

OECD Workshop on Indicators of Regulatory Management Systems

Outcome of the Peer Review and Methodological Issues

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ORGANISATION FOR ECONOMIC
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Outline

- I. Peer-Review Process*
- II. Clarification of issues*
- III. Weights for new questions*

Peer Review: Why?

- Enhanced comparability across countries
- Enhanced consistency over time
- Enhanced presentation of data

Peer-Review Process

- Most peer reviews received in time
- Involvement of internal experts
- Very intensive process
- Process should be finished by end of April

Thank you for the hard work!

Peer-Review Process

- 27 Peer Reviews received
- 20 Questions for clarification/data modification suggestions sent out
- 7 in preparation to be sent out in the next two weeks
- 16 answers received
- 1/3 of countries data changed (some preliminary)

Need for Clarification

- Consistency across countries, interpretation of questions
- Consistency over time
- If-yes sub-questions
- Missing answers, missing documents, missing comments

Issue: Data inconsistency

Negative answer to main question and positive answers to If-Yes sub-questions

EXAMPLE:

Q11 ADMINISTRATIVE SIMPLIFICATION LICENSES AND PERMITS	Q12 2005 Questionnaire	2005 Answer	2008 Answer	Answer code
d) Is there a programme underway to review and reduce the number of licenses and permits required by the national government?	d)	0	0	0/1
d(i) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?	d(i)	1	1	0/1
d(ii) Has there been a decline in the aggregate number of licences and permits?	d(ii)	1	1	0/1
e) Is there a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government?	e)	1	1	0/1

Issue: Data inconsistency

EXAMPLE:

Q1 REGULATORY POLICIES	1998 Questionnaire	Q1 2005 Questionnaire	1998 Answer	2005 Answer	2008 Answer	Answer code
a) Is there an explicit, published regulatory policy promoting government-wide regulatory reform or regulatory quality improvement? (No=0, Yes=1)	1.a	a)	1	0	1	0/1
If the answer is "yes": Please attach a copy of the document						
a(i) Does it establish explicit objectives of reform?	1.b(iii)	a(i)	1	0	1	0/1
a(ii) Does it set out explicit principles of good regulation?	1.b(iv)	a(ii)	1	0	1	0/1
a(iii) Does it establish specific responsibilities for reform at the ministerial level? (i.e a reform mandate at the ministerial level)	1.b(vi)	a(iii)	0	0	1	0/1

Issue: Missing Answers

- ✓ On average, 14 answers, which is approx. 5% of answers in the 2008 questionnaire, were missing.
- ✓ About 19,4% of total answers were missing in the country with the highest number of missing answers.
- ✓ 0 answers were missing in the country with the lowest number of missing answers.
- ✓ "Q10 Use of regulatory impact analysis (RIA)" was the most subject to missing answers with 69 missing answers (20% of total missing answers).
- ✓ "Q8 Compliance and enforcement" was the least subject to missing answers with 0 missing answers.

Clarification of Questions

- Enhance consistency of interpretation of questions
- Keep consistency of questions over time

Clarification of Questions: General Comments

- Level of government: Federal
- Date: legal and institutional changes enacted until at the latest the 31st of December 2008
- If-yes subquestions: individual basis in peer-review

Example

Questions for Clarification

Question 10: Use of regulatory impact analysis (RIA)

h(i) Is RIA required by law or by a similarly binding legal instrument?

Clarification: *This question has been adapted to gauge actual constraints in different systems. We rephrased the question in the following way: Is **RIA** required by law or by a similarly strictly binding administrative instrument? If the administration is able to evade the requirement, it will be considered as not strictly binding.*

Clarification of Questions

POINTS RELATED TO SPECIFIC QUESTIONS

Question 1: Regulatory policies

Question 2: Regulatory management and policy coherence

Question 3: Clarity and due process in decision making procedures

Question 9: Consultation procedures with affected parties

Question 10: Use of regulatory impact analysis (RIA)

Question 12: Measurement and reduction of administrative burdens

Question 14: Central regulatory oversight authority (administrative and political)

Question 16: Inter-governmental co-ordination on regulatory policy

POINTS FOR ACTION

Question 7: Provision of justification for regulatory actions, continued

Question 10: Extent of RIA processes (RIA 2)

