



PARIS

SG/RR(98)2/FINAL  
For Official Use

**For Official Use**

Organisation de Coopération et de Développement Economiques  
Organisation for Economic Co-operation and Development

**SG/RR(98)2/FINAL**

**OLIS : 09-Mar-1998**  
**Dist. : 11-Mar-1998**

**Or. Eng.**

**GENERAL SECRETARIAT**

## **Regulatory Reform**

### **THE OECD REGULATORY INDICATORS QUESTIONNAIRE: REGULATORY STRUCTURES AND POLICIES IN OECD COUNTRIES**

*In May 1997, Ministers from OECD Member countries welcomed the OECD Report on Regulatory Reform, and asked the Organisation to conduct reviews of regulatory reform in Member countries beginning in 1998, based in part on self-assessment. To support the regulatory work, the OECD is developing indicators of regulatory frameworks and performance in Member countries. Such indicators are an essential element of country self-assessment and the country reviews.*

*This document is the FINAL indicators questionnaire which is being sent to ALL Member countries to collect information on regulatory frameworks and performance of regulated activities. In response to comments, it has been revised and shortened from earlier versions and additional instructions for federal countries and EU Members have been added.*

*The questionnaire is in 8 sections that will likely be answered by different parts of the administration that are expert in that area. Governments are asked to identify WHO should answer each section; and send each section to that body for response. The Delegations of Member countries to the OECD will produce instructions on procedures on how to return this survey to the OECD. Each section should be returned as it is completed to speed up the process. It is important that all responses to this questionnaire be received by 15 April 1998 by Mr. Giuseppe Nicoletti; Tel.: (33-1) 45 24 87 30; Fax: (33-1) 45 24 13 47; e-mail giuseppe.nicoletti@oecd.org.*

**62926**

Document complet disponible sur OLIS dans son format d'origine  
Complete document available on OLIS in its original format

**Or. Eng.**

## **THE OECD REGULATORY INDICATORS QUESTIONNAIRE: REGULATORY STRUCTURES AND POLICIES IN OECD COUNTRIES**

### **BACKGROUND**

Following the request of Ministers of OECD countries in May 1997, the OECD is launching reviews of progress on regulatory reform in OECD countries. This work will produce, for each country concerned, a multi-disciplinary review of progress on regulatory reform, based on self-assessment and peer review. A memo of 9 February 1998 from Deputy Secretary-General Joanna R. Shelton to Delegations of the OECD gives more information on the background, methods, and process of the country reviews.

As part of these reviews, a series of comparative regulatory indicators, covering regulatory frameworks, impacts and performance of regulated activities across the OECD Membership, is being developed. ***These indicators are an essential element of the OECD's work:*** they enhance the capacity of all OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. The indicators will allow construction of a unique picture of regulatory practices in OECD countries that will improve the policy advice of the OECD in a wide range of areas. ***It is important that your government provide answers to as many questions as possible.***

It should be emphasised that regulatory indicators cannot 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 beneficial direction for reform in each country. Therefore, there is no "right" or "wrong" answer to specific questions.

### **THE FINAL OECD INDICATORS QUESTIONNAIRE**

This standardised questionnaire is being sent to ALL OECD Member countries. Extensively revised in response to comments from Member countries on a proposed draft, it is designed to collect current data on existing regulatory structures and policies in OECD countries for development of regulatory indicators and benchmarks. It covers both framework policies and several important sectors on which information is needed to understand the role of regulation across the national economy.. It has been developed through an intensive effort involving several committees and directorates, and consultation with Member countries, and is led by the OECD's Economics Department. This information will be combined with information from other sources to create a wider database on regulation.

### **DESIGN OF THE QUESTIONNAIRE**

This questionnaire is designed so that it imposes the minimum burden on governments and does not duplicate any information already available to the OECD. It is divided into eight sections that can be answered by different parts of the national administration to reduce the burden on any one branch. The eight sections are:

- Section 1: General policies on the use of regulation
- Section 2: Government capacity to produce high-quality regulations
- Section 3: Competition policies and enforcement
- Section 4: Market openness
- Section 5: Regulation in the telecommunication industry
- Section 6: Regulation in transportation industries (road freight, railways, passenger air travel)
- Section 7: Regulation in the retail distribution industry
- Section 8: Public procurement and competition

Questions are based on a multiple choice, yes/no, or single data format. In general, more than one answer is possible in multiple choice questions. No detailed description of regulatory policies is requested. However, if necessary, recipients of the questionnaire may **supplement** the binary or numerical answers with brief explanations. Specific explanations on how to respond are given in the introductory note to each section.

## INSTRUCTIONS

Your government is asked to:

- ◆ **IDENTIFY WHO IN YOUR GOVERNMENT IS BEST ABLE TO ANSWER** each section, and SEND the questionnaire to that body. 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 competent ministries, administrations, regulatory institutions or statistical offices.
- ◆ **USE THE OECD HELP DESKS TO ASSIST RESPONDENTS IN ANSWERING.** At the beginning of each section is the name and contact information for a person at the OECD who is available to assist respondents in answering the questions. Respondents are encouraged to contact these people for any clarifications or guidance that would make responding easier or more accurate. Electronic versions of the questionnaire (which may be easier to answer) can be obtained via Internet by sending a message to: [jennifer.stein@oecd.org](mailto:jennifer.stein@oecd.org) .
- ◆ **ENSURE THAT RESPONSES FOR EACH SECTION ARE RETURNED TO THE OECD BY NO LATER THAN 15 APRIL 1998.** Your country's Delegation to the OECD will co-ordinate the distribution of questionnaires and the collection of responses. The completed questionnaires should be returned to your country's Delegation through the process specified by your government in time to allow it to reach the OECD by 15 April 1998.
- ◆ **RETURN EACH SECTION TO THE OECD AS SOON AS IT IS COMPLETED TO SPEED UP THE PROCESS.** Please do NOT wait for all sections to be completed! Return each section as soon as it is completed.

General questions on the survey can be addressed to Giuseppe Nicoletti: Tel: (33 1) 45 24 87 30, Fax: (33 1) 45 24 13 47; e-mail: [giuseppe.nicoletti@oecd.org](mailto:giuseppe.nicoletti@oecd.org) .

## OPTIONAL PROCESS: HOW TO SEND RESPONSES TO THE OECD

As stated, responses to each section should be sent as soon as completed to your country's Delegation to the OECD using the procedures specified by your government. Your Delegation will forward the responses to the OECD. If you wish to simultaneously submit the completed responses to the OECD, you may choose from two means of responding:

- ◆ Paper version: You may mail a paper copy. Questionnaires should be mailed to Giuseppe NICOLETTI, Economics Department, OECD, 2 rue André Pascal, 75775 Paris Cedex 16, France.
- ◆ Electronic version: As noted above, you may respond by electronic copy. We will email the questionnaire to you through the Internet, and you can return the completed questionnaire electronically. Please send your request and Internet address to [jennifer.stein@oecd.org](mailto:jennifer.stein@oecd.org) .

## THE OECD REGULATORY INDICATORS QUESTIONNAIRE

### SECTION 1: GENERAL POLICIES

*This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.*

*This section focuses on selected regulations and policies that are not specific to any one sector: it covers issues of public ownership and public concessions or franchising.*

Unless otherwise specified in the instructions for each question:

- *the term "regulation" covers the diverse set of instruments by which governments set 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 to whom governments have delegated regulatory powers. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and formalities. "Deregulation" is a subset of regulatory reform.*
- *the questions refer only to regulations or policies issued or accepted by the national government, **except: FOR FEDERAL COUNTRIES: if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. FOR MEMBERS OF THE EUROPEAN UNION: answers should reflect the application in your country of relevant European-level legislation.***
- *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. Please answer as many questions as possible, even if some questions are left blank. If necessary, to supplement this questionnaire you may choose to provide more detailed information about specific practices in your country.*

**FOR ASSISTANCE CONTACT THE OECD HELP DESK: Mr. Giuseppe Nicoletti: Tel: (33 1) 45 24 87 30, Fax: (33 1) 45 24 13 47; e-mail: giuseppe.nicoletti@oecd.org. PLEASE RESPOND BY 15 APRIL 1998.**

NAME, MINISTRY, AND TELEPHONE OF MAIN RESPONDENT:

---

**1. Firm ownership, control and legal status**

In this section of the questionnaire, a firm is said to be publicly-controlled when national, state or provincial governments (not including local governments or municipalities) hold the largest single share of the firm's equity capital.

1. The attached Table 1 lists a subset of ISIC (rev 2) business sectors. Please indicate in column 1 those sectors in which national, state or provincial governments control at least one firm. **Yes No**  
Please answer by filling Table 1

2. If national, state or provincial governments control any firm in the sectors listed in Table 1:

a) What is the combined value added of these firms?


b) What is the combined value added of publicly-controlled firms organised as joint-stock companies?

c) Are there **any** legal or constitutional constraints to the sale of the stakes held by the State in publicly -controlled firms?

d) 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?

3. 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":**

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;

ii) change in controlling coalition;

iii) acquisition of equity by foreign investors;

iv) choice of management;

v) strategic management decisions.

4. Do strategic choices of any publicly-controlled firms have to be reviewed and/or cleared in advance by national, state, or provincial legislatures?

5. Please specify the share (in total employment of the business sector) of employees working in publicly-controlled firms with the following types of contracts:

a) civil servants;


b) tenured public employees;

c) fixed-term private employees.

**2. State concessions**

1. Where laws or regulations restrict the number of competitors allowed to operate a business, which of the following selection procedures are used to assign state concessions? (Tick all that apply)

a) Open tendering (all interested parties may submit a tender)

b) Selective tendering (only suppliers invited to do so may submit a tender)

c) Single tendering (only one firm is invited to submit a tender)

d) License on request

e) Other (please specify)

--

2. The attached Table 1 lists a subset ISIC (rev. 2) business sectors. Please indicate in column 2 those sectors in which laws or regulations restrict in at least some markets the number of competitors allowed to operate a business;

Please answer by filling Table 1
----------------------------------

**Yes No**

3. In how many of these sectors are tendering procedures used to assign state concessions or franchises?

--

a) What is the combined value added share of these sectors in total business sector value added?

--

b) What are the thresholds (if any), based on business turnover or other parameters, beyond which tendering is compulsory?

<b>Basis for threshold</b>	<b>Value of threshold</b>
----------------------------	---------------------------

4. Please indicate how frequently the following criteria are applied in the awarding of state concessions or franchises:

*Always      Often      Some-times      Never*

a) maximisation of government proceeds from state concessions?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

b) allocation to bidder who offers best service at lowest prices?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

c) other (please specify)

--

5. Is (possibly negative) bidding used to allocate any service or product obligations when there are universal service provisions? (for example by awarding a state concession to a bidder who asked for the lowest subsidy)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

*In all sectors      In some sectors      Never*

6. Are there restrictions (other than capital and technical requirements) on participation in the public tendering procedures?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

**If the answer is "In all sectors" or "In some sectors":**

a) Do these include restrictions based on nationality or residence?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

**Table 1. Public ownership patterns and legal conditions of entry in some ISIC (rev. 2) activities**

(Please circle the correct answer in each box)

<b>Sector</b>	<b>National, state or provincial government holds equity stakes in business companies</b>	<b>National, state or provincial laws or other regulations restrict in at least some markets the number of competitors allowed to operate a business</b>
<i>Tobacco manufactures (314)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Petroleum refineries (353)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Basic metal industries (37)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Manufacture of fabricated metal products, machinery and equipment (38)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Electricity, light and power (4101)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Gas manufacture and distribution (4102)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Water works and supply (42)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Wholesale trade (61)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Restaurant and hotels (63)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Railway transport (7111)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Urban, suburban and interurban highway passenger transport (7112)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Other passenger land transport (7113)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Road freight transport (7114)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Supporting services to land transport (7116)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Water transport (712)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Supporting services to water transport (7123)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Air transport carriers (7131)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Supporting services to air transport (7132)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Communication (72)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Financial institutions (81)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Insurance (82)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Business services (832)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Medical, dental and other health services (9331)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Motion picture distribution and projection (9412)</i>	<i>yes / no</i>	<i>yes / no</i>
<i>Personal and household services (95)</i>	<i>yes / no</i>	<i>yes / no</i>

