

2. Indicators of regulatory management systems quality serve to assess countries' regulatory practices. They can help to analyse regulatory governance performance and to diagnose success factors and priority areas for further reform. They contribute to a better understanding of what good regulatory governance is, and of the links between regulatory policies and outcomes such as economic performance.

3. Measuring institutional development through quantitative indicators presents significant challenges. A number of contextual elements of regulatory governance are not necessarily amenable to statistical analysis. The links between regulatory policies and outcomes are complex and usually indirect, and present substantial challenges in implementing, refining and interpreting the results. As a complement to a detailed and qualitative analytical approach, regulatory indicators contribute to a systematic framework in which countries' performance and relative progress can be assessed.

A conceptual framework for analysing regulatory management practices

4. The concept of quality in regulatory management, as developed by the OECD Programme on Regulatory Reform, fundamentally refers to the way in which regulatory management systems are organised in terms of institutions, tools and policies, in relation to the OECD guidelines for good practice, and particularly to the OECD1995 *Recommendation on Improving the Quality of Government Regulation*, the 1997 *Policy Recommendations on Regulatory Reform* and the 2005 *Guiding Principles for Regulatory Quality and Performance* (Annex 1). All countries wish to attain effectiveness and efficiency in their regulatory systems. Effectiveness in this context refers to the extent to which regulations achieve stated objectives underlying their use. Efficiency refers to the balance between costs and benefits associated with their use. Efficient regulation in the narrowest sense confers a net benefit from the perspective of society as a whole *i.e.*, the benefits it brings are greater than the costs of employing it. In the broader sense, efficiency implies a comparative judgement: a regulation should achieve an identified objective at minimum cost or, alternatively, confer greater net benefits than any other policy tool available to government to achieve the same objective.

5. However, it is very difficult in practice to identify directly the “quality” of a regulatory management system, let alone the costs and benefits of all regulations. A few attempts such as in the United States, remain more the exception than the rule. The field of regulatory practice differs from other fields of public intervention such as fiscal interventions, which have a well-developed set of mechanisms for assessing their likely impact and for managing tradeoffs. The mechanisms for assessing the impact of regulatory interventions are still in flux in many countries. Therefore, these notions can at best be approximated through indirect approaches. Regulatory activity can be measured by examining the processes for generating new regulations and for managing the stock of existing regulations, as well as by the outcome of these regulations, in terms of their effect on key economic and social sectors. The current set of indicators is focused on the processes for generating new regulations and for managing the stock of existing regulations. Outcomes would require further work to collect further information and to link the

information on regulatory management processes to related outputs. The set of indicators has been elaborated with reference to the OECD accepted approaches for good practice in regulatory management (see Box 1), as they have been framed through the 1997 and 2005 Principles for Regulatory Quality and Performance as well as the Principle Elements of Good Governance (Annex 1).

Box 1. Defining regulatory quality: direct and indirect approaches

Assessing the quality of regulations across countries presents significant challenges. Assessing the quality of a given regulation already requires significant analytical work within a given country. Analysing the quality of the stock of regulations is also a challenging task.

A direct analysis of regulatory quality across countries would require a set of existing outcome indicators on a comparative basis. Therefore, regulatory quality is also analysed indirectly, through the assessment of the quality of regulatory management practices. This assesses the regulatory management practice in relation to a range of “principles of regulatory quality”, based on the work of regulatory reformers in a range of OECD countries and previous OECD material (see Annex 1). Drawing on these sources, the principles identified can be distilled as follows:

- Regulation is a proportionate response to the identified problem and is the minimum required to achieve objectives, with minimum compliance burdens;
- Regulation is effective in resolving identified problems, and efficient in that it achieves its goals at minimum cost;
- New regulation is consistent with other existing regulations;
- Regulation is flexible and not unduly prescriptive, and is continuously updated and improved;
- Regulation is transparent and accessible (including being understandable and effectively communicated to stakeholders by government);
- Regulatory processes promote a culture of openness and accountability, including responsiveness to stakeholder inputs;
- Regulation respects legal and constitutional requirements; and
- Regulation is appropriately targeted and enforceable.

6. Transparency and accountability in the use of the regulatory tool are necessary to ensure that regulation is perceived as legitimate (see Annex 1). The work of the OECD emphasises three factors in this regard: regulatory policies, tools and institutions. The quality of a regulatory management system depends on the interaction between these elements over time. This dynamic aspect reflects the continuous evolution in this field:

- The objectives that governments seek to achieve through regulation change and evolve over time;
- The economic, political and social environment in which the regulatory tool operates, is in a state of continuous change;
- Characteristics of regulation – including different regulatory approaches and options, continue to evolve; and
- The range of competing government policy tools also develops and changes, and the understanding their use also improves over time.

7. The OECD has developed a number of policy tools to capture the notion of quality in regulatory management since the mid 1990s (see Annex 1). The concept of quality regulation has underpinned the OECD’s work on regulatory reform at least since the 1997 *OECD Report on Regulatory Reform*. The importance placed by member countries on this concept is rooted in the recognition that regulatory reform should contribute both to better governance and to better economic performance. The quality of regulatory management systems should be understood as embracing the broader aspects of good governance and not as being limited to the direct promotion of better economic outcomes.

8. The policies and practices of OECD member countries have continued to evolve in the area of regulatory management and reform. Therefore a broader coverage was necessary to provide a fully accurate description of the “state of play”. Recent work by the OECD, the EU, the World Bank and other Organisations which has significantly contributed to the advancement of the knowledge of regulatory policy and practices, has focused attention on the role of indicators in setting policy priorities.

9. The current set of indicators is mainly oriented towards assessing to which extent tools, policies and institutions comply with good practices, as defined in the OECD principles (see Data Section ensuring coherence with policy principles). A restrained set of output indicators was collected as part of the 2005 survey, including the number of laws and decrees, or the proportion of laws subject to a Regulatory Impact Analysis. These will be reported as part of the results.

Methodological approach, main statistical techniques

10. The data presented in this report illustrate regulatory practices. They help to illuminate how regulatory practices differ, and how countries choose to improve their regulatory frameworks. The data can be used at several levels. First, from a descriptive standpoint, the report will compare regulatory practices across countries and will offer them a point of reference to help clarify how their institutional choices and regulatory processes differ from their peers. Second, the study will show whether progress has been made since the initial surveys of 1998 and 2000 and identify which main areas have changed. Third, the data can be used to explain and assess the performance of regulatory management systems from an efficiency perspective. While this report analyses the effectiveness of regulatory management systems through the assessment of results in terms of outcomes of existing regulations, their impact on businesses or citizens, and contribution to overall economic and social performance would require further analytical work. This goes beyond the scope of the current report, which presents an exhaustive description of regulatory management systems and processes across OECD countries.

11. Further analysis will also call for some aggregation at an intermediate level, which will involve a number of technical steps such as the weighting of the elementary responses which requires technical validation and agreement from the countries on the methodological choices, which will be done as a second step in this project. Composite indicators represent a core element of further analytical understanding of regulatory practices. Their use could in turn serve two purposes:

- They are a necessary step for using more powerful statistical methods, including factor and cluster analysis¹ which help unravel the patterns of regulatory practices across countries. This would offer a better understanding of the diffusion of regulatory tools and practices in relation to main families of legal systems which prevail among OECD member countries.
- They also act as an intermediary step in constructing synthetic indicators of regulatory performance, as was the case for product market regulation indicators (PMR) (Conway Nicoletti 2004).² For example, this synthetic indicator could give aggregate indications of Barriers to Entrepreneurship, or overall quality of consultation or RIA processes. Aggregate synthetic indicators of regulatory performance are necessary for macroeconomic or econometric analysis and could highlight contributions of regulatory practices to macroeconomic variables such as productivity, economic growth or job creation.

Key policy issues

12. This study can help inform the policy debate at the international level. The core policy issues investigated by this paper are as follows:

- How to compare regulatory quality assurance systems, including regulatory policies, tools, processes and institutions across OECD countries in the recent period?
- Is there any evidence of increased reliance on regulatory tools, of more structured regulatory policies and stronger institutional capacities? What is the trend? What should be the priority for further action?
- Which countries rely on different regulatory quality tools, such as Regulatory Impact Analysis consultations, one stop shops and *ex post* administrative simplification methods?

13. This paper provides a preliminary analysis of the results obtained to date. This project will involve a second stage, with further analysis of the coherence of these results with other existing international data sets in the field and also in relation to pertinent economic variables.³

THE DATA

A brief survey of the existing GOV REG Indicators

14. The initial work on indicators of regulatory management systems arose in response to the 1995 adoption by the OECD Council of the Recommendation on Improving the Quality of Government Regulation and its incorporated Reference Checklist for Regulatory Decision-Making. In the Recommendation, the Council asked the Public Management Committee to “present a report in three years’ time on the effectiveness of OECD member countries in ensuring the quality of government regulation by integrating principles such as those contained in the Recommendation into administrative and management systems”.

15. The Council Recommendation provided the substantive basis for the design of an indicators questionnaire, with its initial purpose being the key input to the development of the required “progress report” on the implementation of the Recommendation. The initial indicators questionnaire was developed between 1996 and 1998 with substantial input from the PUMA Regulatory Management and Reform Group (now the Working Party on Regulatory Management and Reform). The questionnaire⁴ was intended to form the basis of such a progress report, as well as contribute to a larger database being developed by the OECD Economics Department for use in the multi-disciplinary country reviews of regulatory reform requested by Ministers in May 1997. A variant of the questionnaire was also used as a key data-gathering tool for the country review processes which began in 1998.

16. The larger questionnaire was devised to allow development of a background database to be used in the country review context. It was divided into the following eight sections:

Section 1: General policies on the use of regulation

Section 2: Government capacity to produce high quality regulations

Section 3: Competition policies and enforcement

Section 4: Market openness

Section 5: Regulation in the telecommunications industry

Section 6: Regulation in transportation industries (road freight, railways, passenger air travel)

Section 7: Regulation in the retail distribution industry

Section 8: Public procurement and competition

17. Thus, from the inception of the indicators project, the PUM/GOV indicators of capacity to produce high quality regulation (Section 2) were derived from and implemented within a broader context of indicators of regulatory and governance performance covering a range of key sectoral and thematic aspects.

18. Initial results were discussed at subsequent meetings of the Regulatory Management and Reform Group in June 1998. The discussion revealed great interest in the work with a widespread view that such indicators could be of considerable value to member countries' self-assessment. However, the fact that the underlying country responses may have been overstated in some cases due to varying interpretations of the questions, was also a matter of concern. Following these discussions, a refined and expanded presentation was presented later in that year, including the introduction of country groupings⁵.

19. The discussions highlighted some of the issues related to data produced from self-assessment. As the data production is each country's responsibility, the risk for gaps and misunderstandings exist. This revealed the need to strengthen the foundations of the data, with additional checks and thorough reviews. Some countries also requested further statistical analysis of the data, with multiple component analysis and clustering. In addition, there was a general request for closer interaction with member countries, possibly through more informal expert groups.⁶

20. At the meeting of the Working Party in July 2000, the data were presented in a way that showed how various regulatory approaches were being used.⁷ Following this discussion, there was an agreement to update the 1998 results. The survey was re-run in a slightly amended form in 2000, allowing for some time-series data to be developed. The 2000 questionnaire was somewhat simplified with the deletion of a range of sub-questions which largely reflected views that certain questions were too ambiguous or open to differing interpretations to yield data of any quality. The methodology for disseminating the questionnaire, collecting data and verification and interpretation was essentially unchanged in 2000. The results of the updated questionnaire were reported in July 2001 through a technical note presenting the results.⁸ Further analysis was not undertaken at that time, with the forthcoming Report "From Regulatory Intervention to Regulatory Governance" being identified as the appropriate basis for the publication of the results⁹.

21. The results of this work have been consequently used to support the programme of country reviews of regulatory reform underway since 1998 and have contributed to the broader work on indicators within GOV and the rest of the OECD.

The 2005 Survey

22. The indicators presented in this report were collected in 2005 by a survey distributed to national governments. Significant follow up work was devoted to ensure the quality of the submissions as well as to further improve the consistency of the data.

23. The updated questionnaire was discussed by the Working Party on Regulatory Management and Reform in April 2005. A significant issue was to improve the quality of the indicators themselves OECD defines the quality of data as "fitness for use" in terms of user needs. This definition is broader than has been customarily used in the past when quality was equated with accuracy. It is now generally accepted that there are other important dimensions: quality is recognised as a multi-faceted concept. The OECD Quality Framework for Statistical activities (Quality Framework and Guidelines for OECD Statistical Activities)¹⁰ comprises seven dimensions, which can be summarised as follows:

1. *Relevance* of data products is a qualitative assessment of the degree to which they serve the purposes for which they are sought by users. Data can be well-recognized in the field and cited in government reports (high policy relevance) or little used beyond academic papers (lower policy relevance).
2. *Accuracy* is the degree to which the data correctly estimate or describe the quantities or characteristics they are designed to measure. Data can derive from well-accepted classifications and procedures, validated by reference to independent data sources (high quality) or from ad hoc classifications and procedures with no cross-checking against other data (lower quality).
3. *Credibility* refers to the confidence that users place in the data products. It is determined in part by the integrity of the process through which the data is generated. Results can be based on standard, replicable procedures capturing unambiguous data (highly objective), or include survey-based data (less objective) or expert assessments (least objective).
4. *Timeliness* reflects the length of time between data availability and the event or phenomenon they describe. Key questions include: is time series available, how frequently is the data produced, and what is the planned future availability of the data?
5. *Interpretability* concerns the ease with which the user may understand and properly use and analyse the data. It is determined in part by the adequacy of the definitions of concepts, variables and terminology, information describing the limitations of the data. Key questions include: have the questions the same meaning for all countries, and is the underlying data clearly defined?
6. *Coherence* is the degree to which data are logically connected and mutually consistent – within a dataset, across datasets, over time and across countries.

7. *Accessibility* reflects how readily the data can be located and accessed. Key considerations include the source of information and the ease with which the user can gain access to the data.
24. Quality criteria applicable to the entire indicator system establish that a good system should:
- Cover a sufficiently broad range of elements or dimensions of the phenomena to be observed;
 - Balance different categories and types of indicators;
 - Be simple and selective, having just a limited number of indicators; and
 - Be relevant, choosing indicators that have significant implications in terms of decision making.
25. Following the discussions and subsequent comments by Delegates, the questionnaire was officially circulated to members in June 2005. It included 22 questions, which correspond to 17 policy areas (see Table 1).
26. Question 9 covers in a snapshot several policy areas corresponding to other questions.¹¹ Question 22 elicited questions on performance, and outputs. Few countries provided relevant information to this question. The information supplied related mostly to regulatory inflation, with trends in the number of new laws and subordinate regulations, and also to the use of RIA.

Table 1. Major Policy Areas covered by the 2005 Questionnaire

Policy Area	Question in 2005 questionnaire
P. 1. Adoption of explicit policy for regulatory reform (Q1)	Q. 1. Explicit regulatory policy
P. 2. Policy coherence integrating competition and market openness (Q2)	Q. 2. Linking regulatory policy and other policy areas
P. 3. Clarity & due process in rule-making procedures (Q3&Q4)	Q. 3. Forward planning of regulatory activities
	Q. 4. Rule making procedures
P. 4. Communication of regulations (Q5)	Q. 5. Communication of regulations
P. 5. Provision of justification for regulatory actions , search for alternatives (Q6&Q7)	Q. 6. Threshold Test
	Q. 7. Choice of policy instrument
P. 6. Compliance and enforcement (Q8)	Q. 8. Compliance and enforcement
P. 7. Transparency and consultation processes (Q10)	Q. 10. Use of public consultation
P. 8. Assessing the quality of new regulation through RIA (Q11)	Q. 11. Use of regulatory impact analysis
P. 9. Facilitating licenses, permits and administrative requirements (Q12)	Q. 12. Business Licenses and Permits
P. 10. Reducing and controlling administrative and regulatory burdens (Q13&Q20)	Q. 13. Reducing administrative burdens
	Q. 20. Controlling aggregate regulatory burdens
P. 11. Training in regulatory quality skills (Q14)	Q. 14. Training in regulatory quality skills
P. 12. Institutional capacity for managing regulatory reform (Q15)	Q. 15. Central regulatory authority
P. 13. Parliamentary oversight of regulatory policy (Q16)	Q. 16. Parliamentary oversight of regulatory policy
P. 14. The contribution of the judiciary to regulatory management (composite Q17)	Q. 17. Role of judiciary in regulatory policy
P. 15. Multi-level co-ordination mechanisms for regulatory policy (Q18)	Q. 18. Inter-governmental co-ordination on regulatory policy
P. 16. Dynamic process of evaluation and update of regulations(Q19)	Q. 19. Regulatory review and evaluation
P. 17. Assessing Performance (Q21)	Q. 21. Indicators of performance, qualitative questions

Ensuring coherence with policy principles

27. The indicators of the 2005 survey build on previous efforts and extend the coverage to reflect the broader understanding of regulatory quality management emerging from recent work and embodied in the 2005 OECD Principles for Regulatory Quality and Performance. The policy areas covered in the questionnaire have been designed to cover the main issues outlined by the OECD 2005 Guiding Principles for Regulatory Quality and Performance (see Table 2).

28. The indicators of quality in regulatory management attempt to capture whether countries comply with good practice as identified by the principles. The goal is to be able to use these indicators as a diagnostic tool to assist government in identifying priority areas for improving their regulatory governance systems.

29. Regulatory indicators can contribute to the attainment of regulatory policy goals in a number of ways. Major uses of indicators include:

- measuring progress in implementing regulatory policies;
- highlighting priority areas for further action;
- demonstrating consistency between regulatory policy actions and regulatory quality outcomes;
- enhancing the legitimacy and accountability of the regulatory policy by demonstrating progress; and,
- raising awareness of regulatory policy issues among regulators.

Table 2. Mapping of the Core policy areas with the OECD Principles for Regulatory Quality and Performance

OECD Principles for Regulatory Quality and Performance		Core Policy Areas
<p>1. Adopt at the political level broad programmes of regulatory reform that establish clear objectives and frameworks for implementation</p> <ul style="list-style-type: none"> - <i>Establish principles of "good regulation" to guide reform</i> - <i>Create effective and credible co-ordination mechanisms inside the government, foster coherence across major policy objectives,</i> - <i>Ensure that institutional frameworks and resources are adequate and that systems are in place to manage regulatory resources effectively</i> - <i>Strengthen quality regulation by staffing regulatory units adequately, conducting regular training</i> - <i>Encourage better regulation at all levels of government</i> - <i>Make effective use of ex post evaluation</i> 	<p>POLICIES</p> <p>& INSTITUTIONS</p>	<p>P. 1. Adoption of explicit policy for regulatory reform (Q1) P. 2. Policy coherence integrating competition and market openness (Q2) P. 17. Assessing Performance (Q21)</p> <p>P.11. Training in regulatory quality skills (Q14) P.12. Institutional capacity for managing regulatory reform (Q15) P. 13. Parliamentary oversight of regulatory policy (Q16) P. 14. The contribution of the judiciary to regulatory quality (Q17) P. 15. Multi-level co-ordination mechanisms for regulatory policy (Q18)</p>
<p>2. Review regulations systematically to ensure that they continue to meet their intended objectives efficiently and effectively</p> <ul style="list-style-type: none"> - <i>Review regulations against the principles of good regulation; update regulations through automatic review procedures such as sun-setting</i> - <i>Use performance-based assessment of regulatory tools and institutions</i> - <i>Consider alternatives to regulation where appropriate</i> - <i>Integrate regulatory impact analysis into the development, review and revision of significant regulations</i> - <i>Minimise the aggregate regulatory burden; measure the aggregate burdens</i> 	<p>TOOLS</p>	<p>P. 5. Provision of justification for regulatory action, search for alternatives (Q6&Q7) P. 8. Assessing the quality of new regulation through RIA (Q11) P. 9. Facilitating licenses, permits and administrative requirements (Q12) P. 10. Reducing and controlling administrative and regulatory burdens (Q13&Q20) P. 16. Dynamic process of evaluation and update of regulations(Q19) P. 6. Compliance and enforcement (Q8)</p>
<p>3. Ensure that regulations, regulatory institutions charged with implementation and regulatory processes are transparent, non discriminatory and efficiently applied</p> <ul style="list-style-type: none"> - <i>Consult with all significantly affected and potentially interested parties, whether domestic or foreign, where appropriate at the earliest possible stage while developing or reviewing regulations</i> - <i>Create and update on a continuing basis public registries of regulations and business formalities or use other means of ensuring that domestic and foreign businesses can easily identify all requirements applicable to them</i> - <i>Ensure that administrative procedures for applying regulations are transparent, non discriminatory, contain an appeal process...</i> 	<p>& PROCESSES</p>	<p>P. 3. Clarify & due process in rule-making procedures (Q3&Q4) P. 4. Communication of Regulations (Q5) P. 7. Transparency and consultation processes (Q10)</p>

Note: This is a general mapping as some principles may translate in several areas, including for example policies and tools. The table shows that the various policy areas in the questionnaire are generally taking their policy justification from the agreed OECD Principles.

Providing a dynamic perspective: linking indicators to the earlier work; mapping 1998 and 2005 data

30. In developing a revised indicators questionnaire, it was important to be able to construct “time series”. In particular, given the relatively recent development of regulatory policies in many or most of the OECD member countries, the ability to track trends over a longer period is very valuable in establishing the nature and extent of progress on regulatory policy issues and highlighting areas in which progress has been limited.

31. While the value of obtaining time-series data is significant, the analysis of the earlier survey results exposed weaknesses in specific questions and the questionnaire was subsequently modified. Review of the 1998 and 2000 questionnaires had indicated that problems relate particularly to the subsidiary or “follow up” questions, while “headline” questions are generally less ambiguous or subject to interpretation. As a result, the time-series data to be developed inevitably focus more closely on the headline questions.

32. At a technical level, a significant part of the 1998 and 2000 data could be mapped to the 2005 data. The 1998 questionnaire corresponds to Section 2: Government Capacity to Produce High Quality Regulation in the OECD Regulatory Indicators Questionnaire (SG/RR(98)2/Final). The linked data represents a subset of the 2005 data which nonetheless covers the core elements of regulatory policy. Table 3 provides a short overview of the mapping while a full description is provided in Annex 3.

33. When exploiting the mapped data, concerns arose as to the comparability and quality of answers of the 1998 and 2000 questionnaires (see Section 3). Review of the results for 1998 compared with 2000 had already shown the need for correction to produce meaningful responses. These trends had also suggested the need for greater guidance on interpretation to be provided to respondents, which was achieved with the 2005 survey. However, the extent and size of the gaps discovered when mapping the 1998 data with the 2005 data made it necessary to undertake a full revision of the 1998 and 2000 data. *Ex post* analysis of the early results, particularly from 1998, showed that a lack of understanding of certain concepts, possible ambiguities in the questions, coding errors, and some overstatement of regulatory quality assurance systems generated biased answers in earlier years. This may also have been due to the fact that the context of regulatory reform has been evolving rapidly over time across OECD countries.

34. This was also necessary in the light of the results of the series of detailed OECD country reviews undertaken from 1998 onward. Generally the reviews found either that regulatory frameworks had made progress or remained stable, but not that they had deteriorated, shedding certain elements of regulatory management once implemented. However, the unadjusted results for 1998 would have shown a general backward trend. Hence, a full adjustment of the 1998 results was necessary.¹² Significant efforts have therefore been made to adjust the results of past surveys for 1998 and also 2000, which have been adjusted for all countries.

Table 3. Mapping of the 2005 questionnaire with the initial 1998 questionnaire

<i>Question in 1998 questionnaire</i>	<i>Link</i>	<i>Question in 2005 questionnaire</i>
q. 1. Explicit policy commitment*	Same	Q. 1. Explicit regulatory policy
q. 2. Coordination and management	subset	Q. 2. Linking regulatory policy and other policy areas
q. 3. Forward planning of regulatory activities	Same	Q. 3. Forward planning of regulatory activities
q. 4. Administrative procedures	Subset	Q. 4. Rule making procedures
q. 6. Communication and Enforcement of Regulations	Same	Q. 5. Communication of regulations
q. 7. Threshold Test	Same	Q. 6. Threshold Test
q. 8. Choice of policy instrument	Same	Q. 7. Choice of policy instrument
q. 6. Communication and Enforcement of Regulations	Subset	Q. 8. Compliance and enforcement
q. 1. Explicit Policy Commitment	Same	Q. 9. Use of regulatory quality tools general
q. 5. Public consultation	Subset	Q. 10. Use of public consultation
q. 9. Use of regulatory impact analysis	Subset	Q. 11. Use of regulatory impact analysis
q. 13. Business Licenses and Permits	Subset	Q. 12. Business Licenses and Permits
q. 12. Reducing administrative burdens	Subset	Q. 13. Reducing administrative burdens
q. 15. Training in regulatory reform skills	Subset	Q. 14. Training in regulatory quality skills
q. 2. Coordination and management	Subset	Q. 15. Central regulatory authority
	Missing	Q. 16. Parliamentary oversight of regulatory policy
	Missing	Q. 17. Role of judiciary in regulatory policy
q. 14. Coordination between levels of government	Subset	Q. 18. Inter-governmental co-ordination on regulatory policy
q. 11. Regulatory review and evaluation	Subset	Q. 19. Regulatory review and evaluation
	Missing	Q. 20. Controlling aggregate regulatory burdens
	Missing	Q. 21. Indicators of performance, qualitative questions
q. 10. Technical law drafting capabilities	Missing	Not kept in 2005.
q. 16. Indicators of the results of reforms	Not possible	Q. 21. Indicators of performance, qualitative questions

*. In 1998, this question also included a general question on the use of regulatory quality tools, subsequently relabelled as question 9 in the 2005 questionnaire.

RESULTS

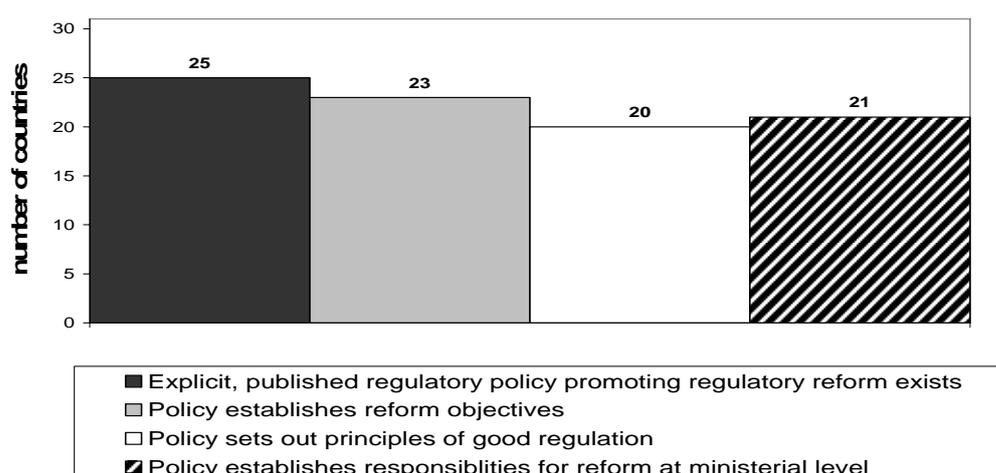
35. The presentation of the results follows the ‘taxonomy’ outlined in previous policy reports, (OECD 2002 and OECD 2005). The analysis will follow the major headings of “Regulatory Policies”, “Regulatory Tools” and “Regulatory Institutions”, with, however, a distinction for "Regulatory Processes", as outlined in Table 2 mapping the 2005 questionnaire with the 2005 OECD Guiding Principles. The tools include mainly RIA for *ex ante*, and the reduction of regulatory burdens, administrative simplification strategies, reviews and update for *ex post*. The elements included under *ex post* represent the dynamic nature of regulatory policy and have been considerably strengthened in 2005. They represent the key strands in terms of policy to support quality practices in regulatory management systems.

Regulatory Policies

36. Regulatory policies represent an explicit, dynamic, continuous and consistent “whole of government” policy to pursue high quality regulation. In 2005, 26 countries had an explicit published regulatory policy promoting regulatory reform (Figure 1). The first countries to adopt an explicit regulatory policy were Canada, which developed its regulatory reform strategy in 1986, and the United States where regulatory reform was pioneered in the 1970s. Among other OECD countries, New Zealand, Spain and the United Kingdom had introduced elements of a regulatory quality policy in the mid 1990s. In most countries where an explicit regulatory policy was in place, it was substantially revised since 1998 except in few cases. Major changes have been experienced by most countries since the start of the OECD Regulatory Reform Programme.

37. More than two thirds of the countries have reform objectives with explicit principles of good regulation, with 19 countries establishing responsibilities for reform at the ministerial level (Annex 2, Table 5). The results of the reviews and the corresponding principles outline the importance of support at the highest political level. The fact that regulatory policy is still a diffuse responsibility in some countries shows that the scope for political leadership can still be improved.

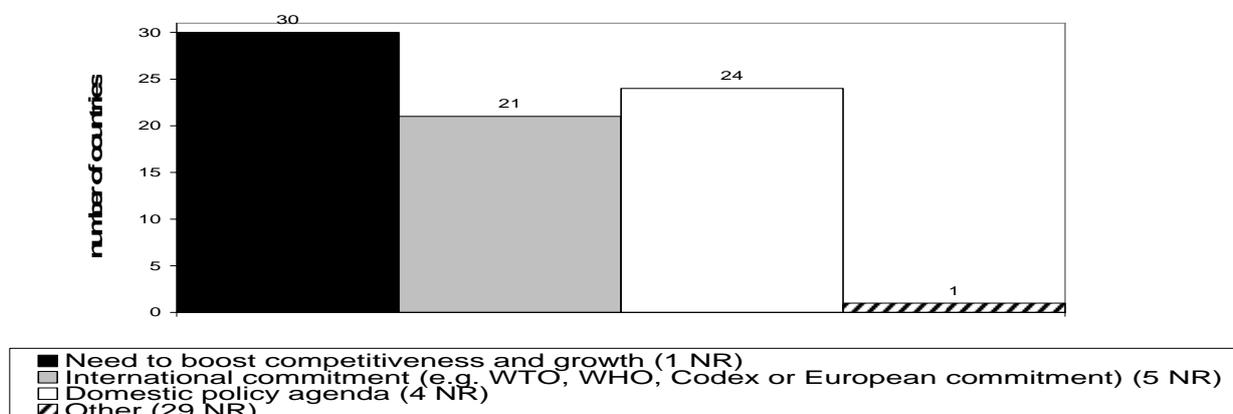
Figure 1. Explicit regulatory policy promoting government wide regulatory reform



Notes: See Q1:a),a(i),a(ii),a(iii), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; 6 countries do not provide any response except for 'Explicit, published regulatory policy promoting regulatory reform exist' where all countries provide a response.

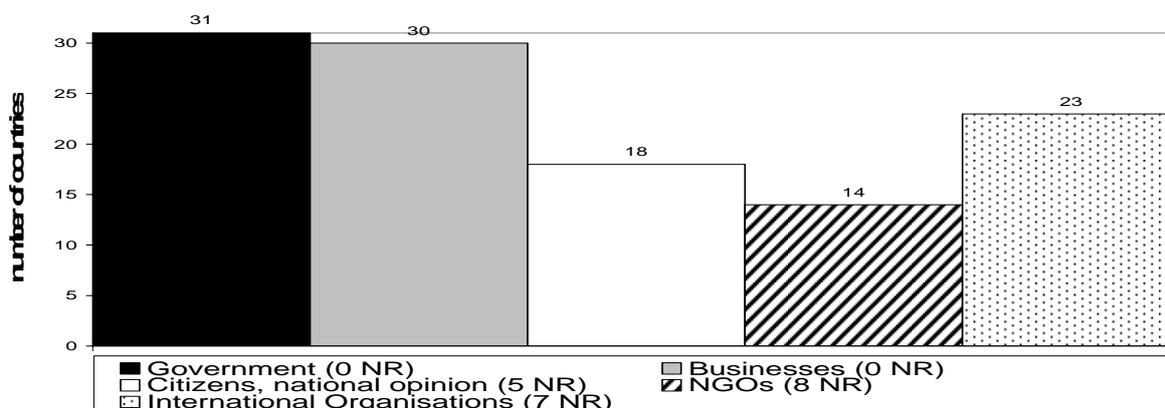
38. Regulatory reform is acknowledged by countries as a tool to boost competitiveness and growth. This tool is primarily driven by a domestic policy agenda, even if two thirds of the countries also mention an international commitment (e.g., WTO, WHO, Codex, European commitments) (Figures 2 and 3). In some countries, such as in Australia, regulatory reform is contained in national competition policy. In many countries, including European countries with the Lisbon agenda, regulatory reform is seen as an instrument to boost competitiveness and growth, to improve the country as a business location. In the Nordic countries, as well as in Ireland, regulatory reform is viewed as a strategy to contribute to public sector and public service modernisation, to increase citizens' free choice and to promote welfare. While governments are always drivers for reform, the business community plays a significant role in almost all countries; NGOs and/or citizens and national opinion are only mentioned by half, and international organisations are acknowledged as a driver for reform in nearly two thirds of the countries. (More detailed results are available in Annex 2, Table 6. Policy drivers for regulatory quality).

Figure 2. Main motives for reform



Notes: See Q1:b(i),b(ii),b(iii),b(iv), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; number of countries who do not provide any response see number of NR.

