



**ECONOMICS DEPARTMENT
ECONOMIC POLICY COMMITTEE**

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For Official Use**

Working Party No. 1 on Macroeconomic and Structural Policy Analysis

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

REGULATORY STRUCTURES AND POLICIES IN OECD COUNTRIES

The Working Party No.1 has asked the Economics Department to update the OECD Product Market Regulations indicators. As in the 1998 review, the updating will be largely based on responses to a questionnaire that all Member countries are asked to complete. This document contains the questionnaire for the updating. Responses should be sent to the Secretariat not later than 19 December 2003.

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THE OECD REGULATORY INDICATORS QUESTIONNAIRE:

REGULATORY STRUCTURES AND POLICIES IN OECD COUNTRIES

Background

Following a request from Working Party No.1 of the Economic Policy Committee, the Economics Department is now updating the OECD indicators of product market regulation. The current set of indicators relates to the situation as of 1998 and has become increasingly outdated. As was the case in the 1998 exercise,¹ the updated indicators will be based as far as possible on information already available to the Economics Department, but where information is not available will rely on Member countries' answers to a common set of questions. The questionnaire for the updating is contained in this document.

These indicators are an essential element of the OECD's work and improve the capacity of OECD Members to assess their progress in regulatory reform. By making country reviews more systematic, comparable, and transparent, these indicators improve cross-country comparisons of regulatory frameworks. They also enhance the knowledge of regulatory practices in OECD countries and the potential for investigating their link with economic performance. This improves the quality and depth of the OECD's policy analysis in a wide range of areas. For instance, the 1998 set of regulatory indicators proved useful in investigating the linkage between product market policies and a range of economic outcomes at both the industry and economy-wide levels, including productivity growth, innovative activity, capital formation and employment rates.²

It should be emphasised that regulatory indicators do not function, in themselves, as a "report card". A good deal of expert judgement and contextual information is needed to interpret them correctly and to arrive at an understanding of the most appropriate direction for reform in each country. Therefore, there is no "right" or "wrong" answer to specific questions. With this in mind, **it is important that answers to questions accurately reflect the current regulatory settings.**

The OECD indicators questionnaire

This questionnaire covers both general regulatory framework policies and specific regulation in several important sectors on which information is needed to understand the role of regulation across the national economy. The coverage of the questionnaire is not always the same as in the 1998 questionnaire for the OECD International Regulation Database, *inter alia* reflecting the increased information now

1. The references for this work are "*The OECD Regulatory Indicators Questionnaire: Regulatory structures and Policies in OECD Countries*" SG/RR(98)2/FINAL; The OECD International Regulation Database http://www.oecd.org/document/1/0,2340,en_2649_34117_2367297_1_1_1_1,00.html; and "Cross-country Patterns of Product Market Regulation" Chapter VII, *OECD Economic Outlook*, No. 66, December 1999.
2. References for this work include *OECD Economic Studies, Special Issue, Regulatory Reform*, No. 32 2001; "The cross-market effects of product and labour market policies", Chapter VI, *OECD Economic Outlook*, No. 70, December 2001; "Productivity and innovation" Chapter VII, *OECD Economic Outlook*, No. 71, May 2002; "Product market competition and economic performance", Chapter VI, *OECD Economic Outlook*, No. 72, December 2002; "Policy influences on foreign direct investment", Chapter VIII, *OECD Economic Outlook*, No. 73, June 2003.

directly available to the Economics Department, but answers will allow the OECD indicators of product market regulation to be updated.

This questionnaire is significantly shorter than the 1998 questionnaire and is designed to collect all necessary information without putting undue burden on Member countries. It is divided into six sections that can be answered by different parts of the national administration so as to reduce the burden on any one branch. The six sections are:

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The questionnaire is being sent to all OECD Member countries. However, recent data on administrative requirements for business start-ups and the regulation of professional services already exist for members of the European Union. Accordingly, members of the European Union are not required to complete Sections 3 and 4 providing they concur with the existing data – the sources of which are given in the introduction to these sections – and regulations have not changed significantly since this data was collected. If this is not the case then EU Member countries are also asked to provide updated data by answering Sections 3 and/or 4.

The information collected by the survey will be combined with information from other sources to update the database on regulation and the indicators of regulatory structures and policies.

Questions are based on a multiple choice, yes/no, or single data formats. No detailed description of regulatory policies is requested. However, if necessary, respondents may supplement their answers with brief explanations. More specific instructions are given in the introductory note to each section.

General Instructions

National administrations and respondents are asked to follow these general instructions:

- **Identify a single contact person** who would be responsible for distributing the questionnaire to, and collecting responses from, different parts of the national administration. Please provide details below.
- **Identify who is best able to answer** each section of the questionnaire, and send that section to them. Answering the questions requires detailed knowledge of the policy areas and the sectors concerned. Therefore, it is advisable that the sections of the questionnaire be sent to the most well-informed ministries, administrations, regulatory institutions, or statistical offices.
- Respondents are asked to contact the Economics Department's co-ordinator for the Regulatory Indicators Questionnaire, Mr. Paul Conway, as soon as they receive their section of the questionnaire. This will ensure that all sections are allocated. Mr Conway's contact details are: Tel.: (33-1) 45 24 88 22; Fax: (33-1) 44 30 61 66; e-mail: paul.conway@oecd.org.

- Respondents are encouraged to use an electronic version of the questionnaire. This will make answering more efficient and allow results to be processed quickly and accurately. Respondents will be sent an electronic version of their section once they have contacted Mr Conway. If it is impractical for respondents to use the electronic version of their section then they should use the paper version.
- ***Ensure that responses for each section are returned to the OECD no later than 19 December 2003.*** To speed up the process **please return each section as soon as it is completed via the contact person** in the national administration. Contact persons are asked not to wait for all sections to be completed. Send completed sections to Mr Paul Conway. Electronic versions should be returned by email (paul.conway@oecd.org). Paper version should be mailed to: Paul Conway, Economics Department, OECD, 2 rue André Pascal, 75775 Paris Cedex 16, France..
- ***Use the Questionnaire Help Desk.*** Mr Paul Conway is also available to assist respondents in answering their section of the questionnaire. Respondents are encouraged to contact him for any clarifications or guidance that would make responding easier and more accurate.

Contact person for the Regulatory Indicators Questionnaire

NAME: _____

MINISTRY OR GOVERNMENT AGENCY: _____

COUNTRY: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 1: GENERAL POLICIES

The responses to this questionnaire will, along with other data, be used to update and develop a series of comparative indicators of product market regulation in OECD countries. These indicators are an essential element of the OECD's work. They improve our ability to compare regulatory frameworks across countries and enhance the policy advice of the OECD in a wide range of areas. A correct interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions. You should accurately answer as many questions as possible.

This section focuses on selected regulations and policies that are not specific to any one sector. It covers issues of public ownership and market access. It also covers issues of market structure and vertical relationships in utilities and other network industries.

Respondents are encouraged to use an electronic version of the questionnaire. This will make answering more efficient and allow results to be processed quickly and accurately. Respondents can get an electronic version of this section from Mr Paul Conway, the questionnaire co-ordinator. If it is impractical for respondents to use the electronic version of this section then they should use the paper version.

Unless otherwise specified in the instructions for each question:

- The term "regulation" covers the diverse set of instruments by which governments impose requirements on enterprises and citizens. Regulations include laws, formal and informal orders, subordinate rules, administrative formalities and rules issued by non-governmental or self-regulatory bodies which have been delegated regulatory power by the government.
- The questions refer to regulations or policies issued or accepted by the national government and/or state and provincial government for federal countries.
- Answers should reflect the regulatory situation as it exists at the time of response, or as recently as possible. Please do not anticipate any future regulatory or reform actions.
- Please tick the appropriate box or provide the data requested for each question below. If exact information is not available, aggregates or informed estimates are acceptable. If necessary, you can provide more detailed information about specific practices in your country to supplement answers to this questionnaire.
- As soon as you receive this section of the questionnaire please fill in your contact details below and send them via fax or email to Mr Paul Conway, the co-ordinator of the Regulatory Indicators Questionnaire. This will allow the OECD Secretariat to ensure that all sections are allocated. Please also indicate if you would like to receive an electronic version of this section of the questionnaire.
- Once you have completed this section, please send it to the contact person in the administration who should forward it to Mr Paul Conway. Electronic versions should be

returned by email (paul.conway@oecd.org). Paper version should be mailed to: Paul Conway, Economics Department, OECD, 2 rue André Pascal, 75775 Paris Cedex 16, France.

NAME: _____

MINISTRY OR GOVERNMENT AGENCY: _____

COUNTRY: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

FOR ASSISTANCE CONTACT THE QUESTIONNAIRE HELP DESK:

Mr. Paul Conway: Tel: (33 1) 45 24 88 22, Fax: (33 1) 44 30 61 66; e-mail: paul.conway@oecd.org.

PLEASE RETURN THE COMPLETED SECTION TO MR CONWAY BY 19 DECEMBER 2003.

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 1: GENERAL POLICIES

1.1 Firm ownership, control and legal status

In this section a firm is said to be publicly-controlled when national, state or provincial governments (not including local governments or municipalities) hold, either directly or indirectly through a government-controlled company, the largest single share of the firm’s equity capital.

1.1.1 Table 1.1a lists a subset of ISIC (rev 3.1) network sectors. In column 1 of the table please indicate those sectors in which national, state or provincial governments hold an equity stake in the largest firm in the sector.

If the answer is “yes” for any of the sectors:

a) In column 2 of Table 1.1a please indicate the percentage of shares owned, either directly or indirectly, by government in the largest firm in the sector.

1.1.2 For each of the sectors listed in Table 1.1a please indicate in column 3 of the table whether the extent of government ownership of the largest firm in the sector has increased, remained the same, or decreased since 1998. (If the government hasn’t owned any equity in the largest firm in the sector since 1998 then tick “unchanged”.)