## THE OECD REGULATORY INDICATORS QUESTIONNAIRE

### SECTION 2: GOVERNMENT CAPACITY TO PRODUCE HIGH-QUALITY REGULATIONS

*This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.*

*This section focuses on regulatory processes and capacities in the public administration. It has been developed in consultation with the Regulatory Management and Reform Group of the OECD's Public Management Service. You may wish to check the precise meaning of terms used in the attached glossary. All terms highlighted in **bold italics** appear in the glossary. Where the term "required" is used, it means required by legislation, decree or explicit government policy. Unless otherwise specified in the instructions for each question:*

- *the term "regulation" covers the diverse set of instruments by which governments set 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 to whom governments have delegated regulatory powers. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and formalities. "Deregulation" is a subset of regulatory reform.*
- *the questions in this section refer only to regulations or policies issued or accepted by the national government, except: **FOR FEDERAL COUNTRIES:** if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. **FOR MEMBERS OF THE EUROPEAN UNION:** answers should reflect the application in your country of relevant European-level legislation.*
- *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. Please answer as many questions as possible, even if some questions are left blank. If necessary, to supplement this questionnaire you may choose to provide more detailed information about specific practices in your country.*

**FOR ASSISTANCE CONTACT THE OECD HELP DESK: Mr. Rex Deighton-Smith, TEL (33-1) 45.24.16.32, or FAX. (33-1) 45.24.87.96 or e-mail: rex.deighton-smith@oecd.org. PLEASE RESPOND BY 15 APRIL 1998.** *Please note that you will be contacted shortly after the distribution of this questionnaire and offered the opportunity to hold a telephone conference with Secretariat staff to clarify any issues regarding the questionnaire.*

NAME, MINISTRY, AND TELEPHONE OF MAIN RESPONDENT:

---

## Overall strategy for regulatory reform and effectiveness of reform institutions

### 1. Explicit policy commitment

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| a) Is there an explicit, published policy promoting government-wide regulatory reform or regulatory quality improvement?    | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are there explicit published policies promoting regulatory reform or regulatory quality improvement in specific sectors? | <input type="checkbox"/> | <input type="checkbox"/> |

- ↳ **If yes:**
- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| b(ii) Was it issued, revised or reaffirmed by the present Government?                  | <input type="checkbox"/> | <input type="checkbox"/> |
| b(iii) Does it establish explicit objectives of reform?                                | <input type="checkbox"/> | <input type="checkbox"/> |
| b(iv) Does it set out explicit principles of good regulation?                          | <input type="checkbox"/> | <input type="checkbox"/> |
| b(v) Does it establish specific responsibilities for reform within the administration? | <input type="checkbox"/> | <input type="checkbox"/> |
| b(vi) Does it establish specific responsibilities for reform at the Ministerial level? | <input type="checkbox"/> | <input type="checkbox"/> |
| b(vii) In what year was the policy introduced or last substantially revised? _____     |                          |                          |

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

	<i>For some sectors</i>		<i>Government wide</i>	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
c(ii) <b>Regulatory Impact Analysis</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(iii) Consideration of regulatory alternatives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(iv) Consultation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(v) Transparency/freedom of information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(vi) Plain language drafting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(vii) Evaluation of the results of regulatory programmes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 2. Co-ordination and management

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| a) Is there a dedicated body (or bodies) responsible for encouraging and monitoring regulatory reform or regulatory quality in the national administration? | <input type="checkbox"/> | <input type="checkbox"/> |

- ↳ **If the answer is "yes":**
- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| a(ii) Is this body routinely consulted as part of the process of developing new regulation?                | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) Can this body initiate or undertake reform actions?   | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iv) Does this body monitor and report on progress made on reform by individual Ministers?                | <input type="checkbox"/> | <input type="checkbox"/> |
| a(v) Is this body located in the centre of government (i.e. chief Minister's department or budget agency)? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(vi) Can this body make recommendations directly to the head of government?                               | <input type="checkbox"/> | <input type="checkbox"/> |
| a(vii) Can this body conduct independent and expert analysis of regulatory impacts?                        | <input type="checkbox"/> | <input type="checkbox"/> |

- |    |  |                          |                          |                          |                          |
|----|--|--------------------------|--------------------------|--------------------------|--------------------------|
|    |  |                          | <b>Yes</b>               | <b>No</b>                |                          |
| b) | Does the budget office have a responsibility to promote regulatory reform?   |                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| c) | Is a specific Minister accountable for progress on regulatory reform?        |                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
|    |  | <b>Always</b>            | <b>Often</b>             | <b>Sometimes</b>         | <b>Rarely</b>            |
| d) | Is the body responsible for trade policy consulted on new regulations?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) | Is the body responsible for competition policy consulted on new regulations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Openness of regulatory decision-making

#### 3. Forward planning of regulatory activities

- |        |   |                          |                          |
|--------|---|--------------------------|--------------------------|
|        |   | <b>Yes</b>               | <b>No</b>                |
| a)     | Does the government periodically compile a list of laws planned for the future?                           | <input type="checkbox"/> | <input type="checkbox"/> |
|        | ↳ <b>If the answer is "Yes":</b>  |                          |                          |
| a(ii)  | Does the list include most or all major laws planned for the next year?                                   | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) | Is the list easily available to the public?   | <input type="checkbox"/> | <input type="checkbox"/> |
| b)     | Does the government periodically compile a list of <b>subordinate regulations</b> planned for the future? | <input type="checkbox"/> | <input type="checkbox"/> |
|        | ↳ <b>If the answer is "Yes":</b>  |                          |                          |
| b(ii)  | Does the list include most or all major subordinate regulations planned for the next year?                | <input type="checkbox"/> | <input type="checkbox"/> |
| b(iii) | Is the list easily available to the public?   | <input type="checkbox"/> | <input type="checkbox"/> |

#### 4. Administrative procedures

- |       |  |                          |                          |
|-------|--|--------------------------|--------------------------|
|       |  | <b>Yes</b>               | <b>No</b>                |
| a)    | Are there standard procedures, established in law, by which the administration develops draft legislation? | <input type="checkbox"/> | <input type="checkbox"/> |
| b)    | Are standard procedures established in law for making subordinate regulation?                              | <input type="checkbox"/> | <input type="checkbox"/> |
|       | ↳ <b>If the answer is "yes":</b>   |                          |                          |
| b(ii) | Do these requirements include scrutiny by a specifically tasked body within the national legislature?      | <input type="checkbox"/> | <input type="checkbox"/> |

#### 5. Public consultation

- |        |   |                          |                          |                          |
|--------|---|--------------------------|--------------------------|--------------------------|
|        |   | <b>Always</b>            | <b>In some cases</b>     | <b>No</b>                |
| a)     | Is public consultation a routine part of making new regulations?            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|        | ↳ <b>If the answer is "always" or "in some cases":</b>                      |                          |                          |                          |
| a(ii)  | Is consultation required by law?  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) | Is consultation required by formal government decree or instruction?        |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iv)  | What forms of public consultation are routinely used (tick all that apply): |                          |                          |                          |
|        | - <b>Informal consultation?</b>   |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|        | - <b>Circulation of proposals for comment?</b>                              |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|        | - <b>Public notice and comment?</b>   |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|        | - <b>Public meeting?</b>  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
|        | - <b>Advisory group?</b>  |                          | <input type="checkbox"/> | <input type="checkbox"/> |

			Yes	No
a(v) At what stages in the regulatory process is consultation required to be undertaken?				
- Prior to broad proposals being made?			<input type="checkbox"/>	<input type="checkbox"/>
- Prior to detailed proposals being made?			<input type="checkbox"/>	<input type="checkbox"/>
- After detailed proposals are made?			<input type="checkbox"/>	<input type="checkbox"/>
	<i>Always</i>	<i>Usually</i>	<i>Some- times</i>	<i>Rarely</i>
a(vi) Is the existence of opportunities to be consulted on proposed regulation widely publicised?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(vii) Can any member of the public choose to participate in the consultation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(viii) Are the views of participants in the consultation process made public?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Communication and enforcement of regulations

			Yes	No
a) Are there systematic procedures for making regulations known and accessible to affected parties?			<input type="checkbox"/>	<input type="checkbox"/>
↳ If the answer is "yes", which of the following measures are employed:				
a(i) Codification of laws. If yes:			Yes	No
• Is there a mechanism for regular updating of the codes?			<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Publication of a consolidated register of all <b>subordinate regulations</b> currently in force. If yes:			<input type="checkbox"/>	<input type="checkbox"/>
• Is there a provision that only regulations in the registry are enforceable?			<input type="checkbox"/>	<input type="checkbox"/>
• Can the register be searched by computer by the public?			<input type="checkbox"/>	<input type="checkbox"/>
• How frequently is the register updated?	<i>More than annually</i>	<i>Annually</i>	<i>Less than annually</i>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
a(iii) Computerised dissemination of regulation.			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
a(iv) A general policy requiring "plain language" drafting of regulation. If yes:			<input type="checkbox"/>	<input type="checkbox"/>
• Is guidance on plain language drafting issued?.			<input type="checkbox"/>	<input type="checkbox"/>
b) Do affected parties have the right to appeal against adverse enforcement decisions in individual cases? If yes:	<i>In all cases</i>	<i>In some cases</i>	<i>No</i>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b(i) What forms can this appeal take? (tick all that apply)			<i>Possible in most cases</i>	<i>Possible in some cases</i>
• Judicial review?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Not possible</i>
• Administrative review to an independent body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Administrative review by the regulatory enforcement body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Assessment of regulatory impacts

#### 7. Threshold tests

	Yes	In some cases	No
a) Are regulators required to provide explicit justification of the need for new regulation? If the answer is “yes” or “in some cases”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
↳ a(ii) Are explicit decision criteria required to be used in making this justification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 8. Choice of policy instruments

	Yes	No
a) Are regulators required to assess alternative policy instruments (regulatory and non-regulatory) before adopting new regulation?	<input type="checkbox"/>	<input type="checkbox"/>
b) Has guidance been issued on using alternatives to traditional regulation?	<input type="checkbox"/>	<input type="checkbox"/>
c) Please complete the table below to show which alternatives to “ <b>command and control regulation</b> ”, if any, have become <u>significantly more widely used</u> in each of these major policy areas in recent years.		

Environment regulations		Health, Safety and Consumer protection regulations		Employment regulations	
Yes	No	Yes	No	Yes	No
Performance based regulation	<input type="checkbox"/>	Performance based regulation	<input type="checkbox"/>	Performance based regulation	<input type="checkbox"/>
Process regulation	<input type="checkbox"/>	Process regulation	<input type="checkbox"/>	Process regulation	<input type="checkbox"/>
Co-regulation	<input type="checkbox"/>	Co-regulation	<input type="checkbox"/>	Co-regulation	<input type="checkbox"/>
Self regulation	<input type="checkbox"/>	Self regulation	<input type="checkbox"/>	Self regulation	<input type="checkbox"/>
Contractual arrangements	<input type="checkbox"/>	Contractual arrangements	<input type="checkbox"/>	Contractual arrangements	<input type="checkbox"/>
Voluntary commitments	<input type="checkbox"/>	Voluntary commitments	<input type="checkbox"/>	Voluntary commitments	<input type="checkbox"/>
Tradable permits	<input type="checkbox"/>	Tradable permits	<input type="checkbox"/>	Tradable permits	<input type="checkbox"/>
Taxes and subsidies	<input type="checkbox"/>	Taxes and subsidies	<input type="checkbox"/>	Taxes and subsidies	<input type="checkbox"/>
Insurance schemes	<input type="checkbox"/>	Insurance schemes	<input type="checkbox"/>	Insurance schemes	<input type="checkbox"/>
Information campaigns	<input type="checkbox"/>	Information campaigns	<input type="checkbox"/>	Information campaigns	<input type="checkbox"/>
Deregulation	<input type="checkbox"/>	Deregulation	<input type="checkbox"/>	Deregulation	<input type="checkbox"/>
Other (please specify)	<input type="text"/>	Other (please specify)	<input type="text"/>	Other (please specify)	<input type="text"/>

#### 9. Regulatory impact analysis (RIA)

	In all cases	In some cases	No
a) Is RIA required before new regulation is adopted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
↳ If the answer is “in all cases” or “in some cases”:	<b>In all cases</b>	<b>Only for major regulation</b>	<b>Some policy areas only</b>
a(i) Is RIA required by law?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Is RIA required for draft laws?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Is RIA required for draft subordinate regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(iv) Are regulators required to quantify costs of new regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>In all cases</i>	<i>Only for major regulation</i>	<i>Some policy areas only</i>	<i>No</i>
a(v) Are regulators required to quantify benefits of new regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(vi) Are regulators required to demonstrate that the benefits of new regulation justify the costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(vii) Is the likely distribution of effects across society required to be made transparent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(viii) Are impacts on <b>SMEs</b> required to be explicitly identified and discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(ix) Are impacts on <b>employment</b> required to be explicitly identified and discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(x) Are impacts on <b>competition</b> required to be explicitly identified and discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xi) Are impacts on <b>trade</b> required to be explicitly identified and discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xii) Does a government body outside the ministry sponsoring the regulation review the quality of the RIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xiii) Does a body independent of government (e.g. a parliamentary body) review the quality of the RIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xiv) Are RIA documents required to be publicly released for consultation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Most or all</i>	<i>About half</i>	<i>A minority</i>	<i>Few or none</i>
a(xv) How many RIA quantify regulatory costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xvi) How many RIA quantify regulatory benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xvii) Are reports on compliance with RIA requirements published regularly?			<i>Yes</i> <input type="checkbox"/>	<i>No</i> <input type="checkbox"/>
b) Is risk assessment a normal part of the development of health, safety and environment regulation?	<i>Yes</i> <input type="checkbox"/>	<i>Some policy areas</i> <input type="checkbox"/>		<i>No</i> <input type="checkbox"/>

## Law-drafting capabilities

### 10. Technical law-drafting capacities

	<i>In all cases</i>	<i>In some cases</i>	<i>No</i>
a) Do regulators employ <b>specialist lawdrafters</b> (either directly or under contract)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Is major regulation drafted or checked by a body within the Government <b>other than</b> the department which is responsible for the regulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Is lawdrafting conducted or checked by officers of the Parliament or Congress?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Capacities for review and updating of regulations

### 11. Regulatory review and evaluation

a) What proportion of the body of existing regulations in the following areas been subjected to a review of regulatory quality in the past 5 years?

