



DEVELOPING A FRAMEWORK FOR MEASURING REGULATORY PERFORMANCE IN OECD COUNTRIES

3rd Expert Meeting on Communicating and Measuring Progress in Regulatory Reform

AGENDA

**National Institute of Public Administration
INAP
Calle de Atocha, 106
Madrid, Spain**

26-27 September 2011

FOR MORE INFORMATION ABOUT THE CONTENT OF THE MEETING, PLEASE CONTACT:

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Background

1. The programme on *Communicating and Measuring Progress in Regulatory Reform* is a key priority for the OECD Regulatory Policy Committee (RPC) (see Box). OECD member countries are investing significant resources in the development of regulatory policies and reform programmes to improve the quality of their regulations. Participants to the OECD Regulatory Policy Conference in Paris (2010) highlighted the importance of demonstrating the economic and welfare benefits of regulatory programmes. They emphasised the need for evidence of good practice and measurement of results to evaluate, inform and improve the design of regulatory reform programmes. These issues are reflected in the draft OECD Recommendation on Regulatory Policy and Governance to be considered by the RPC in November 2011 (www.oecd.org/regreform).

The OECD Regulatory Policy Committee

The Regulatory Policy Committee (RPC) was created by the OECD Council on 22 October 2009 to assist member and non-member economies in building and strengthening their regulatory reform efforts. It is a platform to help countries adapt regulatory policies, tools and institutions, learning from each other's experience. The Regulatory Policy Committee is supported by staff within the Regulatory Policy Division of the Public Governance and Territorial Development Directorate. More information about OECD work on regulatory policy, including information about how governments can design, apply and enforce better rules can be found at www.oecd.org/regreform.

The OECD's Public Governance and Territorial Development Directorate's unique emphasis on institutional design and policy implementation supports mutual learning and diffusion of best practice in different societal and market conditions. The goal is to help countries build better government systems and implement policies at both national and regional levels that lead to sustainable economic and social development.

2. Past projects in the programme of work on *Communicating and Measuring Progress in Regulatory Reform* have focused on the development of process indicators, *ex post* evaluation practices and outcome performance indicators. This includes the time series data on Indicators of Regulatory Management Systems (RMS) collected in 2008/2009, 2005 and 1998 (www.oecd.org/regreform/indicators). A series of workshops brought together experts and delegates for in-depth discussions on Indicators of Regulatory Management Systems (hosted by the UK in London in 2009), and on the use of perception surveys for measuring and communicating progress (hosted by Turkey in Istanbul in 2010, see www.oecd.org/regreform/perceptions).

Objectives of the workshop

3. This workshop will draw on the expertise of delegates and experts to help realise the objectives of work on *Communicating and Measuring Progress in Regulatory Reform* in 2011/2012: to provide consolidated information on how regulatory policy performance is currently evaluated across a number of countries and to develop options for a set of indicators and associated measurement methodology. Together with the OECD Secretariat, participants will explore the development of a framework that countries can use to evaluate regulatory policy performance domestically. Ultimately, the aim of the workshop is to arrive at options for an evaluation framework that can be presented for the consideration of the Regulatory Policy Committee in spring 2012. The focus of the workshop is on domestic policy evaluation. Comparing performance across countries is not the theme of this workshop. At the request of member countries, the Secretariat can organise together with the steering group a discussion of cross-country comparisons and develop a corresponding project proposal.

Steering Group

4. A steering group has been formed for the programme *Communicating and Measuring Progress in Regulatory Reform*. The steering group is an *ad hoc* body of delegates to the RPC and has an advisory role to the OECD Secretariat during the life of the programme. Member countries with delegates participating in the steering group currently include: Australia, Canada, Belgium, Denmark, The Netherlands, Norway, Spain, the United Kingdom and the United States. Other OECD members may also nominate delegates to participate in the steering group. Delegates of steering group member countries in Madrid will be glad to answer any questions you might have on the programme and the steering group. Their names and contact details are identified in the list of participants of the steering group meeting on 27 September which will be distributed to workshop participants.

