

**PUBLIC GOVERNANCE AND TERRITORIAL DEVELOPMENT DIRECTORATE
REGULATORY POLICY COMMITTEE**

OECD REGULATORY INDICATORS QUESTIONNAIRE 2009

4th meeting of the Regulatory Policy Committee

**13-14 April 2011
The OECD Conference Centre, Paris**

The Indicators of Regulatory Management Systems Country Notes (see Annexes 2 -7) are based on this questionnaire, which was shared with officials in Brazil, Chile, Estonia, Israel, Russia, Slovenia and South Africa in 2009/10.

This document is circulated to delegates for information.

1

JT03299640

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

TABLE OF CONTENTS

OECD REGULATORY INDICATORS QUESTIONNAIRE

SECTION 1: CONTENT OF REGULATORY POLICIES	6
1. Regulatory policies	6
2. Regulatory management and policy coherence.....	7
3. Clarity and due process in decision making procedures	8
4. Regulatory processes.....	8
5. Transparency.....	8
SECTION 2: REGULATORY QUALITY TOOLS.....	10
6. Consultation procedures with affected parties	10
7. Use of regulatory impact analysis (RIA)	12
8. Administrative simplification licences and permits.....	14
9. Measurement and reduction of administrative burdens	15
SECTION 3: INSTITUTIONAL ARRANGEMENTS TO PROMOTE REGULATORY QUALITY .	18
10. Central regulatory oversight authority (administrative and political)	18
SECTION 4: DYNAMIC ASPECTS OF REGULATORY QUALITY.....	20
11. Ex post regulatory review and evaluation	20
12. Indicators of performance, Quantitative questions, outputs	21
GLOSSARY OF TERMS.....	22

OECD REGULATORY INDICATORS QUESTIONNAIRE 2009

1. The questionnaire contains a set of core questions on regulatory management practices.
2. The questionnaire includes four main areas:
 1. Content of Regulatory Policies;
 2. Regulatory quality tools;
 3. Institutional arrangements to promote regulatory quality;
 4. Dynamic aspects of regulatory quality.
3. Respondents may wish to refer to the definitions 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 law or government policy. For each question:
 - the term ***regulation*** covers the diverse set of instruments by which governments impose requirements on enterprises and citizens. Regulations include all primary laws, formal and informal orders, subordinate regulations, administrative formalities and rules issued by non-governmental or self-regulatory bodies to whom governments have delegated regulatory powers;
 - the term ***primary law*** refers to those regulations adapted by the legislature (Parliament or Congress); and
 - the term ***subordinate regulations*** refers to lower-level regulation issued by the government, by individual ministers or by the Cabinet, *i.e.* by powers delegated by law.

Please see the glossary attached to the questionnaire for other definitions.

Contact details of the main respondent for follow up:

Name: _____

Telephone: _____

Email: _____

Ministry/National Administration: _____

Position: _____

Address: _____

How to answer the questionnaire:

- The Questionnaire should be answered electronically in one of the official languages of the Organisation (English or French). Please tick the appropriate boxes or provide the data requested for each question. To facilitate responses, the Secretariat provides you with electronic Excel Sheets
- The questionnaire involves both categorical questions (e.g. yes/no) as well as open-ended qualitative questions. It would be very helpful if you can supplement your answers with more detailed information about specific practices in your country. Supplementary data, studies or articles that are requested or that may be helpful should be provided as an attachment and referred to in the text. This information will be used to enrich the text of the report with country examples.
- Answers should reflect exclusively the regulatory situation as it exists on 31 December 2009. Any changes that occurred or will occur in 2010, or projects in 2009 without any legal and institutional consequences in 2009, should not be reflected in the answers to this questionnaire. Future regulatory or reform actions should be clearly identified as such, noting the current stage of implementation, the body responsible for the reform and the expected date of completion.
- The questions refer only to regulation or policies issued or accepted by the national level of government. The only exception is question 11 on licenses and permits. Please answer all other questions exclusively with respect to the national level. Information on the subnational level can be provided in the text boxes provided for comments under each question.
- We draw your attention to the need to answer the comments and qualitative questions as well. Please provide the Secretariat with a summary in English of any supportive documents that are not in the official languages English or French.
- The 2009 report Indicators of Regulatory Management Systems provides background information and OECD countries' answers to the questionnaire plus some additional data. It is available at www.oecd.org/regreform/indicators.
- A glossary of terms is provided in an annex.