	<i>A majority</i>	<i>Around half</i>	<i>A minority</i>	<i>Minimal or none</i>
• Environmental regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Health, safety and consumer protection regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Employment regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b) Is periodic evaluation of existing regulations required for all policy areas?

<i>Yes</i>	<i>No</i>
<input type="checkbox"/>	<input type="checkbox"/>

c) Is “**sunsetting**” used for laws?

<i>Routinely</i>	<i>Frequently</i>	<i>Sometimes</i>	<i>Never</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d) Is “**sunsetting**” used for subordinate regulations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

e) Do specific laws include automatic review requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

f) Are there standardised evaluation techniques or decision criteria to be used when regulation is reviewed?

<i>Yes</i>	<i>No</i>
<input type="checkbox"/>	<input type="checkbox"/>

g) Is Regulatory Impact Analysis used in the conduct of regulatory reviews?

<i>Routinely</i>	<i>Frequently</i>	<i>Sometimes</i>	<i>Never</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

h) How frequently do major substantive changes to existing regulation result from reviews?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

i) Are cost savings or enhanced benefits due to these changes quantified?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

j) Is there an independent check on the quality of reviews?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

k) Are the review processes public?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

l) Is there a mechanism by which the public can make recommendations to modify specific regulations? (e.g. Electronic mailboxes, ombudsman or “request and review” legislation).

<i>Yes</i>	<i>No</i>
<input type="checkbox"/>	<input type="checkbox"/>

### 12. Reducing administrative burdens

a) Is there an explicit programme to reduce the **administrative burdens** imposed by government on enterprises and/or citizens?

<i>Yes</i>	<i>No</i>
<input type="checkbox"/>	<input type="checkbox"/>

→ If the answer is “yes”:

a(ii) Does this programme include quantitative targets?

<i>Yes</i>	<i>No</i>
<input type="checkbox"/>	<input type="checkbox"/>

a(iii) Which of the following strategies are used (tick as many as necessary)?

- |  |                          |
|--|--------------------------|
| • New technologies for regulatory administration (e.g. electronic databases)                                   | <input type="checkbox"/> |
| • Streamlining of government process requirements  | <input type="checkbox"/> |
| • Reallocating powers and responsibilities between government departments and/or between levels of government. | <input type="checkbox"/> |
| • Other (please specify)   | <input type="checkbox"/> |

13. Business licenses and permits

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

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| a) Is the “silence is consent” rule (i.e. that licenses are issued automatically if the competent licensing office has not acted by the end of the statutory response period) used at all? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are there single contact points for getting information on licenses and notifications?  | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Are there single contact points for issuing or accepting on licenses and notifications (one-stop shops)?  | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?  | <input type="checkbox"/> | <input type="checkbox"/> |
| e) If yes, what is the number?   |                          |                          |
| f) 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"/> |
| g) 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"/> |

**Co-ordination as a tool of reform**

14. Co-ordination between levels of government

- |  | In all cases             | In some cases            | No                       |
|--|--------------------------|--------------------------|--------------------------|
| a) Is there a specific procedure for co-ordinating between different levels of government (i.e. sub-national, national, supra-national) in making new regulation?      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Is there a specific procedure for co-ordinating between different levels of government (i.e. sub-national, national, supra-national) on regulatory reform activity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Is there a policy recommending the adoption of established international standards instead of unique national standards?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Training the public service**

15. Training in regulatory reform skills

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| a) Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation? | <input type="checkbox"/> | <input type="checkbox"/> |
| ↳ If the answer is “yes”:   | Yes                      | No                       |
| a(ii) Does this include training in how to conduct regulatory impact analysis?  | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) Does this training include use of alternative policy instruments?  | <input type="checkbox"/> | <input type="checkbox"/> |

**The results of reform**

16. Indicators of the results of reform

a) Has a formal evaluation of progress toward the objectives of regulatory reform been made? Yes  No

↳ If the answer is "yes": Yes  No

a(ii) Have reforms measurably reduced the total costs imposed by new regulation?

a(iii) Have reforms enhanced policy effectiveness?

a(iv) Have reforms increased government transparency?

b) Does the government publish an annual progress report on regulatory reform

c) Are there plans underway to improve the effectiveness of the regulatory reform programme?

↳ If the answer is "yes":

c(ii) What view of each of the following major tools of regulatory reform policy is reflected in the plan:

	<i>Favours its further development</i>	<i>Opposes its use or further development</i>	<i>Is satisfied with its current use</i>	<i>Believe it is too widely used or not well used</i>
<i>Public consultation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Regulatory Impact Analysis</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Alternative forms of regulation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Market based alternatives to regulation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Glossary of terms for the PUMA regulatory quality review

### Administrative burdens of regulation

The costs involved in obtaining, reading and understanding regulations, developing compliance strategies and meeting mandated reporting requirements, including data collection, processing, reporting and storage, but **NOT** including the capital costs of measures taken to comply with the regulations.

### Administrators responsible for the regulatory reform programme

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

### Advisory Groups

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

### Appeal

Right of an individual or firm to request reconsideration of an administrative decision regarding regulatory administration or enforcement where the decision is believed not to be in accordance with the terms of the governing legislation or to be manifestly unjust in its outcome. It may be required that a *prima facie* reason for believing there has been an injustice be shown in order for the appeal to proceed. A **judicial review** means that the appeal will be to a court of law. An **administrative review to an independent party** means that an administrative tribunal independent of the regulatory body making the decision will review the decision, to be distinguished from an **administrative review by the regulatory enforcement body**.

### Circulation of proposals for comment

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

### “Command and Control” regulation

Regulation which mandates detailed and prescriptive requirements. It is “input based”.

### Co-regulation

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

### Independent scrutiny

Scrutiny of regulatory impact analysis, lawdrafting, or other aspects of the lawmaking process by a body internal to government but external to the department or agency charged with preparing and implementing the regulation. A Ministry of Economics may, for example, scrutinise the business impacts of regulations made by other ministries.

### Informal Consultation

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

### Laws

Laws are regulations which must be approved by the Parliament or Congress. They are also referred to as “primary legislation” or as “principal legislation”, or simply as “legislation”.

### Performance based regulation

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

**Process regulation**

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

**Public Notice and Comment**

Notice of the intention to regulate is published and comments are sought from all interested parties.

**Regulators**

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

**Regulatory Impact Analysis.**

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

**Risk assessment**

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

**SMEs**

Small and Medium-scale Enterprises.

**Specialist lawdrafter**

Someone with significant training (either formal or “on the job”), experience and expertise in the technical aspects of the drafting of legislation.

**Subordinate regulations**

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

**Sunsetting**

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

**Voluntary commitments**

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

## THE OECD REGULATORY INDICATORS QUESTIONNAIRE

### SECTION 3: COMPETITION POLICIES AND ENFORCEMENT

*This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.*

*This section focuses on competition policies and institutions. "Competition laws" includes statutes, regulations, and decisions. The "general competition law" means the competition law of general application in force through the whole country; some questions ask also about laws that apply only to particular sectors or about local laws of political subdivisions that do not apply in the whole country. The "general competition agency" means the principal enforcer of the general competition law. Answering the following set of questions will require detailed knowledge of competition law and enforcement policy. Unless otherwise specified in the instructions for each question:*

- *the term "regulation" covers the diverse set of instruments by which governments set 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 to whom governments have delegated regulatory powers. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and formalities. "Deregulation" is a subset of regulatory reform.*
- *the questions in this section refer only to regulations or policies issued or accepted by the national government, except: **FOR FEDERAL COUNTRIES:** if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. **FOR MEMBERS OF THE EUROPEAN UNION:** answers should reflect the application in your country of relevant European-level legislation.*
- *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. Please answer as many questions as possible, even if some questions are left blank. If necessary, to supplement this questionnaire you may choose to provide more detailed information about specific practices in your country.*

**FOR ASSISTANCE CONTACT THE OECD HELP DESK: : Mr. Michael Wise (in the United States), Tel/fax: 1-202-363-1255; e-mail: MOwenWise@aol.com. PLEASE RESPOND BY 15 APRIL 1998.**

NAME, MINISTRY, AND TELEPHONE OF MAIN RESPONDENT:

---

**1. General information**

1. When was a general competition law first adopted in your country?
2. When was the general competition law most recently amended?


**2. General competition law: substantive provisions and interpretation****2.1 Agreements and abuses**

1. Please complete the following table 1 concerning the application and interpretation of the general competition law. For each item, please tick the box if the answer is "Yes"; if neither yes nor no would be an accurate answer, please write "NA" and explain separately if you wish.

**Horizontal agreements** are grouped into **price fixing** (to fix prices or terms, limit output, or rig bids); **market division** (to allocate customers, suppliers, territories, or lines of commerce); **boycott** (to refuse to deal with buyers, sellers, or competitors) and **other** (for example, to agree about standards, research and development, intellectual property, or joint purchasing or marketing). **Vertical agreements** are grouped into **exclusive dealing** (such as tying, exclusive dealing, and requirements or output contracts); **market controls** (such as exclusive territories or customer allocation); **resale price controls** (minimum); and **other** (such as agreements related to use of intellectual property). Types of **abuse of dominance** (or **monopolisation**) are grouped into **price abuse** (high prices to customers or low prices to suppliers); **exclusion** (requirements contracts, refusal to deal); **predation** (including predatory pricing), and **other** (including price discrimination).

**Table 1: General Competition Law (Please tick each box where the answer is “yes”)**

	Horizontal agreements			Vertical agreements			Abuse of dominance-monopolisation					
	a. price fixing	b. market division	c. boycott	d. other	e. exclusive dealing	f. market controls	g. resale price controls	h. other	i. price abuse	j. exclusion	k. predation	l. other
<i>Does the law cover this conduct?</i>												
<i>Is a showing of actual, possible, or intended harm to competition required to find a violation?</i>												
<i>Is there a market share threshold, dominance test, or prevalence requirement for finding a violation?</i>												
<i>Is there a threshold of firm size or market share below which a firm may not be found to be in violation?</i>												
<i>May the conduct be found lawful, despite harm to competition, on the grounds of other policy considerations?*</i>												

\* See question 2 in section 2.2. (below) for potentially applicable policies. Later questions address other policy-based exemptions from competition law enforcement.

**2.2 Mergers and other provisions**

For the following three questions (and for other references to the term in this questionnaire), “mergers” includes acquisitions of shares or assets (complete or partial) as well as combinations through corporate merger. It includes horizontal mergers (between actual or potential competitors), vertical mergers (between suppliers and customers), conglomerate mergers (between firms without such relationships), and joint ventures.