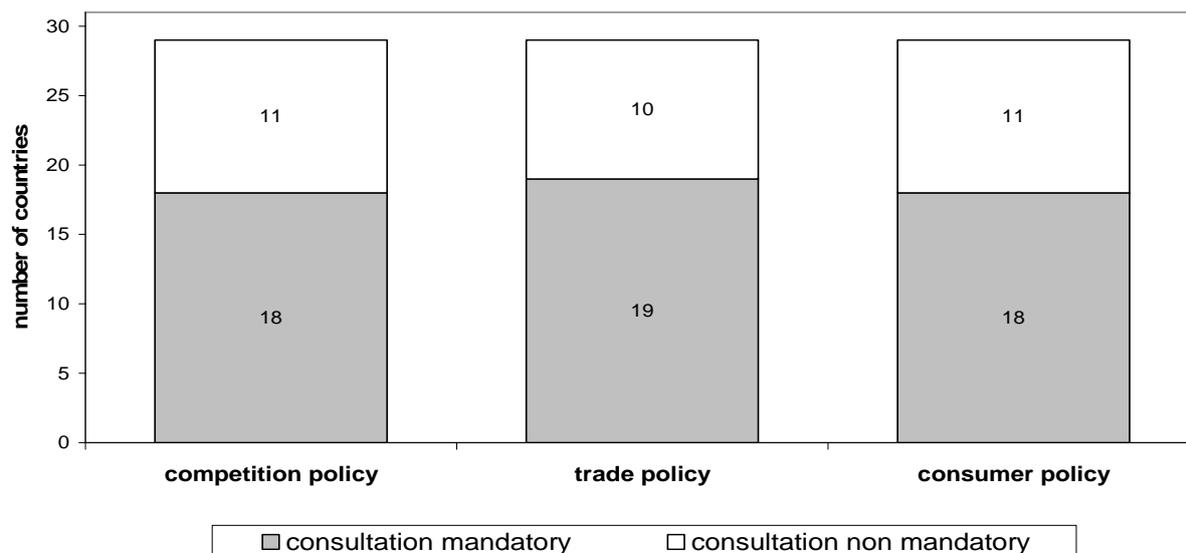
Figure 3. Drivers for reform



Notes: See Q1:c(i),c(ii),c(iii),c(iv),c(v), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; number of countries who do not provide any response see number of NR.

39. The development and implementation of broad regulatory policies are essential to achieve key objectives such as boosting economic development and consumer welfare by encouraging market entry, market openness, innovation and competition. This requires links across policy areas fostering policy coherence. This link exists in a mandatory way in two thirds of the countries in 2005, even if it tends to be less pronounced for consumer policy bodies (Figure 4), and with at least some form of consultation in nearly all. More detailed information is available in Table 12, Annex 2.

Figure 4. Linking regulatory policy with other policy areas



Notes: See Q2: a),b),c), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; no country provides no response.

Regulatory Institutions

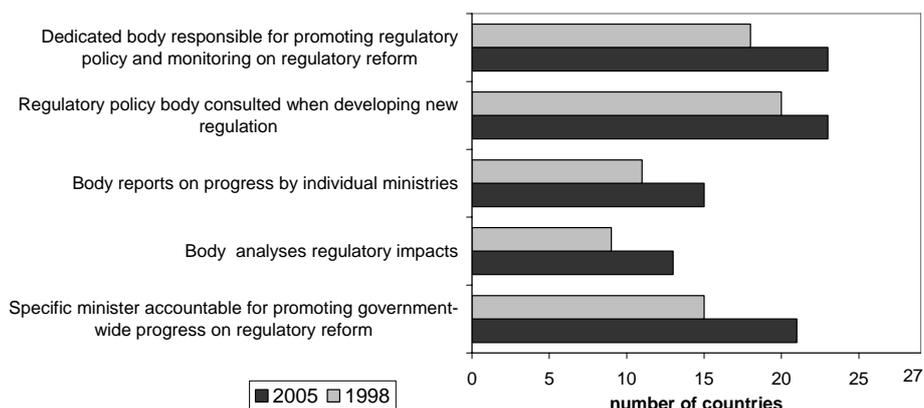
40. Appropriate regulatory institutions are a key element to drive and monitor the delivery of regulatory policy. Key institutions include regulatory oversight bodies located at a focal point of the government administration, with a broad remit to advocate for the regulatory policy, assist regulators in implementing regulatory policy elements, undertake quality control responsibilities in areas such as RIA and report on overall performance in achieving regulatory policy objectives. Other institutional elements include the setting up of independent regulators where required to ensure that appropriate regulatory incentives exist and that conflicting political imperatives do not undermine the achievement of regulatory outcomes. These have been described and analysed separately.¹³

Institutional setting to promote quality in regulatory management systems

41. The institutional setting to promote quality in regulatory management systems has been considerably strengthened between 1998 and 2005 (Figure 5). While only 18 countries had a dedicated body responsible for promoting regulatory policy in 1998, 24 countries had one in 2005 out of those countries for which the information is available both years. The role and responsibilities of these bodies have also been strengthened, with more frequent consultation when developing new regulation, the possibility of reporting on progress by individual ministries, and the possibility of analysing regulatory impact. Most important is the fact that nearly two thirds of the respondents had a minister accountable for promoting government-wide regulatory reform in 2005, against slightly more than the half in 1998. The

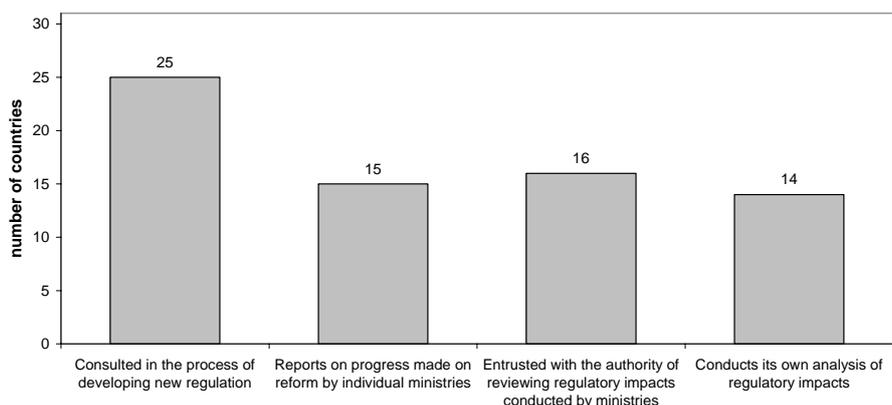
perceived need for a specific body or for co-ordination mechanisms may also reflect specific circumstances in respective countries. Some small countries which benefit from traditions of co-operation and consensus for example, may prefer more decentralised solutions that could prove effective in these specific circumstances.

Figure 5. Institutional setting to promote regulatory policy
Recent trends 1998-2005



Notes: See Q15:a),a(i),a(ii),a(iv),c), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. The sample includes 27 countries. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

Figure 6. Responsibilities of the body in charge of promoting regulatory reform from a whole of government perspective



Notes: See Q15:a),a(i),a(ii),a(iii),a(iv), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; 6 countries do not provide any response except for 'Reports on progress made on reform by individual ministries' where 5 countries do not provide any response.

42. In 2005, bodies in charge of promoting regulatory reform generally enjoyed broad responsibilities for developing new regulations and reviewing regulatory impacts (Figure 6). However, the

possibility to report on progress made by individual ministries and to conduct their own analysis of regulatory impacts remained limited to half of the countries.

43. Table 7 in Annex 2 provides a detailed comparison of the regulatory oversight bodies. This table shows that a majority of countries located their regulatory oversight body at the center of government, in a prime minister's office or a presidential office with some form of interdepartmental coordination. Ministries of finance and ministries of justice also play a significant role. These are generally relatively small units, with approximately 20/30 staff in Australia, the Czech Republic, Denmark, the European Commission or Poland, but generally staffed at a high technical and political level. Korea has a significant unit, with nearly 90 staff between the Regulatory Reform Task Force, and the Office for Regulatory Reform, attesting the very significant investment made by Korea in this field. The United Kingdom also has significant staffing levels, with nearly 70 staff, as does the US with 50 staff at OIRA. Germany has just set up a regulatory control unit (Normen Kontrol Rat) with broad responsibilities under the new coalition treaty of November 2005. Italy, France and Switzerland tend to have comparatively smaller units.

Annex 2. Table 7. Regulatory Oversight bodies in OECD Countries. (Annex).

44. Besides the bodies managing regulatory reform as such, the questionnaire also included a question on whether there is a standing (i.e. permanent) advisory body that receives references to review broad areas of regulation. Such bodies have the advantages of bringing an independent view and a store of acquired regulatory policy expertise to the review process and are often powerful tools to support the reform process. About a third of the countries had such an external advisory body in 2005 (Annex 2. Table 6). Scope for further progress remains here.

Regulatory management across levels of government

45. The OECD Principles for Regulatory Quality and Performance “encourage reform at all levels of governments.” Local governments also represent an increasingly important element of the regulatory framework, both in unitary states, including historically strong ones and in federal states with increasing awareness of the importance of the federal/state interaction. In 2005, 20 countries and the EU reported some formal coordination mechanisms between national/federal and State regional governments (Annex 2. Table 8). In Australia, the Council of Australian Governments (COAG) was established in 1992 to facilitate national approaches to regulation-making. It and its ministerial councils have RIA guidelines for regulatory proposals¹⁴. In Italy, the bill for administrative simplification calls for establishing agreements between central and regional governments to carry out activities of common interest with regards to simplification, regulatory reorganisation and the definition of uniform principles to pursue quality regulation at the State and regional levels. In the United Kingdom, a number of concordats exist between the UK Central government and the devolved administrations of Scotland, Wales and Northern Ireland, which are intended to be binding in honour as statements of political intent.

46. Canada seems to have the strongest mechanisms for provincial/federal as well as supra national coordination. It has a number of coordinating bodies for federal/provincial cooperation in regulatory matters. The supra-national level also plays a significant role for regulatory practice, with 20 countries and the EU reporting formal –coordination mechanisms. For example Canada recognises that international regulatory cooperation is an important component of an effective and efficient regulatory system. Under the Security and Prosperity Partnership in North America (SPP), Canada is developing a trilateral Regulatory Cooperation Framework. Naturally, European countries are all significantly affected in their regulatory frameworks by the European directives and guidelines. This also applies to neighbouring countries in EFTA and beyond. Free Trade Agreements and the WTO are also mentioned by a number of countries.

Annex 2. Table 8. Co-ordination across levels of government, supra national/sub national

The role of Parliament and the Judiciary

47. Increasingly, parliaments and the judiciary are also taking on roles in regulatory management by exercising review and/or appeals functions. These are therefore also emerging as potentially important institutions in the regulatory policy context. However, a dedicated parliamentary committee or a parliamentary body existed only in a minority of countries in 2005, with 12 countries and the European Commission reporting such a body. In only 4 countries and the EU did this body review the quality of the proposed legislation. However, in some countries, such as in Canada, the Standing Joint Committee for the Scrutiny of Regulation, which is a joint House of Commons Senate Committee, has had a significant impact on regulatory policy and reform. In a number of countries, these committees enjoyed broad responsibilities for legal matters. In others, they may be more specific, such as in Ireland, where the better regulation agenda is the responsibility of the Parliamentary Committee on Finance and the Public Service. In Italy, a parliamentary committee was established in 1997 to monitor the implementation of regulatory reform for administrative simplification and was strengthened in 2005. The regulatory oversight in Parliament is strongest in the UK where the House of Commons Regulatory Reform Committee has the broadest responsibilities as outlined in Annex 2. Table 9, with the responsibility to oversee Regulatory Reform Orders (RROs). This body was entrusted with the review of the quality of subordinate regulation in 4 countries plus the EU. These review processes remain rarely explicitly guided by regulatory quality criteria. Report on progress on regulatory reform across the administration also remains limited.

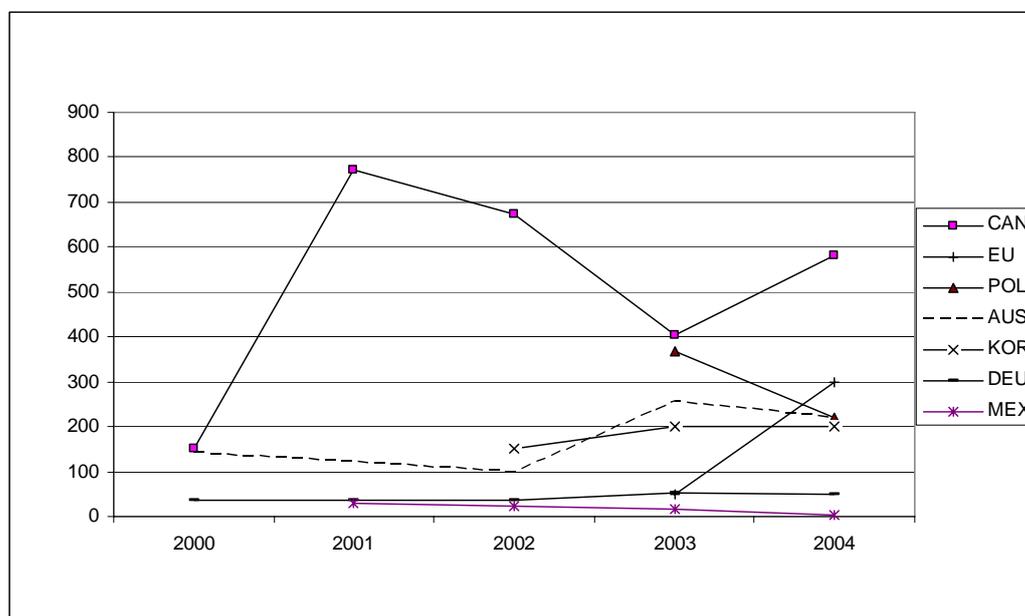
48. The role of the judiciary included elements of regulatory policy subject to judicial review in about 11 countries (Annex 2. Table 10). In Canada, judicial review increasingly enhances the transparency of the regulatory process, with a decision of the Supreme Court to adapt the common law to prompt government decision makers to adopt practical measures for providing written explanations whenever their decisions have a significant impact on affected individuals.¹⁵ In the United Kingdom, in cases when a statutory obligation to carry out a RIA or to consult has not been complied with, any legislation could be challenged by way of judicial review. Secondary legislation and certain policy decisions can be challenged by way of judicial review on grounds of procedure and substance.

Building regulatory capacity through training

49. The OECD Principles for Regulatory Quality and Performance call for strengthening regulatory management not only by staffing regulatory units adequately but also through conducting regular training. In 2005, 26 countries plus the EU Commission reported training programmes, with however, only 19 programmes including training on how to conduct a RIA (Annex 2. Table 11). Several countries reported data on the intensity of their training programmes (Figure 7). Canada seems by far the most advanced in terms of the intensity of its reported training efforts, which have been intensified over the years. The Privy Council Office/treasury Board of Canada Secretariat is in the process of developing a more comprehensive curriculum with the Canada School of Public Services in order to further enhance the capacity of the federal regulatory community. Korea also reported significant training efforts. In Poland, workshops on RIA are systematically organised for civil servants. In the United Kingdom, the Better Regulation Executive has been working with the National School of Government to ensure that courses on policy development include the BRTF principles of good regulation.

Figure 7. Training

(number of individuals trained)



50. However, training efforts are not limited to training sessions. Sending staff to other ministries or to the European Commission or Court of Justice can also be considered as a means of training as is the case for Austria, Canada and Ireland. Local governments may also have their own training programmes which are not reported here.

51. Only a third of the countries included training on how to inform and communicate with the public. Two thirds of the countries provided general guidance on regulatory policy but only a third of the countries provided guidance on compliance and enforcement. This is consistent with the findings from the country reviews (OECD 2005) which show that promoting better communication remained an issue. This would help regulators in building public awareness and when dealing with vested interests. Consistent with this is also that "Compliance and enforcement" issues are often rarely addressed at an early stage in regulatory processes". This lack of training is not surprising as country officials perhaps find it easier to focus on the adoption and communication of a rule than on ensuring that it is respected. Some countries reported significant emphasis on enforcement, as is the case with the UK, where local and central government organisations have signed up the "Enforcement Concordat" published by the Cabinet Office in 1998.

Regulatory Processes

52. The OECD Principles for Regulatory Quality and Performance call for transparent, non discriminatory and efficient regulatory processes. This involves consulting with all significantly affected parties and also ensuring that administrative procedures for applying regulations are transparent, non discriminatory and contain an appeal process. Transparency is a pillar of effective regulation as the third OECD Guiding Principle for Regulatory Quality and Performance states that governments should "Ensure that regulations, regulatory institutions charged with implementation, and regulatory processes are transparent and non discriminatory". The ability of citizens and businesses to understand fully their regulatory environment and to have a voice in regulatory decision making is a key feature of efficient and participative regulatory systems.

53. Transparency represents an important challenge in modern societies. It is a necessary element for governments and the public sector at large to build trust with citizens, businesses and non governmental organisations. While it may appear to be technical at first sight, it is in fact a challenging task involving standardised processes for making and updating regulations, consultations with interested parties, effective communication of the law and plain language drafting, controls on administrative discretion and effective implementation and appeals processes.

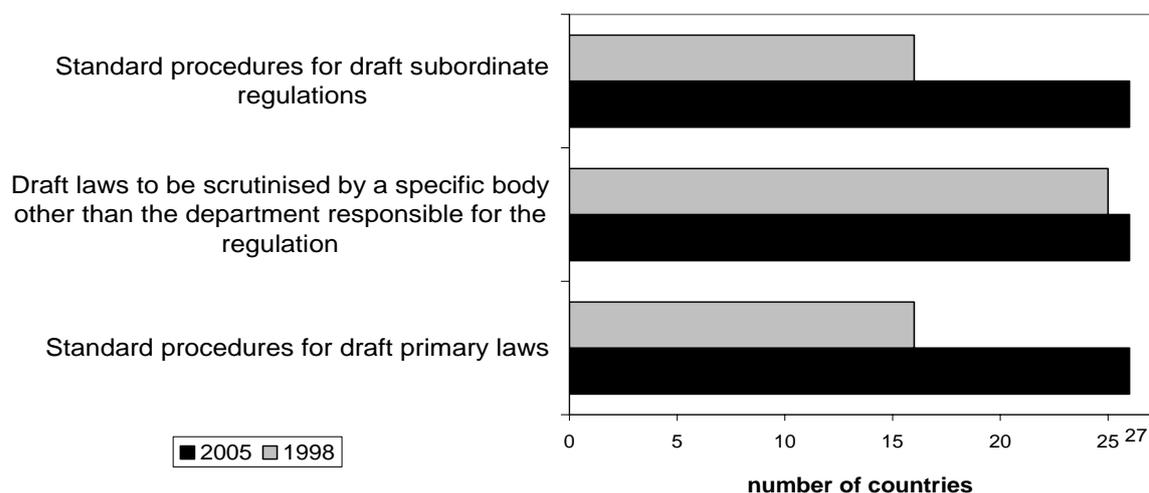
Clarity and due process in decision making procedures

54. A first element of clarity and due process is the existence of forward planning as a means to inform citizens and businesses of current and future regulatory developments. A periodical publication of the list of laws to be prepared, modified or reformed in the next six months or more was available in nineteen countries, and in the EU. Only a third of the countries reported having such a list for subordinate regulations. When this list existed, it was always available to the public, for example on the Internet, and both for primary laws or for subordinate regulations (Annex 2. Table 12). In Australia, regulatory plans are required to be published annually by each government regulatory agency. In Denmark, the government presents its annual law planning programme at the beginning of each parliamentary year, in October. In Korea, the Ministry of Legislation publishes in the internet the yearly law enactment/amendment plans by each ministry. The 1998 Basic Act on Regulatory Reform stipulates that "each ministry must submit an annual plan for regulatory amendment to the Regulatory Reform Council and the Regulatory Reform Council must publish a comprehensive regulatory amendment plan covering all ministries. In Mexico, the requirement is that all federal agencies must submit to the COFEMER, their Regulatory plans for the next two years. In Poland, the plans are updated every 6 months. In Switzerland, the yearly objectives of the Government, the Federal Council and of the Departments are publicly available. There is also a "legislature plan" covering the four year periods between each parliamentary election. Finally, the regulatory proposals of the European Commission are included in the annual Commission's Legislative Work Programme made public at the beginning of each year.

55. All countries, except Iceland, reported some form of standard administrative procedures for drafting laws and new subordinate regulations. Between 1998 and 2005, rule making procedures have also been considerably strengthened (Figure 8). This reflects regulatory reform efforts, with the introduction of Administrative Procedure Acts, which are a tool for controlling excessive administrative discretion. Countries such as Korea, Mexico or Japan did follow the example of the United States or Canada which have had Administrative Procedure Acts respectively since 1946 (US, APA) and 1971. In Canada, the making and scrutiny subordinate law is governed by the Statutory Instruments Act (SIA) issued in 1971. However, a number of countries do have such laws, but guidelines or procedural requirements issued by the center of government, such as for example the principles issued by the Prime Ministry in Turkey.

Figure 8. Rule-making procedures

Recent trends 1998-2005



Notes: See Q4:a),a(ii),b(ii), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. The sample includes 27 countries. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

56. Nearly all countries for which information was available in 1998 and in 2005 had some form of external scrutiny, except Iceland, Belgium and Luxembourg. This may reflect both legal or judicial scrutiny, as well as the economic and social assessment of regulatory impacts. In a number of countries including Belgium, Italy, France, Luxembourg, Turkey, this external scrutiny is the responsibility of the Council of State, which tends to focus on legal and judicial aspects. Elsewhere, this responsibility falls with an agency of the executive, such as the Privy Council Office/Treasury Board of Canada Secretariat, the Office of Information and Regulatory Affairs in The Office of Management and Budget in the United States or the Better Regulation Executive in the Cabinet Office in the United Kingdom. These agencies ensure consistency with overall government directions, established procedures and consultation requirements, including the quality of the underlying economic or cost-benefit analysis.

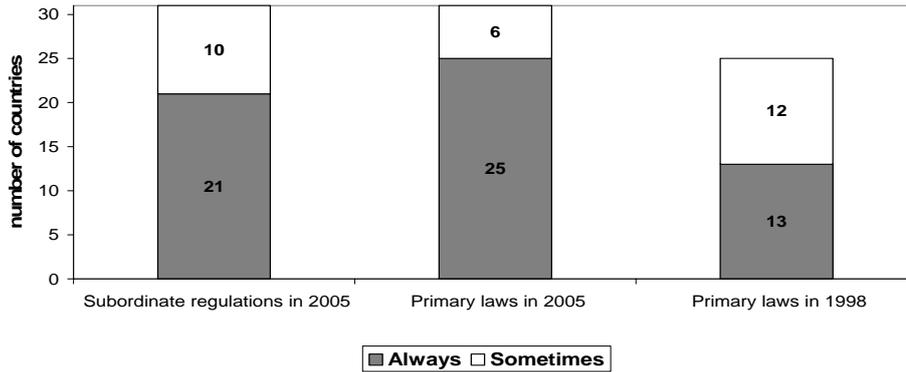
Transparency

57. Transparency concerns the capacity of the regulated entities to identify, understand and express views on their obligations under the rule of law (OECD 2002). Transparency represents a key feature of good public governance, particularly to build trust in government. It is a central demand of civil society groups and serves to protect the democratic value of openness. Transparency includes the familiar concept of public consultation but is in fact broader in scope. It covers notifications to the public that regulatory decisions have been taken, which corresponds to communications and easy access, but also controls on administrative discretion and corruption, better organisation of the legal system and various participatory approaches to decision making. The current section of the report will address those aspects of transparency that are related to regulatory processes. Transparency in the regulatory process is particularly important for market openness, as international trade-related disciplines such as the GATS requirements and the WTO require some form of transparency.

Consultation procedures

58. Over the time period, consultation procedures have remained relatively stable in the majority of countries.¹⁶ Public consultation procedures when developing new draft primary laws existed in 26 countries as well as in the EU in 2005. Two thirds of the countries reported having such procedures when preparing draft subordinate regulations (Figures 9 and 10).

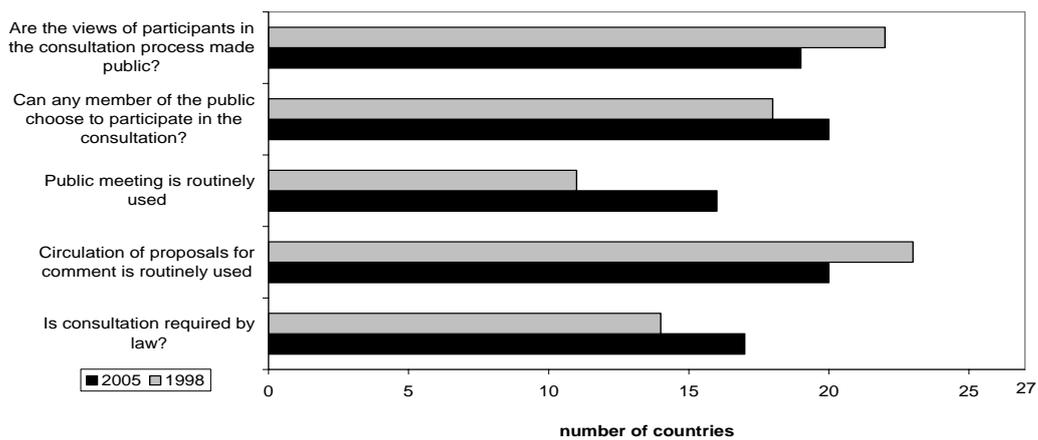
Figure 9. Public consultation when developing draft regulations



Notes: See Q10:a),a(i),b),b(i), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. In 1998, number of respondents was 27 instead of 31. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

Figure 10. Use of public consultation

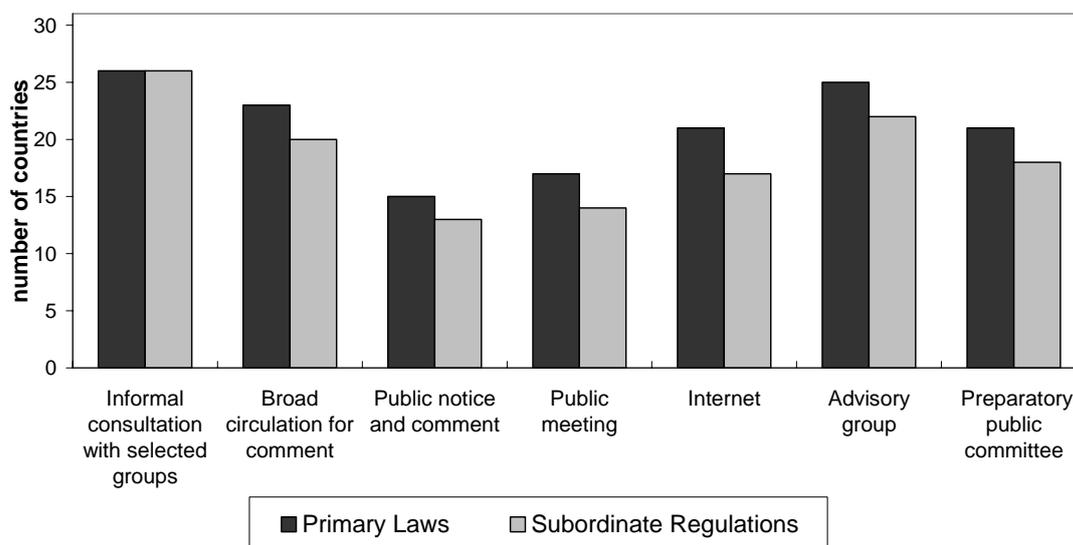
Recent trends 1998-2005



Notes: See Q10:a),b(i),b(ii),b(iii),d(i), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. The sample includes 27 countries. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

59. The quality and extent of the consultation processes was generally more satisfactory for primary laws than for subordinate regulations. Informal consultations with selected groups does not offer equal and open opportunities for consultation, but was the most frequently used form of consultation, particularly for subordinate regulations. Australia mentioned relying more on informal consultation mechanism, which differentiated it from other countries with a similar legal tradition such as the United States or the United Kingdom. Consultation requirements tend to be limited and embodied to those involved in the Regulatory Impact Statement (see RIA section). More systematic methods, such as broad circulation for comment, setting up an advisory group or relying on the internet were also relatively widely used, by two thirds of the countries broadly for subordinate regulations. The more rigorous process of public notice and comment, or the possibility of a public meeting was only available in less than half of the countries. (Figure 11). The US and Spain had such notice and comment procedures for subordinate regulations but not for primary laws. In Mexico, notice and comment procedures are applicable to draft primary laws when they are proposed by the Executive branch. In contrast, Switzerland, Portugal Ireland and Greece had such mechanisms for laws but not for subordinate regulations. (Annex 2. Table 13).

Figure 11. Forms of public consultation that are routinely used

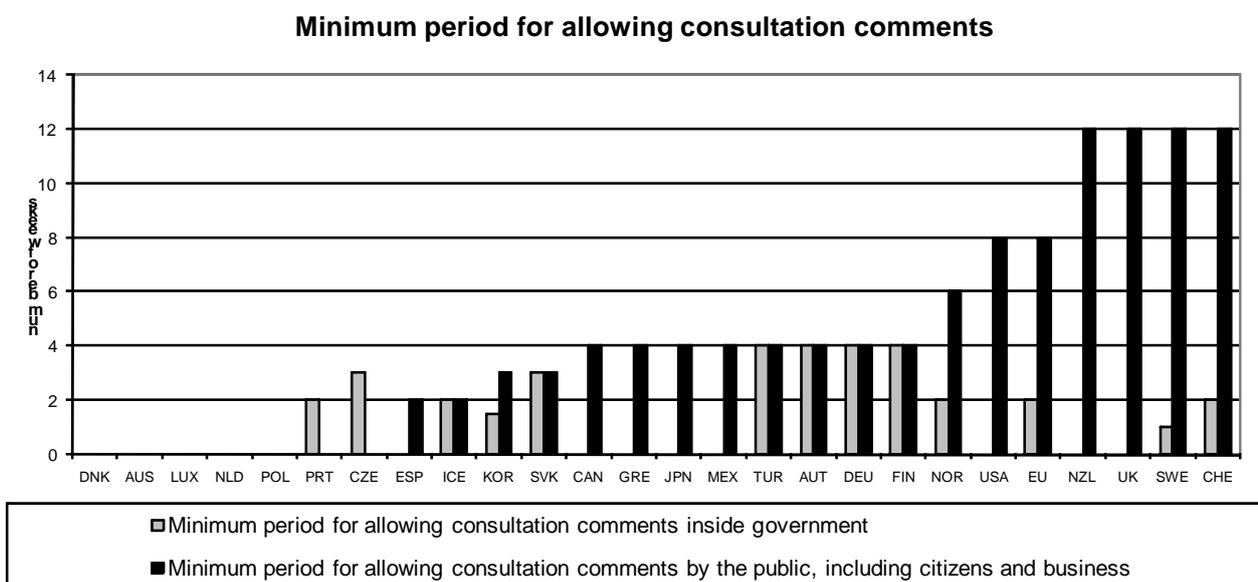


Notes: See Q10:b(ii), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31.

60. Some countries, such as Canada, have developed guidance, with a Guide for Effective Regulatory Consultation.¹⁷ In this country, the appropriateness of the consultations conducted by departments with stakeholders prior to seeking Cabinet's consideration of a regulatory proposal, together with the outcome of the consultations, such as stakeholder support, play a role in determining whether Cabinet will approve the pre-publication of the proposal for comments by the public in general. Ireland has also established Guidelines for Public Sector Bodies which provide guidance on best practice in consultation, but these guidelines are not statutorily binding. In the United Kingdom, consultation is binding in that departments have signed up to the Cabinet Office Code of Practice on Consultation. In addition, the Better Regulation Executive provides guidance for running consultations in government. In Greece, broader consultation through the Internet occurs mostly for issues regulated by independent regulators while consultation for primary laws occurs through a tripartite committee (OKE).

61. The quality of the comments depends on the time offered to businesses and citizens to comment. Practices differ widely across countries. While Switzerland, Sweden, the United Kingdom and New Zealand offer twelve weeks for comments, the US offers eight weeks and other countries such as Canada, Greece, Japan, Turkey, Mexico, Austria, Germany and Finland offer four weeks. Norway and the EU are somewhere between these two groups. This period is only two weeks in Spain, Iceland, and three in Korea and the Slovak Republic (Figure 12). The answers to the question on consultation inside government were rather uneven, and generally shorter. This practice was mentioned only by handful of countries; perhaps internal consultation is widely used, but less formalised. The fact that some countries have no specific minimum period may simply reflect the lack of a formal policy rather than the absence of well institutionalised practices.

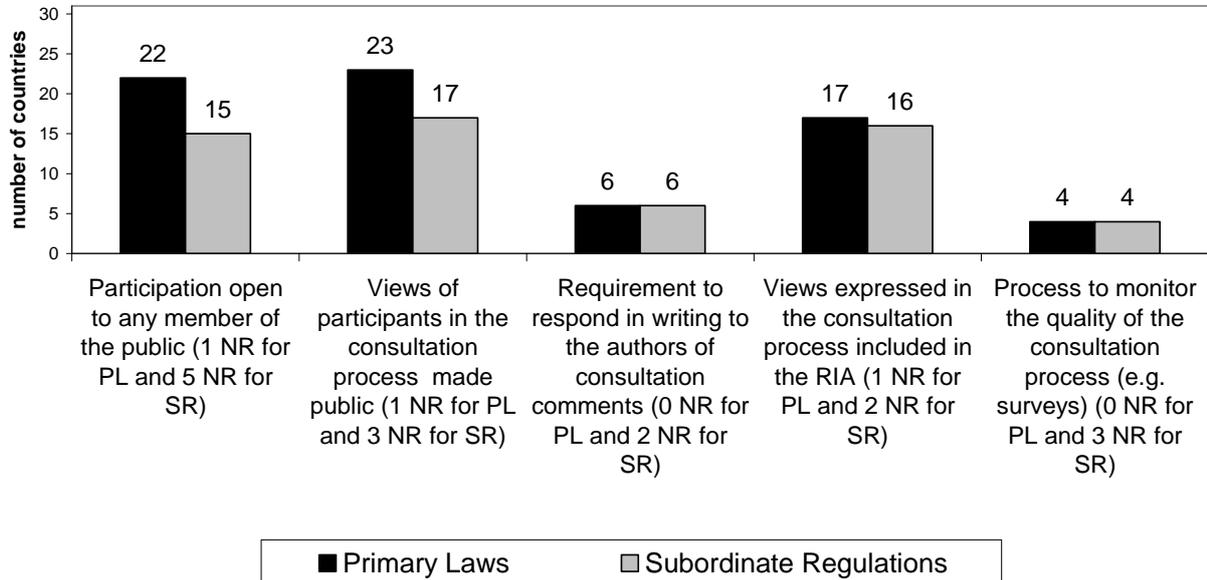
Figure 12. Minimum period for allowing consultation comments



Notes: See Q10:c(i),c(ii) / 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/ANN1. Regarding the minimum period for allowing consultation comments inside government: data are not available for Denmark, the Netherlands, Spain, Canada, Greece, Japan, and New Zealand. Regarding the minimum period for allowing consultation comments by the public, including citizens and business: data are not available for Portugal and Czech

62. In addition to the consultation processes, the openness of the consultation process in itself is important (Annex 2. Table 14). While participation is open to any member of the public in two-thirds of the countries, with views of participants in the consultation process made public, this is less frequently the case for subordinate regulations, where participation is open to the public in half of the countries. In some countries, participation of the public is limited to the affected parties (Figure 13). A requirement to respond in writing to the authors of consultation comments exist in 8 countries. Even fewer countries monitor the quality of the consultation process, with only Canada, Poland, Switzerland (only for primary laws), Turkey and the United Kingdom being engaged in such activity.