Chatham House rules

5. This workshop will be held in accordance with the *Chatham House rules*, which state that “participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.” This means that the statements made throughout the workshop will not be affiliated with a person, unless he/she gives his/her consent. Speakers and discussants have been informed that their powerpoint slides and one-page summaries are exempted from this rule and will be posted online. They can send an e-mail to Ms. Christiane Arndt (christiane.arndt@oecd.org) until September 29 if their slides/one-page summaries should not be posted online.

Acknowledgements

6. The Secretariat is grateful to the Government of Spain for hosting the workshop and to the steering group of the programme *Communicating and Measuring Progress on Regulatory Reform* for their invaluable advice on the preparation of the workshop. We would also like to thank Aida Joaquín Acosta (Ministry of Presidency), Gonzalo Gómez and Pablo Muñoz (Ministry of Territorial Policy and Public Administration) for their excellent co-operation in the organisation of the workshop.

7. The current project plan for developing a framework under the program of *Communicating and Measuring Progress in Regulatory Reform* has been partly financed in 2011 by a voluntary contribution from Canada which is gratefully acknowledged by the OECD.

Monday, 26 September 2011	
09.00-09.30	<i>Registration – Background documents will be provided in the meeting room.</i>
09.30-09.45	Opening remarks by María del Consuelo Rumí Ibañez, Secretary of State for Public Service, Ministry of Territorial Policy and Public Administration, Spain, and by Nikolai Malyshev, Head of the Regulatory Policy Division, OECD
	Chair: Jeroen Nijland, Director, Regulatory Reform Group, Ministry of Economic Affairs, Agriculture and Innovation, The Netherlands, Chair of the Regulatory Policy Committee
09.45-10.10	Keynote speech
Speaker	<i>D. Agustin Herrero Torres, Director-General of Administrative Organization and Procedures, Secretary of State for Public Service, Ministry of Territorial Policy and Public Administration, Spain</i>
10.10-11.15	Session 1: Outline of the program “Communicating and Measuring Progress in Regulatory Reform”
	The purpose of this session is to present and discuss: <ul style="list-style-type: none"> • current work in the program <i>Communicating and Measuring Progress in Regulatory Reform</i> • the objectives of the workshop • steps towards developing a framework for measuring regulatory performance in OECD countries. This will include the presentation of a “strawman”¹ framework to react to by the OECD and Canada.
Speakers	<i>Christiane Arndt, Policy Analyst, OECD Secretariat</i> <i>Gregory Bounds, Senior Policy Analyst, OECD Secretariat</i> <i>Helge Schröder, Junior Policy Analyst, OECD Secretariat</i> <i>Benoit Turcotte, Director, Treasury Board of Canada Secretariat, Chair of the steering group Communicating and Measuring Progress in Regulatory Reform</i>
Background documents	Communicating and Measuring Progress in Regulatory Reform: Update on Current and Planned Activities [GOV/RPC(2011)4] OECD (2011), <i>A Practitioner’s Guide to Perception Surveys</i> , OECD, Paris. Lorenzo Allio and Andrea Renda (2010), “Evaluating Administrative Burden Reduction Programmes and their Impacts”, in: OECD, <i>Why Is Administrative Simplification So Complicated? Looking Beyond 2010</i> , OECD, Paris.

11.15-11.45 **Coffee Break**

1. A strawman proposal is intended to generate discussion of its disadvantages and to provoke the generation of new and better proposals (http://en.wikipedia.org/wiki/Straw_man_proposal).

11.45-13.00	Session 2: Expert paper 1: Measuring the performance of regulatory policy
	<p>Professor Claudio Radaelli will present his paper which aims to:</p> <ul style="list-style-type: none"> • synthesise the experiences of a number of OECD countries with evaluating regulatory policy • analyse the strengths and weaknesses of existing measurement tools • provide recommendations for measuring and communicating the performance of a country's regulatory policy. <p>The purpose of this session is to discuss the practical application of the recommendations of the paper and to provide feedback.</p>
Speakers	<p><i>Speaker: Claudio Radaelli, Professor of Political Science; Director, Centre for European Governance, University of Exeter</i></p> <p><i>Discussants: Brian B. W. Huijts, Policy Advisor Better Regulation, Ministry of Economic Affairs, Agriculture and Innovation, The Netherlands, and Carlo Thomsen, Senior Advisor, Department of ICT Policy and Public Sector Reform, Ministry of Administration and Government Reform, Norway</i></p>
Discussion	<p>Questions for discussion:</p> <ul style="list-style-type: none"> • What are the pros and cons of the proposed recommendations? • How can the proposed evaluation system and identified set of indicators be put in place? What modifications would be helpful in order to apply them? • Are there any specific challenges related to communicating regulatory policy performance that are currently not addressed in the paper?
Background documents:	Claudio Radaelli (2011), Measuring the Performance of Regulatory Policy.