- |  | Yes  | No                       |
|--|--|--------------------------|
| 1. Does the general competition law include specific provisions to prevent or undo mergers that may harm competition or establish a dominant position?   | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| <b>If the answer is “no”</b>   |  |                          |
| a) Is the general competition law applied to prevent or undo mergers, treating them either as agreements or as abuses of dominance or monopolisation?  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| 2. On which of the following grounds may an otherwise illegal merger be permitted?   |  |                          |
| a) Efficiency  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| b) Business failure  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| c) Employment  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| d) Regional development  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| e) Industrial policy   | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| f) National security   | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| g) Public interest   | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| h) Other (specify) <input style="width: 100px; height: 15px;" type="text"/>  |  |                          |
| 3. Is there a merger pre-notification program or requirement?  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| <b>If the answer is “yes”:</b>   |  |                          |
| a) What is the threshold of ___ absolute size and/or ___ market share (please indicate which) at which pre-notification is required?   | <input style="width: 100px; height: 20px;" type="text"/> |                          |
| b) What proportion of mergers that are pre-notified is subject to further inquiry or enforcement action?   | <input style="width: 100px; height: 20px;" type="text"/> |                          |
| 4. Does the general competition law prohibit unfair competition (that is, competitive practices which are prohibited whether or not they are part of an abuse of dominance or other violation of the general competition law)? | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| <b>If the answer is “yes” which of the following conduct is prohibited?</b>  |  |                          |
| a) False or deceptive advertising or marketing   | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| b) Trademark misuse  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| c) Sales below cost  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| d) Abuse of economic dependence  | <input type="checkbox"/>                                 | <input type="checkbox"/> |
| e) Other (please specify) <input style="width: 100px; height: 15px;" type="text"/>   |  |                          |
| 5. Are there applicable competition laws derived from supra-national sources, such as the EU, or local competition laws that apply only in states, provinces, or localities?   | <input type="checkbox"/>                                 | <input type="checkbox"/> |

**3. Enforcement capacity and activity**

- |  |  |
|--|--|
| 6. Which of the following best describes the institutional status of the general competition agency? |  |
| a) ministry  | <input type="checkbox"/>                                 |
| b) ministry department   | <input type="checkbox"/>                                 |
| c) separate agency, independent from the government  | <input type="checkbox"/>                                 |
| d) other   | <input style="width: 100px; height: 15px;" type="text"/> |

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| 1. Which of the following sanctions may the general competition agency impose directly (indicate with <b>D</b> ), and for which must the agency apply to a court ( <b>C</b> ) or other body ( <b>O</b> )?   |                          |                          |
| a) Prohibitory orders   |                          |                          |
| b) Fines  |                          |                          |
| c) Other (such as mandatory orders or imprisonment)   |                          |                          |
| 2. Does the general competition agency publish its decisions, together with supporting reasoning?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. For investigations begun following a referral or private complaint, is the general competition agency required to explain why it may choose not to investigate, or to close a file without seeking a sanction or taking some other enforcement action?                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is there a regular procedure for appeal to the courts (of either general or special jurisdiction) of the general competition agency's final decisions and orders?  | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is "yes"</b>   |                          |                          |
| a) Is it possible for a complainant or other interested party to challenge or appeal a decision finding no violation?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the general competition agency entered into co-operative agreements with other countries' enforcement agencies?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. May private suits be brought under the general competition law?  |                          |                          |
| <b>If the answer is "yes", what remedies may be sought?:</b>  |                          |                          |
| a) Simple damages   |                          |                          |
| b) Exemplary or punitive damages  |                          |                          |
| c) Prohibition orders   |                          |                          |
| d) Other (specify)  |                          |                          |
| e) Does the right to bring suit depend on prior action by the general competition agency?   | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Do private parties have the power to obtain evidence, including evidence available to the general competition agency?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Please submit the following summary data about the general competition agency's enforcement activities for the last year (if not calendar year, please indicate the period actually covered). (Here, "unfair competition" has the meaning set out above, in question 4 of Section 2.2) |                          |                          |

	a. horizontal agreements	b. vertical agreements	c. abuse of dom.-monop.	d. mergers	e. unfair competition
number of investigations conducted or matters opened					
number of investigations or matters in which sanctions or orders were sought					
number of matters resulting in orders or pecuniary sanctions					
total pecuniary sanctions imposed					

10. For the years 1997 and 1994, how many persons (that is, person-years) were employed in the general competition agency?

- a) 1997
- b) 1994

11. For the years 1997 and 1994, what were the budget expenditures of the general competition agency (please give figures in then-current, national currency)?

- a) 1997
- b) 1994

## 5. Exemptions, exclusions, and advocacy

“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. 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.

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 1. Does the general competition law apply to publicly-controlled firms?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is there 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)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Please identify sectors that are excluded or exempted, completely or partially, from the indicated provisions of the general competition law in columns a-c of attached Table 2.  |                          |                          |
| 4. Are there laws, other than the general competition law, that regulate or protect competition in particular sectors?   | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is “yes”:</b>   |                          |                          |
| a) Please indicate the sectors for which other competition laws apply in column d of Table 2   |                          |                          |
| 5. Are there agencies, other than the general competition agency, that are engaged in enforcement of law concerning competition, including those that deal with particular sectors that are excluded in whole or in part from the general competition law?     | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is “Yes”:</b>   |                          |                          |
| a) Please indicate the sectors for which government departments or other agencies are responsible in columns e and f of Table 2  |                          |                          |
| 6. Is the general competition agency authorised to engage in competition advocacy, that is, promote the development or protection of competition through means such as comments on proposed rules or legislation, or amendments to existing ones?              | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. In which of the following situations has the agency engaged in competition advocacy within the last five years?   |                          |                          |
| a) Eliminating exclusions from competition law   | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Sectors undergoing privatisation  | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Sectors undergoing restructuring  | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Regulatory constraints or guidance about pricing, entry, output, forms of organisation and other commercial practices   | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Consideration of other laws or policies that have an impact on competition  | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Other situations (please describe) <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span>  |                          |                          |
| 8. Has the general competition agency engaged in enforcement, or in price or entry regulation, in sectors that are otherwise subject to partial exclusions from the general competition law?   | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is “Yes”:</b>   |                          |                          |
| a) Please indicate the sectors in columns g and h of Table 2.  |                          |                          |

**Table 2. Exclusions and exemptions from the application of general competition law, and sector-specific competition laws or enforcers**

**Instructions for TABLE 2:** Please tick the relevant column if the sector or subject is subject to an exclusion or exemption, either complete or partial. If there is a separate law regulating competition in the sector or subject, please tick the column under **other law**. If there is another agency that regulates or enforces a competition law in the sector or subject, tick the appropriate column, if the agency is a **government department** or is an **independent agency**. Please tick the next columns if the general competition agency has engaged in **enforcement** to some degree or in **price or entry regulation** in the sector or subject. For sectors, please identify the sector by writing its ISIC classification in the far left column (please specify ISIC version referred to). The categories listed at the beginning of the table, which represent types of activity or organisation or larger-scale economic or policy effects, may not correspond to ISIC classifications, and some of the columns may not be applicable to them.

Subject or sector (with ISIC code for sectors)	Exclusion or exemption from competition law (tick all that apply)			Sector agencies and laws (tick all that apply)				General Competition agency engaged in: (tick all that apply)	
	a. cartel & other horizontal	b. vertical & abuse of dominance - monop.	c. merger	d. other law	e. government department	f. independent agency	g. enforcement	h. price or entry regulation	
<i>Publicly-controlled firms</i>									
<i>National defence</i>									
<i>Labour</i>									
<i>Small - medium enterprises</i>									
<i>R&amp;D joint ventures</i>									
<i>Intellectual property rights</i>									
<i>Co-operatives</i>									
<i>Standards</i>									
<i>Particular sectors, by ISIC code:</i>									



## THE OECD REGULATORY INDICATORS QUESTIONNAIRE

### SECTION 4: MARKET OPENNESS

*This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.*

*This section focuses on regulations that may have an impact on market openness and trade. It is based on policy recommendations on regulatory reform endorsed by OECD Ministers in May 1997, particularly those relating to the elimination of unnecessary regulatory barriers to trade and investment. It aims in particular to assess the application of six principles discussed in the OECD Trade Committee: transparency, openness of decision-making and of appeal procedures; non-discrimination; avoidance of unnecessary trade restrictiveness; use of internationally harmonised standards where appropriate; recognition of the equivalence of regulatory measures in other countries where appropriate; and application of competition principles in an international perspective (for more details, see TD/TC/WP(97)42).*

*To give concrete examples for the analysis, the questionnaire focuses on four economic sectors: telecommunication equipment (network and customer premise equipment); automobiles (passenger and commercial vehicles); telecommunication services (voice and cellular telephony); and electricity (generation and access to grid). These sectors were chosen for their trade potential and were covered by previous OECD work. If additional distinctions are needed between sub-sectors, you may attach more detailed answers.*

Unless otherwise specified:

- *The words "regulations" and "regulatory measures" are used in this section interchangeably. They cover the diverse set of instruments by which governments set 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 to whom governments have delegated regulatory powers. The word "provisions" refers to the instruments by which governments establish how regulations will be formulated and implemented. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and formalities.*
- *The questions in this section refer only to regulations or policies issued or accepted by the national government, except: **FOR FEDERAL COUNTRIES:** if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. **FOR MEMBERS OF THE EUROPEAN UNION:** answers should reflect the application in your country of relevant European-level legislation.*
- *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. Please answer as many questions as possible, even if some questions are left blank. If necessary, to supplement this questionnaire you may choose to provide more detailed information about specific practices in your country.*

**FOR ASSISTANCE CONTACT THE OECD HELP DESK: Mr. DoHoon KIM: Tel: (33 1) 45 24 17 92; Fax: (33 1) 45 24 19 41; e-mail: dohoon.kim@oecd.org. PLEASE RESPOND BY 15 APRIL 1998..**

NAME, MINISTRY, AND TELEPHONE OF MAIN RESPONDENT:

---

**1. Transparency, openness of decision-making and of appeal procedures (in an international perspective)**

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| 1. When proposals for new regulations are made, are opportunities provided for comments and/or consultation by affected and interested parties? <b>If the answer is “yes”:</b>  | <input type="checkbox"/> | <input type="checkbox"/> |
| a) Are such opportunities open to foreign parties?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are there any specific provisions which require regulatory authorities to take account of the comments or consultations?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. 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? <b>If the answer is “yes”, is this:</b>   | <input type="checkbox"/> | <input type="checkbox"/> |
| a) through a government gazette?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b) through an Internet site?  | <input type="checkbox"/> | <input type="checkbox"/> |
| c) available in a foreign language? (Note: “foreign language” is any language other than the local language(s).)  | <input type="checkbox"/> | <input type="checkbox"/> |
| d) through other established procedures to provide international transparency, such as notifications to international bodies?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there any specific provisions that require a reasonable interval between publication of new regulations and their entry into force? (Note: “a reasonable interval” refers to the period during which affected parties can prepare for the change required by the new regulations.) | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Please answer questions 1, 1a, 1b, 2 and 3 for the following sectors by circling the correct answer in each box:   |                          |                          |

Sectors	1. Opportunities for comments and/or consultation?	1a. Open to foreign parties?	1b. Requirements to consider comments?	2. Communication at international level?	3. Reasonable interval between publication and entry into force?
Telecommunication equipment:					
– Network equipment	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No
– Customer premise equipment	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No
Automobiles	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No
Telecommunication services:					
– Voice telephony	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No
– Cellular telephony	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No
Electricity:					
– Generation	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No
– Access to grid	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 5. Are any exceptions specified as to the application of the provisions: |                          |                          |
| a) relating to certain sectors?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b) relating to the following objectives:                                 |                          |                          |
| i) National defence  | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Human health and safety  | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Environmental protection  | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Other rationales (If yes, please specify.)                           | <input type="checkbox"/> | <input type="checkbox"/> |

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 6. Is there a government body (apart from the regulatory authorities directly involved) which supervises the application of these transparency provisions and takes any necessary corrective action? |                          |                          |
|  | <input type="checkbox"/> | <input type="checkbox"/> |
|  | <b>Yes</b>               | <b>No</b>                |

7. Are there any inquiry points where affected or interested foreign parties can get information on the operation and enforcement of regulations?
8. In particular, are there sector-specific inquiry points that provide information on regulations concerning the following sectors?
- a) Telecommunication equipment: - Network equipment    
- Customer premise equipment
- b) Automobiles
- c) Telecommunication services: - Voice telephony    
- Cellular telephony
- d) Electricity: - Generation    
- Access to grid
9. 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.) **If the answer is "yes":**
- a) Are such appeal procedures:
- i) conducted by regulatory authorities themselves?
- ii) conducted by independent bodies?
- b) Do such appeal procedures require that the decision be made within a reasonable period?
- c) If there are any exceptions specified as to the openness of appeal procedures to foreign parties, what are their rationales?
- i) National defence
- ii) Human health and safety
- iii) Environmental protection
- iv) Other rationales (If yes, please identify.)