- The OECD Secretariat will be glad to answer any questions you may have and assist you in choosing the appropriate answer. Please contact Christiane Arndt
e-mail: christiane.arndt@OECD.org

Please return the questionnaire to Christiane.arndt@oecd.org or emmanuel.job@oecd.org, or mail to: Public Governance and Territorial Development Directorate, Regulatory Policy Division, OECD, 2 rue André-Pascal, 75775 PARIS CEDEX 16, France.

SECTION 1: CONTENT OF REGULATORY POLICIES

1. Regulatory policies

	Yes	No
a) Is there an explicit, published regulatory policy promoting government-wide <i>regulatory reform</i> or regulatory quality improvement?	<input type="checkbox"/>	<input type="checkbox"/>
<p>➤If the answer is “yes”: <i>Please attach a copy of the document.</i></p> <p>If your document is not in English or French, please provide us with a short summary of around ten lines in English or French.</p> <p>➤If there is no published regulatory policy, please indicate briefly how the existing elements of your country's strategy for regulatory reform (if one exists) accords with the 2005 OECD Guiding Principles for Regulatory Quality and Performance (www.oecd.org/dataoecd/19/51/37318586.pdf):</p>		
b) What is identified in your policy as the main motives for regulatory reform?		
b(i) Need to boost competitiveness and growth	<input type="checkbox"/>	
b(ii) International commitment (e.g. European commitment)	<input type="checkbox"/>	
b(iii) Domestic policy agenda	<input type="checkbox"/>	
b(iv) Improve social welfare	<input type="checkbox"/>	
b(v) Reduce the burden on business	<input type="checkbox"/>	
b(vi) Other (<i>Specify in your comments</i>)	<input type="checkbox"/>	
b(vii) No main motive is explicitly identified	<input type="checkbox"/>	
c) Which groups are lobbying for, or are strongly in favour of, the regulatory reform agenda?		
c(i) Government itself	<input type="checkbox"/>	
c(ii) Large businesses (or their associations)	<input type="checkbox"/>	
c(iii) Small businesses (or their associations)	<input type="checkbox"/>	
c(iv) Consumer organisations	<input type="checkbox"/>	

- | | |
|---------------------------------------|--------------------------|
| c(v) Citizens, national opinion | <input type="checkbox"/> |
| c(vi) International Organisations | <input type="checkbox"/> |
| c(vii) Welfare Groups | <input type="checkbox"/> |
| c(viii) Environment groups | <input type="checkbox"/> |
| c(ix) Think tanks | <input type="checkbox"/> |
| c(x) Other (specify in your comments) | <input type="checkbox"/> |

Comments on *Question 1* (if necessary):

2. Regulatory management and policy coherence

<i>Consultation within government</i>	Always	In some cases	No
a) Are there formal processes for consultation within government when preparing new <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there formal processes for consultation within government when preparing new subordinate <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Is the body responsible for competition policy usually consulted on new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Is the body responsible for trade policy usually consulted on new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Is the body responsible for consumer policy usually consulted on new <i>regulation</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Are other policy areas involved (e.g. social or environmental concerns, please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Provisions to promote the adoption of international standards and rules.</i>			
g) Is there a formal requirement that regulators consider comparable international standards and rules before setting new domestic standards? If yes, please provide the Secretariat with the text of the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Are regulators required to explain the rationale for diverting from international standards when country specific rules are proposed ? If yes, please provide the Secretariat with the text of the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments on <i>Question 2</i> :			