1.1.3 Table 1.1b lists a subset of ISIC (rev 3.1) sectors. In column 1 of the table please indicate those sectors in which national, state or provincial governments control at least one firm.

If the answer is “yes” for any of the sectors:

a) Please indicate the number of publicly-controlled firms in the sector in column 2 of Table 1.1b.

1.1.4 For each of the sectors listed in Table 1.1b please indicate in column 3 whether the number of publicly-controlled firms has increased, remained the same, or decreased since 1998. (If there have been no publicly-controlled firms in a given sector since 1998 then tick “unchanged”.)

1.1.5 If national, state or provincial governments control any firm(s) in the sectors listed in Tables 1.1a and 1.1b:

a) Are there **any** legal or constitutional constraints to the sale of the stakes held by government in these firms?

b) Are there **any** statutory or other legal limits to the number or proportion of shares that can be acquired by foreign investors in these firms?

Please answer by filling in Table 1.1a
Please answer by filling in Table 1.1a
Please answer by filling in Table 1.1a
Please answer by filling in Table 1.1b
Please answer by filling in Table 1.1b
Please answer by filling in Table 1.1b

Yes *No*

- | | <i>Yes</i> | <i>No</i> |
|---|--|---------------------------------------|
| 1.1.6 Do national, state or provincial governments have special voting rights (e.g. golden shares) in any firms within the business sector? If the answer is “yes”: | <input type="checkbox"/> | <input type="checkbox"/> |
| a) In which of the following instances can these special rights be exercised: | tick as many as apply | |
| i) merger with or acquisition by another company; | <input type="checkbox"/> | |
| ii) change in controlling coalition; | <input type="checkbox"/> | |
| iii) acquisition of equity by foreign investors; | <input type="checkbox"/> | |
| iv) choice of management; | <input type="checkbox"/> | |
| v) strategic management decisions. | <input type="checkbox"/> | |
| 1.1.7 Do strategic choices of any publicly-controlled firms have to be reviewed and/or cleared in advance by national, state, or provincial legislatures? | <i>Yes</i>
<input type="checkbox"/> | <i>No</i>
<input type="checkbox"/> |

1.2 Antitrust exclusions and exemptions

In these questions “exclusions” result from actions or decisions by the courts, legislature, or government to remove a subject or type of legal person from the general competition law or the competition agency’s jurisdiction; there may be another law or enforcement institution regulating or enforcing competition rules for that sector, relationship, or person. (Exclusions may result from applying general rules of statutory construction to the competition law and other statutes and regulations; that is, the principle or the particular exclusions might not appear in the text of the competition law itself).

By contrast, “exemptions,” including special rules or treatment, arise under the competition law itself and represent decisions by the enforcement body or others about how the law should be applied. An exclusion or exemption may also take the form of a restriction on available remedies or a policy of non-enforcement.

- | | | |
|---|--|---------------------------------------|
| 1.2.1 Is there a rule or principle providing for exclusion or exemption from liability under the general competition law for conduct that is required or authorised by other government authority (in addition to exclusions that might apply to complete sectors)? | <i>Yes</i>
<input type="checkbox"/> | <i>No</i>
<input type="checkbox"/> |
| 1.2.2 Are publicly-controlled firms or undertakings subject to an exclusion or exemption, either complete or partial, from the application of general competition law? | <input type="checkbox"/> | <input type="checkbox"/> |
| If the answer is “yes”: | | |
| a) does this exemption or exclusion apply to the following: | tick as many as apply | |
| i) horizontal cartels | <input type="checkbox"/> | |
| ii) vertical restraints | <input type="checkbox"/> | |
| iii) abuse of dominance | <input type="checkbox"/> | |
| iv) merger | <input type="checkbox"/> | |

1.3 Market access, market dominance and vertical separation of network sectors

1.3.1 Tables 1.2a and 1.2b list a subset of ISIC (rev 3.1) network and other sectors respectively. In the columns headed “Legal conditions of entry” in both tables, please indicate if laws or regulations restrict, in at least some markets, the number of competitors allowed to operate a business in that sector.

Please answer by filling in Tables 1.2a and 1.2b

1.3.2 In the columns headed “Legal conditions of entry” in Table 1.2a, please indicate if potential new entrants are permitted to freely enter at least some markets in each of the network sectors.

Please answer by filling in Table 1.2a

1.3.3 For each of the network sectors listed in Table 1.2a, please indicate the market share of the dominant (i.e., largest) firm by ticking the most appropriate box in column 3.

Please answer by filling in Table 1.2a

1.3.4 For each of the network sectors in listed Table 1.2a please indicate the degree of structural separation with other vertical segments of the industry by ticking the most appropriate box in column 4.

Please answer by filling in Table 1.2a

For example, if the same firm is permitted to generate and supply electricity (with no accounting separation) but is prohibited from electricity transmission, then ‘no separation’ would be the appropriate box to tick for electricity generation and supply. ‘Ownership separation’ would be the appropriate box for electricity transmission.

Definitions of the different categories of separation are as follows:

Ownership separation: two activities are carried out by completely separate firms that are controlled by different sets of shareholders.

Legal separation: two activities are carried out by different legal entities that are controlled by the same shareholder.

Accounting separation: two activities are carried out within the same firm with separate bookkeeping.

No separation: two activities are carried out by the same firm.

1.3.5 In the telecommunication sector is there an operator that supplies both fixed and mobile services? Yes No

1.3.6 In the electricity sector is the distribution of electricity vertically separated from any other segments of the industry? Yes No

If the answer is “yes”:

- a) please indicate the segments of the industry that are vertically separated from electricity distribution: **tick the most appropriate**
- i) electricity generation
 - ii) electricity transmission
 - iii) electricity supply

b) please indicate the form of separation:

- i) accounting separation
- ii) legal separation
- iii) ownership separation

1.3.7 In the gas sector, is distribution of gas vertically separated from any other segments of the industry? *Yes* *No*

If the answer is “yes”:

a) please indicate the segments of the industry that are vertically separated from gas distribution: **tick the most appropriate**

- i) gas production
- ii) gas transmission
- iii) gas supply

b) please indicate the form of separation:

- i) accounting separation
- ii) legal separation
- iii) ownership separation

When completing tables 1.1 and 1.2a please note the following definitions relevant to the electricity/gas sectors:

Production: operation of electricity generation or gas production facilities.

Transmission: operation of the high-capacity transmission systems that convey electricity or gas from the generation / production facilities to the distribution system.

Distribution: operation of distribution systems that convey electricity or gas received from the generation / production facility or the transmission system to the final consumer.

Supply: sale of electricity or gas to the user.

Table 1.1a: Public ownership patterns in some ISIC (rev. 3.1) activities

Sector	Public ownership					
	National, state or provincial government holds equity stakes in the largest firm in sector		Percentage of shares owned by government in the largest firm in the sector	Government ownership of the largest firm in the sector has increased, stayed the same, or decreased since 1998		
	yes	no		increased	unchanged	decreased
Production, transmission and distribution of electricity (4010). Consisting of:						
electricity generation/import	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
electricity transmission	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
electricity distribution	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
electricity supply	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gas manufacture and distribution (4020). Consisting of:						
gas production/import	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
gas transmission	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
gas distribution	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
gas supply	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telecommunications (642). Consisting of:						
fixed-line services ³	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
mobile services	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
internet services	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Collection, purification and distribution of water (4100)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National post (6411). Consisting of:						
basic letter services	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
basic parcel services	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Includes international long distance, domestic long distance, and local services.

Table 1.1b: Public ownership patterns in some ISIC (rev. 3.1) activities (cont)

Sector	Public ownership					
	National, state or provincial government control at least one firm in sector		Number of publicly-controlled companies in sector	Number of publicly-controlled firms in sector has increased, stayed the same, or decreased since 1998		
	yes	no		increased	unchanged	decreased
Manufacture of tobacco products (16)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of refined petroleum products (232)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of basic metals (27)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of fabricated metal products, machinery and equipment (28, 29)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building and repairing of ships and boats (351)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of railway and tramway locomotives and rolling stock (352)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of aircraft and spacecraft (353)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Construction (45)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wholesale trade, incl. motor vehicles (50, 51)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retail trade (50, 52)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restaurants and hotels (55)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transport via railways (601). Consisting of:						
passenger transport	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
freight transport	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other urban, suburban and interurban passenger transport (6021)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Freight transport by road (6023)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water transport (61)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air transport (62)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operation of transport infrastructure (6303). Consisting of:						
operation of railroad infrastructure	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
operation of road infrastructure	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
operation of water transport infrastructure (e.g. ports and waterways)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
operation of air transport infrastructure (eg, airports, air traffic control)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courier activities other than national post (6412)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial institutions (not central banks) (6519, 659, 671)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insurance (66, 672)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other business activity (74)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Motion picture distribution and projection (9211, 9212)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 1.2a: Legal conditions of entry, market dominance, and vertical relationships in some ISIC (rev. 3.1) activities (network sectors)

Sector	Legal conditions of entry		Market structure			Vertical relationships					
	National, state or provincial laws or other regulations restrict the number of competitors allowed to operate a business in at least some markets in the sector		Free entry is permitted in at least some markets in sector		Market share of the largest company in the sector			Structural separation from other vertical segments of the industry			
	Yes	No	Yes	No	Greater than 90%	Between 50 and 90%	No dominant company	No separation	Accounting separation	Legal separation	Ownership separation
Production, transmission and distribution of electricity (4010). Consisting of:											
electricity generation / import	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
electricity transmission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
electricity supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gas manufacture and distribution (4020). Consisting of:											
gas production / import	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
gas transmission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
gas supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telecommunications (642). Consisting of:											
fixed-line network	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
fixed-line services ⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
mobile services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
internet services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Collection, purification and distribution of water (4100)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
National post (6411). Consisting of:											
basic letter services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
basic parcel services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