13.00-14.30

Lunch hosted by Spain (Salon Celeste, Hotel Tryp Atocha, Calle de Atocha, 83, 28012 Madrid)

14.30-15.45	Session 3: Expert paper 2: Measuring the Impact of Regulation
	<p>In this session, Professor Cary Coglianese will present his paper which aims to:</p> <ul style="list-style-type: none"> • review and discuss the empirical and theoretical evidence on the link between regulatory policy and economic and broad public policy outcomes • explain methodological challenges and data requirements • provide recommendations to OECD countries on measuring and communicating the actual impact of regulatory policies on economic and broader public policy outcomes over time. <p>The purpose of this session is to discuss the practical application of Professor Cary Coglianese’s recommendations and to provide feedback.</p>
Speakers	<p><i>Speaker: Cary Coglianese, Deputy Dean and Edward B. Shils Professor of Law and Professor of Political Science; Director, Penn Program on Regulation, University of Pennsylvania</i></p> <p><i>Discussants: Esben Larsen, Head of Section, Danish Commerce and Companies Agency, Division for Better Business Regulation, Ministry of Economic and Business Affairs, Denmark, and Jenny Gordon, Principal Advisor Research, Productivity Commission, Australia</i></p>
Discussion	<p>Questions for discussion:</p> <ul style="list-style-type: none"> • What are the pros and cons of the proposed recommendations? • How can the proposed measurement methodology be applied in practice in OECD countries? What improvements to the methodology could facilitate implementation? • Are there any specific actions to ensure good communication of regulatory policy that are not addressed in the paper?
Background documents:	Cary Coglianese (2011), Measuring the Impact of Regulatory Policy.

15.45 – 16.15 Coffee Break

16.15-17.45	Session 4: Measuring regulatory performance - insights from other OECD directorates and the World Bank
	The purpose of this session is to provide opportunities to discuss and learn from existing practices of regulatory reform evaluation. Presenters will describe the history and development of indicators, highlight positive and negative impacts including benefits to the government, and strategies to improve the effectiveness of the performance measurements.
Speakers	<p><i>Hildegunn Nordås, Senior Trade Policy Analyst, Trade in Services Division, Trade and Agriculture Directorate, OECD</i></p> <p><i>Peter Ladegaard, Regional Program Manager, East and Southern Africa, IFC/World Bank Group</i></p> <p><i>Isabell Koske, Senior Economist, Structural Surveillance Division, Economics Department, OECD</i></p> <p><i>Chris Shapcott, Director, Regulatory Reform, National Audit Office, UK</i></p>
Discussion	<p>Questions for discussion:</p> <ul style="list-style-type: none"> • What methodologies and strategies did you use to construct accurate indicators given limited data and limited resources? • What were positive and negative impacts including benefits to the government? • How can you ensure that indicators provide the right incentives? • Do existing indicators reliably account for the quality of a country's regulatory system? If not, what are their gaps? • In which areas could new indicators of regulatory policy performance complement existing indicators? • What quality criteria should be used for selecting performance measurements?
Background documents	

18.00 *Guided visit to the Queen Sofia Arts Centre Museum (entrance through the Sabatini Building, 52 Santa Isabel Street, 28012 Madrid)*