3. Clarity and due process in decision making procedures

Forward Planning	Yes	No
a) Does the government periodically publish a list of <i>primary laws</i> to be prepared, modified, reformed or repealed in the next six months or more?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes”:	<input type="checkbox"/>	<input type="checkbox"/>
a(i) Is it available to the public via the Internet ? If yes, please provide the web link.		
b) Does the government periodically publish a list of subordinate regulations to be prepared, modified, reformed or repealed in the next six months or more?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes”:	<input type="checkbox"/>	<input type="checkbox"/>
b(i) Is it available to the public via the internet? If yes, please provide the link to the web page.		
<i>Comments on Question 3 :</i>		

4. Regulatory processes

	Yes	No
a) Are there standard procedures by which the administration develops draft <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If there are standard procedures by which draft laws are developed:		
a(i) Are draft laws to be scrutinised by a specific body within Government other than the department which is responsible for the regulation?	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there standard procedures by which the administration develops draft <i>subordinate regulations</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If yes to a) or b): Please explain the standard procedures.		
<i>Comments on Question 4 :</i>		

5. Transparency

	Yes	No
➤ Which of the following systematic procedures for making regulation known and accessible to affected parties are employed:		
a(i) <i>Codification</i> of <i>primary laws</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Codification refers to the systematic arrangement of laws in force</i>		
a(i-1) If “yes”: Is there a mechanism for regular updating of the codes or codified laws? (at least yearly basis)	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Publication of a consolidated register of all subordinate regulations currently in force?	<input type="checkbox"/>	<input type="checkbox"/>

a(ii-1) If “yes”: Is there a provision that only subordinate regulations in the registry are enforceable?

a(iii) Public access via the Internet to the text of all or most primary laws?

a(iv) Public access via the Internet to the text of all or most subordinate regulation?

a(v) A general policy requiring plain language drafting of regulation?

In the legislative context, the principles of Plain Language aim for clarity in the language of legislation, in the structure of the legal ideas contained in legislation, and in the physical layout and presentation of legislation. The use of Plain Language in legislation is intended to remove barriers to communication and so make the law more accessible without any loss of precision or the introduction of any uncertainties.

a(vi) Is guidance on plain language drafting issued?

Comments on Question 5 :

SECTION 2: REGULATORY QUALITY TOOLS

6. Consultation procedures with affected parties

	Always	In some cases	No	
a) Is public consultation with parties affected by <i>regulations</i> a part of developing new draft <i>primary laws</i> ? “Public consultation” does refer to all types of consultation mentioned under 6b(ii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) Is public consultation with parties affected by <i>regulations</i> a part of developing new draft <i>subordinate regulations</i> ? ➤ If the answer is “always” or “in some cases” to a) or b):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Primary laws Yes No		Subordinate regulation Yes No	
b(i) Is consultation mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b(ii) What forms of public consultation are routinely used (tick all that apply):	Primary laws		Subordinate regulation	
– Informal consultation with selected groups? (eg Tripartite discussions) <i>This may be held at the discretion of the regulators.</i>	<input type="checkbox"/>		<input type="checkbox"/>	
– Broad circulation of proposals for comment? <i>Information on regulatory proposals is circulated to a number of selected groups of experts and/or interested parties for comments.</i>	<input type="checkbox"/>		<input type="checkbox"/>	
– Public notice and calling for comment? <i>Notice of the intention to regulate is published (e.g. via the internet) and comments are sought from the general public, before the law or regulation is approved.</i>	<input type="checkbox"/>		<input type="checkbox"/>	
– Public meeting? <i>Public meetings are open to any citizen</i>	<input type="checkbox"/>		<input type="checkbox"/>	
– Simply posting proposals on the internet?	<input type="checkbox"/>		<input type="checkbox"/>	
– Advisory group? <i>Advisory groups are selected experts and/or interested parties (e-g-social partners, environmental groups) brought together to form a consultative body, either on an ad hoc or a standing basis.</i>	<input type="checkbox"/>		<input type="checkbox"/>	