10. Please answer questions 9, 9a and 9b for the following sectors by circling the correct answer:

Sectors	9. Appeal procedures available to foreign parties?	9a. Appeal procedures conducted by independent bodies?	9b. Requirement that the decision be made within a reasonable time?
Telecommunication equipment: - Network equipment - Customer premise equipment	Yes / No Yes / No	Yes / No Yes / No	Yes / No Yes / No
Automobiles	Yes / No	Yes / No	Yes / No
Telecommunication services: - Voice telephony - Cellular telephony	Yes / No Yes / No	Yes / No Yes / No	Yes / No Yes / No
Electricity: - Generation - Access to grid	Yes / No Yes / No	Yes / No Yes / No	Yes / No Yes / No

## 2. Non-discrimination

1. Does your country have any specific provisions which require or encourage explicit recognition of the most-favoured-nation (MFN) principle when applying regulations, so as to guarantee non-discrimination between goods or services produced in different countries or between investments from different countries?
- Yes      No**
- a) **If the answer is "yes":** If there are any exceptions specified as to the application of the

provisions, what are their rationales?

- i) National defence
- ii) Human health and safety
- iii) Environmental protection
- iv) Other rationales (If yes, please identify.)

- b) **If the answer is “no”:** Are there any other measures or practices in place to ensure that the MFN principle is respected by regulatory bodies?    
**If yes, please explain.**

2. 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?

- a) **If the answer is “yes”:** If there are any exceptions specified as to the application of the provisions, what are their rationales?
- i) National defence
- ii) Human health and safety
- iii) Environmental protection
- iv) Other rationales (If yes, please identify.)

- b) **If the answer is “no”:** Are there any other measures or practices in place to ensure that the national treatment principle is respected by regulatory bodies?    
**If yes, please explain.**

3. Please answer questions 1 and 2 for the following sectors by circling the correct answer:

Sectors	1. Explicit recognition of MFN principle?	2. Explicit recognition of national treatment principle?
Telecommunication equipment:		
- Network equipment	Yes / No	Yes / No
- Customer premise equipment	Yes / No	Yes / No
Automobiles	Yes / No	Yes / No
Telecommunication services:		
- Voice telephony	Yes / No	Yes / No
- Cellular telephony	Yes / No	Yes / No
Electricity:		
- Generation	Yes / No	Yes / No
- Access to grid	Yes / No	Yes / No

4. Has your country engaged in any bilateral, plurilateral or regional agreements which give certain partner countries more favourable treatment vis-à-vis domestic regulations than third countries? **If yes, do these agreements cover the following sectors?**

- a) Telecommunication equipment: - Network equipment    
- Customer premise equipment
- b) Automobiles
- c) Telecommunication services: - Voice telephony    
- Cellular telephony
- d) Electricity: - Generation    
- Access to grid

### 3. Avoidance of unnecessary trade restrictiveness

Yes No

1. Are there any specific provisions which require or encourage regulatory administrative procedures to avoid unnecessary trade restrictiveness?
- a) **If the answer is “yes”:** If there are any exceptions specified as to the application of the provisions, what are their rationales?
- i) National defence
- ii) Human health and safety
- iii) Environmental protection
- iv) Other rationales (**If yes, please identify.**)
- b) **If the answer is “no”:** Are there any other measures or practices in place to ensure that regulatory administrative procedures avoid unnecessary trade restrictiveness?  
**If yes, please explain:**

2. Is there a procedure within the administration by which trade policy bodies are informed of changes in domestic regulations which could affect international trade and investment?  
**If the answer is “yes”:**
- a) Can the trade policy bodies request other ministries to provide more detailed information on their proposals of regulations?
- b) Can the trade policy bodies recommend the amendment of regulations on the grounds that they are trade restrictive?
3. Are there specific provisions which, when new regulations are proposed, require or encourage assessment of their impact on international trade and investment? **If the answer is “yes”:**
- a) When, as a result of such assessment, proposed measures are thought to have restrictive effects on international trade and investment, are the authorities responsible for drafting the regulation required to justify why trade restrictive effects are unavoidable?
- b) Does such reconsideration include a search for alternative measures which could be less trade restrictive?
- c) Do trade policy bodies have opportunities for comments or recommendations?
- d) Have there been cases where measures originally proposed have been modified or withdrawn as a result of such reconsideration?
4. Please answer questions 1, 2, 3 and 3a for the following sectors by circling the correct answer:

Sectors	1. Requirement that unnecessary trade restrictiveness be avoided?	2. Trade bodies informed of changes in regulations?	3. Assessment of impact on trade required?	3a. Reconsideration required as result of assessment?
Telecommunication equipment:				
- Network equipment	Yes / No	Yes / No	Yes / No	Yes / No
- Customer premise equipment	Yes / No	Yes / No	Yes / No	Yes / No
Automobiles	Yes / No	Yes / No	Yes / No	Yes / No
Telecommunication services:				
- Voice telephony	Yes / No	Yes / No	Yes / No	Yes / No
- Cellular telephony	Yes / No	Yes / No	Yes / No	Yes / No
Electricity:				
- Generation	Yes / No	Yes / No	Yes / No	Yes / No
- Access to grid	Yes / No	Yes / No	Yes / No	Yes / No

5. Is there a government body (apart from the regulatory authorities directly involved) which supervises application of these provisions to avoid unnecessary trade restrictiveness and takes any necessary corrective actions?
- Yes**      **No**
6. Is there a procedure for lodging and considering complaints from foreign parties about the impact of regulatory measures on trade and investment?

7. Are there any explicit measures to ensure that proposed regulations are consistent with international obligations?

8. Are there any training or education programmes for members of regulatory bodies which increase consciousness of the international trade perspective, for example with respect to their obligations under trade agreements?

#### 4. Use of internationally harmonised standards where available and appropriate

9. Are there any specific provisions which require or encourage regulators to use internationally harmonised standards and certification procedures wherever possible and appropriate?

#### 10. If the answer to question 1 is "yes", please answer the following questions:

a) If there are any exceptions specified as to the application of the provisions, what are their rationales?

i) National defence

ii) Human health and safety

iii) Environmental protection

iv) Technological considerations

v) Other rationales (If yes, please identify.)

b) Do the provisions apply to the following sectors?

i) Telecommunication equipment: - Network equipment    
- Customer premise equipment

ii) Automobiles

3. If the answer to question 1 is "no": Are there any other measures or practices in place to ensure that regulations adopt internationally harmonised standards wherever possible and appropriate?

4. Is there a government body (apart from the regulatory authorities directly involved) which supervises application of these provisions to use internationally harmonised standards and certification procedures and takes any necessary corrective actions?

5. Does the government collect information on the extent to which internationally harmonised standards have been adopted in the following sectors?

a) Manufacturing in general

b) Telecommunication equipment: - Network equipment    
- Customer premise equipment

c) Automobiles

#### 5. Recognition of the equivalence of regulatory measures in other countries where appropriate

1. 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? **If the answer is "yes":**

a) If there are any exceptions specified as to the application of the provisions, what are their rationales?

i) National defence

**Yes** **No**

ii) Human health and safety

iii) Environmental protection

- iv) Technological considerations
- v) Other rationales (If yes, please identify.)

2. Do regulations relating to the following areas (or specific cases under them) recognise the equivalence of regulatory measures or the result of conformity assessment in other countries?

	Equivalence of regulatory measures	Result of conformity assessment
Technical regulations (mandatory requirements)	Yes / No	Yes / No
Voluntary standards	Yes / No	Yes / No
Qualification/licensing requirements	Yes / No	
Other areas than mentioned above	Yes / No	Yes / No

3. Do regulations relating to the following sectors recognise the equivalence of regulatory measures or the result of conformity assessment in other countries?

a) Equivalence of regulatory measures (circle the correct answer):

Sectors	Technical regulations	Voluntary standards	Qualifications/ licensing
Telecommunication equipment: - Network equipment - Customer premise equipment	Yes / No Yes / No	Yes / No Yes / No	
Automobiles	Yes / No	Yes / No	
Telecommunication services: - Voice telephony - Cellular telephony			Yes / No Yes / No
Electricity: - Generation - Access to grid			Yes / No Yes / No

b) Result of conformity assessment (circle the correct answer):

Sectors	Technical regulations	Voluntary standards
Telecommunication equipment: - Network equipment - Customer premise equipment	Yes / No Yes / No	Yes / No Yes / No
Automobiles	Yes / No	Yes / No

4. Does the government collect information on the extent to which regulatory measures or the result of conformity assessment performed in other countries have been recognised equivalent for the following sectors? (circle the correct answer)

Sectors	Equivalence of regulatory measures	Result of conformity assessment
Manufacturing in general	Yes / No	Yes / No
Services in general	Yes / No	
Telecommunication equipment: - Network equipment - Customer premise equipment	Yes / No Yes / No	Yes / No Yes / No
Automobiles	Yes / No	Yes / No
Telecommunication services: - Voice telephony - Cellular telephony	Yes / No Yes / No	
Electricity: - Generation - Access to grid	Yes / No Yes / No	

5. Has your country engaged in Mutual Recognition Agreements (MRAs) in any sector(s) with any other country (countries)? **If yes, do the MRAs cover the following sectors?**

- a) Telecommunication equipment:
- Network equipment
- Customer premise equipment

b) *Automobiles*

**6. Application of competition principles in an international perspective (Note: the following questions concern the practices of all regulatory agencies and are not limited to competition agencies.)**

1. *When business practices are perceived to restrict competition and hence prevent effective access of foreign firms (foreign owned or controlled) to such markets, can the latter have redress:*
  - a) *through competition agencies?*
  - b) *through trade policy bodies?*
  - c) *through regulatory authorities involved?*
  - d) *through private rights of action?*
2. **If the answer(s) to question 1 is (are) "yes":** *Should the decision be made within a reasonable period? Please answer for the following cases:*
  - a) *Complaint is brought to competition agencies.*
  - b) *Complaint is brought to trade policy bodies.*
  - c) *Complaint is brought to regulatory authorities involved.*
  - d) *Complaint is brought through private rights of action.*
3. *If there are any exceptions specified as to the application of the procedures mentioned above, what are their rationales?*
  - a) *National defence*
  - b) *Human health and safety*
  - c) *Environmental protection*
  - d) *Other rationales (If yes, please identify.)*

- 
4. *Have there been any cases in which competition policy or other authorities (trade policy bodies or regulatory bodies involved) have received complaints from foreign firms concerning anti-competitive practices?*  
    - a) **If the answer is "yes":** *Have there been cases where those authorities have taken enforcement actions?*

5. *Please answer questions 1, 4 and 4a for the following sectors by circling the correct answers:*

Sectors	1. Foreign firms' access to redress procedures?	4. Any case to date of complaints received from foreign parties?	4a. Any case to date of enforcement actions taken?
<i>Telecommunication equipment:</i>			
- <i>Network equipment</i>	Yes / No	Yes / No	Yes / No
- <i>Customer premise equipment</i>	Yes / No	Yes / No	Yes / No
<i>Automobiles</i>	Yes / No	Yes / No	Yes / No
<i>Telecommunication services:</i>			
- <i>Voice telephony</i>	Yes / No	Yes / No	Yes / No
- <i>Cellular telephony</i>	Yes / No	Yes / No	Yes / No
<i>Electricity:</i>			
- <i>Generation</i>	Yes / No	Yes / No	Yes / No
- <i>Access to grid</i>	Yes / No	Yes / No	Yes / No

- |   |                          |                          |
|---|--------------------------|--------------------------|
|   | <b>Yes</b>               | <b>No</b>                |
| 6. <i>Are there any laws or regulations to prevent domestic firms in a regulated market or natural monopoly from exerting or extending market power into other product markets?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. <i>Are there any laws or regulations to prevent foreign firms from exerting or extending market power into the domestic market?</i>  | <input type="checkbox"/> | <input type="checkbox"/> |

8. Have there been any cases in which competition policy or other authorities received complaints from foreign firms on abuse of market power by domestic firms?