4. Includes international long distance, domestic long distance, and local services.

Table 1.2b: Legal conditions of entry in some ISIC (rev. 3.1) activities (other sectors)

Sector	Legal conditions of entry		Sector	Legal conditions of entry	
	National, state or provincial laws or other regulations restrict the number of competitors allowed to operate a business in at least some markets in the sector			National, state or provincial laws or other regulations restrict the number of competitors allowed to operate a business in at least some markets in the sector	
	<i>yes</i>	<i>no</i>		<i>yes</i>	<i>no</i>
Manufacture of tobacco products (16)	<input type="checkbox"/>	<input type="checkbox"/>	Other urban, suburban and interurban passenger transport (6021)	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of refined petroleum products (232)	<input type="checkbox"/>	<input type="checkbox"/>	Freight transport by road (6023)	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of basic metals (27)	<input type="checkbox"/>	<input type="checkbox"/>	Water transport (61)	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of fabricated metal products, machinery and equipment (28, 29)	<input type="checkbox"/>	<input type="checkbox"/>	Air transport (62)	<input type="checkbox"/>	<input type="checkbox"/>
Building and repairing of ships and boats (351)	<input type="checkbox"/>	<input type="checkbox"/>	Operation of transport infrastructure (6303). Consisting of:		
Manufacture of railways and tramway locomotives and rolling stock (352)	<input type="checkbox"/>	<input type="checkbox"/>	operation of railroad infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
Manufacture of aircraft and spacecraft (353)	<input type="checkbox"/>	<input type="checkbox"/>	operation of road infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
Construction (45)	<input type="checkbox"/>	<input type="checkbox"/>	operation of water transport infrastructure (such as ports and waterways)	<input type="checkbox"/>	<input type="checkbox"/>
Wholesale trade incl. motor vehicles (50, 51)	<input type="checkbox"/>	<input type="checkbox"/>	operation of air transport infrastructure (eg, airports, air traffic control)	<input type="checkbox"/>	<input type="checkbox"/>
Retail trade (50, 52)	<input type="checkbox"/>	<input type="checkbox"/>	Courier activities other than national post (6412)	<input type="checkbox"/>	<input type="checkbox"/>
Restaurants and hotels (55)	<input type="checkbox"/>	<input type="checkbox"/>	Financial institutions (not central banks) (6519, 659, 671)	<input type="checkbox"/>	
Transport via railways (601). Consisting of:			Insurance (66, 672)	<input type="checkbox"/>	<input type="checkbox"/>
passenger transport	<input type="checkbox"/>	<input type="checkbox"/>	Other business activity (74)	<input type="checkbox"/>	<input type="checkbox"/>
freight transport	<input type="checkbox"/>	<input type="checkbox"/>	Motion picture distribution and projection (9211, 9212)	<input type="checkbox"/>	<input type="checkbox"/>

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 2: REGULATORY AND ADMINISTRATIVE POLICIES

The responses to this questionnaire will, along with other data, be used to update and develop a series of comparative indicators of product market regulation in OECD countries. These indicators are an essential element of the OECD's work. They improve our ability to compare regulatory frameworks across countries and enhance the policy advice of the OECD in a wide range of areas. A correct interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions. You should accurately answer as many questions as possible.

This section focuses on regulatory processes and capacities in the public administration.

Respondents are encouraged to use an electronic version of the questionnaire. This will make answering more efficient and allow results to be processed quickly and accurately. Respondents can get an electronic version of this section from Mr Paul Conway, the questionnaire co-ordinator. If it is impractical for respondents to use the electronic version of this section then they should use the paper version.

Unless otherwise specified in the instructions for each question:

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- The questions refer to regulations or policies issued or accepted by the national government and/or state and provincial government for federal countries.
- Answers should reflect the regulatory situation as it exists at the time of response, or as recently as possible. Please do not anticipate any future regulatory or reform actions.
- Please tick the appropriate box or provide the data requested for each question below. If exact information is not available, aggregates or informed estimates are acceptable. If necessary, you can provide more detailed information about specific practices in your country to supplement answers to this questionnaire.

- As soon as you receive this section of the questionnaire please fill in your contact details below and send them via fax or email to Mr Paul Conway, the co-ordinator of the Regulatory Indicators Questionnaire. This will allow the OECD Secretariat to ensure that all sections are allocated. Please also indicate if you would like to receive an electronic version of this section of the questionnaire.
- Once you have completed this section please send it to the contact person in the administration who should forward it to Mr Paul Conway. Electronic versions should be returned by email (paul.conway@oecd.org). Paper version should be mailed to: Paul Conway, Economics Department, OECD, 2 rue André Pascal, 75775 Paris Cedex 16, France.

NAME: _____

MINISTRY OR GOVERNMENT AGENCY: _____

COUNTRY: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

FOR ASSISTANCE CONTACT THE QUESTIONNAIRE HELP DESK:

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PLEASE RETURN THE COMPLETED SECTION TO MR CONWAY BY 19 DECEMBER 2003.

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 2: REGULATORY AND ADMINISTRATIVE POLICIES

For the purpose of answering the questions in this section **administrative burden** is defined as the costs involved in obtaining, reading and understanding procedures and regulations, developing compliance strategies and meeting mandated reporting requirements, including data collection, processing, and storage.

2.1 Regulation

2.1.1 Does government policy impose specific requirements in relation to the following aspects of regulatory quality assurance?

	For some sectors		Government wide	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
a) Regulatory impact analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Consultation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Transparency/freedom of information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Evaluation of the results of regulatory programmes (<i>ex post</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.1.2 Are there systematic procedures for making regulations known and accessible to affected parties? *Yes* *No*

2.1.3 Is there a general policy requiring “plain language” drafting of regulation? *Yes* *No*

2.1.4 Do affected parties have the right to appeal against adverse enforcement decisions in individual cases? *In all cases* *In some cases* *No*

2.1.5 Are regulators required to assess alternative policy instruments (regulatory and non-regulatory) before adopting new regulation? *Yes* *No*

2.1.6 Has guidance been issued on using alternatives to traditional regulation? *Yes* *No*

2.1.7 Is there an explicit programme to reduce the **administrative burdens** imposed by government on enterprises and/or citizens? *Yes* *No*

If the answer is “yes”:

a) Does this programme include quantitative targets? *Yes* *No*

b) Which of the following strategies are used? **tick as many as necessary**

i) New technologies for regulatory administration (E-government)

ii) Streamlining of government process requirements

- iii) Reallocating powers and responsibilities between government departments and/or between levels of government.
- iv) Other (please specify) _____

For questions 2.1.8 to 2.1.13 a **notification** is defined as a requirement when setting up a business to (i) provide information to a specific government authority and (ii) comply 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 from the government authority as a condition for conducting activities.

- | | <i>Yes</i> | <i>No</i> |
|---|---|--------------------------|
| 2.1.8 Is the “silence is consent” rule (i.e. that licenses are issued automatically if the licensing office has not acted by the end of the statutory response period) used at all? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.1.9 Are there single contact points (“one-stop shops”) for getting information on notifications and licenses? If the answer is “yes”: | <input type="checkbox"/> | <input type="checkbox"/> |
| a) Has this policy been implemented at the local level? | <input type="checkbox"/> | <input type="checkbox"/> |
| If the answer is “yes”: | | |
| i) What proportion of local governments/municipalities have put this policy into practice? | <div style="border: 1px solid black; width: 100%; height: 20px;"></div> | |
| | <i>Yes</i> | <i>No</i> |
| b) Is information on notifications and licenses available via the internet? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.1.10 Are there single contact points (“one-stop shops”) for issuing or accepting notifications and licenses? | <input type="checkbox"/> | <input type="checkbox"/> |
| If the answer is “yes”: | | |
| a) Has this policy been implemented at the local level? | <input type="checkbox"/> | <input type="checkbox"/> |
| If the answer is “yes”: | | |
| i) What proportion of local governments/municipalities have put this policy into practice? | <div style="border: 1px solid black; width: 100%; height: 20px;"></div> | |
| | <i>Yes</i> | <i>No</i> |
| b) Can notifications and licenses be issued or accepted via the internet? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.1.11 Does the national government (all ministries and agencies) keep a complete count of the number of permits and licenses required? | <input type="checkbox"/> | <input type="checkbox"/> |
| If the answer is “yes”: | | |
| a) What is the number? | <div style="border: 1px solid black; width: 100%; height: 20px;"></div> | |
| | <i>Yes</i> | <i>No</i> |
| 2.1.12 Is there a programme underway to review and reduce the number of licenses and permits required by the national government? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.1.13 Is there a programme underway to co-ordinate the review and reform of permits and licenses at subnational levels of government? | <input type="checkbox"/> | <input type="checkbox"/> |

2.2 The treatment of foreign parties

	<i>Yes</i>	<i>No</i>
2.2.1 Are there any specific provisions which require that regulations, prior to entry into force, be published or otherwise communicated to the public in a manner accessible at the international level?	<input type="checkbox"/>	<input type="checkbox"/>
2.2.2 Are there any inquiry points where affected or interested foreign parties can get information on the operation and enforcement of regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2.2.3 When appeal procedures relating to regulatory decisions are available in domestic regulatory systems, are they open to affected or interested foreign parties as well? (Note: appeal procedures refer to either complaint procedures addressed to the regulatory authorities or to judicial appeal procedures.)	<input type="checkbox"/>	<input type="checkbox"/>
2.2.4 Does your country have any specific provisions which require or encourage explicit recognition of the national treatment principle when applying regulations, so as to guarantee non-discrimination between foreign and domestic firms, goods or services?	<input type="checkbox"/>	<input type="checkbox"/>
2.2.5 Are there any specific provisions which require or encourage regulatory administrative procedures to avoid unnecessary trade restrictiveness?	<input type="checkbox"/>	<input type="checkbox"/>
2.2.6 Are there any specific provisions which require or encourage regulators to use internationally harmonised standards and certification procedures wherever possible and appropriate?	<input type="checkbox"/>	<input type="checkbox"/>
2.2.7 Are there any specific provisions which require or encourage regulators to consider recognising the equivalence of regulatory measures or the result of conformity assessment performed in other countries, wherever possible and appropriate?	<input type="checkbox"/>	<input type="checkbox"/>
2.2.8 Has your country engaged in Mutual Recognition Agreements (MRAs) in any sector(s) with any other country (countries)?	<input type="checkbox"/>	<input type="checkbox"/>
2.2.9 When business practices are perceived to restrict competition in a given market and hence prevent effective access by foreign firms (foreign owned or controlled), can foreign firms have redress:		
<i>a)</i> through competition agencies?	<input type="checkbox"/>	<input type="checkbox"/>
<i>b)</i> through trade policy bodies?	<input type="checkbox"/>	<input type="checkbox"/>
<i>c)</i> through the regulatory authorities involved?	<input type="checkbox"/>	<input type="checkbox"/>
<i>d)</i> through private rights of action?	<input type="checkbox"/>	<input type="checkbox"/>