<p>– Preparatory public commission/committee? <input type="checkbox"/></p> <p>– Other <input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>b(iii) Can any member of the public choose to participate in the consultation?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>c) Where there is a formal requirement for public consultation with parties affected by regulations what is the minimum period for consultation that is specified? In number of weeks from 1 to 25 weeks</p> <p>c(i) What is the minimum period for allowing consultation comments inside government?</p> <p>c(ii) What is the minimum period for allowing consultation comments by the public, including citizens, business and civil society organisations?</p>		
<p>d(i) Are the views of participants in the consultation process made public?</p> <p>➤ If yes, please explain how the public can access the documentation and provide relevant Web links or other supportive documents.</p> <p>d(ii) Are regulators required to respond in writing to the authors of consultation comments?</p> <p>d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis?</p> <p>If yes, please provide examples.</p> <p>d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments)</p>	<p>Primary laws</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>Subordinate regulation</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p>
<p><i>Comments on Question 6:</i></p>		

7. Use of regulatory impact analysis (RIA)

4. Regulatory impact analysis is a systematic process of identification and quantification of the important benefits and costs likely to flow from adoption of a proposed regulation or a non-regulatory policy option under consideration. It may be based on benefits/cost analysis, cost effectiveness analysis, business impact analysis etc. For further information, please consult http://www.oecd.org/document/49/0,3343,en_2649_34141_35258801_1_1_1_37421,00.html

	Always	In some cases	No	
a) Is regulatory impact analysis (RIA) carried out before new regulation is adopted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
An answer of always to this question implies that, at least, a simplified RIA is required for all regulations.				
<i>IF THE ANSWER TO a) IS "ALWAYS" OR "IN SOME CASES" :</i>				
b) Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA?		<input type="checkbox"/>	<input type="checkbox"/>	
➤ If the answer is "yes": Name the body and its location in the administration:				
➤ Please indicate how many full time equivalent staff are responsible for reviewing Regulatory Impact Assessments:				
	Always	Only for major regulation ¹	In other selected cases	No
c(i) Is RIA required by law or by a similarly strictly binding administrative instrument? <i>If the administration is able to evade the requirement, it will be considered as not strictly binding.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
if yes, please provide details of the exact administrative requirement in the comments section.				
c(ii) Is RIA required for draft primary laws ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(iii) Is RIA required for draft subordinate regulations ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(iv) Are regulators required to identify the costs of new regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
➤ If yes: Is the impact analysis required to include the quantification of the costs?				

¹ Major regulation is regulation with a significant economic impact.

c(v) Are regulators required to identify the benefits of new regulation ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
➤ If yes: Is the impact analysis required to include quantification of the benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(vi) Does the RIA require regulators to demonstrate that the benefits of new regulation justify the costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c(vii) Are RIA documents required to be released for consultation with the general public?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, please explain how the public can access the documents and provide the secretariat with some examples				
c(viii) Is the RIA required to include assessments of other specific impacts:				
Impacts on the budget	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impacts on competition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impacts on market openness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impacts on small businesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on specific regional areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on specific social groups (distributional effects across society)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on other groups (not for profit sector including charities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on the public sector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on gender equality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact on poverty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For any of the boxes ticked , please provide examples				
d) Is risk assessment required when preparing a RIA?				
Risk assessment is the task of identifying and exploring, preferably in quantified terms, the types , intensities and likelihood of the (normally undesired) consequences related to a risk. Risk assessment comprises hazard identification and estimation, exposure and vulnerability assessment and risk estimation.				
d(i) For all regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d(ii) For Health and safety regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d(iii) For Environmental regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Regularly	Ad hoc basis	No	

e) Are reports prepared on the level of compliance by government departments with the above requirements of RIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, please explain the structure, content and frequency of the reports			
	Yes	No	
f) Are these reports published?	<input type="checkbox"/>	<input type="checkbox"/>	
If yes, please explain how the general public can access these reports and provide the secretariat with a sample copy of the reports.			
<i>Comments on Question 7 :</i>			

8. Administrative simplification licences and permits.

The OECD's website on cutting red tape provides valuable background information for questions 8 and 9: http://www.oecd.org/document/43/0,3343,en_2649_34141_38227179_1_1_1_1,00.html

Note: This question is generally concerned with the licences and permits which are necessary to conduct commercial or industrial operations for which a business may need to apply. The purpose of this question is to identify if certain elements apply (such as *one stop shops* and *silence is consent* rules) as part of the systems of regulatory governance to reduce the regulatory burden on business. As such the responses may refer to licences at a State or Federal level. Respondents may wish to provide clarification of their responses in their comments.