Figure 13. Openness of the consultation process



Notes: See Q10:b(iii),d(i),d(ii),d(iii),d(iv), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; number of countries who do not provide any response see number of NR.

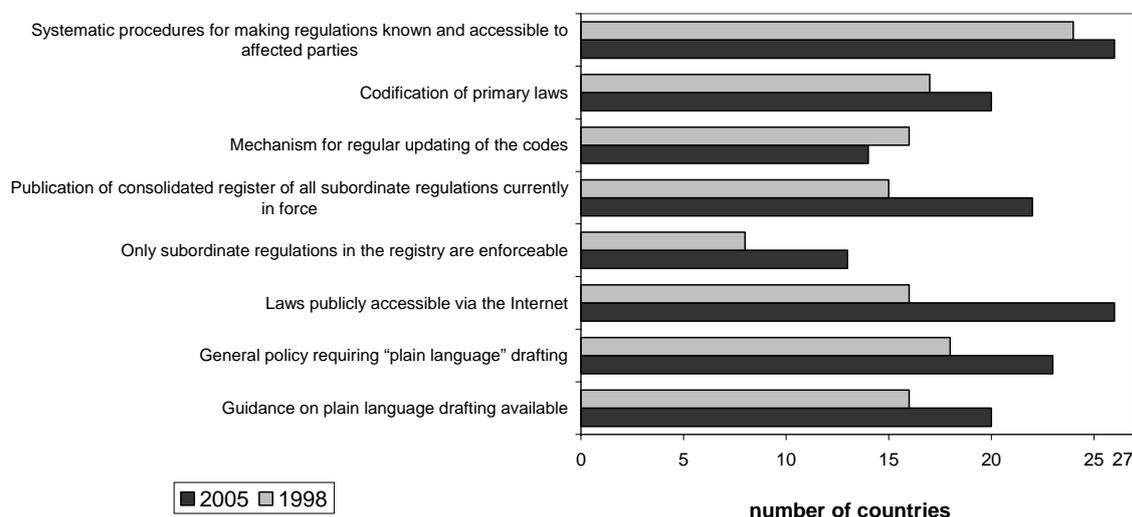
Communications and easy access to regulations

63. Another dimension of transparency is the clarity of the legal and regulatory framework and the effectiveness of communication and access arrangements. Access to information about the rules for a regulated entity is a core concern for transparency in terms of the rule of law. It also represents an essential component of regulatory fairness and effective compliance, as is acknowledged by Canada. This concern, reflected in the first and third principles of the 2005 Guiding Principles for Regulatory Quality and Performance was also already mentioned in the 1995 Checklist for Regulatory Quality. Nevertheless, concerns about regulatory complexity, fragmentation and unreadability are often frequently voiced among business groups and citizens. This is also an important element in terms of market openness. All OECD countries but Japan reported systematic procedures for making regulations known and accessible.

64. The situation has significantly improved between 1998 and 2005 (see Figure 14), mainly as a result of making laws publicly accessible via the internet: this was the case of all countries with systematic procedures for making regulations known and accessible. Progress has been observed in other areas too. For example, over two thirds of the countries had published a consolidated register of all subordinate regulations currently in force. Two thirds of the countries also had procedures for codification of primary laws, and had both a general policy requiring “plain language” drafting and some corresponding guidance. However, there were relatively fewer countries with regular updating of the codes, and even fewer in 2005 than in 1998. Only a third of the countries had provisions that only subordinate regulations in the registry are enforceable, although four more countries adopted such mechanism between 1998 and 2005.

Figure 14. Communication of regulations

Recent trends 1998-2005



Notes: See Q5: a),a(i),a(i-1),a(ii),a(ii-1),a(iii),a(v),a(v-1), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. The sample includes 27 countries. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

65. According to the responses, Canada, the United States, Korea, Switzerland, Austria, Greece and Poland had the easiest access in terms of easy access to regulations in 2005. Apart from Japan, and to a lesser extent Spain, Luxembourg and the Slovak Republic, most other countries had significant access where over two thirds of the corresponding responses receive a positive reply. (Annex 2, Table 15). These results only cover national governments, and may not be fully reflective of the situation in the country as a whole for those countries where sub national governments produce a significant amount of primary or subordinate regulations. However, many local governments do have provisions for making their laws and regulations available.

Regulatory quality tools

66. Regulatory practices have generated a range of tools to improve new and existing regulations. A distinction can be drawn between processes, which include transparency, consultation and communication, and quality tools, which include a range of available techniques that need to be deployed in a consistent and mutually supporting manner to reflect an integrated systemic quality assurance system. These tools cover the whole life span of a given regulation. They include consideration of regulatory alternatives and provision of justification for regulatory actions, regulatory impact analysis, administrative simplification, reduction of administrative burdens and mechanisms for evaluation and update of regulations. Some of these tools are considered in greater depth in policy-oriented reports, for example alternatives¹⁸ and administrative simplification strategies.¹⁹ This report presents the existing state of play in relation to their use based on the questionnaire responses, supplemented by the existing inventory for Regulatory Impact Analysis. It also assesses the existing trends since 1998 when the OECD Programme on Regulatory Reform started.

67. An overview is presented in Table 4 (below), based on a general question concerning the reliance to regulatory quality tools in the questionnaire (Question 9). One striking feature is the increasing reliance on regulatory impact analysis as well as the systematic evaluation of regulatory programmes for specific sectors or policy areas, even if this evaluation tends to be less practiced from a government-wide perspective. The explicit assessment of regulatory alternatives existed either government-wide or for specific sectors in at least two thirds of the countries.

Table 4. Use of main regulatory tools and processes, 2005

	Regulatory Impact Analysis		Assessment of regulatory alternative		Consultation with affected parties		Plain language drafting requirements		Systematic evaluation of regulatory programmes*	
	Specific sectors or	Gvt. wide	Specific sectors or	Gvt. wide	Specific sectors or	Gvt. wide	Specific sectors or	Gvt. wide	Specific sectors or	Gvt. wide
Australia	...	Y	...	Y	...	Y	...	Y	...	Y
Austria	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Belgium	Y	Y	Y	N	Y	Y	Y	Y	...	Y
Canada	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Czech Rep.	Y	N	Y	N	Y	N	N	Y	N	N
Denmark	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Finland	Y	Y	Y	Y	Y	Y	N	Y	...	Y
France	Y	N	N	N	Y	Y	Y	Y	Y	Y
Germany	...	Y	...	Y	...	Y	...	Y	Y	...
Greece	Y	...	Y	...	Y	...	Y	...	N	...
Hungary	...	Y	...	Y	...	Y	...	Y	...	N
Iceland	Y	N	Y	N	Y	Y	N	N	Y	N
Ireland	...	Y	...	Y	...	Y	...	Y	Y	...
Italy	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Japan	...	Y	...	N	...	Y	...	N	...	N
Korea	...	Y	...	Y	...	Y	...	Y	...	N
Luxembourg	Y	Y	Y	Y	Y	Y	N	N	N	N
Mexico	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Netherlands	...	Y	...	Y	...	Y	...	Y	...	Y
New Zealand	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Norway	Y	Y	Y	N	Y	Y	Y	Y	N	N
Poland	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Portugal	Y	Y	Y	N	Y	Y	Y	Y	N	N
Slovak Rep.	...	Y	...	Y	...	Y	...	Y	...	Y
Spain	Y	Y	N	N	Y	Y	Y	Y	Y	N
Sweden	Y	Y	...	Y	...	Y	...	Y	Y	...
Switzerland	...	Y	...	Y	...	Y	...	Y	Y	...
Turkey	N	N	Y	N	Y	Y	Y	Y	N	N
UK	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
USA	N	Y	N	Y	Y	Y	N	Y	Y	N
EU	Y	Y	N	N	Y	Y	Y	Y	Y	N

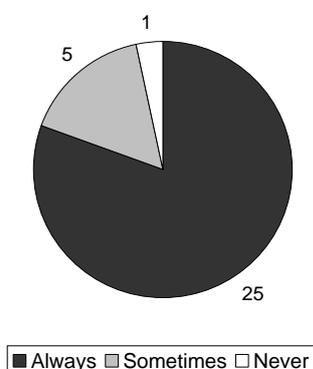
Notes: Y, Yes. N, No. "...": Not Available. For more details on the questions, see Q9:a(i),a(ii),a(iii),a(iv),a(v),b(i),b(ii),b(iii),b(iv),b(v) / 2005 OECD regulatory indicators questionnaire /GOV/PGC/REG(2005)12/ANN1. * This corresponds to ex-post evaluation.

Provision of justification for regulatory actions, consideration of alternatives

68. The justification for regulatory action and the search for alternatives represent a logical first step. Regulation is only one of a wide range of public policy instruments. In specific cases, other instruments may be more suited for addressing a particular policy issue and for a public intervention. The decision to regulate may be justified on the grounds of market imperfections, of information asymmetries or deficiencies, or of externalities and spillovers. It may also be justified on the grounds of achieving social, environmental and cultural objectives.

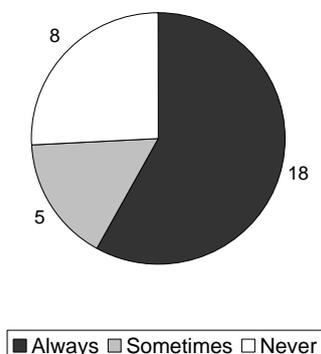
69. Providing a justification for regulatory actions reflects the thrust of the initial 1995 OECD Recommendation on Improving the Quality of Government Regulation. 25 Countries and the EU had such a requirement in 2005 (Figure 15). For most countries, this requirement implies a sort of a foreword for laws to be presented in Parliament. Explicit decision criteria when justifying new regulations existed in only half of the countries and the EU (Figure 16). In other words, the translation of this requirement in national language with explicit guidelines is still lagging behind with a third of the countries never using such explicit decision criteria. (For more details, see Annex 2. Table 16, Provision of justification for regulatory actions). Some countries are relatively advanced. For example, Canada has established good governance guidelines which pose questions to policy analysts directly addressing the issue of alternative policy instruments, such as urging partnership tests (have opportunities for partnership with communities, voluntary sector and private sector been considered?), efficiency and affordability tests (will the proposed option be cost effective?).

Figure 15. Requirement to provide a written justification on the need for new regulation



Notes: See Q6:a(i), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31.

Figure 16. Explicit decision criteria when justifying new regulation



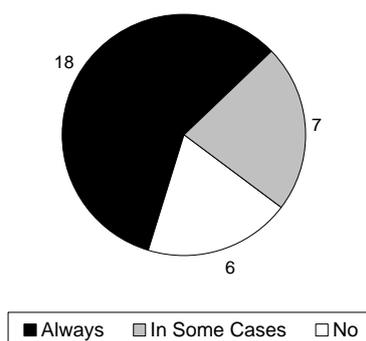
Notes: See Q6:a(ii), 2005 OECD Regulatory Indicators Questionnaire, . Number of respondents 31.

70. Searching for alternatives represents a second step when investigating how to regulate and achieve policy objectives. Governments need to ensure that the regulations and instruments used to achieve public objectives are effective and efficient. In this context, a range of options other than "command and control" regulation need to be considered. These options, called "alternatives to regulation",²⁰ include a number of features such as:

- More flexible, less prescriptive forms of regulation, such as performance-based regulation.
- Co-regulation and self-regulation, involving the industry, profession or regulated entities.
- Incentives and market based instruments, including taxes and subsidies, tradable permits and other market oriented approaches. These are often found in the environmental area.
- Information approaches, with education and persuasion.

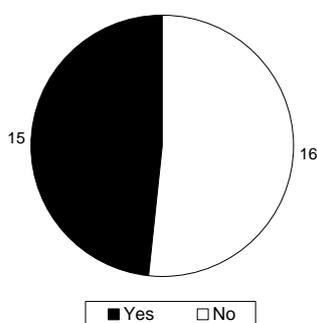
71. From a quality management perspective, the issue is whether the explicit search for alternatives is built into the process for adopting new regulations. In 2005, 18 countries had a systematic requirement for considering alternatives (Figure 17), while 8 countries plus the EU had such a requirement only sometimes and 4 had no such requirements. The implementation of such a requirement involves some guidance to be available. In 2005, half of the countries had developed such guidance, with a systematic requirement to consider alternatives. (Figure 18 and Annex 2. Table 16 for detailed country comparisons.²¹)

Figure 17. Requirement to identify and access potentially feasible alternative policy instruments



Source: Notes: See Q7:a), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31.

Figure 18. Guidance on using alternative policy instruments

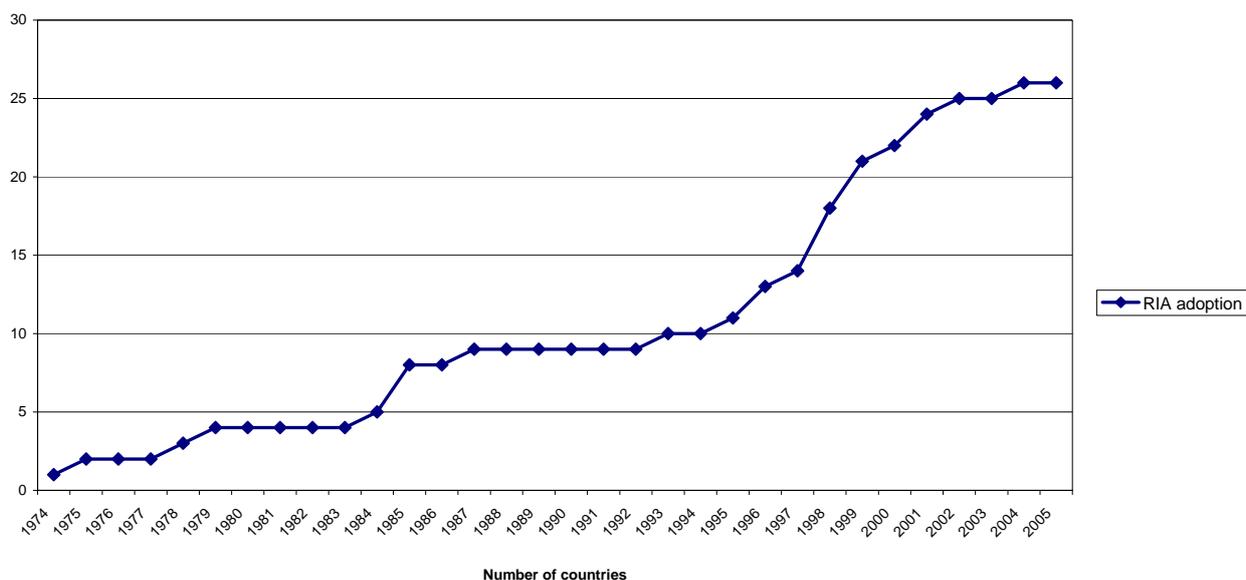


Source: Notes: See Q7:b), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31.

Regulatory impact analysis

72. The use of Regulatory Impact Analysis has widened across OECD countries (Figure 19). RIA represents an essential core tool for ensuring the quality of new regulations through a rigorous, evidence-based process for decision making. Already in 1966, Denmark had a precursory form of RIA to assess the economic and administrative impacts on the public sector and the administrative consequences for citizens and companies. The history of formal and explicit RIA dates extends over 30 years, with the inclusion of benefit-cost analysis in Inflation Impact Analysis in the United States.²² Finland and Canada followed the United States towards the end of 1970s. Australia, the United Kingdom, Netherlands and Germany adopted RIA in the mid 1980s. Scott Jacobs noted in the overview of the 1997 OECD Report on RIA Best Practices in OECD countries (OECD 1997), that, by 1996, around half of OECD countries had already adopted Regulatory Impact Analysis. The trend accelerated notably in 1997-1999 during the initial phase of the OECD regulatory reform programme. The European Union has also had an impact with its better regulation agenda on a number of remaining EU countries since 2002. A detailed overview of country by country adoption is presented in Table 17, Annex 2.

Figure 19. Trend in RIA adoption across OECD countries



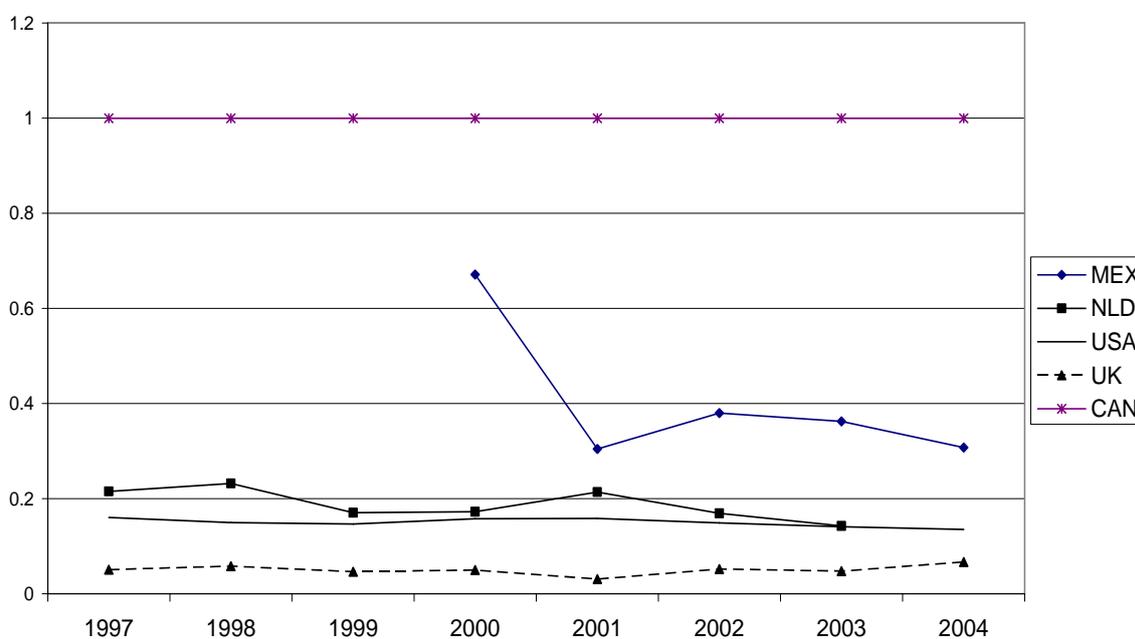
Source: Notes: This represents the trend in the number of countries with a formal RIA requirement (beyond a simple budget or fiscal impact). See Table 17, RIA adoption in OECD Countries for exact date of country by country adoption.

73. The key question, whether RIA programmes have a significant impact contributing to regulatory quality, does not lend itself to a single answer. The 10 points included in the 1995 Checklist for High Quality Regulation provide some framework of reference on the need to undertake an assessment to ensure that the benefits of regulation justified the costs. The implementation of RIA in a given country depends

upon the institutional context, the specific policy agenda and the existing local capacities. The OECD 1997 best practice report also offered a checklist of elements to be assessed for the correct implementation of RIA. One core element is the oversight body in charge of quality control, analysed previously in the section on institutions. Another issue is whether RIA efforts are appropriately targeted. However, apart from some partial information (see Annex 2. Table 17), no systematic information on the targeting could be collected. Some partial information was available (Figure 20 and 21). In Canada, the number of RIAs was equivalent to the number of new laws, due to mandatory requirements, and that the number of RIAs increased significantly in the UK over the time period. Concerning subordinate regulations, which cannot all be subject to RIA, data from a few countries would tend to show that between a tenth and third of the relevant subordinate regulations would have been subject to a RIA in recent years.

Figure 20. Rate of RIA per new subordinate regulations

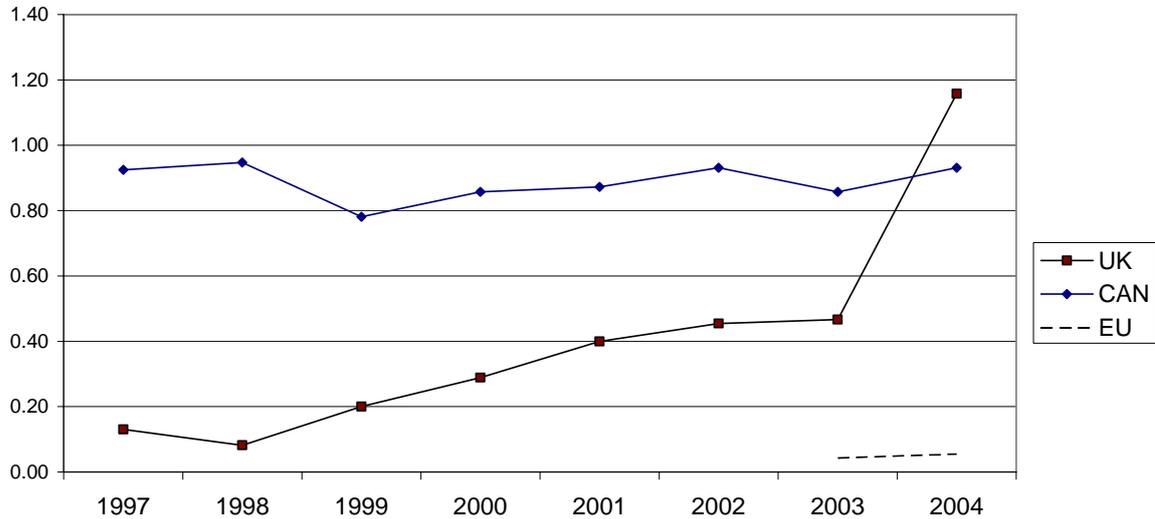
(Number of RIAs / Number of new subordinate regulations)



Note: As it is mandatory to have a RIA for new regulations in Canada, the value is equal to 1 for all years for that country.

Figure 21. Rate of RIA per new laws

(Number of RIAs / number of new laws)

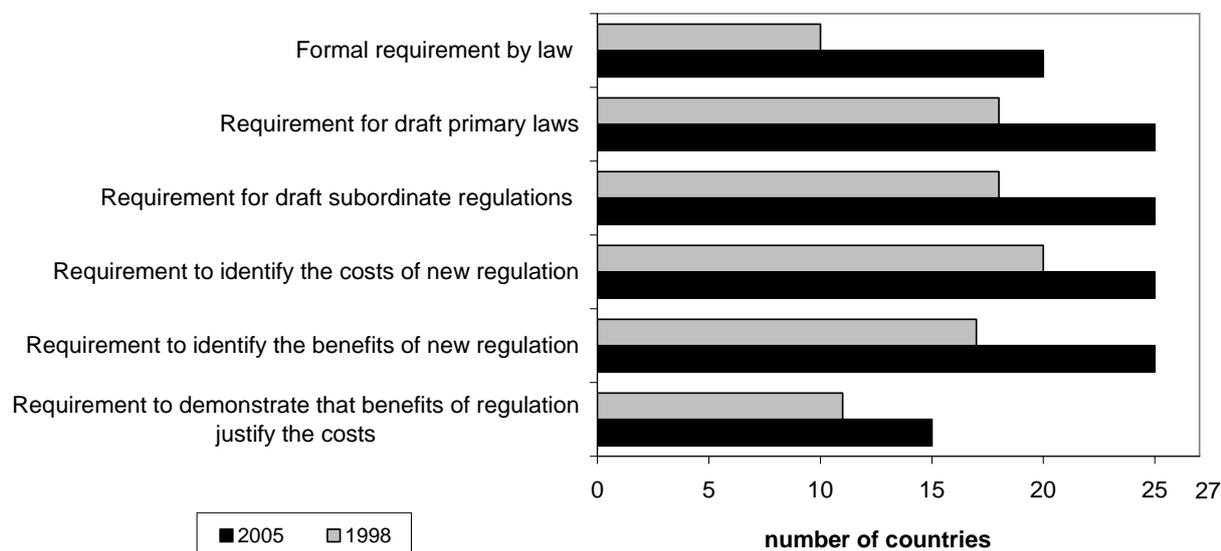


74. A number of indicators do reflect the broadening scope and the relative expansion of RIA programmes. For example, over the period 1998-2005, requirements for RIA strengthened significantly with two thirds of the countries having established a formal requirement by law in 2005 against a third in 1998. The requirement for draft laws, together with a requirement to identify the benefits and the costs of new regulations, at least for major regulations or in other selected cases, concerned about 90% of the countries for which the information was available across the two years. However, only half the countries had a formal requirement that the benefits of regulation justify the costs (Figure 22).

75. The threshold tests for applying RIAs are defined very differently across countries. While some countries such as the US, or Turkey in its upcoming system, have an explicit monetary value (100 US million for the US, 10 million YTL/5 million euros for Turkey), others such as in Australia, leave it to the responsibility of the regulatory oversight body to determine whether a given regulation should be subject to RIA if it has a direct or significant impact on business or restrict competition. The UK has a threshold for applying RIA to the public sector. RIA, or at least in some simplified form, is also applied at the local level in some countries, when local governments have delegated regulatory powers. This can be the case in Austria, for example where regional governments have frequently introduced comprehensive regulatory policies and are, since 1999, also formally required to perform a RIA under a consultation mechanism with the central government.

Figure 22. Regulatory Impact Analysis: Requirement for RIA

Recent Trends 1998-2005



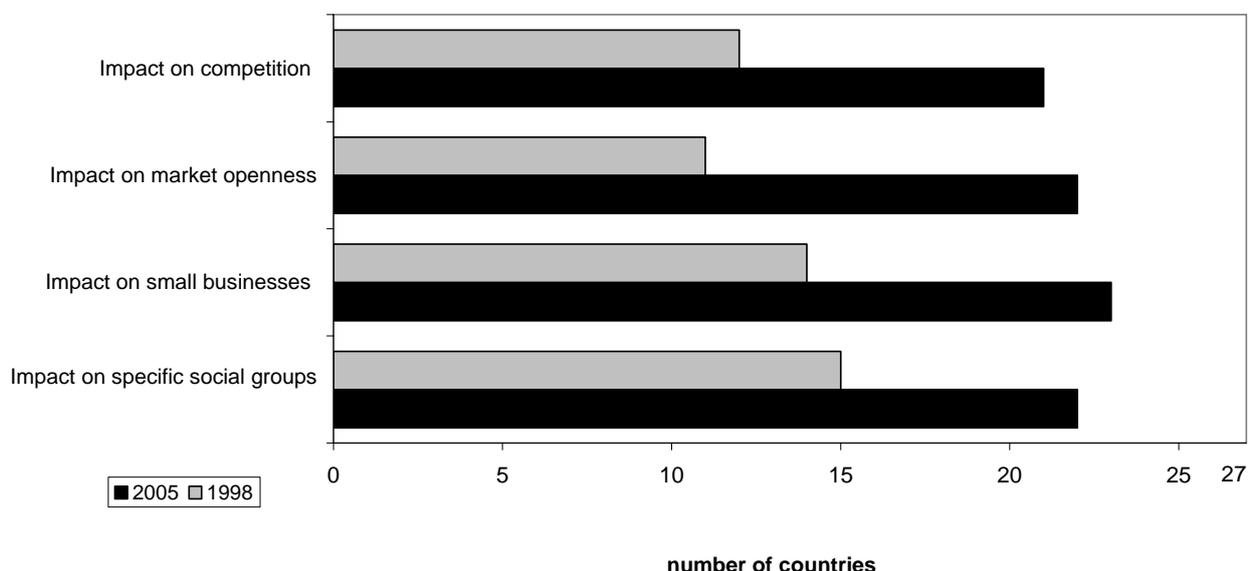
Notes: See Q11:d(ix), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. The sample includes 27 countries. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

76. A number of policy impacts can be included in the RIA, reflecting various policy agendas and concerns. Recent trends show a broadening of the scope of impacts that are included in the RIA process. This attests to the role of RIA as a tool for policy making, as many social groups and policy concerns request consideration in the RIA process. However, this may also lead to a dispersion of efforts, with a risk of moving away from broader analyses, based on welfare theory and general cost-benefit analysis.

77. Between 1998 and 2005, the number of countries assessing the impact on competition and market openness increased from one third to two thirds (Figure 23). There was also a significant increase of the number of countries requiring an assessment of the impact on small businesses and other social groups, from roughly half of the countries in 1998 up to over two thirds in 2005.

Figure 23. Regulatory Impact Analysis: Requirement for policy impacts

Recent Trends 1998-2005

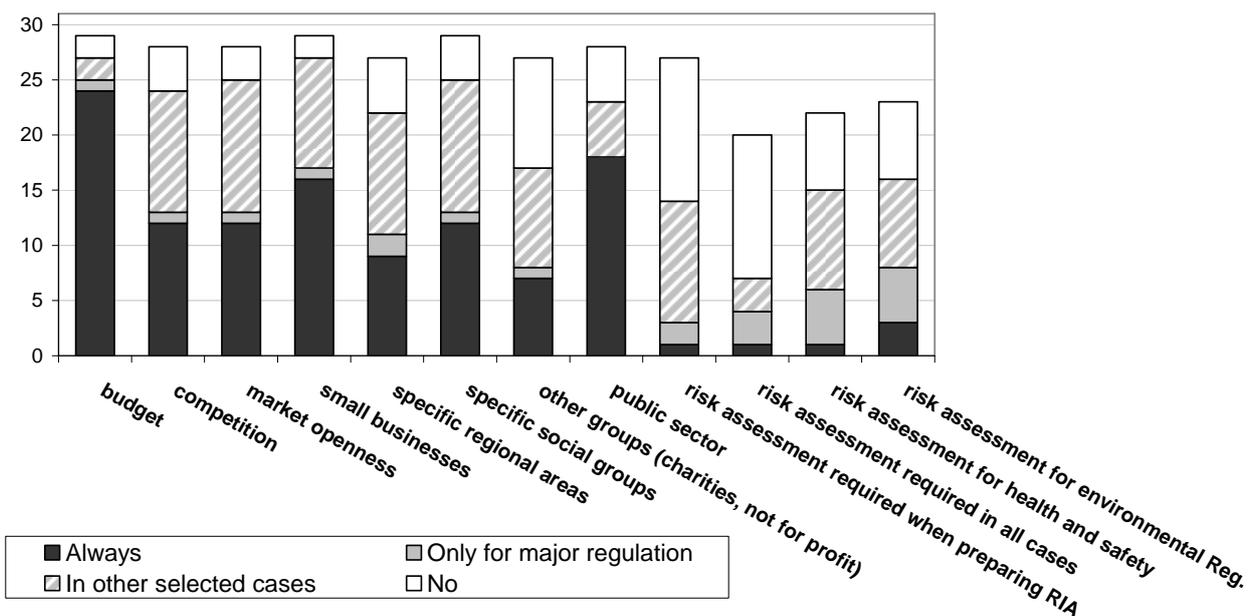


Notes: See Q11:d(ix), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. The sample includes 27 countries. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

78. An overview of all the impacts required, together with the type of requirement, is presented in Figure 24. All impacts do not receive equal priority (For more detail see Annex 2. Table 19). The budget impact is the most prevalent, and seems to be almost always required. Most countries would in any circumstances assess a budgetary impact, even those without a formal RIA system. The requirement for a competition and market openness assessment was always required in less than half of the countries, with another significant portion requiring it in other selected cases. The impact on small businesses was required in a slightly greater number of cases and countries, illustrating the historical role of RIA as a tool to minimise regulatory burdens, which fall disproportionately on small businesses. The impact on the public sector was similarly required in two thirds of the cases, which has significant implications for "regulation inside government". The UK has the most explicit public sector requirement, with an initial public sector RIA. If this initial RIA shows that the policy imposes a total of more than £5 million (7.5 million Euros), or would attract high levels of media or political interest, a more thorough Public Sector RIA is required. In the Netherlands, the work is divided between three ministries: the Ministry of Economic Affairs, responsible for business impact assessment, the Ministry of the Environment, responsible for environmental impact assessment, and the Ministry of Justice for the practicability and enforceability tests, which include consideration of compliance issues. In this country, a specific assessment of the impact of proposed regulation exists in terms of administrative burdens. It is scrutinised by ACTAL. *Ex ante* calculations of administrative burdens (AB) are required and legislative proposals cannot be sent to the Council of Ministers without them. However, such AB calculations only make the

impact of certain political choices transparent and suggest the most effective and least burdensome way to achieve the established goal, but without examining the political goal of any legislative proposal.

Figure 24. Requirement to measure specific impacts when preparing RIA



Notes: See Q11:d(ix), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1.

79. Risk assessment was much less prevalent, with only two countries, Iceland and the United Kingdom, reporting this requirement as being systematic, and the US and the EU Commission reporting such a requirement only for major regulations. Austria, Belgium, Canada, Denmark, Germany, Korea, Mexico, New Zealand, Norway, Spain and Turkey required a risk assessment in other selected cases. Data was missing for a significant number of countries. Risk assessment was slightly more frequent for environmental issues or for health and safety, where half of the countries reported some form of a requirement. (see Annex 2. Table 20, Risk management and ex post analysis).

80. The integration of RIA upstream and downstream in the regulatory process remained far from complete. For example, half of the countries together with the EU Commission had an explicit requirement to consider compliance and enforcement issues when preparing new regulations. RIA documents were publicly released for consultation in only 15 countries (Annex 2, Table 20).