20.00 *Cocktail dinner at the invitation of Spain (INAP gardens)*

Tuesday, 27 September 2011

9.15-12.30	Session 5: Draft framework for regulatory policy performance evaluation
	<p>In this session participants will work with the OECD Secretariat to explore the development of a draft framework that countries can use for domestic regulatory policy evaluation. The session should also clarify obstacles to its practical application and ways to overcome them. In the first part, participants will be split into two break-out groups to identify concrete revisions to the “strawman” framework(s), sketch in missing elements and discuss options for measuring them. In the subsequent plenary session participants will discuss the suggestions of the break-out groups.</p>
9.15-10.45	Breakout Sessions
	<p><i>Moderator Breakout Group 1: Jeroen Nijland, Director, Regulatory Reform Group, Ministry of Economic Affairs, Agriculture and Innovation, The Netherlands, Chair of the Regulatory Policy Committee</i></p> <p><i>Moderator Breakout Group 2: Benoit Turcotte, Director, Treasury Board of Canada Secretariat, Chair of the steering group Communicating and Measuring Progress in Regulatory Reform</i></p>
10.45-11.15	Coffee Break
11.15-12.30	Plenary Session
Speakers	<p><i>Rapporteur Break-out Group 1: Carlo Thomsen, Senior Advisor, Department of ICT Policy and Public Sector Reform, Ministry of Administration and Government Reform, Norway</i></p> <p><i>Rapporteur Break-out Group 2: Jenny Gordon, Principal Advisor Research, Productivity Commission, Australia</i></p> <p><i>Discussants: Claudio Radaelli, Professor of Political Science; Director, Centre for European Governance, University of Exeter and Cary Coglianese, Deputy Dean and Edward B. Shills Professor of Law and Professor Political Science; Director, Penn Program on Regulation, University of Pennsylvania</i></p> <p><i>Christiane Arndt and Gregory Bounds, OECD Secretariat</i></p>
Discussion	<p>Questions for discussion:</p> <ul style="list-style-type: none"> • Are the important elements of the framework present and clear? What elements can be sketched in? • Given those elements, what should be suggested as measurable proxies that meet political and technical quality criteria? For example, can we identify proxies for desired outcomes of regulations in specific areas (e.g. environment, health), for the quality of regulations and for the quality of regulatory management tools? Can we identify methodologies to establish links, e.g. between regulatory management systems and the quality of regulations? • Given the proposed proxies/indicators, do you already have the necessary data, or would you have to collect it? If data collection is necessary, would this be feasible in terms of timing and resources? • Are there terms which are unclear or used by different people with a different meaning in mind? If yes, for what terms should a common definition be developed to facilitate discussions in the future?

	<ul style="list-style-type: none"> As presented, would the framework and the indicators answer <i>e.g.</i> a Minister's question, such as "How good is our regulatory system"? Would they help identify what improvements could be made to the regulatory system? If not, what revisions need to be made?
Background documents	Strawman proposals List of participants for Breakout Groups 1 and 2
12.30-13.00	Session 6 : Practical next steps
Discussion	The purpose of this session is to synthesise the discussions and suggestions during the workshop to guide the development of the framework according to the project plan.
Speakers	<i>Christiane Arndt and Gregory Bounds, OECD Secretariat</i> <i>Benoit Turcotte, Director, Treasury Board of Canada Secretariat, Chair of the steering group Communicating and Measuring Progress in Regulatory Reform</i>
Roundtable and Discussion	<p>Questions for discussion:</p> <ul style="list-style-type: none"> What are the key points for revising the framework? How should the framework be tested? How can the OECD help countries to apply the framework in practice? Is there interest in testing the framework with case studies? If yes, what should be the nature of the case studies? Is there interest in applying the framework to evaluate particular regulatory management tools and programmes within countries (<i>e.g.</i> burden reduction programmes, RIA, etc.) Is there interest in applying the framework to evaluate regulatory reform in specific sectors within countries? If yes, which sectors? (<i>e.g.</i> environment, health)What is the nature of interest in cross-country comparisons? What feedback do we give to the authors of the expert papers?
13.00-13.15	Closing, Conclusions by the Chair, final remarks by participants

13.15-15.00 Lunch hosted by Spain (Salon Celeste, Hotel Tryp Atocha)

15.00-16.15	Meeting of the Steering Group Measuring and Communicating Progress in Regulatory Reform²
	Chair: Benoit Turcotte, Director, Treasury Board of Canada Secretariat Participating countries: Australia, Belgium, Canada, Denmark, Netherlands, Norway, Spain, United Kingdom, United States
	<p>Purpose:</p> <ul style="list-style-type: none"> Advise the OECD Secretariat on next steps Decide on concrete steps for the next six months Update project plan based on discussions Prepare the briefing of the RPC

2. Delegates of the RPC who are interested in engaging in this work are welcome. Please notify us in advance if you intend to join the steering group and this meeting.