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

	Yes	No
a) Is a "silence is consent" rule used <i>at all</i> (i.e. that <i>licences</i> are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)?	<input type="checkbox"/>	<input type="checkbox"/>
a(i) if Yes , please specify the statutory response period, or the corresponding time limit for a reply, in number of weeks		
b) Are administrations obliged to provide the name of the person responsible for handling the application in any formal correspondence?	<input type="checkbox"/>	<input type="checkbox"/>
c) Are there single contact points ("one-stop shops") for <u>getting information</u> on <i>licences</i> and <i>notifications</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
This question refers to one-stop shops which offer a place where businesses and citizens can obtain all the information necessary for their query. The purpose of one-stop shops is to provide substantial savings in information search and transactions costs for users in relation to a wide range of interactions with government		

(http://www.oecd.org/document/56/0,3343,en_2649_34141_36169720_1_1_1_1,00.html)

c(i) To what proportion of license applications do they apply? In %
(e.g. if implemented at the local level, but only in certain areas)

d) Are there single contact points for **accepting notifications** and **issuing licences** (one-stop shops)?

This question refers to one-stop shops which offer a place where businesses and citizens can process different transactions, such as filling out an application.

d(i) To what proportion of license applications does it apply? In %
(e.g. if it is implemented at the local level, but only in certain areas)

e) Is there a programme underway to review and reduce the number of **licences** and **permits** required by the national government?

e(i) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?

e(ii) Has there been a decline in the aggregate number of licences and permits?

f) Is there a programme underway to co-ordinate the review and reform of permits and **licences** at sub-national levels of government?

Comments on Question 8 :

9. Measurement and reduction of administrative burdens

The OECD's website on cutting red tape provides valuable background information for questions 8 and 9: http://www.oecd.org/document/43/0,3343,en_2649_34141_38227179_1_1_1_1,00.html

Burden Measurement	Yes	No
a) Has your country completed a measurement of administrative burdens imposed by government on enterprises and/or citizens?	<input type="checkbox"/>	<input type="checkbox"/>
<p>This question does not require the completion of the measurement of <u>all</u> administrative burdens imposed by government. To answer yes to the question, it is sufficient to have completed a measurement of administrative burdens in a significant policy area. If this is the case in your country, please clearly specify in the comments to which policy area it has been applied.</p> <p>Administrative burdens are the costs imposed on businesses/citizens, when complying with information obligations stemming from regulation. They include the costs involved in obtaining, reading and understanding regulations, developing compliance strategies and meeting mandated reporting requirements, including data collection, processing, reporting on storage, but do not include the capital costs measures taken to comply with the regulations, nor the costs to the public sector of administering regulations.</p> <p>➤ If the answer is “yes”:</p> <p>a(i) In what year was the last measurement undertaken?</p>		