81. The extent of compliance with the requirements outlined above was monitored in half of the countries, together with the European commission. Reports on the level of compliance with RIA requirements were produced in 13 countries. These reports were regularly published in only three countries, Australia, the UK and the US (Table 20, Risk management and ex post analysis). Comparisons of actual versus predicted impacts were available in four countries. Besides assessing the effectiveness of RIA in leading to modifications of draft regulations was available in 4 countries and the EU. For example, Korea found that about 29% of draft regulations had been changed as they were passing through the Regulatory Reform Committee in 2004.

Administrative simplification and the measure and reduction of regulatory burdens

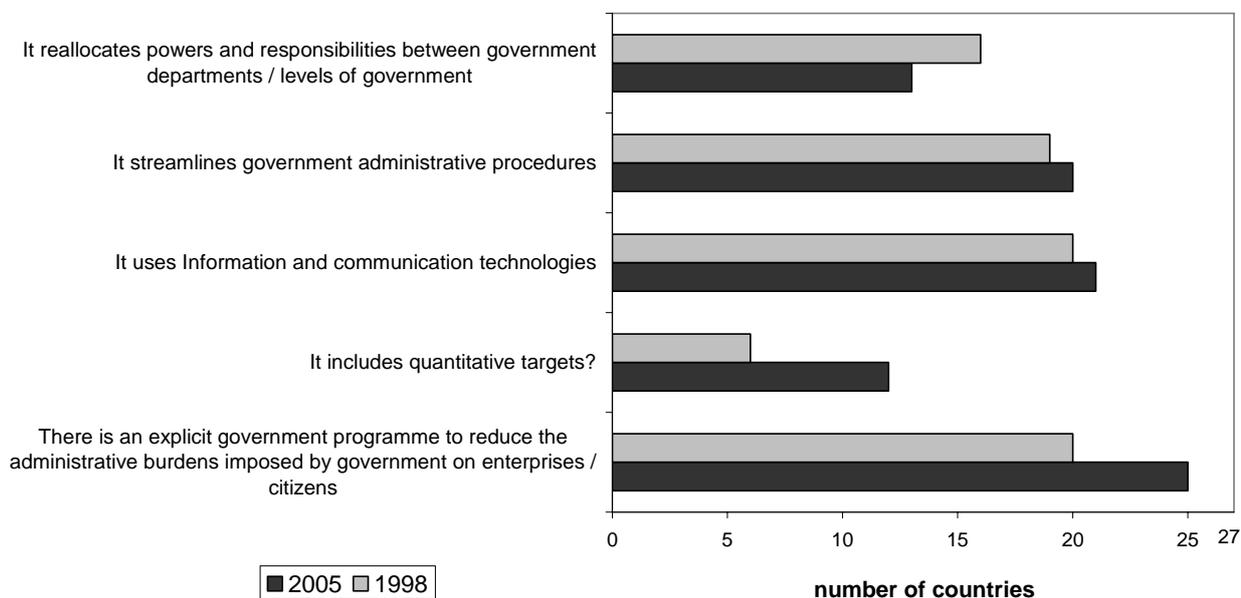
82. Cutting red tape is almost synonymous to regulatory reform in a number of countries. Reducing regulatory burdens and the complexity of government formalities and paperwork is a political winner and a high priority for many countries. Administrative simplification certainly helps in building political constituencies which can support the momentum for reform. The various approaches grouped under administrative simplification offer a range of possible approaches which have been integrated in countries' broader regulatory quality management systems.

83. The 2002 Flagship Report on regulatory policies, *From Interventionism to Regulatory Governance* (OECD 2002) already outlined a number of strategies implemented in countries, acknowledging the need to proceed carefully, as many government formalities also provide crucial data to governments and also serve public policy objectives. The report also discussed the cumulative effect of many regulations and formalities from multiple agencies and levels of government, an issue which has been highlighted in many country reviews. Anecdotal evidence shows that the burdens from government formalities has been expanding in most countries in recent years, due to more stringent requirements and the expansion of regulation in the environmental, safety and health areas. To counter the consequences of those trends, governments dispose of powerful management tools, with the increasing availability of e-Government services which serve the purpose of administrative simplification while consolidating services to one single window for end line users.²³ The success of administrative simplification strategies may come at a price, in that it may reduce the momentum for alleviating regulatory burdens ex ante and for improving the quality of regulations through more rigorous RIA processes.

84. The report on *Cutting Red Tape*²⁴ provides a comprehensive overview and discussion of simplification strategies for reducing administrative burdens. This report focuses on a snapshot of recent trends and core aspects of current strategies. A striking feature is that 25 countries had an explicit programme to reduce administrative burdens in 2005 against 20 in 1998. Administrative simplification is becoming a permanent feature of regulatory quality management systems. Programmes to streamline government administrative procedures and use information and communication technologies existed in over two thirds of the countries in 2005. However, these programmes are less likely to adopt a whole of government approach, with 13 countries allocating powers and responsibilities between government departments and across levels of government in 2005 against 16 in 1998 (Figure 25).

Figure 25. Reducing Administrative Burdens

Recent trends 1998-2005

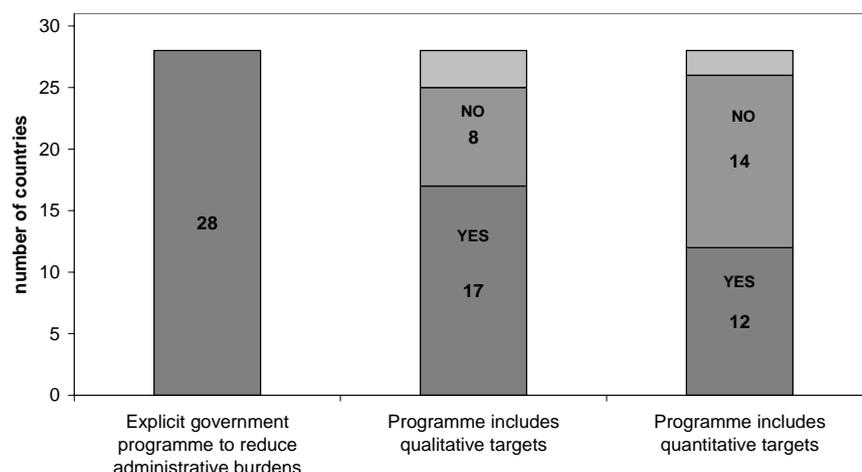


Notes: See Q13:a),a(i),a(iii), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. The sample includes 27 countries. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

85. In 2005, 27 countries and the EU Commission reported that they had an explicit programme to reduce administrative burdens. For example Canada had a Paper Burden Reduction Initiative, to measure the impact of regulatory compliance on businesses and make measurable reductions in paper burden. This initiative, still in its initial phase in 2005, complemented the recommendations of the External Advisory Committee on Smart Regulation (EACSR), but did not include quantitative targets at the time of the survey.

86. Programmes with explicit quantitative targets exist in only over a third of the countries (Figure 26). In the United States, the paper work reduction act of 1995 established annual burden reduction goals of 5% and 10%. The gradual inclusion of quantitative targets reflects the impact of the diffusion of the standard cost model, with many countries following the example of the Netherlands and the Nordic European countries. The Red Tape Scoreboard project offers an example of measurement activities over a sample of OECD countries. For example, Denmark, which had pioneered measurement efforts in Europe with an annual aggregate assessment of administrative burdens since 1999, is currently mapping all its legislation affecting the businesses' administration using the Standard Cost Model. All ministries regulating businesses must perform a systematic analysis of the possibilities to simplify or digitalise their legislation over the period 2005 to 2010 with a view of reducing administrative burdens by 25%. Similarly, in Norway, the former government had set a target to reduce the administrative burdens on businesses by 25% within the year 2012. In Sweden, the measurement of the tax area has been completed. In the Czech Republic, the administrative burdens should be reduced by 20% (until 2010). Korea had a target of a 10% reduction of regulations that lag behind the market changes.

Figure 26. Reducing Administrative Burdens



Notes: See Q13:a),a(i),a(ii), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; 3 countries provide the response 'No' to question a).

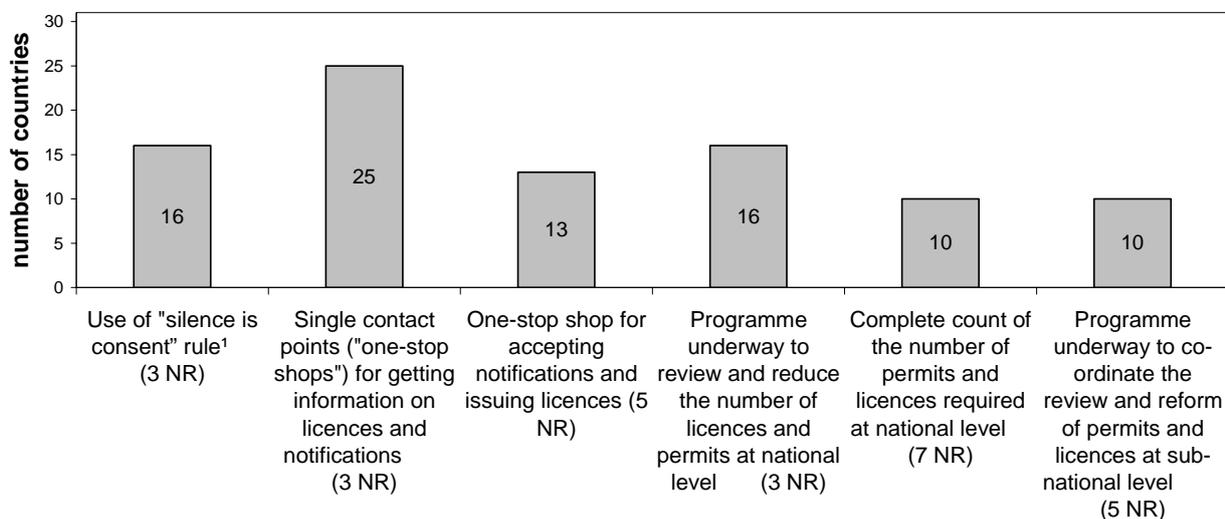
87. Simplifying administrative procedures for which a business needs to apply and that are necessary to conduct commercial or industrial operations represents the first step in the implementation of many national programmes. For some countries, this represents the thrust of their efforts to improve the management of regulatory systems. This involves both national and sub-national governments. Some countries found it difficult to provide information, as national or federal governments do not always have a complete overview of the information for all jurisdictions, as was the case in Australia for example.

88. This includes a number of techniques. A first possible option is to have a silence is consent rule, with such a rule adopted in half of the countries. For example in Korea, under the Small and Medium Enterprises Act, an applicant for a start up to a major, county or ward governor, will have his application automatically approved unless he is notified within 20 days. Spain had a statutory period of response of 12 weeks at the national central administration levels, but in regional and local administrations time limits may differ and go up to 6 months in certain cases. The “one-stop shop” dates back to the mid 1980s in many countries which pioneered administrative simplification efforts. With e-Government and IT Streamlining of administrative procedures, they received a new interest, with 23 countries adopting such mechanisms in 2005. The one-stop shops, which can be used for getting information, are more rarely used for active interaction with the government, for example for accepting notifications and issuing licenses, which was the case in only 13 countries. In Switzerland, while 100% of the authorisations existing in federal legislation were available through single contact points, the situation was more uneven at the local cantonal and municipal levels.

89. Countries are also taking action to reduce the number of permits and licenses, with 14 countries deploying a programme at the national level and 9 at the sub-national level. The sub-national level is very important as many administrative requirements are in fact required at that level. Implementing joint programmes with sub-national governments is often a challenging task, as reflected in Canada. The Canadian government is currently developing an online business licensing service, called Bizpal. This service is intended to be a one-stop shop for business licenses and permits for SMEs, required from three levels of government, federal, provincial and municipal. The programme is currently being launched in pilot jurisdictions and is coordinated by Industry Canada at the federal level.

90. Only a third of the countries had a complete count of their existing legal requirements for licences and permits in 2005. In the UK, the *www.businesslink.gov.uk* website features a tool based on a comprehensive database of all licences and permits required by small and medium sized enterprises, with a licence and permit checklist which gives the user a comprehensive set of licences and permits.²⁵ If the licence and permits is administered locally, the user is directed to the relevant local authority. This can also be done through financial incentives, as in Australia, where the Regulation Reduction Incentive fund is established at the federal level to provide Local Government Authorities (LGAs) with incentives to press ahead with regulatory reform that specifically benefits home-based businesses. (see Annex 2. Table 22 for more detail).

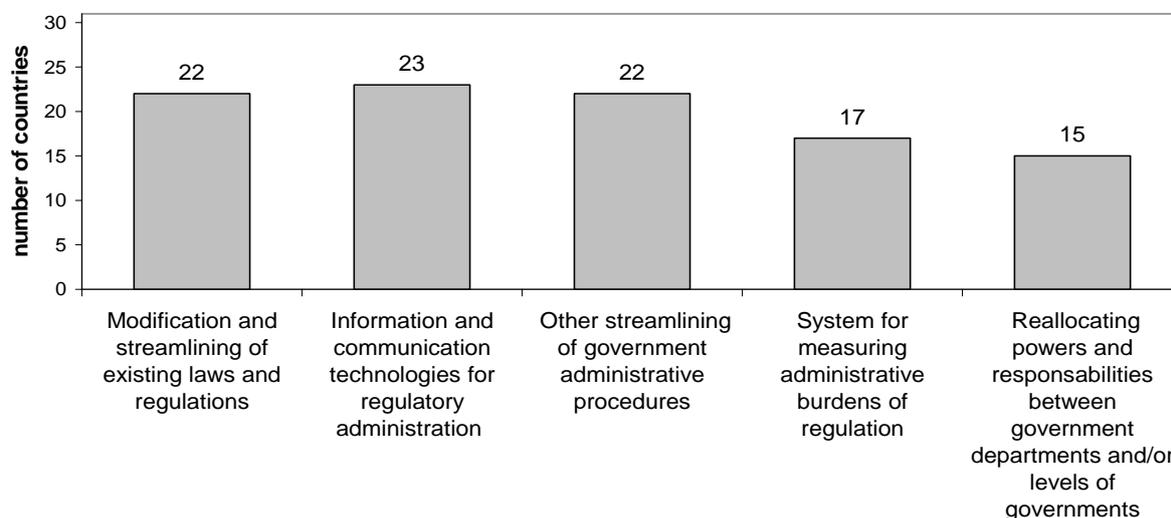
Figure 27. Business Licences and Permits



Notes: See Q12:a),b),c),d),d(i),e), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. 1- i.e. those licenses are issued automatically if the competent licensing office has not reacted by the end of the statutory response period. Number of respondents 31; number of countries who do not provide any response see number of NR.

91. In terms of detailed strategies for reducing administrative burdens, over two thirds of the countries were modifying and streamlining existing laws, using information and communication technologies for regulatory administration together with other streamlining of government administrative procedures (Figure 28). Seventeen countries mentioned that they had a system for measuring administrative burdens, more than those which reported that they had a complete count of their business licences and permits. Many of these countries are in fact involved in the efforts to develop or implement a sort of a Standard Cost Model. Only half of the countries were reallocating powers and responsibilities between government departments and/or levels of governments.

Figure 28. Strategies used to reduce administrative burdens



Notes: See Q13:a(iii), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; no country provides no response.

92. When focusing on the measurement aspects, only ten countries mentioned a yearly calculation of regulatory inflation: Belgium, Canada, France, Korea, Luxembourg, Mexico, Norway, Poland, Turkey and the United States. Attempts to measure trends in the aggregate burden of regulation over time only existed in 5 countries: Denmark, Germany, New Zealand, Switzerland and the United States. Only six countries had an explicit policy in relation to the control of the aggregate burdens, Denmark, France, Korea, Mexico, Sweden and the UK. These countries except one state explicit policy targets. (see Annex 2. Table 21).

Dynamic process of evaluation and update of regulations

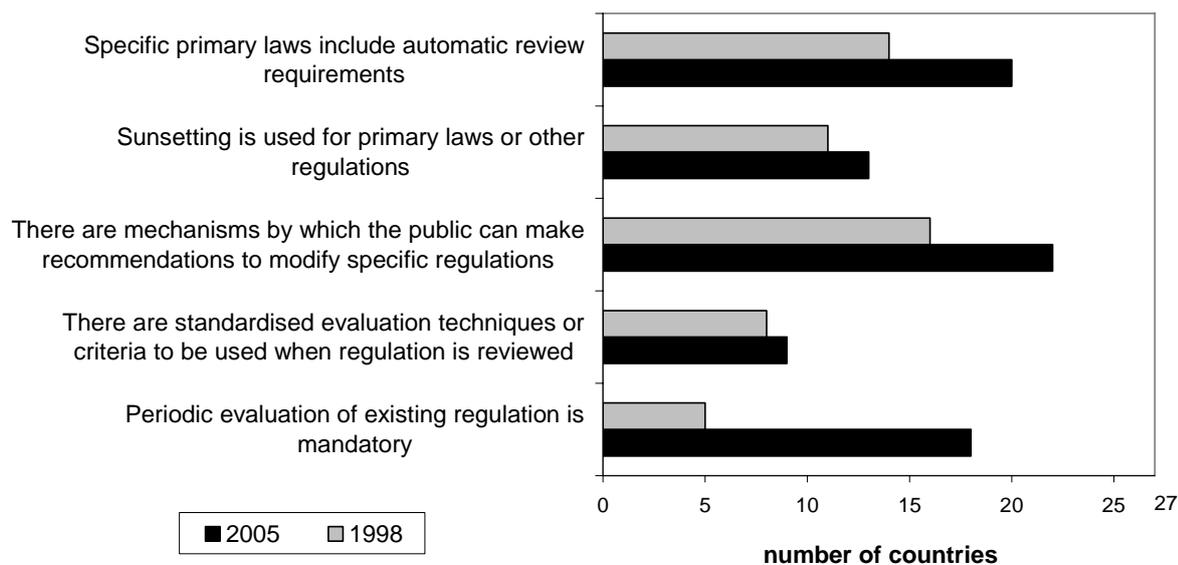
93. As countries increasingly adopt comprehensive regulatory policies in dynamic frameworks, the mechanism for evaluation and update of regulations becomes increasingly important. Some countries have initially used "scrap and build" approaches. Others have generalised reviews of regulatory frameworks. For example, in Canada, an across-the-board review in 1992-1997 used the Federal Regulatory Policy as the basis for assessment and identified 835 regulatory items for revision, revocation or further review. A 1994 review improved the efficiency of regulatory processes in six key sectors: biotechnology, health food and therapeutic products, mining, automotive industry, forest products, and aquaculture. The Paper Burden Reduction initiative represents another government-stakeholder initiative for regulatory review. The Government initiated a regulatory review project in 2005. However, some analysts take a more cautious view of these generalised reviews.²⁶ Another possibility is to have review clauses and sun-setting mechanisms. Sun-setting mechanisms have the strongest effects, yet they also present some risks in terms of legal certainty and some countries have been reluctant to adopt them. Review clauses in regulations represent a weaker form of sun-setting, as a rule will continue unless action is taken to eliminate it. These *ex post* review requirements are becoming more common, as countries increasingly turn to the assessment of regulations and of regulatory policies.

94. Benefits from regulatory reviews are likely to be most apparent in sectors or areas where change is most rapid. The increasing inclusion of mandated review provisions in primary laws may reflect the rapidly changing legal and economic environment of industries such as communications and IT. Gains are also likely to be found in areas of regulatory growth. In some countries, such as France or Italy, these reviews are also associated with the tradition of codification, where codification is also used as a tool for simplification, going beyond the mere consolidation of existing sets of rules.

95. The trends between 1998 and 2005 show an increasing emphasis on regulatory review and update (Figure 29). The number of countries with automatic review requirements, with options available to the public to make recommendations to modify specific regulations, increased notably with 6 additional countries engaging in this activity. The most striking progress was made in terms of requiring a periodic evaluation of existing regulations, which was the case of two thirds of the sample in 2005, against less than a quarter in 1998. However, the number of countries with standardised evaluation techniques did not change very much. The practice of sun-setting did not change significantly over the time period.

Figure 29. Mechanisms for regulatory review and update

Recent trends 1998-2005

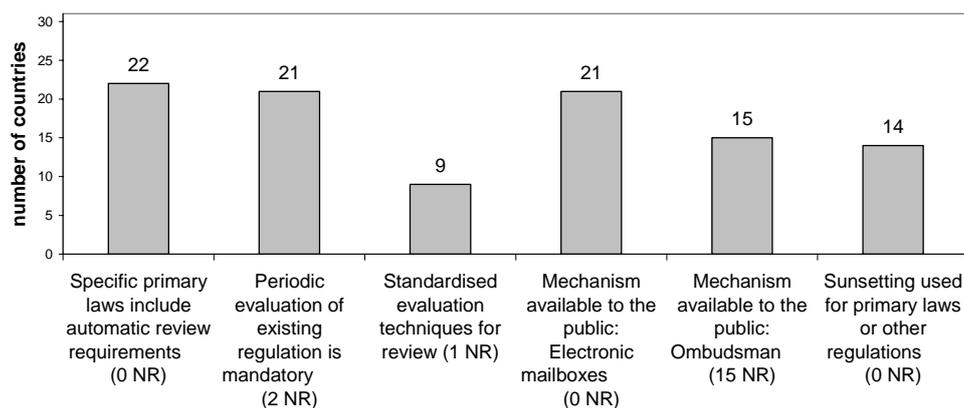


Notes: See Q19:a),b),d),e),f), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. The sample includes 27 countries. The responses of the EU, Luxembourg, Poland and the Slovak Republic could not be taken into account since no data was available for 1998.

96. Two thirds of the countries, together with the EU Commission, had requirements for mandatory periodic evaluation of specific policy areas in 2005 (Figure 30). More than two thirds of the countries had automatic review requirements included in specific primary laws. However, only nine countries had standardised evaluation techniques or criteria to be used for reviewing regulations, including the US, Switzerland, Mexico, Netherlands, Korea, Italy, Greece, Germany and Canada. The UK is also fairly active in *ex post* evaluation: every RIA is now expected to outline plans for a Post Implementation Review (PIR) of the regulation, with success criteria for a PIR defined at the *ex ante* stage. More generally, policy appraisal and evaluation techniques are set out in the Green Book²⁷ Canada is currently revising its Regulatory Policy by considering a life-cycle regulatory management approach. This approach would assess a regulation against good governance criteria, not only when it is introduced but also periodically through its lifespan.

97. Many countries had mechanisms by which the public can make recommendations to modify specific regulations (Figure 30). This included eighteen countries and the EU with electronic mailboxes and another set of sixteen countries plus the EU with an ombudsman. The electronic mailboxes are called Kafka contact points in Belgium.²⁸ In the United Kingdom, The Better Regulation Executive has worked with departments and business and voluntary sector groups to launch a web-based mechanism by which the public can recommend the modification of specific regulation, with an online form designed to invite participants to highlight regulations that are unnecessarily burdensome and to propose ways in which they might be simplified. The Ombudsman was initially set up in the Nordic countries. It now exists for regulatory purposes in a number of European countries, in the EU Commission and in Korea, with the Business Difficulties Resolution Center, but not in Japan, in Australia or in the United States. While Italy has no national ombudsman, a number of regional ombudsmen have been established at the local level. Some countries, such as Austria or Switzerland also have referenda with citizens' initiative, where a group of citizens entitled to vote can force national parliaments to act, or invite a vote on the repeal or adoption of certain laws. In Spain, there is also a popular initiative for submission of non-governmental bills in certain subjects.

Figure 30. Mechanisms for regulatory review and update



Notes: See Q19:a),b),d(i),d(ii),e),f), 2005 OECD Regulatory Indicators Questionnaire, GOV/PGC/REG(2005)12/ANN1. Number of respondents 31; number of countries who do not provide any response see number of NR.

98. Sun-setting is less frequent: it is practiced by 15 countries, including the Korea, Australia, Turkey as well as a number of European countries (see Annex 2, Table 23). It also exists in the US but is rarely used. In Australia, the Legislative Instruments Act 2003 mandates sun-setting clauses for all subordinate legislation, albeit with a few exceptions. However, there is no requirement that primary legislation include mandatory review provisions.

Compliance and implementation

99. High quality regulation management systems not only involve tools and processes for designing and developing regulations, but also include the compliance and implementation dimensions. The 2005 OECD Guiding Principles for Regulatory Quality and Performance explicitly call on governments to ensure that "regulations are efficiently applied" with non-discriminatory and transparent procedures for applying regulations and with fair appeal processes. Access to review processes ensures that regulators, national or local authorities, are accountable for their actions. Accountability requirements are complementary to transparency practices defining the process requirements that regulators are committed to uphold when exercising their powers, and stating the rights afforded to businesses and citizens in the implementation of those powers.

100. In terms of implementation, options for administrative justice and judicial review are key to a healthy judicial process. Besides the general possibility for the judiciary to intervene, addressed in the section on institutions, the availability of administrative justice plays a key role, for example with administrative procedure acts, such as the US 1946 APA, or through the tradition of administrative justice for countries with legal systems derived from the French approach. Options for administrative review exist in almost all OECD countries and for judicial review in all of them. In the specific case of the EU, judicial review is only possible at the level of the European Court of Justice at the initiative of the Commission or of a Member State.

101. These systems have remained generally stable across countries. Their reform is not necessarily dependent upon the high quality regulation agenda but needs to take into account the whole process for reforming the judiciary. A third of OECD countries have changed their appeal procedures since 1998 (Table 10 in Annex 2), with a restructuring of specific appeal bodies in seven countries, a move from general courts to specific appeal bodies in four countries, and a reverse move from specific appeal bodies to general courts in four countries. In Italy for example, these changes were purely procedural in nature, aimed at accelerating the completion of cases and establishing more effective precaution for regulated entities and citizens.

102. The level of compliance represents a key factor in the efficiency of regulations when meeting public policy objectives and it is an integral part of effectiveness as well. Regulatory design and implementation need to proceed from an understanding of the factors that influence awareness, willingness (acceptance), capacity (ability) and actions of regulated groups to comply with the intended regulations. Requirements for compliance and enforcement issues were considered when developing new regulations in nearly two thirds of the countries in 2005. Twelve countries have specific policies on compliance friendly regulation. Another set of twelve countries make written guidance on compliance and enforcement issues available. In Norway, compliance and enforcement issues are considered part of administrative consequences to be assessed when developing a new regulation. Canada is upgrading guidelines on compliance activities and powers, such as "A strategic Approach to Developing Compliance Policies". In Ireland, the RIA manual includes written guidance in relation to enforcement and compliance.

Assessing performance

103. Assessing the performance of regulatory management policies is increasingly important, as regulatory management systems are increasingly being held accountable for the resources that are invested in them. In many countries, such as Canada, the UK or Australia, national audit offices have progressively widened their role to assess whether regulations are implemented effectively. In other countries, such as France, the State Council plays a specific role with its annual report and special studies on the implementation of the administrative justice and the assessment of the quality of the regulatory framework. Specific bodies also assess the effectiveness of regulatory policy, for example assessing the impact of the recent administrative simplification laws.²⁹ The audit offices are focused on systemic performance and outcomes. The OECD report on *ex post* evaluation explicitly acknowledged the contribution of institutions such as the GAO in the United States or the NAO in the UK.³⁰ In France, the extension of the pure legal assessment by the State Council to a broader form of assessment has also produced recent reports assessing the performance from a wider angle.

104. The 2005 OECD Stocktaking report called for a systematic assessment of regulatory policy. *Ex post* evaluation techniques certainly represent a promising tool for the future, discussed in depth at an expert meeting at the OECD in 2003.³¹ The OECD 2005 Guiding Principles for Regulatory Quality and Performance explicitly call on governments to use "performance-based" assessments of regulatory tools to assess how effective they are in contributing to good regulation and economic performance and to assess their cost effectiveness", and to Make effective use of *ex post* evaluation".

105. Assessing performance represents a challenging task at the domestic and even more so at the international level. Across OECD countries, only eleven countries were in a position to assess compliance with key requirements of regulatory policy, with ten countries assessing compliance with the requirements set out for Regulatory Impact Analysis, and seven countries assessing compliance with the requirements for consultation. For example, Canada has an extensive experience in assessing compliance, with the requirements set out for Regulatory Impact Analysis, as the quality of the consultation process is a condition for a regulatory draft to be considered by the Cabinet. In Australia, the annual report of the ORR reports compliance with RIS requirements.³² Belgium reported a 97% compliance level with the requirement of the Kafka-text, to assess the impact of a given regulation in terms of administrative burdens. In the UK, compliance with the Cabinet Office Code of Practice on Consultation is measured and reported each year in the Annual Report on Consultation. The Cabinet Office has an objective to spread best practice on consultation policy across government departments, including ensuring that over 75% of relevant consultations are more than 12 weeks in length by the end of 2004–05.³³ As for RIA, the 2005 report by the National Audit Office³⁴ found a number of examples where the RIA process had helped departments to develop a better policy proposal. A more systematic assessment of how regulatory impact analysis has affected changes in reform or regulation is a potential research area for the Better Regulation Task Force or future NAO projects. The EU Commission also mentioned being about to launch an external evaluation of its impact assessment tool.

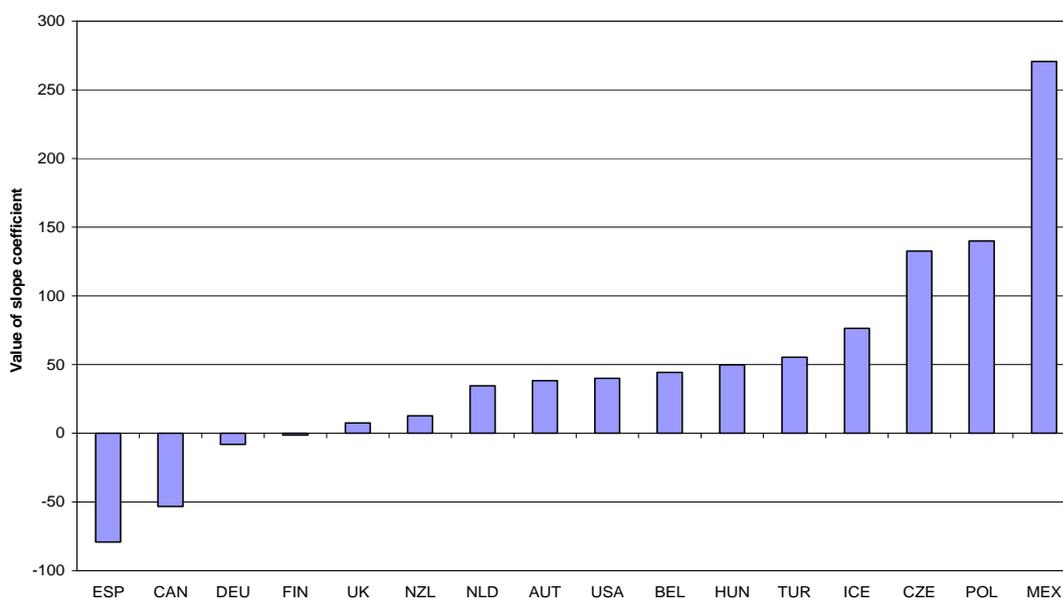
106. In terms of further impacts, such as assessing the impact of regulatory policy on outputs and outcomes, only five countries replied positively to this question. However, this question may only represent governmental efforts: academics may also engage in this activity. Some countries are making advanced steps, even conducting users' surveys, such as in Korea. In 2004, the Office for Government Policy Co-ordination conducted a "regulatory policy satisfaction survey" among 1 007 individuals (307 experts and 700 general citizens) and found that 70% of the citizens did not feel inconveniences due to unreasonable regulations. 59.1% of the citizens and 31.3% of the experts reported that they "knew nothing or hardly anything" about regulatory reform efforts. This is both very revealing on the general satisfaction with the regulatory framework but also of the need to better communicate and make the public more aware of regulatory reform efforts. The area calling the most urgent attention in the future was related to 'start ups, investment and other business activity promotion area' followed by 'land, construction, city development and other construction area'. Very few countries reported conducting user satisfaction surveys

to assess the effectiveness of regulatory policy. The data to start up a new business or to construct a building have not yet been officially collected within the OECD.

107. At present, the only data that could be exploited in terms of intermediary outputs concerns trends in the number of new laws and regulations, which could serve as a proxy for measuring regulatory inflation. The data collection on the number of licenses and permits was rather disappointing with few countries being able to submit relevant information, even for a single year. Many countries tend to count the number of pages of their official gazette as a proxy for the quality of their regulatory frameworks. Given the availability of the proxy, the number of new laws and regulations were compiled and are presented below.

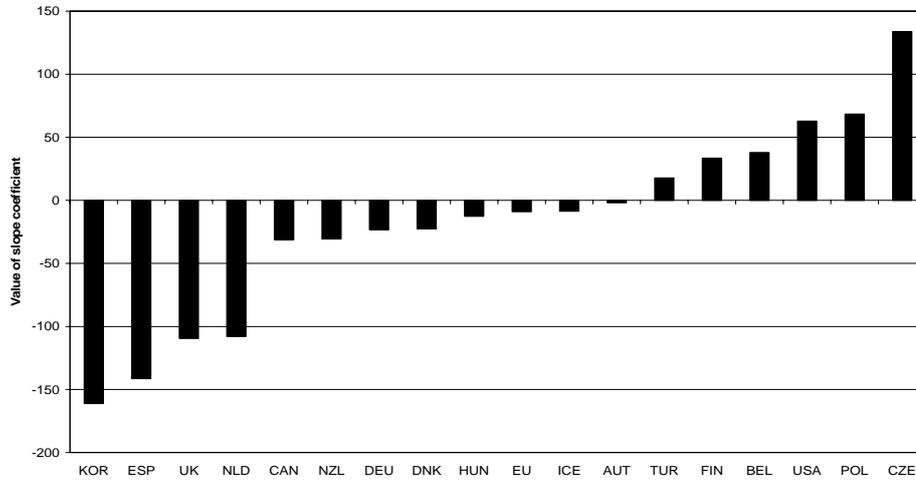
108. The trends in the number of new laws and subordinate regulations show that a majority of the countries for which information is available, tend to have a slight reduction in their number of new laws as shown in Figures 31 and 32.³⁵ (See also Annex 2. Table 25; Figures 34 and 35). This is particularly the case of Korea, Spain, the UK and the Netherlands, which are countries in the front line of regulatory reform efforts in different areas. Most countries in the sample, except Canada and to a lesser extent Germany, experienced an increase in their number of new subordinate regulations. Poland and Turkey experienced an increase in their number of laws and regulations, which could also reflect the progressive integration of the “Acquis Communautaire”. This was also the case for Belgium, but there the case for the integration of the “Acquis” cannot be made. The US was also experiencing some regulatory inflation, with a significant increase in the number of new Laws, and a moderate increase in the number of new subordinate regulations. The results for subordinate regulations are relatively striking given the quality management systems that are in place in the US to control subordinate regulations. Detailed data and trends by country and over time are available in the Annex.