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 3: ADMINISTRATIVE REQUIREMENTS FOR BUSINESS START-UPS

The responses to this questionnaire will, along with other data, be used to update and develop a series of comparative indicators of product market regulation in OECD countries. These indicators are an essential element of the OECD's work. They improve our ability to compare regulatory frameworks across countries and enhance the policy advice of the OECD in a wide range of areas. A correct interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions. You should accurately answer as many questions as possible.

This section focuses on the administrative requirements that entrepreneurs must satisfy in order to start a new business.

Data on administrative requirements for business start-ups have recently been collected for members of the European Union. These data have been published in the following paper:

"Benchmarking the Administration of Business Start-Ups", Centre for Strategy and Evaluation Services, for the European Commission Enterprise Directorate General, January 2002.

This paper is available from the following website:

http://europa.eu.int/comm/enterprise/entrepreneurship/support_measures/start-ups/bench_admin_business_start-up_final_2002.pdf

These data from this paper that will be used to construct indicators of administrative requirements for your country are available from Mr. Paul Conway, the co-ordinator for the Regulatory Indicators Questionnaire (contact details are given below).

If a member of the EU considers the data in this paper to be an accurate representation of the current regulatory framework in his or her country, and regulations have not changed significantly since 2001, then they may choose not to complete this section of the OECD Regulatory Indicators Questionnaire. However, if the regulatory framework has changed significantly in recent years and/or the data in the EC paper are not an accurate representation of the current regulatory framework, then EU member countries should provide updated information by completing this section. Members of the EU are asked to indicate which option they choose by answering the following question:

	<i>Yes</i>	<i>No</i>
The data in the paper "Benchmarking the Administration of Business Start-Ups" provide an accurate representation of the current regulatory framework and we therefore choose not to complete this section of the questionnaire.	<input type="checkbox"/>	<input type="checkbox"/>

Respondents are encouraged to use an electronic version of the questionnaire. This will make answering more efficient and allow results to be processed quickly and accurately. Respondents can get an electronic version of this section from Mr Paul Conway, the questionnaire co-ordinator. If it is impractical for respondents to use the electronic version of this section then they should use the paper version.

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THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 3: ADMINISTRATIVE REQUIREMENTS FOR BUSINESS START-UPS

Before completing this section please read the following definitions. These terms are shown in **bold** in the questions that follow.

Procedure: requires the entrepreneur to interact with national, state or local government office. For the purpose of answering the questions in this section, these procedures **exclude**:

- Employment related procedures that enterprises must complete if they intend to take on workers
- Sector-specific licences or permits (e.g., professional or technical qualifications)
- Activity-specific permits that must be obtained if an enterprise is to take on certain types of operational activity, such as environmental, public health, and construction permits.

Individual enterprise: an enterprise in which the owner is solely responsible for business liabilities, which are unlimited and extend to private assets.

Public limited company: an incorporated legal entity separate and independent of the owners or shareholders. Liability of the company is limited to the extent of its assets and individual shareholder liability is limited to the amount of capital contributed. Can raise capital through public subscriptions and can be listed on public debt and equity markets. No limits on the number of shareholders.

Pre-registration stage: includes all procedures required to be completed prior to submitting a request for notification to the initial registering body.

Registration stage: includes all procedures carried out after the initial request for registration has been submitted. The final outcome of this stage is that the enterprise is legally formed and all notifications are complete and, subject to sector or activity-specific licences, it can commence trading.

3.1 Administrative requirements for business start ups

3.1.1 Consider the following example: An entrepreneur wants to register an **individual enterprise**. This enterprise is exempt from industry-specific requirements (including environmental), does not export or qualify for investment incentives, and does not trade in goods that are subject to excise tax (e.g. alcohol, tobacco, petrol).

- a) In the first column of Table 3.1 please tick the mandatory **procedures** that the entrepreneur registering an **individual enterprise** would need to complete in the **pre-registration** stage of the start up process.
- b) In the first column of Table 3.2 please tick the mandatory **procedures** that the entrepreneur registering an **individual enterprise** would need to complete in the **registration** stage of the start up process.

3.1.2 Consider the following example: An entrepreneur wants to register a **public limited company**. This enterprise is exempt from industry-specific requirements (including environmental), does not export or qualify for investment incentives, and does not trade in goods that are subject to excise tax (eg, alcohol, tobacco, gas).

- a) In the second column of Table 3.1 please tick the mandatory **procedures** that the entrepreneur registering a **public limited company** would need to complete in the **pre-registration** stage of the start up process.
- b) In the second column of Table 3.2 please tick the mandatory **procedures** that the entrepreneur registering a **public limited company** would need to complete in the **registration** stage of the start up process.

Table 3.1: Mandatory Procedures – Pre-registration stage	individual enterprise	public limited company
	tick as many as necessary	
Formal approval of proposed name	<input type="checkbox"/>	<input type="checkbox"/>
Confirm skills/qualifications with authorities (if applicable to all new enterprises)	<input type="checkbox"/>	<input type="checkbox"/>
Obtain certificate of no outstanding taxes	<input type="checkbox"/>	<input type="checkbox"/>
Obtain certificate of “good character” (no criminal record, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
Obtain overall permit to conduct economic activity (if applicable to all new enterprises)	<input type="checkbox"/>	<input type="checkbox"/>
Complete management training course (if applicable to all new enterprises)	<input type="checkbox"/>	<input type="checkbox"/>
Registration of domicile of business	<input type="checkbox"/>	<input type="checkbox"/>
Formal validation of signatures of representatives of the business	<input type="checkbox"/>	<input type="checkbox"/>
Notary draws up (or confirms) formal deed of incorporation/partnership agreement/registration deed	<input type="checkbox"/>	<input type="checkbox"/>
Founders (or advisers) draw up formal deed of incorporation/partnership agreement/registration deed	<input type="checkbox"/>	<input type="checkbox"/>
Appoint board members/manager	<input type="checkbox"/>	<input type="checkbox"/>
Open bank account and deposit capital	<input type="checkbox"/>	<input type="checkbox"/>
Obtain certificate from bank of capital deposited	<input type="checkbox"/>	<input type="checkbox"/>
Audit report on deed of incorporation/foundation report or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
Create financial plan to show viability	<input type="checkbox"/>	<input type="checkbox"/>
Hold statutory meetings (shareholders/subscribers, approval of foundation report by board, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
Shares offered for subscription	<input type="checkbox"/>	<input type="checkbox"/>
Lawyer or notary certifies documents for submission to registration authorities	<input type="checkbox"/>	<input type="checkbox"/>
Prepare dossier for registration authorities	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of all social security charges paid	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of all compulsory healthcare paid	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

Table 3.2: Mandatory Procedures – Registration stage	individual enterprise	public limited company
	tick as many as necessary	
Legal announcement in newspapers	<input type="checkbox"/>	<input type="checkbox"/>
Submit registration dossier to “one-stop-shop”	<input type="checkbox"/>	<input type="checkbox"/>
Seek approval for registration from Commercial Court/Court of First Instance or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
Seek approval from Companies Agency or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
Seek approval for registration from local/municipal authorities	<input type="checkbox"/>	<input type="checkbox"/>
Seek approval for registration from central government	<input type="checkbox"/>	<input type="checkbox"/>
Approval of name by official agency	<input type="checkbox"/>	<input type="checkbox"/>
Register (notify) with Commercial Court/Trade Register/Companies Agency/Craft Register or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
Register with Trade Association/Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>
Tax Office or equivalent stamps/certifies company records or account books	<input type="checkbox"/>	<input type="checkbox"/>
Publish registration in Official Journal or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
Apply for tax identification card/number	<input type="checkbox"/>	<input type="checkbox"/>
Apply for opening licence from local/municipal authorities	<input type="checkbox"/>	<input type="checkbox"/>
Obtain mandatory pension insurance	<input type="checkbox"/>	<input type="checkbox"/>
Obtain mandatory civil insurance, e.g. employers’ liability	<input type="checkbox"/>	<input type="checkbox"/>
Notify Tax Office (all taxes)	<input type="checkbox"/>	<input type="checkbox"/>
Notify Social Security Office or insurance fund	<input type="checkbox"/>	<input type="checkbox"/>
Notify VAT Office	<input type="checkbox"/>	<input type="checkbox"/>
Notify Business Tax Office	<input type="checkbox"/>	<input type="checkbox"/>
Notify National Statistical Office	<input type="checkbox"/>	<input type="checkbox"/>
Notify Ministry of Labour	<input type="checkbox"/>	<input type="checkbox"/>
Notify local/municipal tax authorities	<input type="checkbox"/>	<input type="checkbox"/>
Notify other local/municipal authorities of registration	<input type="checkbox"/>	<input type="checkbox"/>
Tax office verifies business domicile	<input type="checkbox"/>	<input type="checkbox"/>
Notify Post Office	<input type="checkbox"/>	<input type="checkbox"/>
Compulsory accident insurance	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

In the following questions **typical** refers to the average time and cost involved in setting up a straight-forward business entity entirely through the most widely used process of registration.