9. Please answer questions 6, 7 and 8 for the following sectors by circling the correct answers:

Sectors	6. Regulations to prevent domestic firms from exerting market power in other product markets?	7. Regulations to prevent foreign firms from exerting market power in the domestic market?	8. Any cases to date of complaints from foreign firms on market power abuse by domestic firms?
Telecommunication equipment:			
- Network equipment	Yes / No	Yes / No	Yes / No
- Customer premise equipment	Yes / No	Yes / No	Yes / No
Automobiles	Yes / No	Yes / No	Yes / No
Telecommunication services:			
- Voice telephony	Yes / No	Yes / No	Yes / No
- Cellular telephony	Yes / No	Yes / No	Yes / No
Electricity:			
- Generation	Yes / No	Yes / No	Yes / No
- Access to grid	Yes / No	Yes / No	Yes / No

### 7. Specific questions on product standards and conformity assessment

1. In the process of formulating technical regulations, are regulatory authorities required or encouraged to give maximum consideration to market-based voluntary standards widely used in their country for commercial transactions?

2. Have there been cases in which regulatory authorities have used foreign voluntary standards for defining technical regulations? (Note: for EU member countries, the term "foreign voluntary standards" refers to non EU voluntary standards.)

**If yes, does the government monitor or compile data on:**

a) how widely voluntary standards are used for technical regulations?

b) cases where regulatory authorities used foreign voluntary standards?

3. Please indicate the form of conformity assessment by regulations for the following sectors:

Sectors	Type of conformity assessment (please tick only one box for each sector)			Choice available for manufacturers (please tick only one box for each sector)			
	Manufacturers' declaration of conformance	Manufacturers' declaration of conformance + post-market surveillance	Pre-market approval	Product type approval (a)	Quality system assurance (b)	(a) and (b) are both required	Choice allowed between (a) and (b)
Telecommunication equipment:							
- Network equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Customer premise equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Automobiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Yes</b>	<b>No</b>
4. <i>If the answers to question 3 about the type of conformity assessment include “manufacturers’ declaration of conformance”, does it also apply to foreign manufacturers for the following sectors?</i>		
a) <i>Telecommunication equipment:</i>		
- <i>Network equipment</i>	<input type="checkbox"/>	<input type="checkbox"/>
- <i>Customer premise equipment</i>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Automobiles</i>	<input type="checkbox"/>	<input type="checkbox"/>
5. <i>When regulations require products to be certified as meeting certain standards, can such certification be done by more than one agency or organisation? (Please tick only one box.)</i>		
♦ <i>Yes, for all products.</i>	<input type="checkbox"/>	
♦ <i>Yes, for some products.</i>	<input type="checkbox"/>	
♦ <i>No.</i>	<input type="checkbox"/>	
a) <b><i>If “yes”:</i></b> <i>Can any agency or organisation which is recognised as competent based on widely used criteria be allowed to conduct product certification? (Please tick only one box.)</i>		
♦ <i>Yes, whether it is domestic or foreign.</i>	<input type="checkbox"/>	
♦ <i>Yes, but it is limited to only domestic (or regional) ones.</i>	<input type="checkbox"/>	
♦ <b><i>No. In that case, please identify the criteria other than competence used for authorising certification bodies.</i></b>	<input type="checkbox"/>	
<hr/>		
6. <i>When regulations require products to be certified as meeting certain standards, and test data is necessary for such certification, can manufacturers of the particular product use test data from more than one agency or organisation? (Please tick only one box.)</i>		
♦ <i>Yes, for all products.</i>	<input type="checkbox"/>	
♦ <i>Yes, for some products.</i>	<input type="checkbox"/>	
♦ <i>No.</i>	<input type="checkbox"/>	
a) <b><i>If “yes”:</i></b> <i>Can any agency or organisation which is recognised as competent based on widely used criteria be allowed to conduct testing for the above mentioned purpose? (Please tick only one box.)</i>		
♦ <i>Yes, whether it is domestic or foreign.</i>	<input type="checkbox"/>	
♦ <i>Yes, but it is limited to only domestic (or regional) ones.</i>	<input type="checkbox"/>	
♦ <b><i>No. In that case, please identify the criteria other than competence used for authorising testing bodies.</i></b>	<input type="checkbox"/>	

## THE OECD REGULATORY INDICATORS QUESTIONNAIRE

### SECTION 5: TELECOMMUNICATIONS

*This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.*

*This section focuses on the telecommunications industry. The information requested is coordinated with other information being collected through the OECD's ICCP Committee. Please answer the following questions with reference to the situation in early 1998, or the most recent period for which information is available. Unless otherwise specified in the instructions to each question:*

- *the term "regulation" covers the diverse set of instruments by which governments set 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 to whom governments have delegated regulatory powers. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and formalities. "Deregulation" is a subset of regulatory reform.*
- *PTOs are state and privately owned entities providing public switched telecommunication services over their own infrastructure. Incumbent PTOs are PTOs that enjoy or have enjoyed in the past special or monopoly rights in the provision of communications services*
- *the questions in this section refer only to regulations or policies issued or accepted by the national government, except: **FOR FEDERAL COUNTRIES:** if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. **FOR MEMBERS OF THE EUROPEAN UNION:** answers should reflect the application in your country of relevant European-level legislation.*
- *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. Please answer as many questions as possible, even if some questions are left blank. If necessary, to supplement this questionnaire you may choose to provide more detailed information about specific practices in your country.*

**FOR ASSISTANCE CONTACT THE OECD HELP DESK: Mr. Wonki Min: Tel: (33 1) 45 24 16 28; Fax: (33 1) 45 24 93 32; e-mail: wonki.min@oecd.org. PLEASE RESPOND BY 15 APRIL 1998.**

NAME, MINISTRY, AND TELEPHONE OF MAIN RESPONDENT:

---

## 1. Industry and ownership structure

1. Please provide information on market structure in basic voice and mobile cellular telephony services by filling in the following table:

Market structure	Communications services					
	Basic voice telephony				Mobile cellular telephony (subscribers)	
	Local (subscribers)		Trunk (switched minutes)	Inter-national (minutes of traffic)	Analogue	Digital
	At national level	At regional/ state level (where applicable) <sup>1</sup>				
<i>Number of operators</i>						
<i>Share of largest operator</i>						
<i>Share of second largest operator</i>						
<i>Share of the incumbent PTO<sup>2</sup></i>						

2. Does the state have special voting rights (e.g. golden shares) in the assembly of shareholders of the incumbent PTO? Yes  No

## 2. Regulatory environment

### 2.1. Market access

1. Please provide information on the legal conditions of entry in basic voice and mobile cellular telephony services by ticking the appropriate boxes in the following table:

Legal conditions of entry	Communications services					
	Basic voice telephony				Mobile cellular telephony	
	Local		Trunk	Inter-national	Analogue	Digital
	At national level	At regional/ state level (where applicable) <sup>3</sup>				
<i>Franchised to a single firm</i>						
<i>Franchised to two firms</i>						
<i>Franchised to more than two firms</i>						
<i>Free entry</i>						

<sup>1</sup> Please indicate situation in region/state with highest number of competing operators.

<sup>2</sup> Please add market shares of the PTO's subsidiaries as well.

<sup>3</sup> Please indicate situation in region/state with lowest entry limitations.

## 2.2. Price and quality regulation

1. Please provide information about **regulation of retail prices, interconnection fees and access charges** for communications services in the following table. Filling the boxes with an “I” when regulations apply to the incumbent PTO, a “D” when regulations apply to the incumbent PTO and to other dominant operators, an “A” when regulations apply to all operators.

Type of price	Communications services					
	Basic voice telephony			Mobile cellular telephony		
	Local		Trunk	Inter-national	Analogue	Digital
	At national level	At regional/ state level (where applicable) <sup>4</sup>				
<b>Retail prices</b>						
<i>Regulatory regime:</i>						
No regulation						
Regulation of some prices						
<i>Target of regulation:</i>						
Price ceiling						
Price floor						
Exact price						
<i>Basis for regulation:</i>						
Price inflation or other objective benchmark (e.g. RPI-X)						
Costs of the operator						
<b>Interconnection or access charges</b>						
<i>Regulatory regime:</i>						
No regulation						
Regulation of some prices						
<i>Target of regulation:</i>						
Price ceiling						
Price floor						
Exact price						
<i>Basis for regulation:</i>						
Price inflation or other objective benchmark (e.g. RPI-X)						
Costs of the operator						

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| 2. Is there a mandatory requirement to publish interconnection or access charges?                                   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. In regulating prices or rates of return, what is the basis for the evaluation of the firm performance and costs: |                          |                          |
| a) information provided by the regulated firm;  | <input type="checkbox"/> | <input type="checkbox"/> |
| b) information provided by an independent audit;  | <input type="checkbox"/> | <input type="checkbox"/> |
| c) information gathered by the regulatory authority using investigative powers;                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| d) information on comparative performance and costs of firms in the same sector/market (e.g. benchmark regulation); | <input type="checkbox"/> | <input type="checkbox"/> |
| e) other (please specify) _____   |                          |                          |

<sup>4</sup> Please indicate the situation in region/state with highest number of competing operators.

**2.4. Institutional setting**

1. Please indicate the institutions that are in charge for enforcing sector regulation and their respective competencies by ticking the appropriate boxes in the following table:

Areas of competence	<i>Institutions responsible for regulation</i>			
	<i>Ministry department</i>	<i>Sector regulatory agency</i>	<i>Competition authorities</i>	<i>Other</i>
<i>Anti-competitive practices (excluding merger activity)</i>				
<i>Mergers</i>				
<i>Market entry (e.g. licensing, franchising)</i>				
<i>Network access</i>				
<i>Prices and charges</i>				
<i>Consumer policy (e.g. quality of service control, universal service)</i>				

## THE OECD REGULATORY INDICATORS QUESTIONNAIRE

### SECTION 6: TRANSPORTATION

*This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.*

*This section focuses on regulations in three transport industries: road freight, railways, and passenger air travel. Unless otherwise specified in the instructions to each question:*

- *the term "regulation" covers the diverse set of instruments by which governments set 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 to whom governments have delegated regulatory powers. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and formalities. "Deregulation" is a subset of regulatory reform.*
- *the questions in this section refer only to regulations or policies issued or accepted by the national government, except: **FOR FEDERAL COUNTRIES:** if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. **FOR MEMBERS OF THE EUROPEAN UNION:** answers should reflect the application in your country of relevant European-level legislation.*
- *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. Please answer as many questions as possible, even if some questions are left blank. If necessary, to supplement this questionnaire you may choose to provide more detailed information about specific practices in your country.*

**FOR ASSISTANCE CONTACT THE OECD HELP DESK: Mr. Giuseppe Nicoletti: Tel: (33 1) 45 24 87 30; Fax: (33 1) 45 24 13 47; e-mail: Giuseppe.Nicoletti@oecd.org. PLEASE RESPOND BY 15 APRIL 1998.**

NAME, MINISTRY, AND TELEPHONE OF MAIN RESPONDENT:

---

**1. Road freight**

In this section, road freight corresponds to ISIC (rev. 2) sector 7114. Therefore, unless otherwise stated, it does not include road freight transport operated by businesses for their own use.

**1.1. Industry and market structure**

1. Please provide information about market structure in the road freight industry in the following table:

	1985	1990	Most recent year (please specify) _____
Total number of companies			
Combined market share of three largest companies (tonne/km or, if not available, in revenue terms)			

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 2. Is there a firm in the road freight sector that is publicly-controlled (i.e. national, state or provincial governments hold the largest single share) | <input type="checkbox"/> | <input type="checkbox"/> |

**1.2. Regulatory environment**

**1.2.1. Market Access**

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| 1. Is registration in any transport register required in order to establish a new business in the road freight sector?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. In order to operate a national road freight business (other than for transporting dangerous goods or goods for which sanitary assurances are required) do you 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"/> |
| c) notify any level of government or a regulatory agency and wait for approval before you can start operation? .  | <input type="checkbox"/> | <input type="checkbox"/> |
| d) notify any level of government or a regulatory agency?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If establishing a business in national road freight services is subject to any of the procedures in a, b or c 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) If these entry regulations only apply to shipments above a specified distance, please indicate the threshold.  |                          |                          |
| c) If these entry regulations apply only to shipments above a specified weight, please indicate the threshold.  |                          |                          |
| d) Do these entry regulations apply if a firm wants to transport only for its own account?  | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Does an authorisation to operate extend to the entire territory of the country?  | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Is the authorisation to operate limited in duration?   | <input type="checkbox"/> | <input type="checkbox"/> |
| g) What is the longest amount of time that the responsible agency may take to reach a decision about a complete application? (write "no limit" if there is no mandatory limit)    |                          |                          |
| h) What is the minimum number of government levels that are involved in examining the applications?   |                          |                          |
| i) Are authorisations to operate transferable?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does the regulator, through licenses or otherwise, have any power to limit industry capacity?  | <input type="checkbox"/> | <input type="checkbox"/> |

- Yes**                      **No**
5. Do foreign firms have the same right to operate in the domestic market as domestic firms?
- If the answer is "No", are any of the following constraints in place?**
- a) complete prohibition of cabotage
- b) limitations on cabotage
- c) domestic carrier requirements for public traffic (public procurement)
- d) restrictions on the possibility for foreign firms to pick up freight (e.g. only if they delivered in the country)
- e) other (please specify)
6. Are professional bodies or representatives of trade and commercial interests involved in specifying or enforcing entry regulations?