Figure 31. Trend in the number of new subordinate regulations



Note: Figure 31 shows the value of the slope coefficient of the curve for each country giving the number of new subordinate regulations over time. A negative coefficient indicates a reduction in these numbers while a positive coefficient indicates an increase. The actual numbers are shown in Table 25 and in Figures 34 and 35 in the Annex.

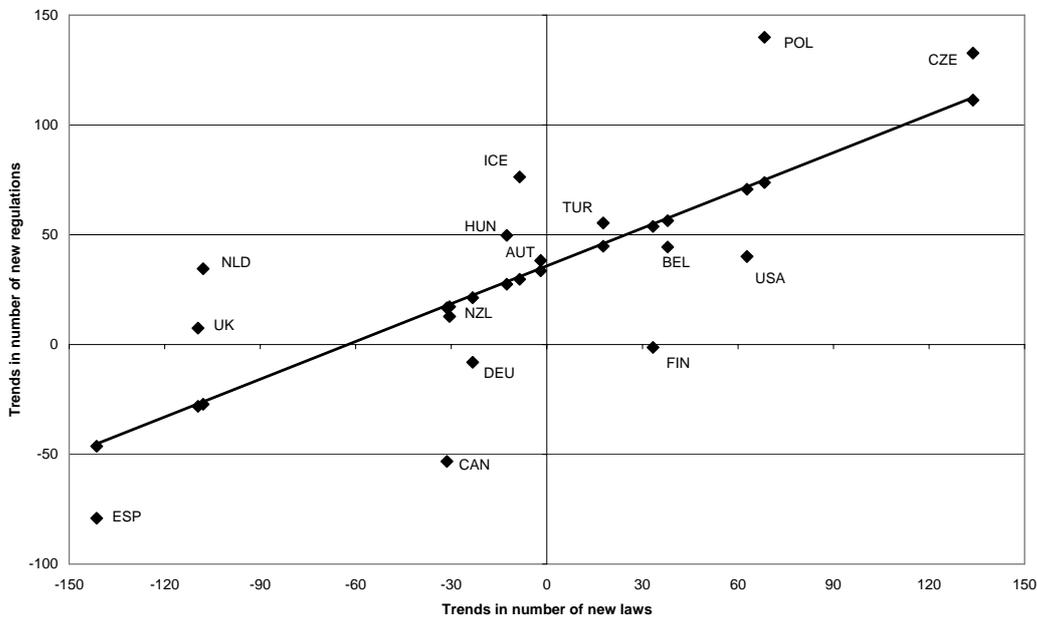
Figure 32. Trends in the number of new laws



Note: Figure 32 shows the value of the slope coefficient of the curve for each country, giving the number of new laws over time. A negative coefficient indicates a reduction in these numbers while a positive coefficient indicates an increase. The actual numbers are shown in Table 25 and in Figures 34 and 35 in the Annex.

Figure 33 presents a general picture assembling trends in the number of new Laws with trends in the number of new subordinate regulations. This shows that Poland, Belgium, Turkey and the US are the most prone to regulatory inflation. Spain would be the country where regulatory disinflation is most visible.

Figure 33. Link between trends in new Laws and new regulations



Note: This figure shows the relationship between the trends in the number of new subordinate regulations, as shown in Figure 31 and the trends in the number of new Laws as shown in Figure 32. The countries in the upper right side of the figure are experiencing regulatory inflation both for new Laws and new subordinate regulations while those on the left and lower side are experiencing a reduction. The figure also shows a significant correlation between the trends of laws and subordinate regulations.

PRELIMINARY CONCLUDING REMARKS

Methodological aspects

109. This set of indicators represents the third attempt of collecting data within the context of OECD work on Regulatory Management and Reform, following the 1998 and 2000 surveys. A first question that may arise concerns the timing of those exercises. While the time interval between 1998 and 2000 may appear slightly too short to determine broad trends, the time period between 1998 and 2005, 7 years, seems slightly too long from a policy perspective, as it covers nearly two legislative terms in a number of countries. Such data collection exercises may need to be updated every three to five years.

110. A second issue that arises is the balance between collecting identical data and expanding the set of variables. The current data collection attempts to strike a careful balance between these conflicting needs. This may lead to the definition of a "core set of indicators" that would be collected under any circumstances, as part of a basic OECD checklist for regulatory quality. These would be distinguished from more exploratory measures, analysing front end issues of regulatory policy or investigating emerging challenges in greater depth.

111. A third issue concerns the process and the interaction with countries. Such a study involves intense participation from a number of qualified analysts. Data collection made on a regular basis might have implications for having more permanent teams and regular contacts at technical level to follow up such issues. An issue concerns the "self assessment" dimension of the questionnaire. One additional step could involve strengthening the peer review aspect of the data collection exercise. This could involve sharing national information with informed experts and discussion among the peers to discuss at a technical level to make sure that there is a common technical understanding of the topics. Many national submissions showed that possibilities for differing interpretations of the same question did in deed exist.

Policy issues for future investigation

112. The current results offer preliminary indications of recent trends in regulatory management practices and complement the detailed qualitative analytical approach developed in country reviews. These results also analyse the extent to which regulatory management systems effectively comply with guidelines for good practice, as embodied in the OECD 2005 Guiding Principles for Regulatory Quality and Performance. They also provide a systematic framework for measuring and assessing regulatory practices. Finally, they also contribute to the OECD wider work on public management indicators.

113. The question arises as to how these results could be used for policy purposes, especially for policy makers who want to improve regulatory management systems. Stakeholder expectations of the benefits of regulatory policy are high in many countries, with governments often having made strong claims regarding potential gains at the time of adoption of the policy. More broadly, demonstrating improvements in the effectiveness and efficiency of a regulatory tool will assist governments in achieving legitimacy and accountability in these areas. Further work relying on these indicators may have the potential to provide concrete and, in some cases, quantifiable evidence in support of contentions about regulatory management activities.

114. Some of these issues may involve further statistical analysis. A set of techniques can be used, such as factor analysis, clustering, econometrics. Factor analysis can help to shed light on regulatory practices as well as build taxonomies across countries. It can also help to understand the links and correlations between the various aspects of a regulatory management system. Analytical techniques can also be used to investigate the links between indicators of regulatory management systems that are focused on some process related issues with other "final outcome" indicators. The outcome indicators may range from GDP growth, citizens' satisfaction, when this satisfaction can be measured, to "intermediate outcome" indicators, such as the time to set up a business, or trends in entrepreneurship, with establishment of new businesses.

115. This work may also require the construction of meta or composite indicators for the main policy areas of regulatory management as well as collecting external information to link the current results. This would also serve the purpose of expanding the OECD work on regulatory management and reform to important policy issues, with high visibility on national policy issues, such as entrepreneurship, or links with foreign investments. Collecting data on outcomes would represent a very useful step for further research, as the current process data need to be linked with "end measures" of regulatory quality.

Notes

1. Such analysis was requested by several countries during the initial 1998 exercise (see comments).
2. See OECD Economics Department, Working Paper n° 419.
[www.oilis.oecd.org/oilis/2005doc.nsf/linkto/ECO-WKP\(2005\)6](http://www.oilis.oecd.org/oilis/2005doc.nsf/linkto/ECO-WKP(2005)6)
3. See Davis T. (2006), “Understanding Entrepreneurship: Developing Indicators for International Comparisons and Assessments”, STD/CSTAT(2006)9 and Kayne, Jay (1999), *State Entrepreneurship Policies and Programs*, Ewing Marion Kauffman Foundation, Kansas City, Missouri, November.
4. This was developed as part of the general questionnaire on regulatory reform. See SG/RR(98)2FINAL - Section 2.
5. This is documented in internal OECD documents.
6. See internal note: EDG for the reference group of the Working Party on Regulatory Management and Reform (22 September 1999).
7. See OECD (2000), “Government Capacities to Produce High Quality Regulations” in *OECD Countries: Analysis and Interpretation*.
8. See Room Document No. 4 Meeting of the Working Party on Regulatory Management and Reform, 5-6 July 2001, Results of Member Countries’ Answers to OECD’s Regulatory Indicators Questionnaire on Government Capacity to Produce High Quality Regulation.
9. See: Results of Member Countries’ answers to OECD’s regulatory indicators questionnaire on government capacity to produce high-quality regulations Paper presented to the Working Party on Regulatory Management and Reform, July 2001.
10. (Version 2003/1).
11. Plain language drafting Q5 Communication of regulations, Q7 Choice of policy instruments/alternatives, Q10 Public consultation, Q11 RIA, Systematic evaluation, Q19 Regulatory review and evaluation).
12. Similar issues had been found by the team of the Economics Department when updating the 1998 data with 2003 data for the product market regulation study (Conway Nicoletti, 2005).
13. Independent regulators were subject to an independent inventory in 2003, with some descriptive data available in OECD (2005).
14. Since 2005, the Australian Government has endorsed six principles of good regulatory processes, which have been incorporated into strengthened systems and processes to guard against the introduction of unnecessary regulation. However, this survey presents a comparative overview as of 2005 when all the data was collected for all countries.
15. See Madame Justice L’Heureux Dubé in Baker vs Canada (1999).
16. From the available data A corresponding figure can be made available upon request.
17. See www.regulation.gc.ca/docs/consultation/guidelines_e.pdf
18. See GOV/PGC/REG(2006)9 Alternatives to Traditional Regulation.
19. See OECD (2006), Cutting Red Tape — National Strategies for Administrative Simplification, Paris.

20. See Cooper G. (2007 forthcoming), "Alternatives to Traditional Regulation," OECD Public Governance *Occasional Papers*.
21. More information on alternatives is available in the OECD 2002 Flagship report, Annex 2, use of alternatives and in (GOV/PGC/REG(2006)9)).
22. OECD (1999), *OECD Reviews of Regulatory Reform – Regulatory Reform in the United States*, Paris.
23. OECD (2003), *The e-government imperative*, Paris.
24. OECD (2006), *National Strategies for Administrative Simplification*, December, Paris.
25. See www.businesslinkgovuk/regulationupdates
26. See OECD (2002), *From Interventionism to Regulatory Governance*, Paris.
27. www.treasurygovuk/greenbook
28. www.kafkabe
29. See report from the "comité d'enquête sur le coût et le rendement des services publics" (Committee of enquiry of the cost and effectiveness of public services).
30. See National Audit Office (NAO) Report "Better Regulation: Making Good Use of Regulatory Impact Assessments," 15 November 2001, which was the initial study.
31. Regulatory Performance, Ex Post evaluation of regulatory policies, OECD 2003, Proceedings.
32. See www.pcgovau/research/annrpt/reglnrev0304/indexhtml
33. www.cabinetofficegovuk/regulation/consultation/indexasp
34. www.naogovuk
35. See also table 21, Annex 2 for the detailed underlying data.

BIBLIOGRAPHY

- Ad Hoc Group of Experts on Better Regulation (2003), Report to the Ministers responsible for public administration in the EU member states on the progress of the implementation of the Mandelkern report's action plan on better regulation.
- Electronic Discussion Group for the reference Group of the Working Party on Regulatory Management and Reform (1999), 22 September.
- Eurostat. (2001), Handbook on Price and Volume Measures in National Accounts. Luxembourg: Office for Official Publications of the European Communities.
- Kaufmann, D., Kraay, A., & M. Mastruzzi (2003), Governance Matters III: Governance Indicators for 1996 – 2002, World Bank.
- Knack, Stephen and Nick Manning (2000), "Towards Consensus on Governance Indicators: Selecting Public Management and Broader Governance Indicators," available at www1.worldbank.org/publicsector/dac13.doc. Paper presented at the joint UN/OECD/World Bank/IMF International Development Forum, March, Washington DC.
- Knack, Stephen, Mark Kugler and Nick Manning, (2003), "Second Generation Governance Indicators," *International Review of Administrative Sciences* 69 (3), pp. 345-64.
- Nardo, Michael, Michaela Saisana, Andrea Saltelli, Stefano Tarantola, Anders Hoffman and Enrico Giovanni (2005), "OECD Handbook on Constructing Composite Indicators: Methodology and User Guide," [www.oilis.oecd.org/olis/2005doc.nsf/LinkTo/std-doc\(2005\)3](http://www.oilis.oecd.org/olis/2005doc.nsf/LinkTo/std-doc(2005)3), OECD, Paris.
- OECD (1995), "Recommendation of the Council of the OECD on Improving the Quality of Government Regulation," including "The OECD Reference Checklist for Regulatory Decision-Making."
- OECD (1998), "Indicators of Regulatory Capacities in OECD Countries: Analysis and Interpretation," Paris.
- OECD (1998), "The OECD Regulatory Indicators Questionnaire: Regulatory Structures and Policies in OECD Countries," Paris.
- OECD (1998a), "The OECD Country Reviews on Regulatory Reform: Revised Review Questionnaire," Paris.
- OECD (1999), *OECD Reviews of Regulatory Reform – Regulatory Reform in The Netherlands*, "Government Capacity to Assure High Quality Regulation," OECD, Paris.
- OECD (1999), *OECD Reviews of Regulatory Reform – Regulatory Reform in the United States*, "Government Capacity to Assure High Quality Regulation," OECD, Paris.
- OECD (2000), *OECD Reviews of Regulatory Reform – Regulatory Reform in Denmark*, "Government Capacity to Assure High Quality Regulation," OECD, Paris.
- OECD (2000), *OECD Reviews of Regulatory Reform – Regulatory Reform in Hungary*, "Government Capacity to Assure High Quality Regulation," OECD, Paris.

- OECD (2000), *OECD Reviews of Regulatory Reform – Regulatory Reform in Korea*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (1999), *OECD Reviews of Regulatory Reform – Regulatory Reform in Mexico*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2000), *OECD Reviews of Regulatory Reform – Regulatory Reform in Spain*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2001), *OECD Reviews of Regulatory Reform – Regulatory Reform in Greece*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2001), *OECD Reviews of Regulatory Reform – Regulatory Reform in Ireland*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2001), *OECD Reviews of Regulatory Reform – Regulatory Reform in Italy*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (1999), *OECD Reviews of Regulatory Reform – Regulatory Reform in Japan*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2001), *OECD Reviews of Regulatory Reform – Regulatory Reform in Czech Republic*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2002), *OECD Reviews of Regulatory Reform – Regulatory Reform in Canada*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2002), *Regulatory Policies in OECD Countries, From Interventionism to Regulatory Governance*.
- OECD (2002), *OECD Reviews of Regulatory Reform – Regulatory Reform in Poland*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2002), *OECD Reviews of Regulatory Reform – Regulatory Reform in United Kingdom*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2002), *OECD Reviews of Regulatory Reform – Regulatory Reform in Turkey*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2003), *OECD Reviews of Regulatory Reform – Regulatory Reform in Finland*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2003), *OECD Reviews of Regulatory Reform – Regulatory Reform in Norway*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2004), *Regulatory Performance: Ex post Evaluation of Regulatory Tools and Institutions*, Proceedings from the OECD Expert meeting held on 22 September 2003.
- OECD (2004), *OECD Reviews of Regulatory Reform – Regulatory Reform in France*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.
- OECD (2004), *OECD Reviews of Regulatory Reform – Regulatory Reform in Germany*, “Government Capacity to Assure High Quality Regulation,” OECD, Paris.

- OECD (2004), "Regulatory Impact analysis Inventory," Paris.
- OECD (2005), *OECD Reviews of Regulatory Reform – Regulatory Reform in Switzerland*, "Government Capacity to Assure High Quality Regulation," OECD, Paris.
- OECD (2005), "Taking Stock of Regulatory Reform, A Multidisciplinary Synthesis," Paris.
- OECD (1997), "Regulatory Impact analysis, Best Practices in OECD Countries," Paris.
- Porta, Rafael La, Florencio Lopez-de-Silanes, Andrei Shleifer and Robert Vishny. (1998). "The Quality of Government," *Journal of Law Economics and Organization*, 15 (April), pp. 222-279.
- Quality Framework and Guidelines for OECD Statistical Activities (2003).
(www.oecd.org/dataoecd/26/42/21688835.pdf). Paris: OECD. (Version 2003/1)
- Raedelli, CM. & de Francesco, F., "Project on Indicators of Regulatory Quality: Final Report (2004)," DG Enterprise, European Commission, Brussels, November, Draft.
- Sandhu-Rojon, R. (2003), "Selecting Indicators for Impact Evaluation," UNDP.
- Tavistock Institute (2003), "Evaluation of Socio-Economic Development – the Guide," html un-paginated version, December 2003, <www.evaled.info>, accessed on 25 October 2004 (Cited in Raedelli et al 2004).
- World Bank Institute (2006), "Governance Data: Web-Interactive Inventory of Datasets and Empirical Tools" available at www.worldbank.org/wbi/governance/govdatasets/index.html, Access Date: June, Last Update: n/k.
- World Bank/International Finance Corporation/Oxford University Press (2005), "Doing Business in 2005: Removing Obstacles to Growth."
- World Bank/International Finance Corporation/Oxford University Press (2006) "Doing Business in 2006," (www.doingbusiness.org/documents/DoingBusiness2006_fullreport.pdf), Washington DC: World Bank and International Finance Corporation.

ANNEX 1. OECD PRINCIPLES FOR REGULATORY QUALITY AND GOOD GOVERNANCE

116. The OECD Council adopted the 1995 Recommendation on Improving the quality of Government Regulation and its checklist as the first international standard on regulatory quality. Following the 1997 report on Regulatory Reform, the OECD Adopted the 1997 Principles of Good Regulation (See Box 2).

Box 2. The 1997 principles of good regulation

1. Adopt at the political level broad programmes of regulatory reform that establish clear objectives and frameworks for implementation.
2. Review regulations systematically to ensure that they continue to meet their intended objectives efficiently and effectively.
3. Ensure that regulations and regulatory processes are transparent, non-discriminatory and efficiently applied.
4. Review and strengthen where necessary the scope, effectiveness and enforcement of competition policy.
5. Reform economic regulations in all sectors to stimulate competition, and eliminate them except where clear evidence demonstrates that they are the best way to serve broad public interests.
6. Eliminate unnecessary regulatory barriers to trade and investment by enhancing implementation of international agreements and strengthening international principles.
7. Identify important links with other policy objectives and develop policies to achieve those objectives in ways that support reform.

Source: OECD Report on Regulatory Reform, 1997.

117. These principles have been driving OECD Countries' efforts since then. They have been used in a number of OECD Reviews to assess progress in implementing regulatory reform. Following twenty reviews, ample materials was available to update these principles. The 2005 Guiding Principles for Regulatory Quality and Performance in 2005, retained the original 7 principles but expanded the explanatory notes and subordinate recommendations.

Box 3. The 2005 Guiding Principles for Regulatory Quality and Performance

1. Adopt at the political level broad programmes of regulatory reform that establish clear objectives and frameworks for implementation.
2. Assess impacts and review regulations systematically to ensure that they meet their intended objectives efficiently and effectively in a changing and complex economic and social environment.
3. Ensure that regulations, regulatory institutions charged with implementation, and regulatory processes are transparent and non discriminatory.
4. Review and strengthen where necessary the scope, effectiveness and enforcement of competition policy.
5. Design economic regulations in all sectors to stimulate competition and efficiency, and eliminate them except where clear evidence demonstrates that they are the best way to serve broad public interests.
6. Eliminate unnecessary regulatory barriers to trade and investment through continued liberalisation and enhance the consideration and better integration of market openness throughout the regulatory process, thus strengthening economic efficiency and competitiveness.
7. Identify important linkages with other policy objectives and develop policies to achieve those objectives in ways that support reform.

Source: OECD Taking Stock of Regulatory Reform, 2005.

118. The OECD also reckons "Principle elements of good governance"¹, which include:

- *Accountability*: government is able and willing to show the extent to which its actions and decisions are consistent with clearly-defined and agreed-upon objectives.
- *Transparency*: government actions, decisions and decision-making processes are open to an appropriate level of scrutiny by others parts of government, civil society and, in some instances, outside institutions and governments.
- *Efficiency/effectiveness* government strives to produce quality public outputs, including services delivered to citizens, at the best cost, and ensures that outputs meet the original intentions of policymakers.
- *Responsiveness*: government has the capacity and flexibility to respond rapidly to societal changes, takes into account the expectations of civil society in identifying the general public interest, and is willing to critically re-examine the role of government.
- *Forward vision*: government is able to anticipate future problems and issues based on current data and trends and develop policies that take into account future costs and anticipated changes (e.g. demographic, economic, environmental, etc.).
- *Rule of law*: government enforces equally transparent laws, regulations and codes.

High quality regulation helps in strengthening the governance framework, in terms of accountability, transparency, effectiveness, responsiveness, forward vision (through forward planning), and Rule of law.

¹. www.oecd.org/document/32/0,2340,en_2649_33735_1814560_1_1_1_1,00.html

ANNEX 2. LIST OF TABLES

Table 5. Explicit regulatory policy promoting government-wide regulatory reform

	<i>Explicit, published regulatory policy promoting government-wide regulatory reform</i>					<i>Main motive for reform</i>			<i>Constituency of the reform (Groups pushing for reform) (3)</i>				
	<i>exists</i>	<i>establishes reform objectives</i>	<i>sets out principles of good regulation</i>	<i>establishes responsibilities at ministerial level</i>	<i>Year the policy was introduced or last substantially revised</i>	<i>Boost competitiveness and growth</i>	<i>International commitment (e.g. European commitment)</i>	<i>Domestic policy agenda</i>	<i>Government itself</i>	<i>Businesses</i>	<i>Citizens, national opinion</i>	<i>NGOs</i>	<i>International Organisations</i>
Australia	Y	Y	Y	Y	1996; 1998	Y	...	...	Y	Y	...	...	...
Austria	Y	Y	Y	N	2006	Y	Y	Y	Y	Y	Y	Y	Y
Belgium	N	Y	N	Y	2003	Y	Y	Y	Y	Y	Y	Y	Y
Canada	Y	Y	Y	Y	1986; 1999	Y	Y	Y	Y	Y	Y	Y	Y
Czech Rep.	Y	Y	Y	Y	2004	Y	N	Y	Y	Y	Y	N	Y
Denmark	Y	Y	N	Y	revised 2005	Y	...	...	Y	Y	N	N	Y
Finland	Y	...	...	...	...	Y	Y	...	Y	Y	...	...	...
France	Y	Y	Y	Y	2003	...	Y	Y	Y	Y	...	...	Y
Germany	Y	Y	Y	Y	2003	Y	N	Y	Y	Y	...	...	...
Greece	Y	Y	Y	Y	...	Y	Y	Y	Y	Y	...	...	Y
Hungary	N	...	...	...	...	Y	Y	N	Y	Y	N	N	Y
Iceland	N	N	N	N	1999	Y	Y	N	Y	Y	N	N	Y
Ireland	Y	Y	Y	Y	2004	Y	...	Y	Y	Y	Y	Y	Y
Italy	Y	Y	Y	Y	revised 2003	Y	Y	Y	Y	Y	N	N	Y
Japan	Y	Y	Y	Y	2004; 2005	Y	Y	Y	Y	Y	Y	...	...
Korea	Y	Y	Y	Y	1998	Y	N	Y	Y	Y	Y	Y	Y
Luxembourg	Y	Y	N	Y	2004	Y	Y	Y	Y	Y	N	N	Y
Mexico	Y	Y	Y	Y	2000	Y	N	Y	Y	Y	N	N	Y
Netherlands	Y	...	...	...	...	Y	Y	Y	Y	Y	Y	Y	Y
New Zealand	Y	N	Y	N	1997	Y	...	Y	Y	Y	Y	Y	Y
Norway	N	...	...	...	...	Y	Y	Y	Y	Y	N	N	Y
Poland	Y	Y	Y	Y	2001; revised 2006	Y	Y	Y	Y	Y	Y	Y	Y
Portugal	Y	Y	Y	Y	2003	Y	Y	Y	Y	Y	Y	Y	...
Slovak Rep.	N	...	...	...	...	Y	Y	...	Y	Y	Y	...	...
Spain	Y	Y	Y	Y	1991; 2005	Y	Y	Y	Y	N	N	N	Y
Sweden	N	...	...	...	...	Y	Y	Y	Y	Y	Y	Y	Y
Switzerland	Y	Y	N	Y	2002	Y	Y	Y	Y	Y	Y	Y	Y
Turkey	Y	Y	Y	Y	2003	Y	Y	Y	Y	Y	Y	Y	Y
U. K.	Y	Y	Y	Y	2005	Y	...	Y	Y	Y	Y	...	...
USA	Y	Y	Y	Y	2004	Y	N	Y	Y	Y	Y	Y	N
EU	Y	Y	Y	N	2002; 2005	Y	Y	N	Y	Y	Y	Y	Y

Notes: Y, Yes, N, No, "...": Not Available. For more details on the questions, see Q1:a),a(i),a(ii),a(iii),a(iv),b(i),b(ii),b(iii),c(i),c(ii),c(iii),c(iv),c(v) / 2005 OECD regulatory indicators questionnaire

Table 6. Policy drivers for regulatory

	<i>Functions of the body in charge of regulatory oversight</i>					<i>Advisory body receiving references from Government to review broad areas of regulation, collecting the views of private stakeholders</i>	<i>Specific minister accountable for promoting progress on regulatory reform</i>
	<i>Consulted as part of the process of developing new regulation</i>	<i>Reports on progress made on reform by individual ministries</i>	<i>Authority of reviewing and monitoring regulatory impacts conducted in individual ministries</i>	<i>Conducts its own analysis of regulatory impacts</i>	<i>Advocacy function to promote regulatory quality and reform</i>		
Australia	Y	Y	Y	N	Y	Y	Y
Austria	Y	Y	N	N	Y	N	Y
Belgium	Y	Y	N	Y	Y	Y	Y
Canada	Y	Y	Y	N	Y	Y	Y
Czech Rep.	Y	N	Y	N	Y	N	Y
Denmark	Y	Y	N	Y	Y	N	Y
Finland	Y	N	N	N	Y	N	Y
France	N	N	N	N	N	Y	Y
Germany	Y	Y	Y	Y	Y	N	N
Greece	Y	Y	Y	Y	Y	N	N
Hungary	Y	N	N	Y	Y	N	Y
Iceland	N	N	N	N	N	...	N
Ireland	Y	N	Y	Y	Y	Y	Y
Italy	Y	Y	Y	N	Y	N	Y
Japan	Y	Y	N	N	N	Y	Y
Korea	Y	Y	Y	Y	Y	Y	Y
Luxembourg	N	N	N	N	N	Y	N
Mexico	Y	Y	Y	Y	Y	N	Y
Netherlands	Y	Y	Y	Y	Y	N	N
New Zealand	Y	N	Y	N	Y	N	N
Norway	N	N	N	N	N	N	Y
Poland	Y	N	N	Y	Y	Y	Y
Portugal	Y	Y	Y	Y	Y	N	Y
Slovak Rep.	N	N	N	N	N	N	...
Spain	Y	N	N	N	Y	N	Y
Sweden	N	N	N	N	N	N	Y
Switzerland	Y	N	Y	Y	Y	Y	N
Turkey	Y	N	N	N	Y	N	Y
UK	Y	Y	Y	Y	Y	Y	Y
USA	Y	Y	Y	Y	Y	N	Y
EU	Y	N	Y	N	Y	Y	N

Notes: Y, Yes. N, No. "...": Not Available.. For more details on the questions, see Q15a),a(i),a(ii),a(iii),a(iv),a(v),b),c) / 2005 OECD regulatory indicators questionnaire /GOV/PGC/REG(2005)12/ANN1.

Table 7. Regulatory Quality Oversight Bodies in OECD Countries

Countries	Name & location	Date	Main mission	Resources & Comments
Australia	Office of Regulation Review in the Productivity Commission	1998	<ul style="list-style-type: none"> - Advise departments/regulatory agencies on appropriate quality control for development of regulatory proposals and review of existing regulations - Encourage right use of regulation and reduction of unnecessary regulation - Examine and advise the government on Regulation Impact 	- A staff of approximately 20
Austria	The Legal Service of the Federal Chancellery		<ul style="list-style-type: none"> - Secure regulatory quality at federal level surveying the compliance of drafts with national constitutional law, European law and regulatory policies - Securing the clarity, comprehensibility and coherence of regulation - Develop new regulatory policies and legislative guidelines 	
Belgium	Agency for administrative simplification in the Prime Minister's Office		<ul style="list-style-type: none"> - Initiate simplification projects in all domains, Stimulate simplification projects, Co-ordinate the simplification policy on administrative level - Develop tools (measure administrative burdens) 	
Canada	Regulatory Affairs and Orders in Council Secretariat, Privacy Council Office		<ul style="list-style-type: none"> - Develop and manage the government's regulatory reform and research agendas - Support to the Cabinet on regulatory matters, including secretariat services for the Cabinet committee that approves most federal regulations 	- The President of the Treasury Board has a mandate for promoting the implementation of Smart Regulation in Canada
Czech Rep.	Department for Regulatory Reform and Quality of Public Administration in the Ministry of Interior		<ul style="list-style-type: none"> - Prepare strategy materials in the area of central state administration reform and regulatory reform, co-ordination of these reforms - Oversight of RIA quality 	- The Department has 30 employees 20 of which are dealing with regulatory reform agenda
Denmark	Division for Better Regulation in the Ministry of Finance		<ul style="list-style-type: none"> - Ensuring high quality in new and existing regulation. - Develop Governments regulatory policies, and co-ordinate the preparation and examination of the governments annual law planning programme - Co-ordinate the governments annual action plans for simplification - SCM-measurement of the administrative burdens and assist other ministries in performing Business Impact Analysis as part of their RIA-process * Ministry of Justice, a division on law quality is monitoring the legal coherence and quality of draft regulation 	<ul style="list-style-type: none"> - Ministry of Finance : a Head of Division and six heads of section - Danish Commerce and Companies Agency: a Head of Division and fifteen heads of section - Ministry of Justice: a Head of Division and four heads of section
Finland	Bureau of Legislative Inspection, Ministry of justice			
France	<i>Missing</i>			
Germany	Regulatory control council		- This body will be associated to the Federal Chancellery and has to assess the red tape and the necessity of new and existing laws	- Regulatory control council is scheduled to begin its work in autumn 2006

Countries	Name & location	Date	Main mission	Resources & Comments
Greece	Central Regulatory Impact Unit, General Secretariat of the Government, Prime minister's Office		<ul style="list-style-type: none"> - Coordinate the vertical ministerial units and provide guidelines on RIA - Draft reports for the prime Minister's edicts & Ministers Council regulations - Report the progress of better regulation policy to the Parliament * Ministry of the Interior, Public Administration is responsible for some parts of the better regulation agenda, such as simplification and codification 	
Hungary	Ministry of Justice		<ul style="list-style-type: none"> - General quality assurance and control of the legislation 	
Iceland	Consultative committee on official monitoring rules, office of the Prime Minister		<ul style="list-style-type: none"> - Examine monitoring rules or the implementation of specific activities - Comment on parliamentary bills/draft government instructions on rules - Keep track that the review of monitoring rules is consistent with Act. no. 27/1999 and present suggestions for review where appropriate - Advise government authorities on the review of monitoring rules and implementation of monitoring in keeping with the objectives of Act. no. 27/1999 * The Prime Minister reports to parliament every three years 	<ul style="list-style-type: none"> - The committee has no permanent staff but uses the staff of the ministry and independent consultants
Ireland	Better Regulation Unit in the Public Service Modernisation Division, Prime Minister's Department		<ul style="list-style-type: none"> - Overseeing regulatory impact analysis - Supporting implementation of EU Action Plan of Better Regulation and representing Ireland at other international bodies - Performing advocacy role in relation to better regulation issues at national level 	
Italy	Presidency of Council of Ministers		<ul style="list-style-type: none"> - Promoting regulatory policy/monitoring/reporting/co-ordinating ministries activities 	<ul style="list-style-type: none"> - RIA unit has 4 staff members and 5 advisors, under the supervision of the Head of Department
Japan	Council of the Promotion of Regulatory Reform		<ul style="list-style-type: none"> - Researching and deliberating what is necessary to push ahead with structural reforms of social economy, 1) necessary items about the reform of the nature of the regulations when outsourcing central/local governments' operations/office works; 2) other fundamental items about the nature of regulations 	
Korea	The Office of Regulatory Reform (ORR), the Prime Minister's Office	1998	<ul style="list-style-type: none"> - Support the Regulatory Reform Committee which examines newly establishing or strengthening regulations of each ministry * The Regulatory Reform Task Force (RRTF) under the Office of regulatory reform plays the role of improving existing regulations, or bulk regulations that affect many ministries 	<ul style="list-style-type: none"> - ORR : 40 staff members (1 deputy minister level; 2 director general level; 10 director level; 4 Special experts; 23 staff members) - RRTF : staff of 53 (3 director general level; 6 director level; 23 special experts; 15 members)
Luxembourg	<i>Missing</i>			
Mexico	Federal Regulatory Improvement Commission, Ministry of Economy		<ul style="list-style-type: none"> - Improve the quality of the regulatory framework by means of the Biennial Programs of Regulatory Improvement (PBMR) - Integrate & maintain updated the Federal Register of Formalities and Services - Review/improve federal drafts generating fulfillment costs to the citizens - Collaborate & offer technical support to the States and Municipalities to establish regulatory reform programs 	