“Tour de Table“

- Are the clarifications clear?
- Are there any other issues to be considered?
- Delegates and experts are kindly invited to act on the request for complementary information

Weights new questions

- Expert weighting
- Focus on composites with new questions

Indicators with new questions I

- Q2 Policy coherence integrating competition and market openness
- Q3/8 Appeal, compliance and enforcement issues
- Q6 Threshold test for providing the justification for new regulations
- Q7 Search for alternatives before adopting new regulations
- Q9 Formal consultation processes

Indicators with new questions II

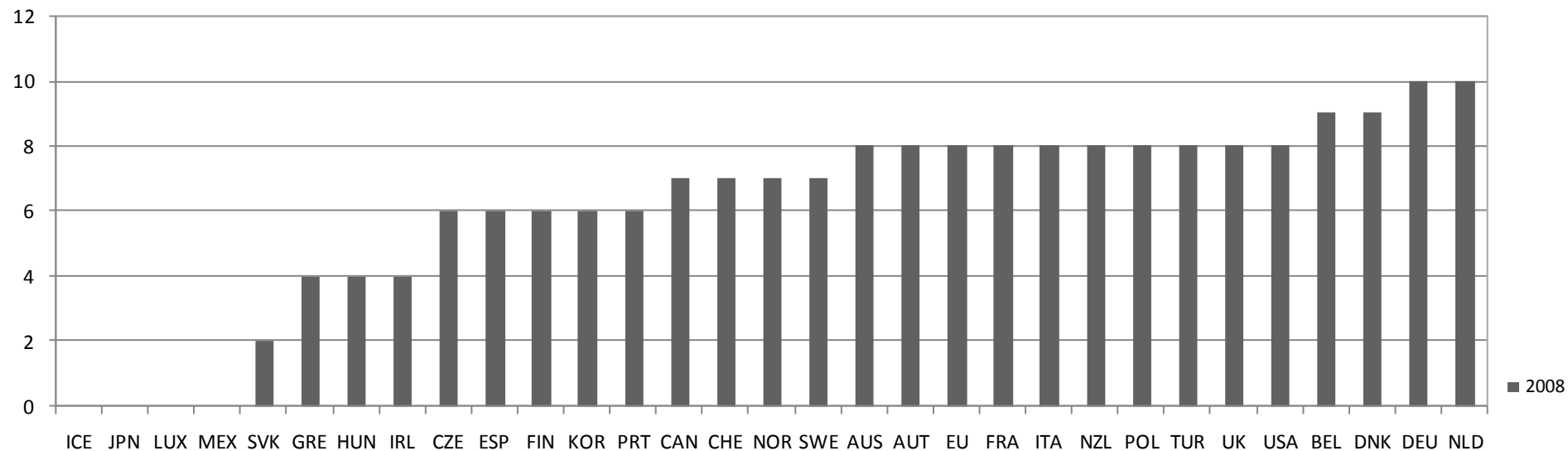
- Q 10 Explicit RIA processes (RIA 1)
- Q10 Extent of RIA processes (RIA 2)
- Q12 Explicit program for reducing administrative burdens: quantitative & qualitative
- Q17 Dynamic process of evaluation and update of regulations

New Indicators

- Q12 Measurement of administrative burdens

See for details Technical Note, p. 11

Q12 Measurement of administrative burdens, 2008



Has your country completed a measurement of administrative burdens imposed by government on enterprises and/or citizens?

If the answer is "yes":

Is there an embedded program to update and repeat burden measurement?

Which groups are targeted in your measurement of administrative burdens?

Impacts on citizens, impacts on businesses, impacts on the public sector

Is the methodology applied:

ex-ante (prior to the introduction of the regulation)?

ex-post (after the regulation has been implemented)?

Does your methodology allow you to differentiate between various ministries or policy areas?

Does your methodology allow you to differentiate between administrative burdens imposed by different levels of government, i.e supra, central and local government levels?

Weights:

No=0, Yes=2

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

Refined Indicators

New questions allow us to distinguish between primary laws and subordinate regulations for

- Q9 Formal consultation processes

See for details Technical Note, p. 7

“Tour de Table“

- **Comments on the weighting systems used for the 2008 update.**
- **Are there any remaining points for discussion or clarification on the weights?**

For details see Technical Note, pp. 4-12.