3.1.3 In the following table please indicate the typical amount of time it would take an entrepreneur to complete all of the mandatory procedures required to set up an individual enterprise and a public limited company. Please give your answer in total working days elapsed from the day the entrepreneur starts the pre-registration process to the point at which the registration process is complete. Please split your answer between the pre-registration stage and the registration stage.

	Individual enterprise		Public limited company	
	re-registration	Registration	re-registration	Registration
How many working days would it typically take an entrepreneur to complete all mandatory procedures?				

3.1.4 In the following table please indicate the typical cost of fulfilling all the mandatory procedures required to set up an individual enterprise and a public limited company. **Cost** refers to identifiable direct official expenses paid to official bodies associated with setting up a new business entity (e.g., legally specified fees, charges and taxes). It does not include the cost of the entrepreneur's time or foregone profits. Please split your answer between the pre-registration stage and the registration stage.

	Individual enterprise		Public limited company	
	re-registration	Registration	re-registration	Registration
How much would it typically cost an entrepreneur (in local currency) to complete all mandatory procedures?				

3.1.5 In the following table please indicate how many different public and private bodies an entrepreneur would need to contact to set up an individual enterprise and a public limited company. Treat different departments within the same organisation as different points of contact. Split your answer between the pre-registration stage and the registration stage.

	Individual enterprise		Public limited company	
	re-registration	Registration	re-registration	Registration
How many different public and private bodies must an entrepreneur contact?				

3.1.5 In the following table please indicate the mandatory minimum paid-up capital needed to register an individual enterprise and a public limited company.

	Individual enterprise	Public limited company
Minimum paid-up capital (in local currency).		

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 4: PROFESSIONAL SERVICES

The responses to this questionnaire will, along with other data, be used to update and develop a series of comparative indicators of product market regulation in OECD countries. These indicators are an essential element of the OECD's work. They improve our ability to compare regulatory frameworks across countries and enhance the policy advice of the OECD in a wide range of areas. A correct interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions. You should accurately answer as many questions as possible.

This section focuses on regulations that may have an impact on some professional services (specifically, accounting, legal services, engineering, and architectural services.)

Data on regulations for professional services have recently been collected for members of the European Union. These data have been published in the following paper:

Paterson, Fink, Ogas *et al* (Jan 2003) "Economic impact of regulation in the field of liberal professions in different Member States", Institute for Advanced Studies, Vienna, study for the European Commission.

This paper is available from the following website:

<http://europa.eu.int/comm/competition/publications/publications/index.html#liberal>

The data from this paper that would be used to construct indicators of regulations on professional services for your country are available from Mr. Paul Conway, the co-ordinator for the Regulatory Indicators Questionnaire (contact details are given below).

If a member of the EU considers the data in this paper to be an accurate representation of the current regulatory framework in his or her country, and regulations have not changed significantly since January 2003, then they may choose not to complete this section of the OECD Regulatory Indicators Questionnaire. However, if the regulatory framework has changed significantly in recent years and/or the data in the EC paper are not an accurate representation of the current regulatory framework, then EU member countries should provide updated information by completing this section. Members of the EU are asked to indicate which option they choose by answering the following question:

	<i>Yes</i>	<i>No</i>
The data in the paper "Economic impact of regulation in the field of liberal professions in different Member States" provide an accurate representation of the current regulatory framework and we therefore choose not to complete this section of the questionnaire.	<input type="checkbox"/>	<input type="checkbox"/>

Respondents are encouraged to use an electronic version of the questionnaire. This will make answering more efficient and allow results to be processed quickly and accurately. Respondents can get an electronic version of this section from Mr Paul Conway, the questionnaire co-ordinator. If it is impractical for respondents to use the electronic version of this section then they should use the paper version.

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- Please tick the appropriate box or provide the data requested for each question below. If exact information is not available, aggregates or informed estimates are acceptable. If necessary, you can provide more detailed information about specific practices in your country to supplement answers to this questionnaire.
- As soon as you receive this section of the questionnaire please fill in your contact details below and send them via fax or email to Mr Paul Conway, the co-ordinator of the Regulatory Indicators Questionnaire. This will the OECD Secretariat to ensure that all sections are allocated. Please also indicate if you would like to receive an electronic version of this section of the questionnaire.
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NAME: _____

MINISTRY OR GOVERNMENT AGENCY: _____

COUNTRY: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

FOR ASSISTANCE CONTACT THE QUESTIONNAIRE HELP DESK:

Mr. Paul Conway: Tel: (33 1) 45 24 88 22, Fax: (33 1) 44 30 61 66; e-mail: paul.conway@oecd.org.

PLEASE RETURN THE COMPLETED SECTION TO MR CONWAY BY 19 DECEMBER 2003.

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 4: PROFESSIONAL SERVICES

The professional services surveyed in this section correspond to the following ISIC (rev3.1) codes: Accounting 7412, Legal services 7411, Architectural and engineering 7421.

4.1 Exclusive and shared exclusive tasks

A profession has an **exclusive right** over a particular activity when that activity is reserved by law solely to that profession. A profession has a **shared exclusive right** over an activity when that activity is reserved by law to that profession and other professions.

4.1.1 In the following table please indicate the services that the accounting profession has an **exclusive** or **shared exclusive** right to provide.

Table 4.1.1 Accountancy	tick as many as necessary	
	Exclusive right	Shared exclusive right
Statutory audit	<input type="checkbox"/>	<input type="checkbox"/>
Non-statutory audit	<input type="checkbox"/>	<input type="checkbox"/>
Audit of mergers and of contribution in kind	<input type="checkbox"/>	<input type="checkbox"/>
Public sector audit	<input type="checkbox"/>	<input type="checkbox"/>
Accounting (including public-sector accounting and book-keeping)	<input type="checkbox"/>	<input type="checkbox"/>
Insolvency practice	<input type="checkbox"/>	<input type="checkbox"/>
Tax advice	<input type="checkbox"/>	<input type="checkbox"/>
Tax representation	<input type="checkbox"/>	<input type="checkbox"/>
Management consultancy, including financial planning	<input type="checkbox"/>	<input type="checkbox"/>
Investment advice	<input type="checkbox"/>	<input type="checkbox"/>
Legal advice and representation	<input type="checkbox"/>	<input type="checkbox"/>
Expert witness in accounting	<input type="checkbox"/>	<input type="checkbox"/>

4.1.2 In the following table please indicate the services that the legal profession has an **exclusive** or **shared exclusive** right to provide.

Table 4.1.2 Legal Services	tick as many as necessary	
	Exclusive right	Shared exclusive right
Advice on matters predominantly regulated by domestic law	<input type="checkbox"/>	<input type="checkbox"/>
Advice on matters predominantly regulated by international law	<input type="checkbox"/>	<input type="checkbox"/>
Advice on matters predominantly regulated by foreign law	<input type="checkbox"/>	<input type="checkbox"/>
Transferring of title to real estate, wills and regulation of family matters (conveyancing)	<input type="checkbox"/>	<input type="checkbox"/>
Representation of clients before courts	<input type="checkbox"/>	<input type="checkbox"/>
Representation before administrative agencies, including on tax matters	<input type="checkbox"/>	<input type="checkbox"/>
Tax advice	<input type="checkbox"/>	<input type="checkbox"/>
Insolvency practice	<input type="checkbox"/>	<input type="checkbox"/>
Management consulting and other business advisory services	<input type="checkbox"/>	<input type="checkbox"/>
Advice and representation on patent law	<input type="checkbox"/>	<input type="checkbox"/>

4.1.3 In the following table please indicate the services that the engineering profession has an **exclusive** or **shared exclusive** right to provide.

Table 4.1.3 Engineering	tick as many as necessary	
	Exclusive right	Shared exclusive right
Feasibility studies	<input type="checkbox"/>	<input type="checkbox"/>
Environmental assessments	<input type="checkbox"/>	<input type="checkbox"/>
Design and planning	<input type="checkbox"/>	<input type="checkbox"/>
Representation for obtention of permits (signature of designs)	<input type="checkbox"/>	<input type="checkbox"/>
Tender and contract administration	<input type="checkbox"/>	<input type="checkbox"/>
Project management including monitoring of execution	<input type="checkbox"/>	<input type="checkbox"/>
Construction cost management	<input type="checkbox"/>	<input type="checkbox"/>
Planning and managing maintenance; survey of sites	<input type="checkbox"/>	<input type="checkbox"/>
Testing and certification	<input type="checkbox"/>	<input type="checkbox"/>
Expert witness activities	<input type="checkbox"/>	<input type="checkbox"/>

4.1.4 In the following table please indicate the services that the architectural profession has an **exclusive** or **shared exclusive** right to provide.

Table 4.1.4 Architectural services	tick as many as necessary	
	Exclusive right	Shared exclusive right
Feasibility studies	<input type="checkbox"/>	<input type="checkbox"/>
Topographical determination, demarcation, land surveying	<input type="checkbox"/>	<input type="checkbox"/>
Planning (elaboration of blue prints)	<input type="checkbox"/>	<input type="checkbox"/>
Request for construction permit	<input type="checkbox"/>	<input type="checkbox"/>
Preparation and monitoring of construction/execution	<input type="checkbox"/>	<input type="checkbox"/>
Technical control and certification	<input type="checkbox"/>	<input type="checkbox"/>
Construction cost management	<input type="checkbox"/>	<input type="checkbox"/>
Urban and landscape planning	<input type="checkbox"/>	<input type="checkbox"/>
Interior design	<input type="checkbox"/>	<input type="checkbox"/>

4.2 Entry requirements

4.2.1 Please indicate the extent of entry requirements for each of the professions by answering the questions in Table 4.2.1.