Countries	Name & location	Date	Main mission	Resources & Comments
Netherlands	Bodies within the Ministries of Justice, Finance, Economic Affairs and Council of State Actal	2000	- Since 2000 the independent Advisory Board on Administrative Burdens (Actal) has been scrutinizing impact assessments with specific attention for the quantification of administrative burdens. Because of Actal's independent status it plays no direct role in deciding whether a legislative proposal is ready to go ahead to the Council of Ministers, but its opinions are made public alongside the legislative proposal and can thus play a role in Parliamentary debate	- Also the Minister of Finance on occasion does draw on Actal's judgement when proposals are discussed in the Council of Ministers
Norway	Ministry of Modernisation			
New Zealand	Ministry of Economic Development		- The RIA Unit has issued guidelines for the preparation of Regulatory Impact Statements - Review RISs and provides adequacy statements on them - Provide training & advice on regulatory issues to officials to build capability for undertaking regulatory impact analysis	- From the 8 staff members in the Regulatory Policy Unit, approximately 4 full-time equivalents are dedicated to the work of the RIA Unit - Other Ministry of Economic Development staff may assist
Poland	Inter-ministerial Regulatory Quality Team (Minister for Economic Affairs & Labour is the head of the team) Department for Economic Regulation in the Ministry of Economic Affairs and Labour		- Development of draft government positions on regulatory reform - Undertaking measures on administrative burdens and eliminating needless administrative burdens and procedures to entities - Development of RIA guidelines - Providing access to information and dissemination of knowledge ❖ Other issues pertaining to regulatory quality as commissioned by the Council of Ministers or the Prime Minister Implementation of Regulatory Reform Programme * The team is a consulting and advisory body to the President of the Council	- The Team is composed of representatives, including those in the rank of a secretary of state, undersecretary of state, president or deputy president, from 21 ministries and bodies of state administration
Portugal	<i>Missing</i>			
Spain	Ministry of Public Administration, Prime Minister's Office Agency for Evaluating Public Policies		- Prime Minister's Office: dealing with quality on drafting regulations - Public Administration Ministry: dealing with Better Regulation Policy and promoting of government wide progress on regulatory reform - Comisión de Secretarios de Estado y Subsecretarios: monitoring the quality of all regulations produced by ministries before presenting the text to the Council of Ministries - Agency for Evaluating Public Policies has been created at the end of 2006 and began to work 01 January. It monitors quality of RIAs and develops guidances	

Countries	Name & location	Date	Main mission	Resources & Comments
Sweden	Legal Secretariat within the Prime Minister's Office Division for Legal and Linguistic Revision, Ministry of Justice Better Regulation Unit, Ministry of Industry, Employment and Communication		<ul style="list-style-type: none"> - No specific body responsible for promoting the regulatory reform. The head of the Legal Secretariat within the Prime Minister's Office has a special responsibility for general quality of regulations including regulations being lawful, consistent and uniform - The role of the Better Regulation Unit within the Business Division at the Ministry of Industry should also be noted for its role with RIA and SMEs - All ministers have a responsibility for promoting regulatory reform 	* The Division for Legal and Linguistic Revision in the Ministry of Justice, language experts and legal advisors provide legal and linguistic services to the officials in the ten ministries
Switzerland	Federal Chancellery, Federal Office for Justice, Seco, Federal Finance Administration		<ul style="list-style-type: none"> - The Federal Chancellery is responsible for checking draft laws, the legal conformity of texts and use of clear language - In close collaboration with the Federal Chancellery, the Federal Office for Justice is in charge of supervising draft text laws, and elaborating consultation opinions linked to issues of constitutional and administrative law - Seco is in charge of RIA and economic impact analysis, administrative simplification measures and of measures in favor of SMEs - The Federal Finance Administration is in charge of checking the financial consequences of legal acts and in charge of establishing guidelines applicable to the regulation of financial markets 	
Turkey	General Directorate of Laws and Decrees, General Directorate of Legislative Development and Publication, Department of Administrative Development		<ul style="list-style-type: none"> - The duties of General Directorate of Laws & Decrees are to examine the drafts of laws, decree laws, regulations elaborated by Ministries as well as by laws issued by the Council of Ministers and the drafts concerning the decisions of the Cabinet in terms of compliance with the Constitution, laws, general legal rules, development plans and programs as well as the Government Program; to render them debatable at the Cabinet, provide coordination among public institutions and agencies about the issues falling within the duty of the General Directorate and determine the principles regarding legislation preparation and guidelines - The General Directorate of Legislative Development & Publication examines draft by laws which will be issued by individual public agencies, collects and classifies the legal documents, determines the ones those in effect, publishes the legislations in effect as single text with their annexes and amendments, and disseminates the Legislation in electronic media - The Department of Administrative Development has to conduct research and examinations for determining targets/policies/measures about developing the public management and to have those performed, to evaluate them and draw up proposals, to stay in touch with the institutions in charge of developing public management, to provide coordination among those institutions and conduct studies required for the administrative procedures/operations to be simplified 	- In the above mentioned departments 60, 80 and 26 personnel are employed and 34, 17 and 9 of which are experts respectively. Also all three departments which are considered as the responsible departments for regulatory reform and regulatory quality are attached to a single undersecretary (Undersecretary of Prime Ministry)

Countries	Name & location	Date	Main mission	Resources & Comments
United Kingdom	Better Regulation Executive (BRE), Cabinet Office * previously carried out by the Regulatory Impact Unit	2005	<ul style="list-style-type: none"> - Scrutinising new policy proposals from Departments and Regulators - speeding up the legislative process to make it easier for Departments to take through deregulatory measures - working with Departments and Regulators to reduce existing regulatory burdens affecting business and frontline staff in the public sector - Newly added mandate of the BRE: <ul style="list-style-type: none"> ▪ regulate only when necessary ▪ set exacting targets for reducing the cost of administering regulations ▪ rationalise inspection/enforcement arrangements for business & public sector 	- In addition to the BRE, there are the Better Regulation Units (BRUs) in each department, Staffing levels: 70 (April 2005 figures) Resources: £3.4m (2004/05 outturn)
United States	Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget		- Manage and coordinate Federal rulemaking, and oversees Federal information management, statistical policy, and information technology policy	- OIRA's staffing level was 50 "full time equivalents" and its budget was \$7 million (In Fiscal Year 2005)
European Commission	Secretariat General to the Commission Better Regulation Unit		<ul style="list-style-type: none"> - Co-design, coordination, monitoring and reporting - Monitor the process and evaluate the appropriateness of the IA produced by the sectoral services. 	<ul style="list-style-type: none"> - Better regulation unit backed by 3 units (consultation of interested parties, monitoring IA quality, enforcement) - 20 persons for Better regulation unit (5 administrators with support staff + administrative staff responsible for maintaining registers on expert groups and committees / comitology)

Table 8. Co-ordination across levels of government, supra national/sub national

	<i>Formal co-ordination mechanisms between national/federal and State/regional governments</i>	<i>Formal co-ordination mechanisms at the supra-national level</i>	<i>Mechanisms impose specific obligations in relation to regulatory practice</i>	Harmonisation mechanisms used		
				Mutual recognition	Regulatory harmonisation agreements	Strict regulatory uniformity agreements
Australia	Y	N	Y	Widely	Widely	Rarely
Austria	Y	N	Y	Rarely	Rarely	No
Belgium	Y	Y	Y	Widely	Rarely	No
Canada	Y	Y	Y	Widely	Widely	Widely
Czech Rep.	N	Y	N	Rarely	No	No
Denmark	N	Y	Y	Widely	Widely	Widely
Finland	Y	Y	Y	No	No	No
France	Y	Y	N	No	No	No
Germany	Y	Y	Y	No	No	No
Greece	Y	Y	Y	...	Widely	...
Hungary	Y	Y	N	Widely	Widely	Widely
Iceland	N	N	N	Rarely	Rarely	Rarely
Ireland	N	Y	Y	...	...	...
Italy	Y	Y	Y	No	No	No
Japan	N	N	N	Rarely	Rarely	Rarely
Korea	Y	Y	...	Widely	Widely	Widely
Luxembourg	N	N	N	No	No	No
Mexico	Y	Y	Y	No	Rarely	Rarely
Netherlands	Y	N	Y	Widely	Widely	Widely
New Zealand	Y	Y	Y	Widely	Widely	Rarely
Norway	Y	Y	Y	Widely	No	No
Poland	Y	Y	Y	Rarely	Rarely	Rarely
Portugal	Y	N	N	No	No	No
Slovak Rep.	N	Y	Y	...	...	...
Spain	Y	Y	N	No	Rarely	No
Sweden	...	Y	Y	...	...	...
Switzerland	Y	Y	N	Widely	...	Rarely
Turkey	...	...	Y	Rarely	Rarely	Rarely
UK	Y	Y	Y	Widely	Widely	Rarely
USA	Y	N	N	Rarely	Rarely	Rarely
EU	Y	Y	N	Widely	Widely	Widely

Notes: Y, Yes, N, No, "...": Not Available.. For more details on the questions, see Q18:a),b)c),d(i),d(ii),d(iii)/2005 OECD regulatory indicators questionnaire / OLIS reference: GOV/PGC/REG(2005)12/ANN1.

Table 9. Parliamentary regulatory quality oversight

	Dedicated parliamentary committee or other parliamentary body with responsibilities for regulatory reform	Body periodically reviews the quality of the proposed legislation	Body is entrusted to review the quality of subordinate regulation	Review process explicitly guided by regulatory quality criteria	Body reviews and reports on progress on regulatory reform across the administration
Australia	Y	N	Y	N	N
Austria	N	N	N	N	N
Belgium	...	...	...	...	...
Canada	Y	...	Y	Y	N
Czech Rep.	N	N	N	N	N
Denmark	N	N	N	N	N
Finland	N	N	N	N	N
France	N	N	N	N	N
Germany	N	N	N	N	N
Greece	N	N	N	N	N
Hungary	Y	N	N	N	N
Iceland	N	...	...	...	...
Ireland	Y	N	N	N	N
Italy	Y	Y	N	Y	Y
Japan	N	N	N	N	N
Korea	Y	N	N	N	Y
Luxembourg	N	N	N	N	N
Mexico	N	N	N	N	N
Netherlands	N	N	N	N	Y
New Zealand	N	N	N	N	N
Norway	N	N	N	N	N
Poland	N	N	N	N	N
Portugal	N	N	N	N	N
Slovak Rep.	N	N	N	N	N
Spain	Y	Y	N	N	N
Sweden	N	N	N	N	N
Switzerland	Y	N	Y	N	N
Turkey	N	Y	N	Y	Y
UK	Y	Y	Y	Y	Y
USA	Y	N	Y	N	Y
EU	Y	Y	Y	N	N

Notes: Y, Yes, N, No, "...": Not Available.. For more details on the questions, see Q16-a),a(i),a(ii),a(iii),a(iv) / 2005 OECD regulatory indicators questionnaire / OLIS reference: /PGC/REG(2005)12/ANN1.

Table 10. Role of Judiciary, Compliance and enforcement

	<i>Role of judiciary in regulatory policy</i>		<i>Options for appealing against adverse enforcement decisions</i>			<i>Change in appeal procedures</i>				<i>Requirements for anticipating compliance and enforcement issues when developing new regulations</i>		
	Elements of regulatory policy subject to judicial review.	<i>Are review provisions exercised in practice?</i>	Administrative review	Administrative review to independent body	Judicial Review	Changed since 1998, or foreseen	<i>Restructuring of specific appeal bodies</i>	<i>Moving from general courts to specific appeal bodies</i>	<i>Moving from specific appeal bodies to general courts</i>	Requirements for Compliance and enforcement issues to be anticipated exist	<i>With specific policies on compliance-friendly regulation</i>	<i>With availability of written guidance on compliance and enforcement issues</i>
Australia	N	No	Y	Y	Y	N	N	N	N	Y	Y	Y
Austria	N	No	N	Y	Y	N	N	N	N	Y	Y	Y
Belgium	Y	Always	Y	Y	Y	N	N	N	N	Y	N	N
Canada	Y	Rarely	Y	Y	Y	N	N	N	N	Y	Y	Y
Czech Rep.	N	No	Y	Y	Y	Y	N	Y	N	N	N	N
Denmark	N	No	Y	Y	Y	N	N	N	N	Y	N	N
Finland	N	No	Y	Y	Y	Y	...	...	Y	Y	Y	N
France	N	No	Y	Y	Y	N	N	N	N	N	N	N
Germany	N	No	...	...	Y	N	N	N	N	N	N	N
Greece	N	No	Y	Y	Y	N	N	N	N	N	N	N
Hungary	N	No	N	N	Y	N	N	N	N	N	N	N
Iceland	N	No	Y	Y	Y	N	N	N	N	N	N	N
Ireland	N	No	Y	Y	Y	Y	...	...	...	Y	Y	Y
Italy	N	No	Y	Y	Y	Y	N	N	N	N	N	N
Japan	N	No	Y	Y	Y	N	N	N	N	N	N	N
Korea	Y	Rarely	Y	Y	Y	N	N	N	N	Y	Y	Y
Luxembourg	Y	Rarely	Y	Y	Y	Y	N	N	N	Y	N	N
Mexico	N	No	Y	Y	Y	Y	Y	N	N	Y	N	Y
Netherlands	N	No	Y	N	Y	N	N	N	N	Y	Y	Y
New Zealand	Y	Rarely	Y	Y	Y	Y	Y	N	Y	Y	N	N
Norway	N	No	Y	Y	Y	N	N	N	N	N	N	N
Poland	N	No	Y	N	Y	N	N	N	N	Y	Y	Y
Portugal	Y	Always	Y	Y	Y	Y	Y	Y	N	N	N	N
Slovak Rep.	N	No	Y	N	Y	N	N	N	N	Y	N	N
Spain	Y	Rarely	Y	N	Y	Y	Y	N	N	N	N	N
Sweden	N	No	Y	Y	Y	N	N	N	N	Y	Y	Y
Switzerland	N	Always	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Turkey	N	Always	Y	N	Y	N	N	N	N	Y	...	...
United Kingdom	Y	Rarely	Y	Y	Y	Y	Y	Y	...	Y	Y	Y
USA	Y	Always	Y	Y	Y	N	N	N	N	...	N	N
EU	N	No	Y	N	Y	N	N	N	N	N	N	N

Notes: Y, Yes. N, No. "...": Not Available. For more details on the questions, see Q8:a(i),a(ii),a(iii),b(i),b(ii),b(iii),c(i),c(ii), Q17:a),b/ 2005 OECD regulatory indicators questionnaire /GOV/PGC/REG(2005)12/ANN

Table 11. Training

	<i>Training programmes</i>			<i>General guidance</i>	
	<i>Formal training programmes to develop skills for high quality regulation</i>	<i>With training in how to conduct RIA</i>	<i>With training on how to inform and communicate with the public</i>	<i>Guidance on regulatory policy and its underlying objectives published and distributed</i>	<i>Guidance on compliance and enforcement published and distributed</i>
Australia	Y	Y	Y	Y	Y
Austria	Y	N	N	Y	Y
Belgium	Y	Y	Y	Y	Y
Canada	Y	Y	Y	Y	Y
Czech Rep.	N	Y	N	Y	N
Denmark	Y	Y	N	Y	N
Finland	Y	Y	Y	Y	N
France	Y	N	Y	N	N
Germany	Y	Y	Y	N	N
Greece	Y	Y	Y	Y	N
Hungary	Y	Y	Y	N	N
Iceland	Y	Y	N	N	N
Ireland	Y	Y	Y	Y	Y
Italy	Y	Y	N	Y	N
Japan	N	...	...	N	N
Korea	Y	Y	Y	Y	Y
Luxembourg	N	...	...	N	N
Mexico	Y	Y	N	Y	N
Netherlands	Y	N	N	Y	Y
New Zealand	Y	Y	Y	Y	Y
Norway	Y	Y	N	Y	N
Poland	Y	Y	...	Y	Y
Portugal	Y	...	...	...	...
Slovak Rep.	N	...	...	N	N
Spain	Y	N	N	Y	N
Sweden	Y	Y	N	Y	N
Switzerland	Y	N	N	Y	Y
Turkey	Y	Y	Y	Y	Y
UK	Y	Y	Y	Y	Y
USA	Y	Y	N	Y	N
EU	Y	Y	Y	Y	N

Notes: Y, Yes. N, No. "...": Not Available.. For more details on the questions, see Q14: a,a(ii),a(iii),b(i),b(ii) / 2005 OECD regulatory indicators questionnaire / OLIS reference: GOV/PGC/REG(2005)12/ANN1

Table 12. Linking regulatory policy and other policy areas, forward planning

	Linking Regulatory policy and other policy areas						Forward planning			
	Body for Competition policy		Body for Trade Policy		Body for Consumer Policy		Primary Laws	Subordinate Regulations		
	Usually consulted	Consultation mandatory	Usually consulted	Consultation mandatory	Usually consulted	Consultation mandatory	Periodical publication of the list of laws to be prepared, modified or reformed in the next six months or more	Publication easily available to the public (i.e. via the Internet)	Periodical publication of list list of regulations to be prepared, modified or reformed in the next six months or more	Publication easily available to the public (i.e. via the Internet)
Australia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Austria	Y	N	Y	N	Y	N	Y	Y	N	N
Belgium	Y	Y	Y	Y	Y	Y	N	N	N	N
Canada	Y	N	Y	Y	Y	N	Y	Y	Y	Y
Czech Rep.	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Denmark	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Finland	Y	N	Y	N	Y	N	Y	Y	Y	Y
France	Y	...	Y	...	Y	...	N	N	N	N
Germany	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Greece	Y	...	Y	Y	N	N	N	N	N	N
Hungary	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Iceland	N	N	N	N	N	N	Y	Y	N	N
Ireland	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Italy	Y	...	Y	...	Y	N	Y	Y	Y	Y
Japan	Y	N	Y	N	Y	N	N	N	N	N
Korea	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Luxembourg	N	...	N	N	Y	N	N	N	N	N
Mexico	Y	N	Y	...	Y	N	N	N	Y	Y
Netherlands	Y	N	Y	N	Y	N	N	N	N	N
New Zealand	Y	Y	Y	Y	Y	Y	N	N	N	N
Norway	Y	Y	Y	Y	Y	N	Y	Y	N	N
Poland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Portugal	Y	...	Y	...	Y	Y	N	N	N	N
Slovak Rep.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Spain	Y	Y	Y	Y	Y	Y	N	N	N	N
Sweden	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Switzerland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Turkey	Y	Y	Y	Y	Y	Y	N	N	N	N
UK	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
USA	Y	N	Y	N	Y	N	Y	Y	Y	Y
EU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Notes: Y, Yes, N, No. "...": Not Available. For more details on the questions, See Q2 a),b),c) Q3 a),a(i),b),b(i) / 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/ANN1.

Table 13. Forms of public consultation

	<i>Informal consultation with selected groups</i>		<i>Broad circulation of proposals for comment</i>		<i>Public notice and comment</i>		<i>Public meeting</i>		<i>Internet</i>		<i>Advisory group</i>		<i>Preparatory public commission</i>		<i>Other</i>	
	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>
Australia	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Austria	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	N	Y	Y	N	Y
Belgium	Y	Y	N	N	N	N	Y	Y	N	N	Y	Y	Y	Y	N	N
Canada	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Czech Rep.	Y	Y	Y	N	N	N	N	N	N	N	Y	N	N	N	N	N
Denmark	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	N	N
Finland	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N
France	N	Y	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N
Germany	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Greece	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	N	N
Hungary	Y	Y	N	N	N	N	Y	Y	N	N	Y	Y	Y	Y	N	N
Iceland	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	N	Y
Ireland	Y	Y	Y	N	Y	N	Y	N	Y	N	Y	Y	Y	Y	N	N
Italy	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Japan	N	N	Y	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N
Korea	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
Luxembourg	Y	Y	N	N	Y	Y	N	N	N	N	Y	Y	N	N	N	N
Mexico	N	Y	N	Y	N	Y	N	Y	Y	Y	N	N	N	Y	N	N
Netherlands	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
New Zealand	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Norway	N	N	Y	Y	N	N	N	N	Y	Y	N	Y	Y	N	N	N
Poland	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Portugal	Y	N	Y	N	Y	N	Y	N	N	N	Y	N	Y	N	N	N
Slovak Rep.	Y	N	Y	Y	N	N	N	N	Y	Y	N	N	N	N	N	N
Spain	Y	Y	N	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y
Sweden	Y	Y	Y	Y	N	N	N	N	N	N	Y	Y	Y	Y	N	N
Switzerland	Y	Y	Y	N	Y	N	N	N	Y	N	Y	Y	Y	N	N	N
Turkey	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N
UK	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
USA	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
EU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N

Notes: Y, Yes. N, No. "...": Not Available. For more details on the questions, see Q10:b(ii),b / 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/ANN1.

Table 14. Openness of the consultation process

	<i>Participation open to any member of the public</i>		<i>Views of participants in the consultation process made public</i>		<i>Requirement to respond in writing to the authors of consultation comments</i>		<i>Views expressed in the consultation process included in the RIA</i>		<i>Process to monitor the quality of the consultation process (e.g. surveys)</i>	
	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>	<i>Laws</i>	<i>Subordinate regulation</i>
Australia	Y	...	Y	Y	N	N	Y	Y	N	N
Austria	Y	Y	Y	N	N	N	Y	Y	N	N
Belgium	Y	...	Y	...	N	...	...	...	N	...
Canada	Y	Y	Y	Y	N	N	Y	Y	Y	Y
Czech Rep.	N	N	N	N	N	N	N	N	N	N
Denmark	N	N	Y	Y	N	N	N	N	N	N
Finland	Y	Y	Y	Y	N	N	Y	Y	N	N
France	N	N	N	N	N	N	N	N	N	N
Germany	...	...	Y	Y	N	N	N	N	N	N
Greece	Y	...	Y	...	Y	...	Y	...	N	...
Hungary	Y	N	Y	N	N	N	N	N	N	N
Iceland	Y	Y	Y	N	N	N	N	N	N	N
Ireland	Y	...	...	...	N	N	Y	Y	N	...
Italy	N	N	N	N	N	N	Y	Y	N	N
Japan	Y	Y	Y	Y	N	N	N	N	N	N
Korea	Y	Y	Y	Y	Y	Y	N	N	N	N
Luxembourg	N	N	Y	Y	N	N	Y	N	N	N
Mexico	Y	Y	Y	Y	N	N	N	Y	N	N
Netherlands	N	N	Y	N	N	N	Y	Y	N	N
New Zealand	Y	Y	Y	Y	N	N	Y	Y	N	N
Norway	Y	Y	Y	Y	N	N	Y	N	N	N
Poland	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Portugal	Y	N	N	N	N	N	Y	Y	N	N
Slovak Rep.	N	N	Y	Y	N	N	Y	Y	N	N
Spain	N	N	N	N	Y	Y	N	N	N	N
Sweden	Y	Y	Y	Y	N	N	Y	Y	N	N
Switzerland	Y	Y	Y	Y	Y	Y	N	N	Y	Y
Turkey	Y	N	N	N	N	N	N	N	N	N
UK	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
USA	Y	Y	N	Y	N	Y	N	Y	N	N
EU	Y	Y	Y	Y	N	N	Y	Y	N	N

Notes: Y, Yes. N, No. "...": Not Available. For more details on the questions, see Q10: b(iii),d(i),d(ii),d(iii),d(iv) / 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/ANN1.

Table 15. Communication of regulations

	<i>Systematic procedures for making regulations known and accessible</i>	Methods							
		<i>Codification of primary laws</i>	<i>With a mechanism for regular updating</i>	<i>Publication of a consolidated register of all subordinate regulations in force</i>	<i>With a provision that only subordinate regulations in the registry are enforceable</i>	<i>Public access via the Internet, primary laws</i>	<i>Public access via the Internet subordinate regulation</i>	<i>Policy for "plain language" drafting</i>	<i>With Guidance on plain language drafting</i>
Australia	Y	...	...	Y	Y	Y	Y	Y	Y
Austria	Y	Y	Y	Y	Y	Y	Y	Y	Y
Belgium	Y	Y	N	Y	N	Y	Y	Y	N
Canada	Y	Y	Y	Y	Y	Y	Y	Y	Y
Czech Rep.	Y	N	N	Y	Y	Y	Y	Y	N
Denmark	Y	Y	Y	Y	N	Y	Y	Y	Y
Finland	Y	Y	N	Y	Y	Y	Y	Y	Y
France	Y	Y	N	Y	N	Y	Y	Y	Y
Germany	Y	Y	N	Y	N	Y	Y	Y	Y
Greece	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hungary	Y	Y	Y	Y	N	Y	Y	Y	Y
Iceland	Y	Y	Y	N	N	Y	Y	N	N
Ireland	Y	Y	N	Y	N	Y	Y	Y	N
Italy	Y	Y	Y	N	N	Y	Y	Y	Y
Japan	N	N	N	N	N	N	N	N	N
Korea	Y	Y	Y	Y	Y	Y	Y	Y	Y
Luxembourg	Y	N	N	N	N	Y	Y	N	N
Mexico	Y	N	N	Y	Y	Y	Y	Y	Y
Netherlands	Y	N	N	Y	Y	Y	Y	N	N
New Zealand	Y	Y	Y	Y	N	Y	Y	Y	Y
Norway	Y	Y	Y	Y	N	Y	Y	Y	Y
Poland	Y	Y	Y	Y	Y	Y	Y	Y	Y
Portugal	Y	N	N	N	Y	Y	Y	Y	Y
Slovak Rep.	Y	Y	N	N	N	Y	Y	Y	N
Spain	Y	N	...	N	...	Y	Y	Y	Y
Sweden	Y	Y	Y	Y	Y	Y	Y	Y	Y
Switzerland	Y	Y	Y	Y	Y	Y	Y	Y	Y
Turkey	Y	Y	Y	Y	N	Y	Y	Y	Y
UK	Y	Y	N	Y	...	Y	Y	N	N
USA	Y	Y	Y	Y	Y	Y	Y	Y	Y
EU	Y	Y	N	Y	N	Y	Y	Y	Y

Notes: Y, Yes. N, No. "...": Not Available. For more details on the questions, see Q5 a),a(i),a(i-1),a(ii),a(ii-1),a(iii),a(iv),a(v),a(v-1) / 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)

Table 16. Provision of justification for regulatory actions

	<i>Threshold test</i>		<i>Choice of policy instrument, search for</i>	
	<i>Regulators required to provide a written justification of the need for new regulation</i>	<i>Explicit decision criteria to be used when justifying a new regulation</i>	<i>Regulators required to identify and assess potentially feasible alternative policy instruments before adopting new regulation</i>	<i>Guidance on using alternative policy instruments</i>
Australia	Always	Always	Always	Y
Austria	Always	No	Always	N
Belgium	Always	No	No	N
Canada	Always	Always	Always	Y
Czech Rep.	Always	Always	No	N
Denmark	Sometimes	No	Always	Y
Finland	Always	Always	Always	Y
France	Sometimes	Sometimes	Sometimes	N
Germany	Always	Always	Always	Y
Greece	Always	Always	Always	N
Hungary	Always	No	Sometimes	N
Iceland	No	No	No	N
Ireland	Always	Always	Always	Y
Italy	Always	Sometimes	Always	Y
Japan	Sometimes	No	No	N
Korea	Always	Always	Always	Y
Luxembourg	Always	No	Sometimes	N
Mexico	Always	Always	Sometimes	N
Netherlands	Always	Always	Always	Y
New Zealand	Always	Always	Always	Y
Norway	Always	No	Always	Y
Poland	Always	Always	Always	Y
Portugal	Always	Always	Sometimes	N
Slovak Rep.	Always	Always	Sometimes	N
Spain	Always	Sometimes	No	N
Sweden	Sometimes	Sometimes	Always	N
Switzerland	Always	Always	Always	Y
Turkey	Always	Sometimes	No	N
United Kingdom	Sometimes	Always	Always	Y
USA	Always	Always	Always	Y
EU	Always	Always	Sometimes	N

Notes: Y, Yes. N, No. "...": Not Available. For more details on the questions, see Q6:a(i),a(ii) / 2005 Q7:a),b) OECD regulatory indicators questionnaire.

Table 17. RIA adoption in OECD countries

Countries	Introduction Year	Scope of coverage		Required by	Quality control body	Comments
		Primary Law	Subordinate Regulation			
Australia	1985 Strengthened 1997	Major Regulation	Major Regulation	Cabinet decision	Office of Regulatory Review in the Productivity Commission	<ul style="list-style-type: none"> • Business impacts arise in the case of significant market impact. • Reviews of existing regulations should adopt the RIS framework.
Austria	1979	Always	Major Regulation	Federal Chancellery Guidelines	Regulators	<ul style="list-style-type: none"> • The first steps towards RIA were introduced in 1979 with the first version of the regulatory guidelines published by the Federal Chancellery. On the basis of these guidelines, the use of RIA has been further developed.
Belgium		Always	Major Regulation			<ul style="list-style-type: none"> • There is no formal full RIA system but the impact on administrative burdens and on the state budget is assessed before new regulation is adopted by the Council of Ministers. According to the subject of the law, social, economic and environmental impacts are assessed as well.
Canada	1978 Strengthened 1986	Always	Always	Cabinet directive	Regulatory Affairs & Orders in the Privy Council Office	<ul style="list-style-type: none"> • RIAs is required only for subordinate regulations. Memorandum to Cabinet (MC) similar to RIAs is required for primary laws and policies.
Czech Republic	1998 Strengthened 2005	Selected cases	No	Legislative rules	Department for Regulatory Reform and Quality of Public Administration, Ministry of Interior	<ul style="list-style-type: none"> • A pilot phase after introduction of Guidelines for Assessing the Impact on Regulation in 2005 lasted till December 2006. On the basis of a revised methodology RIA is to be implemented from 2007 onwards for all new legislation (primary and secondary one).
Denmark	1966 Strengthened 1993, 1998	Always	Major Regulation	Prime Minister's order	Ministry of Finance	<ul style="list-style-type: none"> • RIA is not applied on secondary regulations, however, from 1st of January 2004 all secondary legislation on business has to be tested in a Business Test Panel. • RIA is not applied to the review of existing regulations.
Finland	Mid 1970 Strengthened 1990	Always	Always	Cabinet instructions	Regulators	<ul style="list-style-type: none"> • The impact assessment does not apply to review of existing regulations.

Countries	Introduction Year	Scope of coverage		Required by	Quality control body	Comments
		Primary Law	Subordinate Regulation			
France	1996	No	No	Prime Ministerial Decree	Regulators	<ul style="list-style-type: none"> General Impact Analysis (GIA) is required for all legislation and decrees in Council of State, being based on the legal importance.
Germany	1984 Strengthened 1997, 2000	Always	Always	Joint Rules of Procedure	Regulators	<ul style="list-style-type: none"> The RIA process can be applied to the review of existing regulations.
Greece	Developed since 2001	Always	Always		Regulators	<ul style="list-style-type: none"> RIA is not standardised yet through unified instructions to all state regulators. A systematic effort to pursue a systematic impact assessment is given by the independent regulators such as RAE (Regulatory Authority for Energy) and EETT (National Telecommunications and Post Commission).
Hungary	1987 Strengthened 1996, 2003	Always	Always	Act on legislation	Ministry of Finance	<ul style="list-style-type: none"> The analysis process is applied to the existing regulations.
Iceland	1999	Always	Always	Official monitoring rule	Office of the Prime Minister	
Ireland	1999	Always	Major Regulation	Cabinet handbook	Prime Minister's Department and the Department of Finance	
Italy	1999	Always	Always	Law No. 50 of 1999	Prime Minister's office	
Japan	2004 (pilot basis)	No	No	Cabinet order	Ministry of Internal Affairs and Communications is taking it into consideration	<ul style="list-style-type: none"> RIA has been implemented on a pilot basis in each ministry since October 2004.
Korea	1998	Always	Always	Basic Act on Administrative Regulation	Office of the Prime Minister	<ul style="list-style-type: none"> RIA does not apply to the review of existing regulations.
Luxembourg	<i>Missing</i>	<i>Missing</i>	<i>Missing</i>	<i>Missing</i>	<i>Missing</i>	<i>Missing</i>
Mexico	1996	No	Always	Federal Administrative Procedures Law	Federal Improvement Regulatory Commission (Cofemer)	<ul style="list-style-type: none"> RIA does not apply to the review of existing regulations.

Countries	Introduction Year	Scope of coverage		Required by	Quality control body	Comments
		Primary Law	Subordinate Regulation			
Netherlands	1985 Strengthened 1994-1995	Always	Always	Prime Ministerial Directives		<ul style="list-style-type: none"> • Business Effect Test (from 1997) is applied to the review of existing regulations.
New Zealand	1998 Strengthened 2001	Always	Always	Executive policy	Regulators	<ul style="list-style-type: none"> • Business Compliance Cost Statement is required in 2001.
Norway	1995	Always	Always	Cabinet instruction (Royal Decree)	Ministry of Economic Development	<ul style="list-style-type: none"> • All work on official committee proposals, regulations, reforms and measures, and reports (white papers) and propositions to parliament. The GIA applies to committee proposals carried out by, or at the request of central government bodies, i.e. ministries and subordinate agencies.
Poland	2001	Always	Always	Resolution of the Council of Ministers	Office of the Chairman of the Council of Ministers	<ul style="list-style-type: none"> • RIA is not required in the review of existing regulations.
Portugal		Always	Major Regulation	Policy directive	Regulators	
Slovak Republic	<i>Missing</i>	<i>Missing</i>	<i>Missing</i>	<i>Missing</i>	<i>Missing</i>	<i>Missing</i>
Spain	1997	Always	Always		Prime Minister Office	<ul style="list-style-type: none"> • In Spain what is named here RIA is partly regulated in the Government law and in some subordinate regulation on rulemaking process. It is mandatory to attach to all law and regulation a Memorandum. This memorandum justifies the opportunity and necessity of the draft regulation and includes a report on gender and economic matters.
Sweden	1998	Selected cases	Selected cases	Circulars of the Cabinet Office	Ministry of Industry, Employment and Communication	<ul style="list-style-type: none"> • The checklists do not apply to review of existing regulations.
Switzerland	2000	Always	Always	Federal Council decision	State Secretariat of Economic Affairs (Major regulation), Regulators	<ul style="list-style-type: none"> • RIA does not apply to existing regulations, but Business Test applies to existing as well as new regulations.