(b) Which groups are targeted in your measurement of administrative burdens?		
(i) impacts on citizens	<input type="checkbox"/>	<input type="checkbox"/>
(ii) impacts on businesses	<input type="checkbox"/>	<input type="checkbox"/>
(iii) impacts on the public sector	<input type="checkbox"/>	<input type="checkbox"/>
(iv) the not-for-profit sector. Please specify	<input type="checkbox"/>	<input type="checkbox"/>
(c) If only some sectors are targeted, please explain how these sectors were chosen.		
(d) If administrative burdens are measured by your government, what is the methodology used.	Yes	No
d(i) Standard Cost Model (SCM) The Standard Cost Model (SCM) measures the administrative costs imposed on business by central government regulation. The costs are primarily determined through business interviews. In 2003, some European countries formed an informal network-the SCM network-committed to using the same methodological approach when measuring administrative burdens. (http://www.oecd.org/document/56/0,3343,en_2649_34141_36169720_1_1_1_1,00.html , http://www.oecd.org/dataoecd/12/9/38016320 and www.administrative-burdens.com)	<input type="checkbox"/>	<input type="checkbox"/>
d(ii) Adapted or modified version from the Standard Cost Model	<input type="checkbox"/>	<input type="checkbox"/>
d(iii) Other	<input type="checkbox"/>	<input type="checkbox"/>
Please describe:		
e) if the answer is yes to any of the questions, please provide details of your program and the methodology used, and provide supportive documents. If your country does not have yet a completed burden measurement, but is planning one or currently undertaking one, please specify		
Burden Reduction	Yes	No
f) Is there an explicit government programme to reduce the <i>administrative burdens</i> imposed by government on enterprises and/or citizens?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If the answer is “yes”:		
f(i) Does this programme include quantitative targets?	<input type="checkbox"/>	<input type="checkbox"/>
f(ii) Does this programme include qualitative targets?	<input type="checkbox"/>	<input type="checkbox"/>
➤ If “yes: Please specify which targets, when they were established and when they are supposed to be met.		
f(iii) Which of the following strategies are used (tick as many as necessary)?		
- Removal of obligations		<input type="checkbox"/>

- | | |
|---|--------------------------|
| - Modification and streamlining of existing laws and regulations | <input type="checkbox"/> |
| - Information and communication technologies for regulatory administration
(e.g. electronic databases, online formats) | <input type="checkbox"/> |
| - Other streamlining of government administrative procedures | <input type="checkbox"/> |
| - Reallocating powers and responsibilities between government departments
and/or between levels of government | <input type="checkbox"/> |
| - Other (please specify) | |

f(iv) Please elaborate on the administrative burden reduction programme (Since when? Scope? Focus? Strategies?) and provide the secretariat with documentation, if available.

Comments on Question 9 :

SECTION 3: INSTITUTIONAL ARRANGEMENTS TO PROMOTE REGULATORY QUALITY

10. Central regulatory oversight authority (administrative and political)

	Yes	No
a) Is there a dedicated body (or bodies) responsible for promoting the regulatory policy as well as monitoring and reporting on regulatory reform and regulatory quality in the national administration from a whole of government perspective?	<input type="checkbox"/>	<input type="checkbox"/>
<p>➤ If the answer is “yes”:</p> <p>What is the name and administrative situation of the main central body (specify location inside the government, e.g. in the Ministry of Finance, Prime Minister’s Office, or Ministry of justice or else created as an independent body?) (Please discuss only if significant changes since 2005)</p> <p>If more than one body is in charge of promoting regulatory policy, please list all</p> <p>Please specify in general terms the mission of this body, and its main tasks and powers</p> <p>Please specify staffing levels of this body, and annual resources if available</p>		
a(i) Is this body consulted as part of the process of developing new regulation?	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Does this body report on progress made on reform by individual ministries?	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Is this body entrusted with the authority of reviewing and monitoring regulatory impacts conducted in individual ministries?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
a(iv) Can this body conduct its own analysis of regulatory impacts?	<input type="checkbox"/>	<input type="checkbox"/>
a(v) Is this body entrusted with an advocacy function to promote regulatory quality and reform?	<input type="checkbox"/>	<input type="checkbox"/>
b) Is there an advisory body that receives references from Government to review broad areas of regulation, collecting the views of private stakeholders? (e.g. Past bodies have included; the Better Regulation Task Force in the UK, the External Advisory Council on Smart Regulation in Canada and the Regulatory Reform Council in Korea)	<input type="checkbox"/>	<input type="checkbox"/>
<p>➤ If the answer is “yes”:</p> <p>b(i) Does this body have a degree of independence from government (e.g. through a board or commission structure)?</p>		
	<input type="checkbox"/>	<input type="checkbox"/>

b(ii) Does this body report its findings publicly?

Name and administrative situation of the advisory body (please specify relationship to the government, eg serviced by departmental staff)

Please specify in general terms the mission of this body, and its main tasks and powers.

c) Is a specific minister accountable for promoting government-wide progress on *regulatory reform*?