	Accountancy			Legal services			Engineering			Architecture		
	Yes	No	If “yes”, how many years duration?	Yes	No	If “yes”, how many years duration?	Yes	No	If “yes”, how many years duration?	Yes	No	If “yes”, how many years duration?
Table 4.2.1: Entry requirements												
Is access to the profession regulated, for example, through compulsory licenses issued at the national or sub-national level?	<input type="checkbox"/>	<input type="checkbox"/>										
Is membership in a professional organisation compulsory in order to legally practice?	<input type="checkbox"/>	<input type="checkbox"/>										
Is a university degree required to enter the profession?	<input type="checkbox"/>	<input type="checkbox"/>										
Is there any other higher-education required to enter the profession?	<input type="checkbox"/>	<input type="checkbox"/>										
Is there a requirement of relevant compulsory practice to become a full member of the profession?	<input type="checkbox"/>	<input type="checkbox"/>										
Is there a requirement to pass one or more professional examinations to become a full member of the profession?	<input type="checkbox"/>	<input type="checkbox"/>										

4.3 Treatment of foreign professionals

	Accountancy		Legal services		Engineering		Architecture	
	Yes	No	Yes	No	Yes	No	Yes	No
4.3.1 Are foreign professionals who are authorised to practice in their own country able to be accredited / licensed to practice in your country? If the answer is “yes”:	<input type="checkbox"/>							
a) Is the number of foreign professionals/firms permitted to practice restricted by quotas or economic needs tests? ⁵	<input type="checkbox"/>							
b) Is a local presence (the establishment of a firm or residency for individuals) required in order to provide services?	<input type="checkbox"/>							
c) What qualification requirements must foreign professionals meet before they are permitted to practice (please tick the appropriate boxes)?								
	Accountancy		Legal services		Engineering		Architecture	
i) Foreign qualification (recognition)	<input type="checkbox"/>							
ii) Local retraining	<input type="checkbox"/>							
iii) Aptitude test	<input type="checkbox"/>							
iv) Language skills	<input type="checkbox"/>							
v) Other, please specify	<input type="checkbox"/>							

4.4 Regulations on market behaviour

4.4.1 In the following table please indicate if the permitted legal form of a business is restricted to a particular type.

Table 4.4.1: Business form	Accountancy		Legal services		Engineering		Architecture	
	No	Yes	No	Yes	No	Yes	No	Yes
Is the form of business restricted?	<input type="checkbox"/>	<input type="checkbox"/>						
If “yes”, which kinds of structures are permitted?	tick as many as necessary							
Sole partnerships	<input type="checkbox"/>	<input type="checkbox"/>						
Limited liability partnerships	<input type="checkbox"/>	<input type="checkbox"/>						
Private companies	<input type="checkbox"/>	<input type="checkbox"/>						
Public limited companies	<input type="checkbox"/>	<input type="checkbox"/>						

5. A quota refers to a quantitative limit on the number of people who can enter the profession. Restrictions under an economic needs test would be based on the perceptions of the regulator that there is not an economic need for new entrants to the profession.

4.4.2 In the following table please indicate if the fees or prices that a profession charges for its services are regulated in any way (either by government or self-regulated by the profession).

Table 4.4.2: Fee regulation	Accountancy		Legal services		Engineering		Architecture	
	No	Yes	No	Yes	No	Yes	No	Yes
Are fees/prices regulated or self-regulated?	<input type="checkbox"/>	<input type="checkbox"/>						
If “yes”, what is the nature of these regulations?	tick the most appropriate							
Binding minimum prices for all services	<input type="checkbox"/>	<input type="checkbox"/>						
Binding maximum prices for all services	<input type="checkbox"/>	<input type="checkbox"/>						
Binding minimum prices for some services	<input type="checkbox"/>	<input type="checkbox"/>						
Binding maximum prices for some services	<input type="checkbox"/>	<input type="checkbox"/>						
Non-binding recommended prices for all services	<input type="checkbox"/>	<input type="checkbox"/>						
Non-binding recommended prices for some services	<input type="checkbox"/>	<input type="checkbox"/>						
Other (please describe)								

4.4.3 In the following table please indicate if advertising and marketing by the profession is regulated in any way.

Table 4.4.3: Advertising regulation	Accountancy		Legal services		Engineering		Architecture	
	No	Yes	No	Yes	No	Yes	No	Yes
Is advertising and marketing by professionals prohibited? If the answer is “no”:	<input type="checkbox"/>							
Is advertising and marketing by professionals regulated?	<input type="checkbox"/>							

4.4.4 In the following table please indicate the degree to which co-operation between the professions (e.g., partnerships, associations, joint ventures) is permitted.

Table 4.4.4: Inter-professional co-operation	Accountancy		Legal services		Engineering		Architecture	
	No	Yes	No	Yes	No	Yes	No	Yes
Are there restrictions on co-operation between professionals?	<input type="checkbox"/>	<input type="checkbox"/>						
If “yes”, what is the nature of these regulations?	tick the most appropriate							
Inter-professional co-operation of any form is generally forbidden	<input type="checkbox"/>	<input type="checkbox"/>						
Inter-professional co-operation is allowed only between comparable licensed professionals	<input type="checkbox"/>	<input type="checkbox"/>						
Inter-professional co-operation is generally allowed.	<input type="checkbox"/>	<input type="checkbox"/>						

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 5: TRANSPORTATION

The responses to this questionnaire will, along with other data, be used to update and develop a series of comparative indicators of product market regulation in OECD countries. These indicators are an essential element of the OECD's work. They improve our ability to compare regulatory frameworks across countries and enhance the policy advice of the OECD in a wide range of areas. A correct interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions. You should accurately answer as many questions as possible.

This section focuses on regulations in three transport sectors: road freight, railways, and passenger air travel.

Respondents are encouraged to use an electronic version of the questionnaire. This will make answering more efficient and allow results to be processed quickly and accurately. Respondents can get an electronic version of this section from Mr Paul Conway, the questionnaire co-ordinator. If it is impractical for respondents to use the electronic version of this section then they should use the paper version.

Unless otherwise specified in the instructions for each question:

- The term "regulation" covers the diverse set of instruments by which governments impose requirements on enterprises and citizens. Regulations include laws, formal and informal orders, subordinate rules, administrative formalities and rules issued by non-governmental or self-regulatory bodies which have been delegated regulatory power by the government.
- The questions refer to regulations or policies issued or accepted by the national government and/or state and provincial government for federal countries.
- Answers should reflect the regulatory situation as it exists at the time of response, or as recently as possible. Please do not anticipate any future regulatory or reform actions.
- Please tick the appropriate box or provide the data requested for each question below. If exact information is not available, aggregates or informed estimates are acceptable. If necessary, you can provide more detailed information about specific practices in your country to supplement answers to this questionnaire.
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NAME: _____

MINISTRY OR GOVERNMENT AGENCY: _____

COUNTRY: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

**FOR ASSISTANCE CONTACT THE QUESTIONNAIRE HELP DESK:
Mr. Paul Conway: Tel: (33 1) 45 24 88 22, Fax: (33 1) 44 30 61 66; e-mail: paul.conway@oecd.org.**

PLEASE RETURN THE COMPLETED SECTION TO MR CONWAY BY 19 DECEMBER 2003.

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 5: TRANSPORTATION

5.1 Road freight

In this section, road freight corresponds to ISIC (rev. 3.1) sector 6023. Therefore, the questions do not refer to road freight transport operated by businesses for their own use (except when referred to directly).

5.1.1 Market access

	<i>Yes</i>	<i>No</i>
5.1.1.1 Is registration in a transport register required in order to establish a new business in the road freight sector?	<input type="checkbox"/>	<input type="checkbox"/>
5.1.1.2 In order to establish a national road freight business (other than for transporting dangerous goods or goods for which sanitary assurances are required) do operators need to:		
a) be granted a state concession or franchise by any level of government?	<input type="checkbox"/>	<input type="checkbox"/>
b) obtain a license (other than a driving license) or permit from the government or a regulatory agency?	<input type="checkbox"/>	<input type="checkbox"/>
5.1.1.3 If establishing a business in national road freight services is subject to either of the procedures in a) or b) of the previous question, please answer the following questions:		
a) are criteria other than technical and financial fitness and compliance with public safety requirements considered in decisions on entry of new operators?	<input type="checkbox"/>	<input type="checkbox"/>
b) do these entry regulations apply if a firm wants to transport only for its own account?	<input type="checkbox"/>	<input type="checkbox"/>
c) does an authorisation to operate cover the entire road network of the country?	<input type="checkbox"/>	<input type="checkbox"/>
d) is the authorisation to operate limited in duration?	<input type="checkbox"/>	<input type="checkbox"/>
e) are authorisations to operate transferable?	<input type="checkbox"/>	<input type="checkbox"/>
5.1.1.4 Does the regulator, through licenses or otherwise, have any power to limit industry capacity?	<input type="checkbox"/>	<input type="checkbox"/>
If the answer is “No”, are any of the following constraints in place?		
a) complete prohibition of cabotage	<input type="checkbox"/>	<input type="checkbox"/>
b) limitations on cabotage	<input type="checkbox"/>	<input type="checkbox"/>
c) domestic carrier requirements for government transport contracts (public procurement)	<input type="checkbox"/>	<input type="checkbox"/>
d) restrictions on foreign firms picking up freight (e.g. if they have only delivered in the country)	<input type="checkbox"/>	<input type="checkbox"/>
e) other (please specify) _____		

- | | <i>Yes</i> | <i>No</i> |
|---|--------------------------|--------------------------|
| 5.1.1.5 Are professional bodies or representatives of trade and commercial interests involved in specifying or enforcing entry regulations? | <input type="checkbox"/> | <input type="checkbox"/> |

5.1.2 Industry behaviour

- | | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|
| 5.1.2.1 Are there any regulations setting conditions for driving and resting periods? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.2.2 Do regulations prevent or constrain: | | |
| a) backhauling (picking up freight on the return leg)? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) private carriage (transport only for own account)? | <input type="checkbox"/> | <input type="checkbox"/> |
| c) contract carriage (contractual relation between an otherwise independent haulier and one shipper)? | <input type="checkbox"/> | <input type="checkbox"/> |
| d) intermodal operations (operating or ownership links between firms in different transportation sectors)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.2.3 Within the last five years, have laws or regulations removed restrictions on: | | |
| a) own-account shipments? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) commercial, for-hire shipments? | <input type="checkbox"/> | <input type="checkbox"/> |

5.1.3 Prices

- | | <i>Yes</i> | <i>No</i> |
|---|--------------------------|--------------------------|
| 5.1.3.1 Are retail prices of road freight services in any way regulated by the government? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.3.2 Does the government provide pricing guidelines to road freight companies? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.3.3 Are professional bodies or representatives of trade and commercial interests involved in specifying or enforcing pricing guidelines or regulations? | <input type="checkbox"/> | <input type="checkbox"/> |

5.1.4 Recent changes in road transport policy

In the following table please indicate any major changes in government policy on road freight that have occurred since 1998. For example, areas of policy change might include changes in rules of market access, public ownership, foreign investment, adoption of international standards, pricing rules, etc.