**1.2.2. Industry behaviour**

1. Are there any regulations setting conditions for driving periods and rests?
- a) If such regulation is in place, does it also apply to transit traffic (e.g., traffic originating from and directed to a foreign country)?
2. Do regulations prevent or constrain:
- a) backhauling (picking up freight on the return leg)?
- b) private carriage (transport only for own account)?
- c) contract carriage (contractual relation between an otherwise independent haulier and one shipper)?
- d) intermodal operations (operating or ownership links between firms in different transportation sectors)?
3. Within the last five years, have laws or regulations removed restrictions on:
- a) own-account shipments?
- b) commercial, for-hire shipments?

**1.2.3 Prices**

1. Are retail prices of road freight services in any way regulated by the government?
2. Does the government provide pricing guidelines to road freight companies?
3. Are professional bodies or representatives of trade and commercial interests involved in specifying or enforcing pricing guidelines or regulations?

**1.3 Performance**

1. Please submit the following data on industry performance for the years indicated. The questions pertain to the entire domestic industry (all operators combined). Countries which are members of the European Conference of Ministers of Transport (ECMT) need not provide the information marked with \*.

	1985	1990	Most recent year, please specify
Output/traffic* (tonnes-kilometres)			
Total revenues			
Total operating costs			
of which labour costs			
Gross profit			
Employment			
a) total employees*			
b) total hours worked per year			

Table cont.

	1985	1990	Most recent year, please specify _____
Capacity*			
a) number of trucks operating*			
b) total tonnes*			
Fixed investment*			

## 2. Railways

To answer the questions in this section, please interpret railways only as transport involving inter-urban or sub-urban traffic by rail (ISIC rev. 2 code 7111). Exclude urban transportation such as subways and tramways.

### 2.1 Industry and market structure

1. The following questions clarify the current organisation of the operation of infrastructure (installation and maintenance of tracks, signalling, etc.) and the provision of railway services (meaning the actual transport of passengers or freight). Please tick the correct answer.

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| a) Are these two activities organised in completely separate firms?   | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are these two activities carried out by business units within the same firm(s) with separate financial responsibilities? | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Are these two activities carried out within the same firm(s), but with separate bookkeeping?                             | <input type="checkbox"/> | <input type="checkbox"/> |

2. Please provide information on the industry and market structure in the following table.

Industry and market structure	Railway activities		
	Operation of infrastructure	Provision of services	
		Passenger transport	Freight transport
<i>Total number of operators</i>			
<i>Market share (passenger/Km) of largest operator</i>			
<i>Market share (passenger/Km) of second largest operator</i>			
<i>Maximum number of operators competing in same geographic area</i>			

3. Please provide information on the ownership structure of the largest operator by ticking the boxes where the answer is "yes" in the following table.

Ownership structure of the largest operator	Railway activities		
	Operation of infrastructure	Provision of services	
		Passenger transport	Freight transport
<i>National, state or provincial authorities own more than 50% of shares?</i>			
<i>National, state or provincial authorities own largest single share of equity?</i>			
<i>Private?</i>			
<i>National, state or provincial authorities have special voting rights (e.g. golden shares)?</i>			

## 2.2. Regulatory environment

### 2.2.1 Market access

1. Please provide information on the legal conditions of entry in railway activities by ticking the boxes where the answer is “yes” in the following table.

Legal conditions of entry	Railway activities	
	Operation of infrastructure	Provision of services
		Passenger transport
<b>Structure of market:</b>		
<i>Franchised to single firm?</i>		
<i>Franchised to several firms?</i>		
<i>Free entry (upon paying access fees)?</i>		
<b>Franchise procedures (if applicable):</b>		
<i>Open tendering? (all parties may submit a tender)</i>		
<i>Selective tendering? (invited suppliers submit tenders)</i>		
<i>Single tendering? (one firm is invited to submit a tender)</i>		

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 2. Are there any foreign ownership restrictions on individuals or corporations investing in:   |                          |                          |
| a) the provider(s) of the national (or state) railroad grid?   | <input type="checkbox"/> | <input type="checkbox"/> |
| b) in the provider(s) of the national (or state) railway services?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there any restrictions on the access of foreign firms to bidding procedures related to the assignment of state concessions or franchises for the operation of infrastructure or the provision of passenger or freight services? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are there any provisions concerning priority of access to the railway infrastructure by providers of railway services (e.g. transparency requirements)?   | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is “Yes”, please indicate whether these provisions concern:</b>   |                          |                          |
| i) foreign service providers (e.g. international traffic);   | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) new service providers.   | <input type="checkbox"/> | <input type="checkbox"/> |

### 2.2.2. Industry behaviour

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. Please indicate if the government has any liability for losses made by a railway company (excluding subsidies related to service obligations)?                              | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Did the government in the past 5 years make up for any losses made by railway companies?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are companies operating the infrastructure or providing railway services subject to universal service requirements (e.g. obligation to serve specified customers or areas)? | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is “Yes”:</b>   |                          |                          |
| a) Do these requirements put restrictions on the ability to exit particular activities or routes?  | <input type="checkbox"/> | <input type="checkbox"/> |

### 2.2.3. Prices

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 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"/> |
| 2. Please provide information about <b>regulation of access charges and retail prices</b> in railways activities in the following table. In filling out the boxes, please write an “I” 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
Type of regulation: <i>None</i>			
<i>Regulation of some prices</i>			
Target of regulation: <i>Price ceiling</i>			
<i>Price floor</i>			
<i>Exact price</i>			
Basis for regulation: <i>Price inflation (e.g. RPI-X) or other objective benchmark (e.g. price in other countries)</i>			
<i>Costs of the operator</i>			
Mode of regulation: <i>Prices or tariffs are set by regulator</i>			
<i>Prices set by operator but need to be approved by the regulator</i>			
<i>Other</i>			

3. Are companies operating the infrastructure or providing railway services required to set prices in order to cover at least a minimum amount of costs?

If the answer is "Yes":

a) What amount (in percent) should be covered?

### 2.3. Performance

1. Please submit the following data on industry performance for the years indicated. The questions pertain to all domestic railway companies combined. Countries which are members of the European Conference of Ministers of Transport (ECMT) need not provide the information marked with \*.

	1985	1990	Most recent year please specify _____
Traffic* (passenger/Km)			
Freight* (tonnes/Km)			
Total revenues			
Of which:			
Passenger transport			
Freight transport			
Value added			
Total operating costs			
Labour costs			
Total subsidies for railway sector			
Percentage of costs covered by internal revenue			
Employment*			
Gross investment in rolling material*			
Gross investment in infrastructure*			
Rail infrastructure*:			
Km of tracks			
Number of train stations			
Percentage of arrivals more than 15 minutes late			

### 3. Air travel (non freight)

This section deals with transportation of passengers by scheduled air carriers. Unless otherwise stated, 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 owned or controlled (financially) 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 carried per year per kilometre.
- A hub is defined as an airport which (i) serves a large number of city-pair routes, (ii) serves both as a departure point/final destination on these routes and as an interchange for passengers in transit, (iii) has a significant proportion of transit passengers, (iv) has more than 100 000 air traffic movements (ATM) per year.
- A hub is said to be dominated by a carrier if the carrier has grandfather rights on at least 50 per cent of available landing and takeoff rights (slots).
- A hub is said to be dominated by two carriers if each of the carriers has grandfather rights on at least 30 per cent of the available slots.
- A carrier is said to be incumbent if it dominates a hub and/or enjoys or has enjoyed in the past monopoly rights in the provision of air transport services

#### 3.1. Industry and market structure

1. Please provide information regarding 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
<i>Number of independent carriers</i>				
<i>Share of traffic (passenger/kilometre) of the largest carrier</i>				
<i>Share of traffic (passenger/kilometre) of the incumbent carrier</i>				
<i>Number of new carriers which started providing services in the last ten years</i>				
<i>Airports at both ends of the route are dominated by the same carrier</i>				
<i>Airports at both ends are dominated by the largest carrier on this route</i>				

- Yes      No
2. Is the largest operator in international routes also the largest operator in domestic routes?
3. How many of the 100 busiest international routes are served by three or more carriers (domestic of foreign)?
4. How many airport hubs exist in your country?
- a) What are the shares of slots (in total available slots) held by the incumbent carrier in the two largest airport hubs?
- Hub 1:
- Hub 2:
- b) How many hubs suffer from congestion phenomena (i.e. demand for landing or take-off slots that exceeds the available capacity)?
5. Ownership structure of the largest carrier (domestic and international traffic combined):
- a) Percentage of shares owned by national, state or provincial authorities
- b) Do national, state or provincial governments have special voting rights (e.g. golden shares) in the assembly of shareholders of an incumbent airline company?

**3.2. Regulatory environment**

**3.2.1. Market access**

a) Please provide information on the legal conditions of entry in air travel activities by ticking all boxes where the answer is “yes” in the following table.

Legal conditions of entry	Air transport routes		
	Domestic	International (busiest route)	
		Connecting countries included in regional agreements (please specify agreement: _____)	Connecting other countries
Entry requirements: <i>None?</i>			
<i>Certification?</i>			
<i>Approval by regulatory authority?</i>			
<i>State concession or franchise?</i>			
Franchise procedures (if applicable): <i>Open tendering?</i>			
<i>Selective tendering?</i>			
<i>Single tendering?</i>			
Nature of access rights (if applicable): <i>Transferable between companies?</i>			
<i>Limited duration?</i>			

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 2. Are there any foreign ownership restrictions on individuals or corporations investing in the provider(s) of air transport services?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. How are new slots (e.g. made available through capacity expansion or reorganisation) allocated in congested airports?   |                          |                          |
| a) Discretionally;   | <input type="checkbox"/> | <input type="checkbox"/> |
| b) On a first-come first-serve basis;  | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Through periodic lotteries;   | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Through periodic auctions.  | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Other (please specify) <span style="float: right; border: 1px solid black; display: inline-block; width: 200px; height: 15px;"></span>  |                          |                          |
| <b>If the answer to c or d is “Yes”</b>  |                          |                          |
| i. What is the percentage of slots (over total existing slots) that has been allocated through auctions or lotteries in the last five years? <span style="float: right; border: 1px solid black; display: inline-block; width: 200px; height: 15px;"></span> |                          |                          |
| 6. Are there specific regulations for the allocation and reallocation of slots in congested airports?  | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is “Yes”:</b>   |                          |                          |
| a) Are barter trades of slots allowed?   | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are monetary trades of slots allowed?   | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Is there an organised market mechanism for trading slots?   | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Are there incentive provisions for new entrants and limited size incumbents (e.g. reserved quotas in auctions or lotteries, use or lose rules)?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Is clearance co-ordination at congested airports delegated by the government to the incumbent carrier?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Are slots at congested airports allocated by an independent body?   | <input type="checkbox"/> | <input type="checkbox"/> |

**3.2.2. Industry behaviour**

1. Please indicate if the government has any liability for losses made by an airline company?

- |   |                          |                          |
|---|--------------------------|--------------------------|
|   | <b>Yes</b>               | <b>No</b>                |
| 2. Did the government in the past five years make up for losses made by an airline company?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are carriers operating on domestic routes subject to universal service requirements (e.g. obligation to serve specified customers or areas)? | <input type="checkbox"/> | <input type="checkbox"/> |

### 3.2.3. Prices

1. Please provide information about regulation of air travel fares (if any) by ticking all boxes in the following table where the answer is "yes":

Fare regulation	Air transport routes		
	Domestic	International (busiest route)	
		Connecting countries included in regional agreements (please specify agreement )	Connecting other countries
<i>None?</i>			
<i>Approval of regulatory authorities needed for price changes?</i>			
<i>Double disapproval mechanism in the context of bilateral international agreements?<sup>5</sup></i>			
<i>Fares set in co-ordination with other designated carriers in the context of bilateral international agreements?</i>			

### 3.3. Industry performance

Please provide information on the performance of the domestic airline industry by filling out the following table. If possible, define the domestic industry as all flights of resident airlines arriving in or departing from your country; otherwise, please indicate which definition of domestic industry is used:

Other definition:			
	1985	1990	Most recent year please specify
<b>Number of passengers carried</b>			
<b>Tonnes of freight carried</b>			
<b>Total kilometres flown</b>			
<b>Number of flights</b>			
<b>Total revenues</b>			
<b>Total operating costs</b>			
<b>Total labour costs</b>			
<b>Total employment</b>			
<i>of which:</i>			
<i>- cabin personnel (including cockpit)</i>			
<i>- ground personnel (including management, ticketing, maintenance, etc.)</i>			
<b>Size of the fleet (number of planes)</b>			
<b>Average size of planes:</b>			
<i>- total passenger capacity</i>			
<i>- total tonnes capacity</i>			

<sup>5</sup> According to the double-disapproval mechanism a fare change is permitted unless both the origin and destination country governments notify the carrier within a specified period that the fare change would not be permitted.