Countries	Introduction Year	Scope of coverage		Required by	Quality control body	Comments
		Primary Law	Subordinate Regulation			
Turkey	To be introduced in 2007	Yes	Depending on the decision of Government			<ul style="list-style-type: none"> • Draft regulation that includes RIA has been prepared. When it comes into force, RIA will be required for draft primary laws. • RIA will be applied after 17 February 2007.
United Kingdom	1985, Strengthened 1998	Selected cases	Selected cases	Government Policy	Cabinet Office (Better Regulation Executive)	<ul style="list-style-type: none"> • Any proposal for which regulation is an option – including both primary and secondary legislation - that would have a non-negligible impact on business, charities or the voluntary sector should have an RIA. • RIA is also applied to reviews of existing regulations. • Regulations affecting only the public sector are currently subject to a Policy Effects Framework (PEF) assessment. Brought within RIA in 2004.
United States	1974 Strengthened 1981	No	Major Regulation	Presidential Order	Office of Management and Budget (Office of Information & Regulatory Affairs)	<ul style="list-style-type: none"> • Regulations that are likely to impose at least \$100 million in costs or benefits in any one year are considered "economically significant" and subject to formal RIA requirements.
European Commission	2002	No	No	Common guidelines for all Commission services	Secretary General (Strategic Planning and Co-ordination Unit)	<ul style="list-style-type: none"> • Impact Assessments for major regulatory proposals are steered by inter-departmental groups under the supervision of the Commission's Secretariat General.

Table 18. Regulatory Impact Analysis: core procedural aspects

	RIA before adopting new regulation	External quality review	"Threshold" for applying RIA	RIA required by law or a binding legal instrument	RIA required for		Regulators required to identify costs of new regulations	Including quantification of these costs	Regulators required to identify benefits of new regulations	Including quantification of the benefits	Benefits of new regulation should justify costs
					Laws	Subordinate regulations					
Australia	In some cases	Y	Y	No	Only major regulation	Only major regulation	Always	Only major regulation	Always	Only major regulation	In other selected cases
Austria	Always	N	N	Always	Always	Only major regulation	Always	Always	Always	Always	In other selected cases
Belgium	Always	Y	Y	Always	Always	Only major regulation	Always	Always	Always	Always	No
Canada	Always	Y	Y	Always	Always	Always	Always	Always	Always	Always	Always
Czech Rep.	In some cases	Y	N	In other selected cases	In other selected cases	No	Always	In other selected cases	In other selected cases	No	Always
Denmark	Always	N	N	Always	Always	Only major regulation	Always	Only major regulation	Always	In other selected cases	No
Finland	Always	N	N	No	Always	Always	Always	Always	Always	Always	Always
France	In some cases	N	N	No	In other selected cases	In other selected cases	Only major regulation	Only major regulation	Only major regulation	Only major regulation	Only major regulation
Germany	Always	Y	N	Always	Always	Always	Always	Always	Always	In other selected cases	No
Greece	Always	N	N	Always	Always	Always	Always	Always	Always	Always	Always
Hungary	In some cases	N	N	Always	Always	Always	Always	In other selected cases	Always	In other selected cases	In other selected cases
Iceland	In some cases	Y	N	In other selected cases	In other selected cases	In other selected cases	In other selected cases	In other selected cases	In other selected cases	In other selected cases	In other selected cases
Ireland	In some cases	Y	Y	No	Always	Only major regulation	Always	Only major regulation	Always	Only major regulation	No
Italy	In some cases	Y	Y	Always	Always	Always	Always	Only major regulation	Always	Only major regulation	No
Japan	In some cases	Y	...	...	...	...	...	...	...	...	...
Korea	Always	Y	Y	Always	Always	Always	Always	Always	Always	Always	Always
Luxembourg	In some cases	N	N	Always	Always	Always	Always	Always	Always	No	Always
Mexico	Always	Y	Y	Always	Always	Always	Always	Always	Always	Always	Always
Netherlands	Always	N	...	Always	Always	Always	In other selected cases	In other selected cases	In other selected cases	In other selected cases	In other selected cases
New Zealand	Always	Y	Y	No	Always	Always	Always	Only major regulation	Always	Only major regulation	Always
Norway	In some cases	N	N	Always	Always	Always	Only major regulation	Only major regulation	In other selected cases	In other selected cases	No
Poland	Always	Y	Y	Always	Always	Always	Always	In other selected cases	Always	In other selected cases	No
Portugal	In some cases	N	Y	Only major regulation	Always	Only major regulation	Only major regulation	Only major regulation	Only major regulation	No	No
Slovak Rep.	Always	N	Y	Always	Always	Always	Always	Always	Always	Always	Always
Spain	Always	N	N	Always	Always	Always	Always	No	Always	No	No
Sweden	Always	...	N	In other selected cases	In other selected cases	In other selected cases	In other selected cases	In other selected cases	In other selected cases	No	No
Switzerland	Always	Y	N	Always	Always	Always	Always	No	Always	No	No
Turkey	No	N	Y	...	Always	In other selected cases	...	...	...	...	...
UK	In some cases	Y	Y	In other selected cases	In other selected cases	In other selected cases	Always	Always	Always	Always	Always
USA	In some cases	Y	Y	Only major regulation	No	Only major regulation	Only major regulation	Only major regulation	Always	Only major regulation	Always
EU	Always	Y	N	No	No	No	In other selected cases	In other selected cases	Always	Only major regulation	No

Notes: Y, Yes, N, No, "...": Not Available. For more details on the questions, see Q11: a),b),c),d(i),d(ii),d(iii),d(iv),d(v), d(vi)/ 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/A

Table 19. Regulatory Impact Analysis: Assessment of Specific Impacts

	Budget	Competition	Market openness	Small businesses	Specific regional areas	Specific social groups	Other groups (charities, not for profit sector)	On the public sector
Australia	No	Always	Always	Always	Always	Always	Always	Always
Austria	Always	Always	Always	Always	Always	In other selected cases	No	Always
Belgium	Always	In other selected cases	In other selected cases					
Canada	Always	No	Always	Always	Always	Always	Always	Always
Czech Rep.	Always	In other selected cases	In other selected cases	In other selected cases	No	In other selected cases	No	No
Denmark	Always	Always	Always	Always	Only major regulation	In other selected cases	Only major regulation	Always
Finland	Always	Always						
France	In other selected cases	No	No	No	No			
Germany	Always	In other selected cases	In other selected cases	Always	In other selected cases	Always	In other selected cases	Always
Greece	Always	Always	Only major regulation	Always	...	Always
Hungary	Always	In other selected cases	In other selected cases					
Iceland	Always	No	No	No	No	No	No	No
Ireland	Always	Always	Always	Always	...	Always	Always	No
Italy	Always	In other selected cases	Always					
Japan
Korea	Always	Always	In other selected cases	Always				
Luxembourg	No	No	No	Always	No	No	No	Always
Mexico	Always	Always	Always	Always	In other selected cases	Always	No	Always
Netherlands	Always	Always	Always	Always	No	No	No	No
New Zealand	Always	Always						
Norway	Always	Only major regulation	Only major regulation	Always	Always	Only major regulation	In other selected cases	Always
Poland	Always	In other selected cases	In other selected cases	In other selected cases	Always	In other selected cases	In other selected cases	Always
Portugal	Always	No	No	No	In other selected cases	In other selected cases	No	Always
Slovak Rep.	Always	Always	Always	Always	...	Always
Spain	Always	In other selected cases	No	In other selected cases				
Sweden	In other selected cases	In other selected cases						
Switzerland	Always	In other selected cases	In other selected cases	Only major regulation	In other selected cases	Always	In other selected cases	Always
Turkey
UK	Always	Always						
USA	Always	Always						
EU	Only major regulation	In other selected cases	No	In other selected cases				

Notes: Y, Yes, N, No, "...": Not Available. For more details on the questions, see Q11: d(ix) 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/ANN1.

Table 20. Regulatory Impact Analysis: risk management and ex post analysis

	<i>Requirement for risk assessment</i>	<i>In all cases</i>	<i>For health and safety regulation</i>	<i>For environmental regulation</i>	<i>Quantitative modelling of risk required</i>	<i>Requirement to explicitly consider compliance and enforcement issues when preparing new regulations</i>	<i>Reports on the level of compliance with the above RIA requirements</i>	<i>Reports published</i>	<i>RIA documents publicly released for consultation</i>	<i>Ex post comparisons of actual vs predicted impacts</i>	<i>Assessing effectiveness of RIA in leading to modifications of draft regulations</i>
Australia	...	Only major regulation	Only major regulation	Only major regulation	N	Y	Regularly	Y	Always	N	Y
Austria	In other selected cases	No	In other selected cases	In other selected cases	N	Y	Ad hoc basis	Y	Always	N	N
Belgium	In other selected cases	...	Only major regulation	Only major regulation	...	N	Ad hoc basis	N	No	N	N
Canada	In other selected cases	...	In other selected cases	Always	N	Y	Ad hoc basis	N	Always	N	N
Czech Rep.	No	...	...	...	...	N	No	N	No	N	N
Denmark	In other selected cases	...	...	...	...	N	Ad hoc basis	Y	Always	N	N
Finland	No	No	No	No	N	Y	No	N	Always	Y	N
France	...	No	In other selected cases	In other selected cases	N	N	No	N	No	N	N
Germany	In other selected cases	...	...	...	N	N	Ad hoc basis	...	Always	Y	N
Greece	...	...	...	Always	...	N	Ad hoc basis	...	Always	...	...
Hungary	No	...	...	...	...	N	Ad hoc basis	N	No	N	N
Iceland	In other selected cases	...	...	...	N	N	Ad hoc basis	N	No	N	N
Ireland	No	...	...	...	...	Y	Ad hoc basis	...	...	...	...
Italy	No	No	No	No	...	N	No	N	No	N	N
Japan	...	...	...	...	...	...	...	...	...	...	...
Korea	In other selected cases	In other selected cases	Only major regulation	Only major regulation	N	Y	No	N	Always	N	Y
Luxembourg	No	No	No	No	...	N	No	N	No	N	N
Mexico	In other selected cases	No	In other selected cases	In other selected cases	Y	Y	No	N	Always	N	N
Netherlands	No	...	...	...	...	Y	No	...	No	N	N
New Zealand	In other selected cases	In other selected cases	In other selected cases	In other selected cases	N	N	Ad hoc basis	N	No	N	N
Norway	In other selected cases	In other selected cases	In other selected cases	In other selected cases	N	N	No	N	Always	N	N
Poland	No	No	No	No	N	Y	No	N	No	Y	N
Portugal	No	No	No	No	...	...	...	...	No	N	Y
Slovak Rep.	No	No	No	No	...	Y	No	N	...	N	N
Spain	In other selected cases	No	In other selected cases	In other selected cases	...	N	No	N	No	N	N
Sweden	No	No	In other selected cases	In other selected cases	...	N	No	...	In other selected cases	N	N
Switzerland	No	No	In other selected cases	In other selected cases	N	Y	Ad hoc basis	Y	No	N	N
Turkey	No	No	No	No	...	...	...	...	...	...	...
UK	Always	Always	Always	Always	N	Y	Regularly	Y	Always	N	Y
USA	Only major regulation	Only major regulation	Only major regulation	Only major regulation	Y	Y	Regularly	Y	Always	Y	N
EU	Only major regulation	Only major regulation	Only major regulation	Only major regulation	Y	Y	Ad hoc basis	Y	No	N	Y

Notes: Y, Yes, N, No, "...": Not Available. For more details on the questions, see Q11: e),e(i),e(ii),e(iii),f(i),f(ii),f(iii),d(viii),h),i) / 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/ANN1.

Table 21. Reducing and controlling administrative and regulatory burdens

	Programme to reduce administrative burdens			Yearly calculation of regulatory inflation	Measurement and control of aggregated burdens			
	Explicit government programme to reduce the administrative burdens imposed on enterprises and/or citizens	Programme includes quantitative targets	Programme includes qualitative targets		Attempts to measure trends in the aggregate burden of regulation over time	Explicit policy in relation to the control of the aggregate burden of regulation	Policy states explicit targets	Specific strategies or rules used to affect aggregate burdens
Australia	Y	N	Y	N	N	N	N	N
Austria	Y	N	N	N	N	N	N	N
Belgium	Y	N	...	Y	N	N	N	N
Canada	Y	Y	N	Y	N	N	N	N
Czech Rep.	Y	Y	N	N	N	N	N	N
Denmark	Y	Y	Y	N	Y	Y	Y	Y
Finland	Y	...	...	N	N	N	N	N
France	Y	Y	Y	Y	N	Y	Y	N
Germany	Y	N	Y	N	Y	...	...	...
Greece	Y	N	Y	N	N	N	N	N
Hungary	N	N	N	N	N	N	N	N
Iceland	Y	N	Y	N	N	N	N	N
Ireland	N	N	N	N	N	N	N	N
Italy	Y	N	Y	N	N	N	N	N
Japan	Y	N	N	N	N	N	N	N
Korea	Y	Y	Y	Y	N	Y	N	Y
Luxembourg	Y	N	Y	Y	N	N	N	N
Mexico	Y	Y	Y	Y	N	Y	N	Y
Netherlands	Y	Y	N	N	N	N	N	N
New Zealand	Y	N	Y	N	Y	N	N	N
Norway	Y	Y	Y	Y	N	Y	Y	Y
Poland	Y	...	...	Y	N	N	N	N
Portugal	Y	N	Y	N	N	N	N	N
Slovak Rep.	N	N	N	N	N	N	N	N
Spain	Y	Y	Y	N	N	N	N	N
Sweden	Y	Y	N	N	N	Y	Y	Y
Switzerland	Y	N	N	N	Y	N	N	N
Turkey	Y	N	Y	Y	N	N	N	N
UK	Y	Y	Y	N	N	Y	Y	Y
USA	Y	Y	Y	Y	Y	N	N	N
EU	Y	N	N	N	N	N	N	N

Notes: Y, Yes. N, No. "...": Not Available.. For more details on the questions, see Q13:a),a(i),a(ii) and Q20:a),b),(i),c),(i),c(ii) / 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/ANN1.

Table 22. Business Licenses and Permits

	<i>"Silence is consent" rule¹</i>	<i>Requirement to provide the name of the person responsible for handling the application</i>	<i>"one-stop shops" for getting information on licences and notifications</i>	<i>"One-stop shop" for accepting notifications and issuing licences</i>	<i>Programme underway to review and reduce the number of licences and permits (national level)</i>	<i>Complete count of the number of permits and licences required at national level²</i>	<i>Programme underway to co-ordinate the review and reform of permits and licences (sub-national level)</i>
Australia	...	...	...	...	...	...	...
Austria	Y	Y	Y	Y	N	N	N
Belgium	Y	Y	Y	Y	Y	N	N
Canada	N	N	Y	N	Y	Y	Y
Czech Rep.	Y	N	Y	Y	Y	...	Y
Denmark	N	Y	Y	N	N	N	N
Finland	N	N	Y	...	N	...	N
France	Y	Y	Y	Y	Y	Y	N
Germany	Y	Y	...	...	Y	N	Y
Greece	Y	Y	Y	Y	Y	N	Y
Hungary	Y	Y	Y	...	...	...	...
Iceland	N	N	N	N	Y	N	N
Ireland	N	N	Y	N	N	N	N
Italy	Y	Y	Y	Y	Y	N	N
Japan	N	N	Y	N	N	N	N
Korea	Y	Y	Y	Y	Y	Y	Y
Luxembourg	N	N	Y	Y	N	N	N
Mexico	Y	Y	Y	Y	Y	Y	Y
Netherlands	Y	...	Y	N	Y	Y	Y
New Zealand	N	N	Y	N	N	N	N
Norway	Y	...	Y	N	N	Y	...
Poland	Y	N	Y	N	Y	Y	N
Portugal	Y	N	Y	Y	Y	...	Y
Slovak Rep.	...	...	Y	N	N	N	...
Spain	Y	Y	Y	Y	N	Y	N
Sweden	N	N	Y	N	N	N	N
Switzerland	N	N	Y	Y	Y	Y	N
Turkey	Y	N	N	N	Y	Y	Y
UK	N	...	Y	Y	Y	N	Y
USA	N	...	N	N	N	...	...
EU	...	...	...	...	...	...	...

Notes: Y, Yes, N, No, "...": Not Available. 1. The silence is consent rule implies that licences are issued automatically if the licensing office has not reacted by the end of the statutory period). 2 This includes all ministries and agencies.

For more details on the questions, see Q12: a),a(ii),b),c),d),(i),e / 2005 OECD regulatory indicators questionnaire / GOV/PGC/REG(2005)12/ANN1.

Table 23. Regulatory review and evaluation

	<i>Periodic evaluation mandatory</i>	<i>Standardised evaluation techniques or criteria to be used for reviewing regulations</i>	<i>Reviews required to consider explicitly the consistency of regulations in different areas</i>	<i>Mechanisms by which the public can make recommendations to modify specific regulations</i>	<i>Mechanisms used</i>		<i>Sunsetting for primary laws or other regulations</i>	<i>Specific primary laws include automatic review requirements</i>
					Electronic mailboxes	Ombudsman		
Australia	For specific areas	...	...	...	...	...	Y	Y
Austria	Not required	N	N	Y	Y	Y	Y	Y
Belgium	For specific areas	N	N	Y	Y	Y	N	Y
Canada	For specific areas	Y	N	Y	Y	Y	Y	Y
Czech Rep.	Not required	N	N	N	N	N	N	N
Denmark	For specific areas	N	...	Y	Y	...	N	Y
Finland	For specific areas	N	Y	Y	Y	Y	Y	Y
France	For specific areas	N	N	Y	...	Y	N	Y
Germany	Not required	Y	N	Y	Y	N	Y	Y
Greece	...	Y	Y	Y	Y	Y	N	N
Hungary	For all policy areas	N	N	Y	Y	...	N	Y
Iceland	For specific areas	N	Y	Y	Y	N	Y	Y
Ireland	Not required	N	N	N	N	N	N	N
Italy	For specific areas	Y	Y	Y	Y	N	Y	Y
Japan	Not required	N	N	N	N	N	N	N
Korea	For all policy areas	Y	Y	Y	Y	Y	Y	Y
Luxembourg	For specific areas	N	N	Y	...	Y	N	Y
Mexico	For specific areas	Y	Y	Y	Y	...	N	Y
Netherlands	For specific areas	Y	N	Y	Y	...	N	Y
New Zealand	For specific areas	N	N	N	N	N	Y	Y
Norway	For all policy areas	N	N	Y	Y	Y	N	Y
Poland	For specific areas	N	Y	Y	Y	Y	N	Y
Portugal	Not required	N	N	Y	Y	Y	Y	Y
Slovak Rep.	...	N	N	Y	...	...	Y	N
Spain	For specific areas	N	Y	Y	Y	Y	N	Y
Sweden	Not required	N	N	Y	Y	Y	N	N
Switzerland	For specific areas	Y	N	Y	...	...	Y	Y
Turkey	Not required	N	N	Y	Y	N	N	N
UK	For specific areas	N	Y	Y	Y	Y	Y	Y
USA	For specific areas	Y	N	Y	...	...	Y	N
EU	For specific areas	N	Y	Y	Y	Y	N	N

Notes: Y, Yes, N, No, "...": Not Available. For more details on the questions, see Q19:a),b),c),d(i),d(ii),e),f) / 2005 OECD regulatory indicators questionnaire / OLIS reference: GOV/PGC/REG(2005)12/ANN1.

Table 24. Performance Assessments

	Assessing compliance with the key requirements of regulatory policy	Areas for compliance assessment		Attempts made to measure the impact of regulatory policy on outputs or outcomes
		Regulatory Impact Analysis	Consultation	
Australia	Y	Y	N	N
Austria	N	N	N	...
Belgium	N	N	N	N
Canada	Y	Y	Y	N
Czech Rep.	N	N	N	N
Denmark	Y	Y	N	N
Finland	N	N	N	Y
France	N	N	N	N
Germany	N	N	N	N
Greece	N	N	N	N
Hungary	Y	Y	Y	Y
Iceland	N	N	N	N
Ireland	N	N	N	N
Italy	N	N	N	N
Japan	Y	N	N	Y
Korea	Y	Y	Y	Y
Luxembourg	N	N	N	N
Mexico	Y	Y	Y	N
Netherlands	N	N	N	N
New Zealand	Y	Y	Y	N
Norway	N	N	N	N
Poland	Y	Y	Y	...
Portugal	N	N	N	N
Slovak Rep.	N	N	N	N
Spain	N	N	N	N
Sweden	N	N	N	N
Switzerland	Y	Y	Y	N
Turkey	N	N	N	N
UK	Y	Y	Y	N
USA	Y	Y	N	Y
EU	N	N	N	N

Notes: Y, Yes. N, No. "...": Not Available. For more details on the questions, see Q21:a),a(i),a(ii),b)/ 2005 OECD regulatory indicators questionnaire GOV/PGC/REG(2005)12/ANN1.

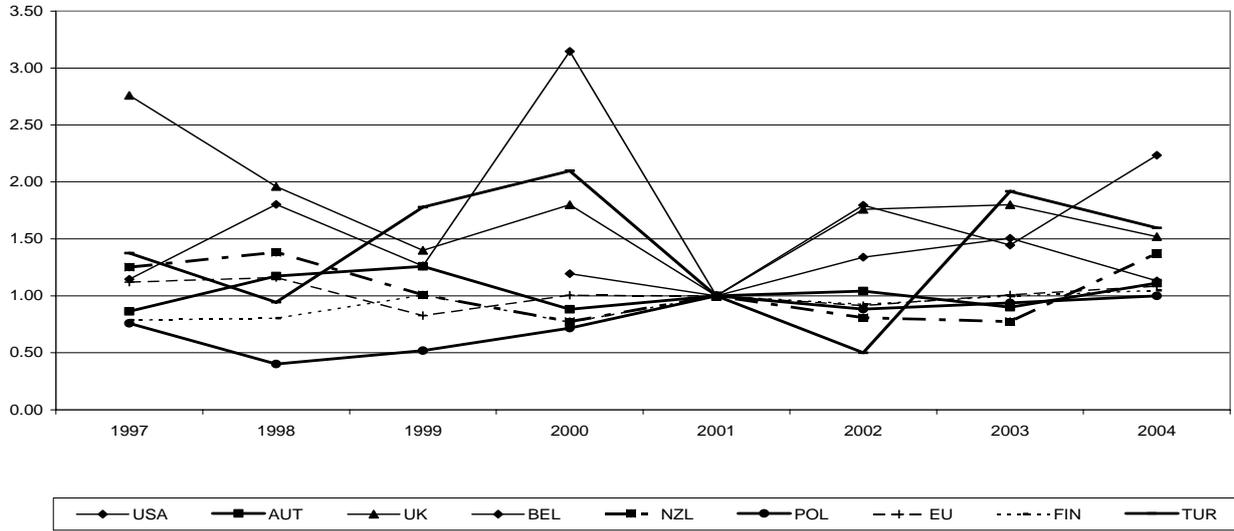
Table 25. Trends in the number of new laws and regulations

Country		1997	1998	1999	2000	2001	2002	2003	2004
Australia	Laws								
	Subordinate regulations								
Austria	Laws	140	190	204	143	162	169	146	180
	Subordinate regulations	433	474	522	429	501	512	642	537
Belgium	Laws				208	174	233	262	197
	Subordinate regulations				2848	3522	3763	3761	3509
Canada	Laws	40	38	32	35	47	29	28	29
	Subordinate regulations	574	598	475	418	536	455	458	323
Czech Republic	Laws	56	49	72	146	96	148	85	159
	Subordinate regulations	182	169	191	329	339	412	353	494
Denmark	Laws	234	235	217	266	214	177	202	224
	Subordinate regulations	865	815	945	1070	909	974	1022	1181
Finland	Laws	464	474	594	453	590	546	589	619
	Subordinate regulations	437	313	354	431	461	392	352	381
France	Laws								
	Subordinate regulations								
Germany	Laws	53	85	29	32	94	56	28	47
	Subordinate regulations	211	173	114	88	165	183	154	168
Greece	Laws								
	Subordinate regulations								
Hungary	Laws	159	93	125	145	121	68	133	140
	Subordinate regulations	885	797	789	792	947	950	962	1241
Iceland	Laws	46	54	35	43	57	33	47	44
	Subordinate regulations	530	573	472	495	658	647	740	915
Ireland	Laws								
	Subordinate regulations								
Italy	Laws								
	Subordinate regulations								
Japan	Laws								
	Subordinate regulations								
Korea	Laws		58	372	484	305	309	173	214
	Subordinate regulations								
Luxembourg	Laws								
	Subordinate regulations								
Mexico	Laws								
	Subordinate regulations				475	591	823	1087	1027
Netherlands	Laws	116	129	82	74	89	78	58	
	Subordinate regulations	576	763	646	706	724	721	811	
New Zealand	Laws	144	159	116	89	115	93	89	158
	Subordinate regulations	330	439	497	339	337	451	370	451
Norway	Laws								
	Subordinate regulations								
Poland	Laws	183	97	125	173	241	213	226	241
	Subordinate regulations	840	1077	1050	1006	1429	1687	1854	2351
Portugal	Laws								
	Subordinate regulations								
Spain	Laws	101	81	92	33	49	73	89	18
	Subordinate regulations	2504	2900	2102	3540	1541	1436	1794	2402
Slovak Republic	Laws								
	Subordinate regulations								
Sweden	Laws								
	Subordinate regulations								
Switzerland	Laws								
	Subordinate regulations								
Turkey	Laws	99	68	128	151	72	36	138	115
	Subordinate regulations	363	307	355	397	486	600	437	475
UK	Laws	69	49	35	45	25	44	45	38
	Subordinate regulations	3114	3319	3488	3424	4147	3271	3354	3452
USA	Laws	157	247	173	431	137	246	198	306
	Subordinate regulations	505	487	587	583	700	669	715	627
EU	Laws	549	569	405	493	490	448	494	532
	Subordinate regulations						241	269	254

Notes: For more details on the questions, see Q22/ 2005 OECD regulatory indicators questionnaire GOV/PGC/REG(2005)12/ANN1.

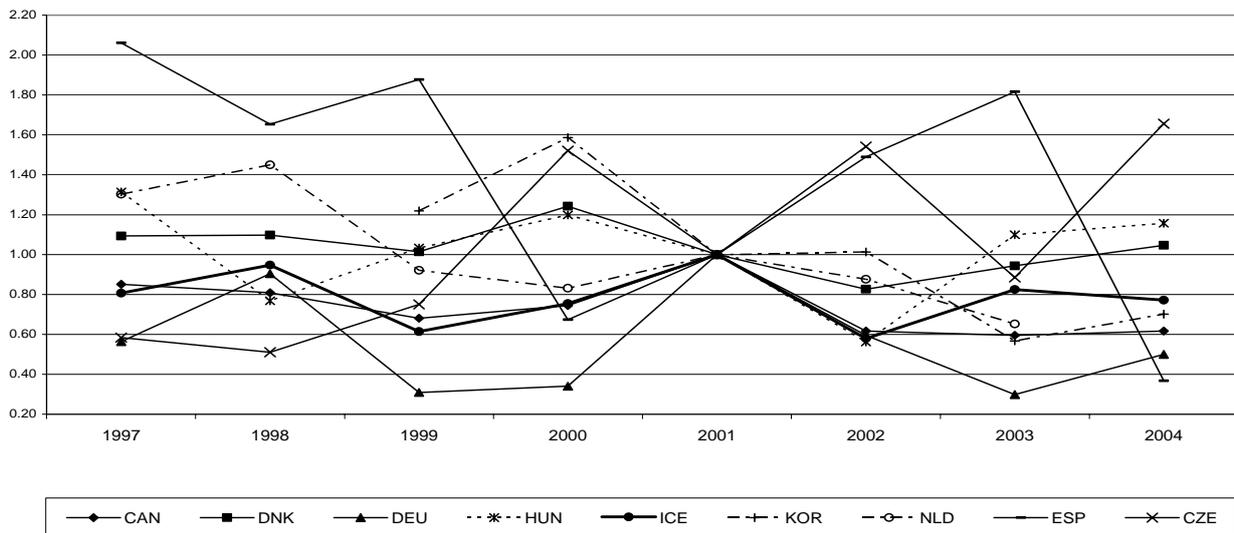
Figure 34. Trends in the relative number of new subordinate regulation

First group of countries



Notes: All country values have been standardised to 1 in 2001 for the purpose of the comparison and to eliminate spurious differences in legal systems.

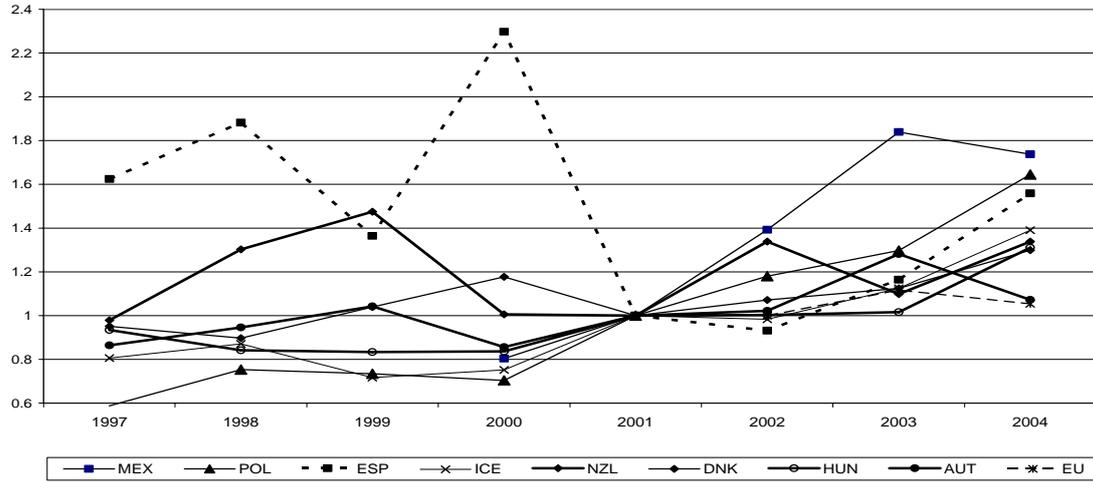
Second group of countries



Notes: All country values have been standardised to 1 in 2001 for the purpose of the comparison and to eliminate spurious differences in legal systems.

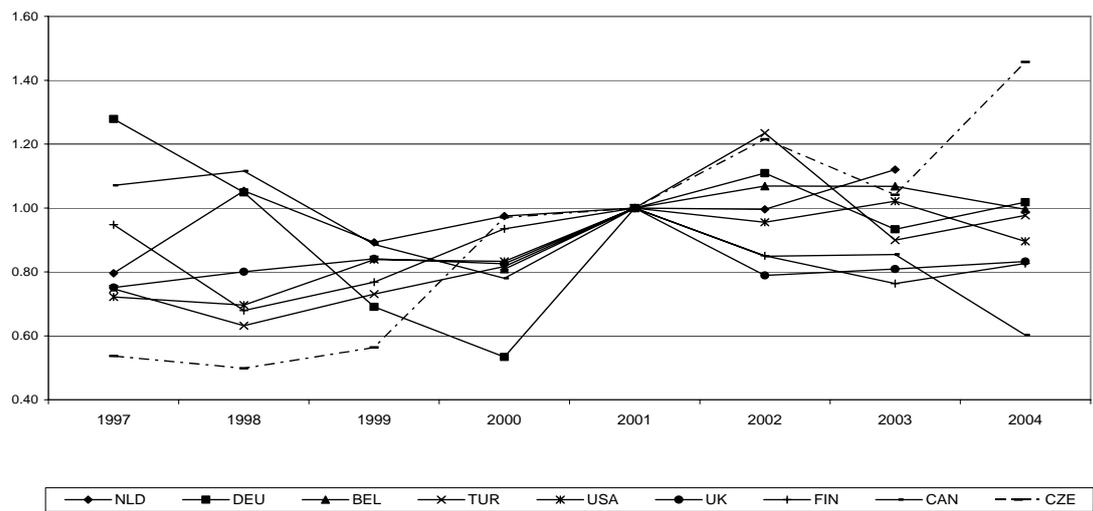
Figure 35. Trends in the relative number of new subordinate regulations

Second group of countries



Notes: All country values have been standardised to 1 in 2001 for the purpose of the comparison and to eliminate spurious differences in legal systems.

Second group of countries



Notes: All country values have been standardised to 1 in 2001 for the purpose of the comparison and to eliminate spurious differences in legal systems.

ANNEX 3: MAPPING OF 1998 AND 2005: REGULATORY QUALITY INDICATORS: METHODOLOGICAL TABLE ACROSS SURVEY INSTRUMENTS

Note: the tables below show the detailed mapping of the 1998 and the 2005 surveys.