Area of policy change	Year of change	Description of policy change

5.2 Railways

To answer the questions in this section, please interpret railways only as transport involving inter-urban or international rail (ISIC rev. 3.1 code 6010). Exclude urban transportation such as subways and tramways.

The term “incumbent” refers to the railway operator (typically a state-owned legal monopoly) that was granted exclusive rights over service supply prior to any deregulation of the industry.

5.2.1 Industry and market structure

5.2.1.1 These questions aim at clarifying the current organisation of the operation of infrastructure (installation and maintenance of tracks, signalling, etc.) and the provision of railway services (the actual transport of passengers or freight). Please tick the correct answer.

- | | <i>Yes</i> | <i>No</i> |
|--|--------------------------|--------------------------|
| a) Are these two activities carried out by completely separate firms that are controlled by different sets of shareholders (ownership separation)? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are these two activities carried out by different legal entities that are controlled by the same shareholders (legal separation)? | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Are these two activities carried out within the same firm(s) with separate bookkeeping (accounting separation)? | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Are these two activities carried out within the same firm (no separation)? | <input type="checkbox"/> | <input type="checkbox"/> |

5.2.1.2 In the following table please provide information on the market structure of the passenger and freight transport sectors.

Industry and market structure	Railway activities	
	Passenger transport	Freight transport
Total number of operators		
Market share (passenger-kilometres or tons-kilometres) of largest operator		
Market share (passenger-kilometres or tons-kilometres) of second largest operator		
Maximum number of operators competing in the same geographic area/rail district		

5.2.1.3 Please provide information on the ownership structure of the largest operator in the infrastructure, passenger, and freight transport sectors in the following table.

Ownership structure of the largest operator for each activity	Railway activities					
	Operation of infrastructure		Provision of services			
			Passenger transport		Freight transport	
	<i>yes</i>	<i>no</i>	<i>yes</i>	<i>no</i>	<i>yes</i>	<i>no</i>
National, state or provincial authorities own 100% of the shares of the largest operator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National, state or provincial authorities own between 50 and 100% of the shares of the largest operator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National, state or provincial authorities are minority shareholders in the largest operator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The largest operator is a private company (<i>i.e.</i> , no government ownership)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5.2.2 Market access

5.2.2.1 In the following table please provide information on the legal conditions of entry in the passenger and freight transport sectors.

Legal conditions of entry	Railway activities			
	Passenger transport		Freight transport	
	<i>yes</i>	<i>no</i>	<i>yes</i>	<i>no</i>
Entry franchised to single firm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry franchised to several firms, each having exclusive rights to a geographic area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry franchised to several firms that compete in the same geographic area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry regulated only according to EU 1991 directive (EU countries only)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Free entry (upon paying access fees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5.2.2.2 Are there any foreign ownership restrictions on individuals or corporations investing in:

- | | <i>Yes</i> | <i>No</i> |
|---|--------------------------|--------------------------|
| a) the provider(s) of the national (or state) railroad grid? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) the provider(s) of the national (or state) railway services? | <input type="checkbox"/> | <input type="checkbox"/> |

5.2.3 Industry behaviour

5.2.3.1 Does the government have any liabilities for losses made by a railway company? *Yes* *No*

5.2.3.2 Did the government in the past five years make up for any financial losses of railway companies? *Yes* *No*

5.2.3.3 Are companies operating the infrastructure or providing railway services subject to universal service requirements (e.g. obligation to serve specified customers or areas)? *Yes* *No*

If the answer is “Yes”:

- | | | |
|---|--------------------------|--------------------------|
| a) Do these requirements put restrictions on the ability to exit particular activities or routes? | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|

5.2.4 Prices

5.2.4.1 Are there limitations on profits or rates of return that can be realised by:

- | | | |
|--|--------------------------|--------------------------|
| a) firm(s) operating the infrastructure? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) firm(s) providing railway services? | <input type="checkbox"/> | <input type="checkbox"/> |

5.2.4.2 Please provide information about **regulation of access charges and retail prices** in railways activities in the following table. In filling out the boxes, please write an “**T**” when restrictions or obligations apply to the incumbent, a “**D**” when restrictions or obligations apply to the incumbent and to other dominant operators, an “**A**” when restrictions or obligations apply to all operators.

Price regulation	Pricing of railway activities		
	Charges for accessing the railway infrastructure	Retail prices of railway services	
		Passenger transport	Freight transport
Are prices regulated? No , no price regulation			
Yes , some or all prices regulated			
If yes , what is the target of regulation? Price ceiling			
Price floor			
Exact price			
If yes, what is the basis for regulation? Price inflation (e.g. RPI-X) or other objective benchmark (e.g. price in other countries)			
Costs of the operator			
If yes , what is the mode of regulation? Prices or tariffs are set by regulator			
Prices set by operator but need to be approved by the regulator			
Other			

5.2.4.3 Are companies operating the infrastructure or providing railway services required to set prices in order to cover at least a minimum amount of cost? *yes* *no*

If the answer is “yes”:

a) What is the amount (in percent) that should be covered? _____

5.2.5 Recent changes in rail transport policy

In the following table please indicate any major changes in government policy on rail transport that have occurred since 1998. For example, areas of policy change might include changes in rules of market access, public ownership, foreign investment, adoption of international standards, pricing rules, structural separation, etc.

Area of policy change	Year of change	Description of policy change

5.3 Air travel (non freight)

This section deals with transportation of passengers by scheduled air carriers. Please answer with reference to carriers transporting more than 500 000 passengers per year. The following conventions are adopted:

- A carrier is defined as independent if it is not controlled by another carrier.
- A route is defined as the flight connecting a city pair.
- Traffic on a route is measured by the number of leisure and business passengers-kilometres per year.
- The term **incumbent** refers to the air carrier (typically a state-owned legal monopoly) that was granted exclusive rights over service supply prior to any deregulation of the industry.

5.3.1 Industry and market structure

5.3.1.1 Please provide information on the market structure of the airline industry in the following table.

Market structure	Routes			
	Domestic (traffic on routes between two domestic airports)		International (traffic on routes between a domestic and a foreign airport)	
	All routes	Route with highest traffic per year	All routes	Route with highest traffic per year
Number of independent carriers				
Share of traffic (passenger-kilometres) of the largest carrier				
Share of traffic (passenger-kilometres) of the incumbent carrier				
Number of independent carriers which started providing services in the last five years				

5.3.1.2 How many of the 100 busiest international routes are served by three or more carriers (domestic or foreign)?

5.3.1.3 Do national, state, or provincial authorities own shares in the largest carrier (domestic and international traffic combined)?

Yes **No**

If the answer is “yes”:

a) What is the percentage of shares owned by national, state or provincial authorities?

- 5.3.1.4 Do national, state or provincial governments have special voting rights (e.g. golden shares) in the assembly of shareholders of an incumbent airline company? *Yes*
 No

5.3.2 Market access

Before completing the questions in this sub-section please note the following definitions.

Open sky agreements grant full fifth and sixth freedom rights to airlines in participating countries. Fifth air traffic freedom allows airlines to carry passengers between two foreign countries on routes which originate or end in their home country. Sixth air traffic freedom allows airlines to carry passengers between two foreign countries on two routes that connect in their home country.

Regional aviation agreements are the aviation equivalents of free-trade areas and transform sub-sets of bilateral air routes between participating countries into domestic routes within the common aviation market.

- 5.3.2.1 Does your country have an open skies agreement with the United States? *Yes*
 No

If the answer is “yes”:
 a) on what date did it come into force?
- 5.3.2.2 Is your country participating in a regional agreement? *Yes*
 No

If the answer is “yes”:
 a) on what date did it come into force?
- 5.3.2.3 Is the domestic aviation market in your country fully liberalised? That is, there are no restrictions on the number of (domestic) airlines that are allowed to operate on domestic routes. *Yes*
 No
- 5.3.2.4 Are there any foreign ownership restrictions on individuals or corporations investing in the provider(s) of air transport services?
If the answer is “yes”:
 a) What is the ceiling on foreign investment in an airline company?

5.3.3 Industry behaviour

- 5.3.3.1 Does the government have any liabilities for losses made by an airline company? *Yes*
 No
- 5.3.3.2 Did the government in the past five years make up for losses incurred by an airline company?
- 5.3.3.3 Are carriers operating on domestic routes subject to universal service requirements (e.g. obligation to serve specified customers or areas)?
If the answer is “yes”:
 a) Do these restrictions put restrictions on the ability to exit particular activities or routes?
- 5.3.3.4 Are the prices of domestic air fares regulated in any way?