➤ If the answer is “yes”:

c(i) Which minister? (list)

c(ii) Is the Minister required to report to Parliament on progress?

Comments on Question 10 :

SECTION 4: DYNAMIC ASPECTS OF REGULATORY QUALITY

11. Ex post regulatory review and evaluation

	For all policy areas?	For specific areas	Not required
a) Is periodic ex post evaluation of existing <i>regulation</i> mandatory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Are there standardised evaluation techniques or criteria to be used when <i>regulation</i> is reviewed?		<i>Yes</i> <input type="checkbox"/>	<i>No</i> <input type="checkbox"/>
c) Are reviews required to consider explicitly the consistency of regulations in different areas and take steps to address areas of overlap/duplication/inconsistency?		<input type="checkbox"/>	<input type="checkbox"/>
d) Are there mechanisms by which the public can make recommendations to modify specific <i>regulations</i> ?		<input type="checkbox"/>	<input type="checkbox"/>
<p>➤ If the answer is “yes”, please specify (tick as many as necessary):</p> <p>d(i) Electronic mailboxes <input type="checkbox"/></p> <p>d(ii) Ombudsman <input type="checkbox"/></p> <p>d(iii) Other (please specify)</p>			
e) Is <i>sunsetting</i> used for <i>primary laws or other regulations</i> ?		<i>Yes</i> <input type="checkbox"/>	<i>No</i> <input type="checkbox"/>
Sunsetting is defined as the automatic repeal of regulations a certain number of years after they have come into force.			
f) Do specific <i>primary laws</i> include automatic review requirements?		<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments on Question 11 :</i>			

12. Indicators of performance, Quantitative questions, outputs

Number of new laws at the national/federal level	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of new subordinate regulations (decrees, others)	2001	2002	2003	2004	2005	2006	2007	2008	2009
<i>Comments on Question 12 :please discuss any methodological issues or definitions related to the data that are available in your country:</i>									

GLOSSARY OF TERMS

Administrative burdens of regulation

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

Administrative compliance costs

See administrative burdens of regulation.

Administrators responsible for the regulatory reform programme

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

Advisory Groups

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

Aggregate burden of regulation

Total costs of all requirements imposed by the primary and secondary regulations in force on all citizens and businesses, stemming from all levels of government.

Alternative policy instruments

See regulatory alternatives.

Circulation of proposals for comment

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

Codification

Systematic arrangement of laws in force.

“Command and Control” regulation

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

Co-regulation

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

Informal Consultation

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

License(s)

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

Mutual recognition

The recognition by different jurisdictions of equivalent licensing standards in order to facilitate the movement of goods and services between complying jurisdictions. It presupposes a close degree of equivalence and reciprocal confidence between the responsible institutions.

Notification(s)

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

Performance based regulation

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

Permit(s)

See licence.

Primary law(s)

See primary legislation.

Primary legislation

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

Process regulation

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

Plain language drafting

In the legislative context, the principles of Plain Language aim for clarity in the language of legislation, in the structure of the legal ideas contained in legislation, and in the physical layout and presentation of legislation. The use of Plain Language in legislation is intended to remove barriers to communication and so make the law more accessible without any loss of precision or the introduction of any uncertainties.

Public Notice and Comment

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

Regulation

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

Regulators

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

Regulatory alternatives

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

Regulatory Impact Analysis (RIA)

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

Regulatory Inflation

A concept representing the increase in the number and complexity of laws, ordinances, decrees and other official regulations. The concept can be approximated through a number of indicators (e.g. number of laws, or subordinate regulations, number of pages or signs in the legal text book). It may differ from country to country. However, it is important for it to be calculated in a consistent way from year to year for the same country, to reflect a notion of the domestic trends over time.

Regulatory reform

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

Risk assessment

The task of identifying and exploring, preferably in quantified terms, the types, intensities and likelihood of the (normally undesired) consequences related to a risk. Risk assessment comprises hazard identification and estimation, exposure and vulnerability assessment and risk estimation.

Subordinate regulations

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

Sunsetting

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

Voluntary commitments

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