2005 questionnaire		1998 questionnaire		Mapping
Q1 EXPLICIT REGULATORY POLICY		q1 EXPLICIT POLICY COMMITMENT		
1	a) Is there an explicit, published regulatory policy promoting government-wide regulatory reform or regulatory quality improvement? (No=0, Yes=1)	1.a	Is there an explicit, published policy promoting government-wide regulatory reform or regulatory quality improvement?	M
2	a(i) Does it establish explicit objectives of reform?	1.b(iii)		M
3	a(ii) Does it set out explicit principles of good regulation?	1.b(iv)	Does it set out explicit principles of good regulation?	M
4	a(iii) Does it establish specific responsibilities for reform at the ministerial level?	1.b(vi)	Does it establish specific responsibilities for reform at the Ministerial level?	M
		1.b(v)	Does it establish specific responsibilities for reform within the administration?	
5	a(iv) In what year was the policy introduced or last substantially revised?	1.b(vii)	In what year was the policy introduced or last substantially revised?	
6	b) What is the main motive for the reform?			
	b(i) Need to boost competitiveness and growth			
	b(ii) International commitment (e.g. European commitment)			
	b(iii) Domestic policy agenda			
	b(iv) Other (Specify in your comments)			
7	c) What is the constituency of the reform? (Groups pushing for reform)			
	c(i) Government itself			
	c(ii) Businesses			
	c(iii) Citizens, national opinion			
	c(iv) NGOs			
	c(v) International Organisations			
	c(vi) Other (Specify in your comments)			
		1.b	Are there explicit published policies promoting regulatory reform or regulatory quality improvement in specific sectors?	
		1.b(ii)	Was it issued, revised or reaffirmed by the present Government?	

Q2 LINKING REGULATORY POLICY AND OTHER POLICY AREAS		q2 COORDINATION AND MANAGEMENT		
8	a) Is the body responsible for competition policy usually consulted on new regulations? (No=0, Yes=1)	2.e	Is the body responsible for competition policy consulted on new regulations?	M
9	If the answer is yes, is this consultation mandatory? (At least in certain cases)			
10	b) Is the body responsible for trade policy usually consulted on new regulations?	2.d	Is the body responsible for trade policy consulted on new regulations?	M
11	If the answer is yes, is this consultation mandatory? (At least in certain cases)			
12	c) Is the body responsible for consumer policy usually consulted on new regulations?			
13	If the answer is yes, is this consultation mandatory? (At least in certain cases)			
14	d) Are other policy areas involved (e.g. social or environmental concerns, please specify)			

Q3 FORWARD PLANNING OF REGULATORY ACTIVITIES		q3 FORWARD PLANNING OF REGULATORY ACTIVITIES		
15	a) Does the government periodically publish a list of primary laws to be prepared, modified or reformed in the next six months or more? (No=0, Yes=1)	3.a	Does the government periodically compile a list of laws planned for the future?	M
		3.a(ii)	Does the list include most or all major laws planned for the next year?	
16	If the answer is "yes": a(i) Is it easily available to the public? (i.e. via the Internet)	3.a(iii)	Is the list easily available to the public?	M
17	b) Does the government periodically publish a list of subordinate regulations to be prepared, modified or reformed in the next six months or more?	3.b	Does the government periodically compile a list of subordinate regulations planned for the future?	M
		3.b(ii)	Does the list include most or all major subordinate regulations planned for the next year?	
18	If the answer is "yes": b(i) Is it easily available to the public? (i.e. via the Internet)	3.b(iii)	Is the list easily available to the public?	M

Q4 RULE-MAKING PROCEDURES		q4 ADMINISTRATIVE PROCEDURES		
19	a) Are there standard procedures by which the administration develops draft primary laws? (No=0, Yes=1)	4.a	Are there standard procedures, established in law, by which the administration develops draft legislation?	M
20	If there are standard procedures by which draft laws are developed: a(i) Are these established in a formal normative document such as a law (e.g. an Administrative Procedures Act?) or a formal policy document (e.g. Cabinet Handbook), with a binding impact			
21	If there are standard procedures by which draft laws are developed: a(ii) Are draft laws to be scrutinised by a specific body within Government other than the department which is responsible for the regulation?	10.b	Is major regulation drafted or checked by a body within the Government other than the department which is responsible for the regulation?	M
		10.c	Is lawdrafting conducted or checked by officers of the Parliament or Congress?	
22	b) Are there standard procedures by which the administration develops draft subordinate regulations?	4.b	Are standard procedures established in law for making subordinate regulation?	M
		4.b(ii)	Do these requirements include scrutiny by a specifically tasked body within the national legislature?	
23	If there are standard procedures by which draft subordinate regulations are developed: b(i) Are these established in a formal normative document such as a law (e.g. an Administrative Procedures Act?) or a formal policy document (e.g. Cabinet Handbook), wi			
		10.a	Do regulators employ specialist lawdrafters (either directly or under contract)?	

Q5 COMMUNICATION OF REGULATIONS		q6 COMMUNICATION AND ENFORCEMENT OF REGULATIONS		
24	a) Are there systematic procedures for making regulations known and accessible to affected parties?	6.a	Are there systematic procedures for making regulations known and accessible to affected parties?	M
25	If the answer is "yes", which of the following measures are employed: a(i) Codification of primary laws?	6.a(i)	Codification of laws	M
26	a(i-1) If "yes": Is there a mechanism for regular updating of the codes? (at least yearly basis)	6.a(i)	Is there a mechanism for regular updating of the codes?	M
27	If the answer is "yes", which of the following measures are employed: a(ii) Publication of a consolidated register of all subordinate regulations currently in force?	6.a(ii)	Publication of a consolidated register of all subordinate regulations currently in force.	M
28	a(ii-1) If "yes": Is there a provision that only subordinate regulations in the registry are enforceable?	6.a(ii-1)	Is there a provision that only regulations in the registry are enforceable?	M
		6.a(ii-3)	How frequently is the register updated?	
29	If the answer is "yes", which of the following measures are employed: a(iii) Public access via the Internet to the text of all or most primary laws?	6.a(ii-2)	Can the register be searched by computer by the public?	M
30	If the answer is "yes", which of the following measures are employed: a(iv) Public access via the Internet to the text of all or most subordinate regulation?	6.a(iii)	Computerised dissemination of regulation.	M
31	If the answer is "yes", which of the following measures are employed: a(v) A general policy requiring "plain language" drafting of regulation?	6.a(iv)	A general policy requiring plain language drafting of regulation	M
32	a(v-1) If "yes": Is guidance on plain language drafting issued?	6.a(iv-1)	Is guidance on plain language drafting issued?.	M

Q6 THRESHOLD TESTS		q7 THRESHOLD TESTS		
33	a(i) Are regulators required to provide a written justification of the need for new regulation? (No=0, In some cases=1, always=2)	7.a	Are regulators required to provide explicit justification of the need for new regulation?	M
34	If the answer is "always" or "in some cases": a(ii) Are explicit decision criteria to be used when justifying a new regulation?	7.a(ii)	Are explicit decision criteria required to be used in making this justification?	M

Q7 CHOICE OF POLICY INSTRUMENTS		q8 CHOICE OF POLICY INSTRUMENTS		
35	a) Are regulators required to identify and assess potentially feasible alternative policy instruments (regulatory and non-regulatory) before adopting new regulation? (No=0, In some cases=1, Always=2)	8.a	Are regulators required to assess alternative policy instruments (regulatory and non-regulatory) before adopting new regulation?	M
36	b) Has guidance been issued on using alternative policy instruments? (No=0, Yes=1)	8.b	Has guidance been issued on using alternatives to traditional regulation?	M
		8.c	Please complete the table below to show which alternatives to "command and control regulation", if any, have become significantly more widely used in each of these major policy areas in recent years. 1) performance based regulation, 2) process regulation, 3) co-regulation, 4) contractual arrangement, 5) voluntary commitments, 6) tradable permits, 7) taxes and subsidies, 8) insurance schemes, 9) information campaigns, 10) deregulation, 11) others	

Q8 COMPLIANCE AND ENFORCEMENT		q6 COMMUNICATION AND ENFORCEMENT OF REGULATIONS	
		6.b	Do affected parties have the right to appeal against adverse enforcement decisions in individual cases?
37	a) When appealing against adverse enforcement decisions in individual cases, which of the following options are available	6.b(i)	What forms can this appeal take?
	a(i) Administrative review by the regulatory enforcement body?		- Administrative review by the regulatory enforcement body?
	a(ii) Administrative review to an independent body?		- Administrative review to an independent body?
	a(iii) Judicial review?		- Judicial review?
38	b) Has there been a change in appeal procedures since 1998, or is a change foreseen or in progress?		
39	If the answer is "yes": b(i) Will the change imply restructuring of specific appeal bodies?		
40	If the answer is "yes": b(ii) Moving from general courts to specific appeal bodies?		
41	If the answer is "yes": b(iii) Moving from specific appeal bodies to general courts?		
42	c) Do regulatory policies explicitly require that compliance and enforcement issues be anticipated when developing new regulation?		
43	If the answer is "yes": c(i) Are there specific policies on developing compliance-friendly regulation?		
44	If the answer is "yes": c(ii) Is written guidance on compliance and/or enforcement issues made available to regulators?		

Q9 USE OF REGULATORY QUALITY TOOLS - GENERAL		q1 EXPLICIT POLICY COMMITMENT	
45	a) Are the following regulatory quality tools used within the present administration?	1.c(ii)	Does government policy impose specific requirements in relation to the following aspects of regulatory quality assurance?
	a(i) Regulatory Impact Analysis For specific sectors or policy areas	1.c(ii)	Regulatory Impact Analysis (For some sectors)
	a(ii) Assessment of regulatory alternatives For specific sectors or policy areas	1.c(iii)	Consideration of regulatory alternatives (For some sectors)
	a(iii) Consultation with affected parties For specific sectors or policy areas	1.c(iv)	Consultation (For some sectors)
	a(iv) Plain language drafting requirements For specific sectors or policy areas	1.c(vi)	Plain language drafting (For some sectors)
	a(v) Systematic evaluation of the results of regulatory programmes (for example use of ex-post evaluation) For specific sectors or policy areas	1.c(vii)	Evaluation of the results of regulatory programmes (For some sectors)
	a(i) Regulatory Impact Analysis For Government wide	1.c(ii)	Regulatory Impact Analysis (Government wide)
	a(ii) Assessment of regulatory alternatives For Government wide	1.c(iii)	Consideration of regulatory alternatives (Government wide)
	a(iii) Consultation with affected parties For Government wide	1.c(iv)	Consultation (Government wide)
	a(iv) Plain language drafting requirements For Government wide	1.c(vi)	Plain language drafting (Government wide)
	a(v) Systematic evaluation of the results of regulatory programmes (for example use of ex-post evaluation) For Government wide	1.c(vii)	Evaluation of the results of regulatory programmes (Government wide)
		1.c(v)	Transparency/freedom of information

Q10 USE OF PUBLIC CONSULTATION		q5 PUBLIC CONSULTATION		
46	a) Is public consultation with parties affected by regulations a routine part of developing draft primary laws? (No=0, In some cases=1, Always=2)	5.a	Is public consultation a routine part of making new regulations?	M
47	b) Is public consultation with parties affected by regulations a routine part of developing draft subordinate regulations? (No=0, In some cases=1, Always=2)			
48	If the answer is "always" or "in some cases" to a) or b): Primary laws b(i) Is consultation mandatory? (No=0, Yes=1)			
49	If the answer is "always" or "in some cases" to a) or b): Subordinate regulation b(i) Is consultation mandatory? (No=0, Yes=1)			
		5.a(ii)	Is consultation required by law?	
		5.a(iii)	Is consultation required by formal government decree or instruction?	
50	b(ii) What forms of public consultation are routinely used: Primary laws	5.a(iv)	What forms of public consultation are routinely used	
	b(ii) What forms of public consultation are routinely used: Primary laws - Informal consultation with selected groups? (ticked=1)		- Informal consultation	M
	b(ii) What forms of public consultation are routinely used: Primary laws - Broad circulation of proposals for comment?		- circulation of proposals for comment	M
	b(ii) What forms of public consultation are routinely used: Primary laws - Public notice and comment?		- Public notice and comment	M
	b(ii) What forms of public consultation are routinely used: Primary laws - Public meeting?		- Public meeting	M
	b(ii) What forms of public consultation are routinely used: Primary laws - Internet?			M
	b(ii) What forms of public consultation are routinely used: Primary laws - Advisory group?		- Advisory group	M
	b(ii) What forms of public consultation are routinely used: Primary laws - Preparatory public commission/committee?			
	b(ii) What forms of public consultation are routinely used: Primary laws - Other			
51	b(ii) What forms of public consultation are routinely used: Subordinate regulation			
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Informal consultation with selected groups?			
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Broad circulation of proposals for comment?			
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Public notice and comment?			
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Public meeting?			
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Internet?			
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Advisory group?			
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Preparatory public commission/committee?			
	b(ii) What forms of public consultation are routinely used: Subordinate regulation - Other			
52	b(iii) Can any member of the public choose to participate in the consultation? Primary laws (No=0, Yes=1)	5.a(vii)	Can any member of the public choose to participate in the consultation?	M
53	b(iii) Can any member of the public choose to participate in the consultation? Subordinate regulation (No=0, Yes=1)			
54	c(i) What is the minimum period for allowing consultation comments inside government?			
55	c(ii) What is the minimum period for allowing consultation comments by the public, including citizens and business?			
56	d(i) Are the views of participants in the consultation process made public? Primary laws (No=0, Yes=1)	5.a(viii)	Are the views of participants in the consultation in the consultation process made public?	M
57	d(ii) Are regulators required to respond in writing to the authors of consultation comments? Primary laws (No=0, Yes=1)			
58	d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis? Primary laws (No=0, Yes=1)			
59	d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments) Primary laws (No=0, Yes=1)			
60	d(i) Are the views of participants in the consultation process made public? Subordinate regulation (No=0, Yes=1)			
61	d(ii) Are regulators required to respond in writing to the authors of consultation comments? Subordinate regulation (No=0, Yes=1)			
62	d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis? Subordinate regulation (No=0, Yes=1)			
63	d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments) Subordinate regulation (No=0, Yes=1)			

	Q11 USE OF REGULATORY IMPACT ANALYSIS (RIA)		q9 USE OF REGULATORY IMPACT ANALYSIS	
64	a) Is regulatory impact analysis (RIA) carried out before new regulation is adopted? (No=0, In some cases=1, Always=2)	9.a	Is RIA (Regulatory impact analysis) required before new regulation is adopted?	M
65	b) Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA? (No=0, Yes=1)	9.a(xii)	Does a government body outside the ministry sponsoring the regulation review the quality of the RIA?	M
66	b) If the answer is "yes": Name the body and its location in the administration:			
		9.a(xiii)	Does a body independent of government (e.g. a parliamentary body) review the quality of the RIA?	
67	c(i) Is there a clear "threshold" for applying RIA to new regulatory proposals? (No=0, Yes=1)			
68	If the answer is "yes": c(ii) Is the threshold defined as a single objective criterion (Yes), or does it combine criteria (No)?			
69	If the answer is "yes": c(iii) Please provide details of the threshold test.			
70	d(i) Is RIA formally required by law or by a similarly binding legal instrument? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(i)	Is RIA required by law?	M
71	d(ii) Is RIA required for draft primary laws? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(ii)	Is RIA required for draft laws?	M
72	d(iii) Is RIA required for draft subordinate regulations? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(iii)	Is RIA required for draft subordinate regulations?	M
73	d(iv) Are regulators required to identify the costs of new regulation (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(iv)	Are regulators required to quantify costs of new regulations?	M
74	If yes: Does the impact analysis include the quantification of the costs? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
75	d(v) Are regulators required to identify the benefits of new regulation? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(v)	Are regulators required to quantify benefits of new regulations?	M
76	If yes: Does the impact analysis include quantification of the benefits? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
77	d(vi) Does the RIA require regulators to demonstrate that the benefits of new regulation justify the costs? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(vi)	Are regulators required to demonstrate that the benefits of new regulation justify the costs?	M
78	d(viii) Are RIA documents required to be publicly released for consultation? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(xiv)	Are RIA documents required to be publicly released for consultation?	M
79	d(ix) Is the RIA required to include assessments of other specific impacts:			
	d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on the budget (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
	d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on competition (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(x)	Are impacts on competition required to be explicitly identified and discussed?	M
	d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on market openness (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(xi)	Are impacts on trade required to be explicitly identified and discussed?	M
	d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on small businesses (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(viii)	Are impacts on SMEs required to be explicitly identified and discussed?	M
	d(ix) Is the RIA required to include assessments of other specific impacts: Impact on specific regional areas (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
	d(ix) Is the RIA required to include assessments of other specific impacts: Impact on specific social groups (distributional effects across society) (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.a(vii)	Is the likely distribution of effects across society required to be made transparent?	M
	d(ix) Is the RIA required to include assessments of other specific impacts: Impact on other groups (charities, not for profit sector) (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
	d(ix) Is the RIA required to include assessments of other specific impacts: Impact on the public sector (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
		9.a(ix)	Are impacts on employment required to be explicitly identified and discussed?	
80	e) Is risk assessment required when preparing a RIA? (No=0, In other selected cases=1, Only for major regulation=2, Always=3)	9.b	Is risk assessment a normal part of the development of health, safety and environment regulation?	M
	e(i) in all cases (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
	e(ii) For Health and safety regulation (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
	e(iii) For Environmental regulation (No=0, In other selected cases=1, Only for major regulation=2, Always=3)			
81	If "yes": Does the risk assessment require quantitative modelling? (No=0, Yes=1)			
82	f(i) Are RIAs required to explicitly consider compliance and enforcement issues when preparing new regulations? (No=0, Yes=1)			

Q12 BUSINESS LICENSES AND PERMITS		q13 BUSINESS LICENSES AND PERMITS		
89	a) Is a "silence is consent" rule used at all (i.e. that licences are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)? (No=0, Yes=1)	13.a	Is the "silence is consent" rule (i.e. that licenses are issued automatically if the competent licensing office has not acted by the end of the statutory response period) used at all?	M
90	a(i) if Yes, please specify the statutory response period, or the corresponding time limit for a reply, in number of weeks			
91	a(ii) Are administrations obliged to provide the name of the person responsible for handling the application in any formal correspondence?			
92	b) Are there single contact points ("one-stop shops") for getting information on licences and notifications?	13.b	Are there single contact points for getting information on licenses and notifications?	M
93	b(i) To what proportion of license applications do they apply? (e.g. if implemented at the local level, but only in certain areas) in %			
94	c) Are there single contact points for accepting notifications and issuing licences (one-stop shops)?	13.c	Are there single contact points for issuing or acceptance on licenses and notifications (one-stop shops)?	M
95	c(i) To what proportion of license applications does it apply? (e.g. if it is implemented at the local level, but only in certain areas) in %			
96	d) Is there a programme underway to review and reduce the number of licenses and permits required by the national government?	13.f	Is there a programme underway to review and reduce the number of licenses and permits required by the national government?	M
97	d(i) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?	13.d	Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?	M
98	d(ii) Has there been a clear decline in the aggregate number of licences and permits?			
		13.e	What is the number?	
99	e) Is there a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government?	13.g	Is there a programme underway to co-ordinate the review and reform of permits and licenses at subnational levels of government?	M

Q13 REDUCING ADMINISTRATIVE BURDENS		q12 REDUCING ADMINISTRATIVE BURDENS		
100	a) Is there an explicit government programme to reduce the administrative burdens imposed by government on enterprises and/or citizens? (No=0, Yes=1)	12.a	Is there an explicit programme to reduce the administrative burdens imposed by government on enterprises and/or citizens?	M
101	If the answer is "yes": a(i) Does this programme include quantitative targets?	12.a(ii)	Does this programme include quantitative targets?	M
102	If the answer is "yes": a(ii) Does this programme include qualitative targets?			
103	If "yes" a(ii) : Please specify which targets			
104	If the answer is "yes": a(iii) Which of the following strategies are used?	12.a(iii)	Which of the following strategies are used?	
	If the answer is "yes": a(iii) Which of the following strategies are used? - Modification and streamlining of existing laws and regulations (ticked=1)			
	If the answer is "yes": a(iii) Which of the following strategies are used? - Information and communication technologies for regulatory administration (e.g. electronic databases, online formats)		- New technologies for regulatory administration	M
	If the answer is "yes": a(iii) Which of the following strategies are used? - Other streamlining of government administrative procedures		- streamlining of government process requirements	M
	If the answer is "yes": a(iii) Which of the following strategies are used? - Establishment of a system for measuring administrative burdens of regulation			
	If the answer is "yes": a(iii) Which of the following strategies are used? - Reallocating powers and responsibilities between government departments and/or between levels of government		- Reallocating powers and responsibilities between government departments and/or between levels of government	M
	If the answer is "yes": a(iii) Which of the following strategies are used? - Other (please specify)		- Other (please specify)	

	Q14 TRAINING IN REGULATORY QUALITY SKILLS		q15 TRAINING IN REGULATORY REFORM SKILLS	
105	a) Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation? (No=0, Yes=1)	15.a	Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation?	M
106	If the answer is "yes": a(i) Does this include training in how to conduct regulatory impact analysis?	15.a(ii)	Does this include training in how to conduct regulatory impact analysis?	M
107	If the answer is "yes": a(ii) Does this training include use of alternative policy instruments?	15.a(iii)	Does this training include use of alternative policy instruments?	M
108	If the answer is "yes": a(iii) Does this include training on how to inform and communicate with the public?			
109	b(i) Is general guidance on the regulatory policy and its underlying objectives published and distributed to regulatory officials?			
110	b(ii) Is general guidance on compliance and enforcement published and distributed to regulatory officials?			
111	c) Are other strategies in place to promote changes in the regulatory culture consistent with the objectives of the regulatory policy? (e.g. mobility of officials across areas, exchanges with the private sector, others)			

	Q15 CENTRAL REGULATORY OVERSIGHT AUTHORITY (ADMINISTRATIVE AND POLITICAL)		q2 COORDINATION AND MANAGEMENT	
112	a) Is there a dedicated body (or bodies) responsible for promoting the regulatory policy and monitoring and reporting on regulatory reform and regulatory quality in the national administration from a whole of government perspective? (No=0, Yes=1)	2.a	Is there a dedicated body (or bodies) responsible for encouraging and monitoring regulatory reform or regulatory quality in the national administration?	M
113	If the answer is "yes": Name and administrative situation of the main central body (please specify location inside the government, e.g. in the Ministry of Finance, Prime Minister's Office, or Ministry of justice or else created as an independent body?)	2.a(v)	Is this body located in the centre of government (i.e. chief Minister's department or budget agency)?	
114	Please specify in general terms the mission of this body, and its main tasks and powers			
		2.a(vi)	Can this body make recommendations directly to the head of government?	
115	Please specify staffing levels of this body, and annual resources if available			
116	a(i) Is this body consulted as part of the process of developing new regulation?	2.a(ii)	Is this body routinely consulted as part of the process of developing new regulation?	M
117	a(ii) Does this body report on progress made on reform by individual ministries?	2.a(iv)	Does this body monitor and report on progress made on reform by individual Ministers?	M
118	a(iii) Is this body entrusted with the authority of reviewing and monitoring regulatory impacts conducted in individual ministries?			
119	a(iv) Can this body conduct its own analysis of regulatory impacts?	2.a(vii)	Can this body conduct independent and expert analysis of regulatory impacts?	M
120	a(v) Is this body entrusted with an advocacy function to promote regulatory quality and reform?			
		2.a(iii)	Can this body initiate or undertake reform actions?	
121	b) Is there an advisory body that receives references from Government to review broad areas of regulation, collecting the views of private stakeholders? (e.g. Better Regulation Task Force in the UK, or External Advisory Council on Smart Regulation in Canada)			
122	If the answer is "yes": b(i) Does this body have a degree of independence from government (e.g. through a board or commission structure)?			
123	If the answer is "yes": b(ii) Does this body report its findings publicly?			
124	c) Is a specific minister accountable for promoting government-wide progress on regulatory reform?	2.c	Is a specific Minister accountable for progress on regulatory reform?	M
125	If the answer is "yes": c(i) Which minister?			
126	If the answer is "yes": c(ii) Is the Minister required to report to Parliament on progress?			
		2.b	Does the budget office have a responsibility to promote regulatory reform?	

	Q16 PARLIAMENTARY OVERSIGHT OF REGULATORY POLICY			
127	a) Is there a dedicated parliamentary committee or other parliamentary body with responsibilities that relate specifically to the regulatory policy/regulatory reform policy? (No=0, Yes=1)			
128	If the answer is "yes": a(i) Does this body periodically review the quality of the proposed legislation? (i.e. lower level rules)?			
129	If the answer is "yes": a(ii) Is this body also entrusted to review the quality of subordinate regulation? (i.e. lower level rules)?			
130	If the answer is "yes": a(iii) Is the review process, if it exists, explicitly guided by regulatory quality criteria?			
131	If the answer is "yes": a(iv) Does this body review and report on progress on regulatory policy/regulatory reform across the administration?			

Q17 ROLE OF THE JUDICIARY IN REGULATORY POLICY			
132	a) Are elements of the regulatory policy subject to judicial review. (e.g. If RIA or consultation requirements are legislatively based, can the validity of laws be challenged if these requirements are not met?) (No=0, Yes=1)		
133	b) Have these review provisions been exercised in practice? (No=0, Rarely=1, Often=2)		

Q18 INTER-GOVERNMENTAL CO-ORDINATION ON REGULATORY POLICY		q14 CO-ORDINATION BETWEEN LEVELS OF GOVERNMENT	
134	a) Are there formal co-ordination mechanisms between National/Federal and State/regional governments? (in Federal or quasi-federal countries, between national and regional/local governments in unitary countries) (No=0, Yes=1)	14.a	Is there a specific procedure for co-ordinating between different levels of government (i.e. sub-national, national, supra-national) in <u>making new regulation</u> ?
135	b) Are there formal co-ordination mechanisms at the supra-national level (i.e. as a consequence of membership of international bodies, such as the European Union). (WTO and other broadly constituted bodies should not be included here). (No=0, Yes=1)		
		14.b	Is there a specific procedure for co-ordinating between different levels of government (i.e. sub-national, national, supra-national) on <u>regulatory reform activity</u> ?
136	c) Do any of these mechanisms impose specific obligations in relation to regulatory practice? (No=0, Yes=1)		
137	d) Are any of the following regulatory harmonisation mechanisms used? (Not at all=0, Rarely=1, Widely=2)		
	d(i) Mutual recognition?		
	d(ii) Regulatory harmonisation agreements?		
	d(iii) Strict regulatory uniformity agreements?		
		14.c	Is there a policy recommending the adoption of established international standards instead of unique national standards?

Q19 REGULATORY REVIEW AND EVALUATION		q11 REGULATORY REVIEW AND EVALUATION	
138	a) Is periodic evaluation of existing regulation mandatory? (Not required=0, For specific areas=1, For all policy areas=2)	11.b	Is periodic evaluation of existing regulations required for all policy areas?
			M
139	b) Are there standardised evaluation techniques or criteria to be used when regulation is reviewed? (No=0, Yes=1)	11.f	Are there standardised evaluation techniques or decision criteria to be used when regulation is reviewed?
			M
140	c) Are reviews required to consider explicitly the consistency of regulations in different areas and take steps to address areas of overlap/duplication/inconsistency? (No=0, Yes=1)		
141	d) Are there mechanisms by which the public can make recommendations to modify specific regulations? (No=0, Yes=1)	11.i	Is there a mechanism by which the public can make recommendations to modify specific regulations? (e.g. Electronic mailboxes, ombudsman or "request and review" legislation).
	If the answer is "yes", please specify: d(i) Electronic mailboxes (ticked=1)		
	If the answer is "yes", please specify: d(ii) Ombudsman (ticked=1)		
	If the answer is "yes", please specify: d(iii) Other (please specify)		
142	e) Is sunset used for primary laws or other regulations? (No=0, Yes=1)	11.c	Is sunset used for laws?
		11.d	Is sunset used for subordinate regulations?
			M
143	f) Do specific primary laws include automatic review requirements? (No=0, Yes=1)	11.e	Do specific laws include automatic review requirements?
			M
		11.a	What proportion of the body of existing regulations in the following areas been subjected to a review of regulatory quality in the past 5 years? 1) Environmental reg. 2) Health, safety and consumer protection reg. 3) Employment reg.
		11.g	Is Regulatory Impact Analysis used in the conduct of regulatory reviews?
		11.h	How frequently do major substantive changes to existing regulation result from reviews?
		11.i	Are cost savings or enhanced benefits due to these changes quantified?
		11.j	Is there an independent check on the quality of reviews?
		11.k	Are the review processes public?

Q20 CONTROLLING AGGREGATE REGULATORY BURDENS			
144	a) Is there a yearly calculation of regulatory inflation? (Laws, ordinances and other official regulations) (No=0, Yes=1)		
145	b) Have attempts been made to measure trends in the aggregate burden of regulation over time?		
146	b(i) If Yes, please attach any available study, or provide any available data on these trends in the past 5 to 10 years.		
147	c) Is there an explicit policy in relation to the control of the aggregate burden of regulation?		
148	If yes: c(i) Are there explicit targets?		
149	If yes: c(ii) Are specific strategies or rules used to affect aggregate burdens?		
150	Please provide detail on policies in relation to aggregate regulatory burdens		

Q21 INDICATORS OF PERFORMANCE, QUALITATIVE QUESTIONS		q16 INDICATORS OF THE RESULTS OF REFORMS	
151	a) Has the compliance with the key requirements of regulatory policy been assessed? (No=0, Yes=1)		
152	If yes, in which of these areas has compliance been assessed:		
	If yes, in which of these areas has compliance been assessed:a(i) Regulatory Impact Analysis?		
	If yes, in which of these areas has compliance been assessed: a(ii) Consultation?		
	If yes, in which of these areas has compliance been assessed:a(iii) Other (please specify)?		
153	b) Have attempts been made to measure the impact of regulatory policy on regulatory outputs or outcomes (e.g. on changes in the form and/or extent of regulation over time and its performance)?		
154	If the answers to b) is "yes", Please provide details and attach any available studies		
		16.a	Has a formal evaluation of progress toward the objectives of regulatory reform been made?
		16.a(ii)	Have reforms measurably reduced the total costs imposed by new regulation?
		16.a(iii)	Have reforms enhanced policy effectiveness?
		16.a(iv)	Have reforms increased government transparency?
		16.b	Does the government publish an annual progress report on regulatory reform
		16.c	Are there plans underway to improve the effectiveness of the regulatory reform programme?
		16.c(ii)	What view of each of the following major tools of regulatory reform policy is reflected in the plan. 1) public consultation, 2) regulatory impact analysis, 3) alternative forms of regulation, 4) market based alternatives to regulation

ANNEX 4: GLOSSARY OF TERMS

Administrative burdens of regulation

The costs involved in obtaining, reading and understanding regulations, developing compliance strategies and meeting mandated reporting requirements, including data collection, processing, reporting and storage, but **NOT** including the capital costs of measures taken to comply with the regulations, nor the costs to the public sector of administering the regulations.

Administrative compliance costs

See administrative burdens of regulation.

Administrators responsible for the regulatory reform programme

Policy officials in bodies specifically tasked to manage or monitor the regulatory reform programme within the administration.

Advisory Groups

Selected experts and/or interested parties (*e.g.* social partners, environmental groups) are brought together to form a consultative body, either on an *ad hoc* or a standing basis.

Alternative policy instruments

See regulatory alternatives.

Circulation of proposals for comment

Information on regulatory proposals is circulated to a selected group of experts and/or interested parties for comment.

Codification

Systematic arrangement of laws in force.

“Command and Control” regulation

Regulations which specify, usually in detail, the regulatory requirements and a set of penalties for non-compliance. It is generally oriented toward input and behavioural requirements rather than toward outcome.

Co-regulation

A system of shared regulatory responsibilities in which an industry association or professional group will assume some regulatory functions, such as surveillance and enforcement or setting of regulatory standards.

Informal Consultation

Ad hoc meetings with selected interested parties, held at the discretion of regulators.

License(s)

A license (or permit) is defined as a notification* which further to the requirements of a notification also requires prior approval or response by the government authority as a condition for conducting activities.

Notification(s)

In this questionnaire, a notification is defined as a requirement for setting up a business calling for (i) providing information to a specific government authority and (ii) complying with minimum standards as conditions for conducting activities. A license or permit is defined as a notification which (iii) also requires prior approval or response by the government authority as a condition for conducting activities.

Performance based regulation

Regulations that specifies objectives or “output standards” and that leaves the means of compliance to be determined by the regulated entity.

Permit(s)

See licence.

Primary law(s)

See primary legislation.

Primary legislation

Regulations which must be approved by the parliament or congress. Also referred to as principal legislation or primary law.

Process regulation

Regulations that require that individual enterprises set up and document systemic processes to identify and control certain risks or hazards within their own activities. Such processes are based on Quality Assurance Principles.

Public Notice and Comment

Notice of the intention to regulate is published and comments are sought from all interested parties before the law or **regulation** is approved.

Regulation

The diverse set of instruments by which governments set requirements on enterprises and citizens. Regulation include all laws, formal and informal orders, subordinate rules, administrative formalities and rules issued by non-governmental or self-regulatory bodies to whom governments have delegated regulatory powers.

Regulators

Administrators in government departments and other agencies responsible for making regulation.

Regulatory alternatives

Alternative policy instruments other than command and control regulation used with the purpose to obtain policy goals. Alternative policy instruments include instruments such as performance based regulation, process regulation, waiver or variance provisions, co-regulation, self-regulation, contractual arrangements, voluntary commitments, tradable permits, taxes and subsidies, insurance schemes, information campaigns.

Regulatory Impact Analysis (RIA)

Systematic process of identification and quantification of important benefits and costs likely to flow from adoption of a proposed **regulation** or a non-regulatory policy option under consideration. May be based on benefit/cost analysis, cost effectiveness analysis, business impact analysis etc.

Regulatory reform

Changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of **regulation** and formalities. “Deregulation” is a subset of regulatory reform.

Risk assessment

Quantitative estimates of the risks and consequences involved in a particular problem, probably including estimates of the likely effectiveness of control measures.

Subordinate regulations

Subordinate regulations are regulations that can be approved by the head of government, by an individual Minister or by the Cabinet - that is, by an authority other than the parliament/congress. Note that many subordinate regulations are susceptible to disallowance by the parliament/congress. Subordinate regulations are also referred to as “secondary legislation” or “subordinate legislation”.

Sunsetting

The automatic repeal of regulations a certain number of years after they have come into force.

Voluntary commitments

Commitments by firms to reach certain targets or behave in certain ways not mandated by legislation. May be agreed to in exchange for certain other government benefits (*e.g.* reduced frequency of regulatory inspections).