5.3.4 Recent changes in air travel (non freight) policy

In the following table please indicate any major changes in government policy on air travel policy that have occurred since 1998. For example, areas of policy change might include changes in rules of market access, public ownership, foreign investment, adoption of international standards, etc.

Area of policy change	Year of change	Description of policy change

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 6: RETAIL DISTRIBUTION

The responses to this questionnaire will, along with other data, be used to update and develop a series of comparative indicators of product market regulation in OECD countries. These indicators are an essential element of the OECD's work. They improve our ability to compare regulatory frameworks across countries and enhance the policy advice of the OECD in a wide range of areas. A correct interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions. You should accurately answer as many questions as possible.

This section focuses on regulations in the retail sector. Unless otherwise stated, **retail distribution** is defined as retail sales of motor vehicles and fuel (ISIC rev 3.1 G50), retail trade in all other goods, and repair of personal and household goods (ISIC rev 3.1 G52) through specialised and non specialised outlets of all dimensions (traditional stores, department stores, supermarkets, hypermarkets). Hotels and restaurants are excluded. If answers are provided for a different definition of retail distribution, please indicate below how distribution is defined:

The definition of retail distribution

In this questionnaire, **large outlets** are defined as sales outlets with more than 1 000 m² of sales space (regardless of the products sold). If answers are provided for a different definition of large outlets (e.g. corresponding to national definitions) please indicate below how large outlets are defined:

The definition of large outlets:

Respondents are encouraged to use an electronic version of the questionnaire. This will make answering more efficient and allow results to be processed quickly and accurately. Respondents can get an electronic version of this section from Mr Paul Conway, the questionnaire co-ordinator. If it is impractical for respondents to use the electronic version of this section then they should use the paper version.

Unless otherwise specified in the instructions for each question:

- The term "regulation" covers the diverse set of instruments by which governments impose requirements on enterprises and citizens. Regulations include laws, formal and informal orders, subordinate rules, administrative formalities and rules issued by non-governmental or self-regulatory bodies which have been delegated regulatory power by the government.
- The questions refer to regulations or policies issued or accepted by the national government and/or state and provincial government for federal countries.
- Answers should reflect the regulatory situation as it exists at the time of response, or as recently as possible. Please do not anticipate any future regulatory or reform actions.

- Please tick the appropriate box or provide the data requested for each question below. If exact information is not available, aggregates or informed estimates are acceptable. If necessary, you can provide more detailed information about specific practices in your country to supplement answers to this questionnaire.
- As soon as you receive this section of the questionnaire please fill in your contact details below and send them via fax or email to Mr Paul Conway, the co-ordinator of the Regulatory Indicators Questionnaire. This will allow the OECD Secretariat to ensure that all sections are allocated. Please also indicate if you would like to receive an electronic version of this section of the questionnaire.
- Once you have completed this section please send it to the contact person in the administration who should forward it to Mr Paul Conway. Electronic versions should be returned by email (paul.conway@oecd.org). Paper version should be mailed to: Paul Conway, Economics Department, OECD, 2 rue André Pascal, 75775 Paris Cedex 16, France.

NAME: _____

MINISTRY OR GOVERNMENT AGENCY: _____

COUNTRY: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

FOR ASSISTANCE CONTACT THE QUESTIONNAIRE HELP DESK:

Mr. Paul Conway: Tel: (33 1) 45 24 88 22, Fax: (33 1) 44 30 61 66; e-mail: paul.conway@oecd.org.

PLEASE RETURN THE COMPLETED SECTION TO MR CONWAY BY 19 DECEMBER 2003.

THE OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 6: RETAIL DISTRIBUTION

6.1. Regulatory environment

6.1.1 Please indicate procedures involved in establishing new retail outlets for selling food (F) and clothing (C) by ticking all boxes where the answer is “yes” in the following table (please do not include procedures related to health and sanitary requirements):

Procedures needed to start up a commercial activity	Type of regulation							
	Not a requirement		Depends on size of outlet		Depends on type of goods sold		Always required	
	F	C	F	C	F	C	F	C
Type 1: Registration in commercial register								
Notification to authorities								
Type 2: Licenses or permits needed to engage in commercial activity (not related to outlet siting)								
Type 3: Licenses or permits needed for outlet siting (in addition to compliance with general urban planning provisions)								
Type 4: Compliance with regulation especially designed for large outlets								

6.1.2 With reference to the table in question 6.1.1.1, if registration is necessary to establish a new outlet (Type 1), does the registration office have statutory deadlines for confirming and/or approving the registration? *Yes* *No*

If the answer is “Yes”:

a) What is the maximum deadline (in days)?

6.1.3 With reference to the table in question 6.1.1.1, if licenses or permits are needed to engage in commercial activity (Type 2), please provide the following information: *Yes* *No*

a) Are Type 2 licenses product-specific? (e.g. food/non-food)

b) Are Type 2 licenses related to a certain type of activity? (e.g. different licenses are needed to open a gas station or to open a drugstore, etc.)

	<i>Yes</i>	<i>No</i>
6.1.4 With reference to the table in question 6.1.1.1, if licenses or permits are required for outlet siting (Type 3), please provide the following information.		
a) In setting up a retail outlet is it necessary to apply for a site or is abiding by the zoning regulations sufficient?	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there specific regulations for the location of retail distribution outlets in addition to general urban planning rules?	<input type="checkbox"/>	<input type="checkbox"/>
c) Can local regulatory authorities set a maximum total sales surface limit for certain products or product aggregates in one geographic area?	<input type="checkbox"/>	<input type="checkbox"/>
6.1.5 With reference to the table in question 6.1.1.1, please provide the following information about laws or regulations regarding the establishment of large outlets (Type 4), if applicable		
a) Did these laws and regulations become stricter in the last 5 years?	<input type="checkbox"/>	<input type="checkbox"/>
b) What is the threshold surface limit for these laws or regulations to apply?		
c) Are these laws or regulations enforced,	<i>Yes</i>	<i>No</i>
i) Nationally?	<input type="checkbox"/>	<input type="checkbox"/>
ii) Locally?	<input type="checkbox"/>	<input type="checkbox"/>
d) Does the establishment of a large outlet require a specific application process, substituting or supplementing the Type 2 licensing procedures?	<input type="checkbox"/>	<input type="checkbox"/>
If the answer is “Yes”:		
i) What is the maximum statutory deadline (in days) for answering to the license application?		
e) Are existing outlets that want to expand their sale surface beyond the threshold subject to the same procedures as new large outlets?	<i>Yes</i>	<i>No</i>
	<input type="checkbox"/>	<input type="checkbox"/>
6.1.6 Are professional bodies or representatives of trade and commercial interests involved in Type 2, Type 3, or Type 4 licensing decisions?	<input type="checkbox"/>	<input type="checkbox"/>
6.1.7 Are there products that can only be sold in outlets operating under a local or national legal monopoly (franchise)?	<input type="checkbox"/>	<input type="checkbox"/>
If the answer is “Yes”:		
a) Do any of the following products fall into this category?		
i) Pharmacies	<input type="checkbox"/>	<input type="checkbox"/>
ii) Tobacco	<input type="checkbox"/>	<input type="checkbox"/>
iii) Newspapers	<input type="checkbox"/>	<input type="checkbox"/>
iv) Alcohol	<input type="checkbox"/>	<input type="checkbox"/>
b) Are any of these outlets publicly owned?	<input type="checkbox"/>	<input type="checkbox"/>

6.2. Industry behaviour

		<i>Yes</i>	<i>No</i>
6.2.1	Are shop opening hours regulated?	<input type="checkbox"/>	<input type="checkbox"/>
	If the answer is "yes"		
a)	please indicate at which level of government regulations are set:	Tick the most appropriate	
	i) National		<input type="checkbox"/>
	ii) State / province		<input type="checkbox"/>
	iii) Local		<input type="checkbox"/>
b)	do regulations specify the maximum hours an outlet can be open per day?	<i>Yes</i>	<i>No</i>
	If the answer is "yes":		
	i) what is the maximum number of hours an outlet can be open per day?	<input type="checkbox"/>	<input type="checkbox"/>
	ii) do regulations specify shop opening and closing times?	<input type="checkbox"/>	<input type="checkbox"/>
c)	do regulations specify the maximum hours an outlet can be open per week?	<input type="checkbox"/>	<input type="checkbox"/>
	If the answer is "yes":		
	i) what is the maximum number of hours an outlet can be open per week?		
d)	how many Saturdays can shops be open per month?		
e)	how many Saturdays can shops be open per year?		
f)	how many Sundays can shops be open per month?		
g)	how many Sundays can shops be open per year?		
6.2.2	Did the regulation of opening hours become more flexible in the last 5 years?	<i>Yes</i>	<i>No</i>
6.2.3	How many mandatory shut-down days are there during the year (excluding weekends)?		
6.3	Prices	<i>Yes</i>	<i>No</i>
6.3.1	Are the retail prices of certain products subject to price controls?	<input type="checkbox"/>	<input type="checkbox"/>
	If the answer is "Yes":		
a)	Do price controls apply for:		
	i) Certain staples (e.g. milk and bread)	<input type="checkbox"/>	<input type="checkbox"/>
	ii) Gasoline	<input type="checkbox"/>	<input type="checkbox"/>
	iii) Tobacco	<input type="checkbox"/>	<input type="checkbox"/>
	iv) Alcohol	<input type="checkbox"/>	<input type="checkbox"/>
	v) Pharmaceuticals	<input type="checkbox"/>	<input type="checkbox"/>
	vi) Other (please specify)		<input type="checkbox"/>

6.4 Recent changes in retail distribution policy

In the following table please indicate any major changes in government policy on retail distribution that have occurred since 1996. For example, areas of policy change might include changes in rules of market access, public ownership, foreign investment, adoption of international standards, etc.

Area of policy change	Year of change	Description of policy change