## THE OECD REGULATORY INDICATORS QUESTIONNAIRE

### SECTION 7: RETAIL DISTRIBUTION

*This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.*

*This section focuses on regulations in the retail sector. Unless otherwise stated, retail distribution is defined as retail sales of motor vehicles and fuel (NACE code G50), retail trade in all other goods, and repair of personal and household goods (NACE code 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:*

*In this questionnaire, large outlets are defined as sales outlets with more than 1000 m<sup>2</sup> 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:*

Unless otherwise specified in the instructions to each question:

- *the term "regulation" covers the set of instruments by which governments set 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 to whom governments have delegated regulatory powers. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations. "Deregulation" is a subset of regulatory reform.*
- *the questions in this section refer only to regulations or policies issued or accepted by the national government, except: **FOR FEDERAL COUNTRIES:** if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. **FOR MEMBERS OF THE EUROPEAN UNION:** answers should reflect the application in your country of relevant European-level legislation.*
- *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. Please answer as many questions as possible, even if some questions are left blank.*

**FOR ASSISTANCE: CONTACT OECD HELP DESK: Giuseppe Nicoletti: Tel: (33 1) 45 24 87 30; Fax: (33 1) 45 24 13 47; e-mail: giuseppe.nicoletti@oecd.org. PLEASE RESPOND BY 15 APRIL 1998.**

NAME, MINISTRY, AND TELEPHONE OF MAIN RESPONDENT:

---

## 1. Industry and market structure

1. Please provide information on market structure in the retail distribution sector by filling in the following table:

Total number of:	1985	1990	Most recent year (please specify _____)
- retail outlets			
- large outlets			
- sales surface			
- license applications for large outlets (if applicable) <sup>6</sup>			
- refusals to grant license for large outlets (if applicable) <sup>2</sup>			
- mergers in the retail distribution sector			

2. If possible, please provide data on entry and/or exit rates into retailing:

Most recent year for which data on **entry** is available \_\_\_\_\_ (please specify)

Most recent year for which data on **exit** is available \_\_\_\_\_ (please specify)


3. Please provide data on the market share (value of sales over total sales of the sector) of the three largest operators in the retail distribution sector

## 2. Regulatory environment

### 2.1. Market access

1. Please indicate procedures pertaining to the establishment of new 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							
	No 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								

Yes No

2. If registration in a commercial register is necessary to establish a new outlet for selling food or clothing, what are the minimum requirements for registration?

a) Having no criminal record?

Yes  No

6. To be answered only if special provisions for large outlets exist

- b) Management or professional record/degree?
- c) Having passed an examination?
- d) Other (please specify)
3. Are there more extensive requirements for some categories of outlets?
4. Does the registration office have statutory deadlines for approving and/or confirming registration?
- If the answer is "Yes":**
- a) What is the maximum deadline? (in days)
- b) Can commercial activity be started when deadlines are bypassed by the registration office?
5. With reference to the previous table, please provide the following information about licenses needed to engage in commercial activity (Type 2), if applicable.
- a) Are Type 2 licenses product specific? (e.g. food/non-food)
- If the answer is "Yes":**
- i) How many categories of products require product-specific Type 2 licenses?
- b) Are Type 2 licenses related to a certain type of activity? (e.g. only one license is needed to open a gas station or to open a drugstore, etc.)
- If the answer is "Yes":**
- i) How many activities are covered by activity-specific Type 2 licenses?
6. With reference to the preceding table, please provide the following information with respect to licenses or permits related to outlet siting (Type 3), if applicable.
- a) In setting up a retail outlet is it necessary to apply for a site or is abiding by the zoning regulations sufficient?
- b) Are there specific regulations for the location of retail distribution outlets in addition to general urban planning rules?
- c) Can local regulatory authorities set a maximum total sales surface limit for certain products or product aggregates in one geographic area?
7. With reference to the preceding table, 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?
- b) What is the threshold surface limit for these laws or regulations to apply?
- c) Are these laws or regulations enforced,
- i) nationally?
- ii) locally?
- d) Does the establishment of a large outlet require a specific application process, substituting or supplementing the Type 2 licensing procedures?
- 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?
8. Can the refusal to allow the engagement in retail distribution activities (following Type 2, Type 3 or Type 4 procedures) be based on a discretionary assessment of market needs by the competent licensing office (e.g. no additional outlets of a certain kind are deemed necessary in the proposed area)?
9. Are professional bodies or representatives of trade and commercial interests involved in Type 2, Type 3 or Type 4 licensing decisions?
- Yes      No**

10. Are there products that can only be sold in outlets operating under a local or national legal monopoly (franchise)?

If the answer is "Yes":

a) Do any of the following products fall into this category?

i) Pharmacies

ii) Tobacco

iii) Newspapers

iv) Alcohol

b) Are any of these outlets publicly owned?

11. Consider the following example: A grocery store in the centre of the capital city (not in an historic part), run by a family with no previous experience in commerce, with a shopping area of 200 m<sup>2</sup>.

a) What would be the minimum number of Type 2 and Type 3 licenses required to start up the business?

b) How many levels of government would be involved in the application and licensing procedures?

c) What would the statutory delay (in days) for answering to the licensing application be?


12. Consider another example: A large hypermarket in the capital city outskirts, with a shopping area of 2000m<sup>2</sup>.

a) What would the minimum number of Type 2 and Type 3 licenses required to start up the business?

b) If applicable, how many additional Type 2 and Type 3 licenses are needed to comply with Type 4 regulations?

c) How many levels of government would be involved in the application and licensing procedures?

d) What would the statutory delay (in days) for answering to the licensing application be?


**2.2. Industry behaviour**

1. Are shop opening hours regulated?

If the answer is "Yes", please indicate at which level of government regulations are applied:

a) national

b) state

c) local

2. Please provide information on regulations concerning shop opening hours (if any) by filling in the following table:

Legal provision	Period		Special weekdays <sup>7</sup>					Saturday	Sunday
	Weekdays								
			M	T	W	T	F		
No legal limit									
Earliest opening hour									
Latest closing hour									
Max. days open per month									
Max. days open per year									

3. Please indicate the maximum hours an outlet can be open per day, if there is any such limitation.

4. Please indicate the maximum hours an outlet can be open per week, if there is any such


7. Weekdays in which opening hours are longer (or shorter). Please check the initial letter(s) of the day(s).

limitation.

5. Please indicate the mandatory minimum shut down days during the year?


6.. Did the regulation of opening hours become more flexible in the last 5 years?

<b>Yes</b>	<b>No</b>
<input type="checkbox"/>	<input type="checkbox"/>

7. Are there separate regulatory provisions that impose conditions on the following private activities:

a) co-operation agreements?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

b) franchising in the private sector?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

**2.3. Prices**

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)


b) How many products have mandatory price ceilings?

c) For how many products price changes are subject to administrative controls (e.g. obligation of advance notice to authorities, ex post controls)?


d) Please indicate if, for some products, the review process for price ceilings involves professional bodies or representatives of trade and commercial interests. **If the answer is "Yes":**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

i) For how many products is there such a review process?

--

2. Please indicate if there is any special regulation regarding:

a) Special promotions

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

b) Closing down sales

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

c) Discounts

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

d) Free gifts

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

3. Are there special regulations prohibiting or restricting sales below cost?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

4. Is there a designated period during which special sales or inventory cleanups are allowed?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

**If the answer is "Yes":**

a) How long is this period (in days)?

--

b) Are there exceptions to this periods (e.g. because of construction work)?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

c) Is there any regulation on how sale prices have to be displayed?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

**3. Performance**

1. Please provide data on the retail distribution sector by filling in the following table:

	1985	1990	Most recent year (please specify )
Employees			
Value of retail sales			
Volume of retail sales			
Value added			

**THE OECD REGULATORY INDICATORS QUESTIONNAIRE**

## SECTION 8: PUBLIC PROCUREMENT

*This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.*

*This section focuses on regulations and policies related to public procurement. In the following sub-section, "public procurement" refers to all purchases of goods and services (including construction services) by central government entities for their own consumption in the latest year for which information is available. If your data do not correspond to this definition, please indicate below the levels of government and goods and services included:*

--

***Please note that countries that are signatories of the Government Procurement Agreement (GPA) need not answer questions marked with an \*.***

Unless otherwise specified:

- *the term "regulation" covers the diverse set of instruments by which governments set 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 to whom governments have delegated regulatory powers. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and formalities. "Deregulation" is a subset of regulatory reform.*
- *the questions in this section refer only to regulations or policies issued or accepted by the national government, except: **FOR FEDERAL COUNTRIES:** if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. **FOR MEMBERS OF THE EUROPEAN UNION:** answers should reflect the application in your country of relevant European-level legislation.*
- *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. Please answer as many questions as possible, even if some questions are left blank. If necessary, to supplement this questionnaire you may choose to provide more detailed information about specific practices in your country.*

**FOR ASSISTANCE CONTACT THE OECD HELP DESK: Mr. Giuseppe Nicoletti: Tel: (33 1) 45 24 87 30, Fax: (33 1) 45 24 13 47; e-mail: giuseppe.nicoletti@oecd.org. PLEASE RESPOND BY 15 APRIL 1998.**

NAME, MINISTRY, AND TELEPHONE OF MAIN RESPONDENT:

---

1. If possible, please provide information on the importance of public procurement in different ISIC (rev. 2) sectors of economic activity by filling out the following table:

Sector (ISIC)	Procurement by central government entities	
	Total value of procurement	Value of procurement spent on domestic products* (see box below)
Agriculture, forestry and fishing (1)		
Mining and quarrying (2)		
Manufacturing (3)		
Electricity, gas and water (4)		
Construction (5)		
Wholesale and retail trade (61-62)		
Restaurant and hotels (63)		
Transport and storage (71)		
Communication (72)		
Finance and insurance (81-82)		
Real estate and business services (83)		
Personal and household services (95)		
All ISIC sectors		

\*Please provide your definition of domestic products:

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| 2. Please indicate (if possible) the share of public procurement by central government entities assigned through open tendering procedures: |                          |                          |
| a) goods  | <input type="text"/>     |                          |
| b) services (excluding construction)  | <input type="text"/>     |                          |
| c) construction   | <input type="text"/>     |                          |
| 3. Is there an administrative monitoring mechanism checking compliance with public procurement tendering rules at all government levels?    | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is it possible for a firm to appeal public procurement decisions?  | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is "Yes":</b>  |                          |                          |
| a) Is this possibility open to foreign firms?   | <input type="checkbox"/> | <input type="checkbox"/> |
| b) How many such appeals were filled in the last five years?  | <input type="text"/>     |                          |
| 5. Are there requirements or guidelines for "green purchasing" of environment-friendly products?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is it mandatory for suppliers interested in participating in public contracts to register as contractors or be qualified as such?        | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.*Are there restrictions (other than capital or technical requirements) on participation in public procurement bids?                       | <input type="checkbox"/> | <input type="checkbox"/> |
| 8.*Are there nationality or residency requirements on participation in public procurement bids?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 9.*Are there requirements for local content or rules favouring domestic suppliers of publicly procured goods and services?                  | <input type="checkbox"/> | <input type="checkbox"/> |
| 10.*Do there exist lists of approved suppliers?   | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>If the answer is "Yes":</b>  |                          |                          |
| a) How often are such lists reviewed or updated?  | <input type="text"/>     |                          |