ASSESSING PROGRESS IN THE IMPLEMENTATION OF THE 2012 OECD RECOMMENDATION OF THE COUNCIL ON REGULATORY POLICY AND GOVERNANCE

Agenda

5th Expert Meeting on Measuring Regulatory Performance

Stockholm, Sweden
3-4 June 2013
Objectives of the workshop

OECD delegates and experts will work in plenary and breakout sessions to discuss the requirements, goals and aspirations for implementing each of the twelve principles in the 2012 OECD Recommendation of the Council on Regulatory Policy and Governance (Recommendation). Participants will identify effective practices and priorities for implementation, and discuss obstacles and ways to overcome them. The expert meeting will support the goals of the Regulatory Policy Committee to monitor progress on the implementation of the Recommendation in OECD countries and to provide comparative information on country practices in Regulatory Policy. Results of the meeting will inform the design of a survey to collect information on the implementation of the Recommendation in member countries and to track progress over time.

OECD delegates and experts will be joined by experts from the Swedish government ministries and agencies, business organisations and civil society in the morning of 3 June (conference part).

Background

The Recommendation has been developed by the Regulatory Policy Committee through a thorough process of public and committee engagement during 2011 and was adopted by the Council in March 2012 (see p. 20ff in the Recommendation for further information on the process).

The expert workshop in Stockholm is part of the OECD programme on Measuring Regulatory Performance which addresses two very important issues for the Regulatory Policy Committee (RPC) and the OECD. How can countries measure regulatory performance to diagnose success and failures, improve regulatory policies, programmes and tools, and communicate progress? How can they demonstrate that an investment in their systems for regulatory policy and management is delivering improvements to their economies and societies? (www.oecd.org/regreform/measuringperformance)

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.

The annual expert meeting series of the programme brings together experts and delegates for in-depth discussions following Chatham House Rules. Previous meetings focused on measuring and reducing compliance costs for re-boosting growth, developing a framework for domestic regulatory policy evaluation, the use of perception surveys for measuring and communicating progress and the Indicators of Regulatory Management Systems (for details see Box 2).
Previous Expert Workshops on Measuring Regulatory Performance

The 1st expert Workshop on “Indicators of Regulatory Management Systems” was hosted by the Government of the United Kingdom in London on 2-3 April 2009. It offered an opportunity to discuss the results of a peer review of the indicators of regulatory management systems and to agree on weights for composite indicators of regulatory management. 46 experts and delegates from 20 countries discussed the contribution of indicators to policy making and avenues for future work on output and performance indicators. The workshop led to the approval of the indicators of regulatory management by the Regulatory Policy Committee and fed into the publication of the indicator’s results.

The 2nd expert Workshop on “The Use of Perception Surveys in OECD Countries” was hosted by the Government of Turkey in Istanbul on 21-22 June 2010. It explored how countries can integrate two key concepts of regulatory reform policy: a) a user-centered attitude towards businesses and citizens and b) the need to incorporate evaluation into the regulatory reform policy cycle. 40 experts and delegates from 15 countries addressed strategic and methodological challenges with evaluating the performance of regulatory reform programmes, and highlighted the complexity involved in designing survey instruments and interpreting the results of evaluation tools. Based on discussions at the workshop and further research, the OECD published a Practitioner’s Guide to Perception surveys to help government officials use perceptions surveys in evaluating and communicating the result of reform processes.

The 3rd expert Workshop on “Developing a Framework for Measuring Regulatory Performance in OECD Countries”, was hosted by the Government of Spain in Madrid on 26-27 September 2011, with financial support from the Government of Canada. It addressed two key policy issues: How can countries demonstrate that investing in their systems for regulatory policy and management delivers improvements to their economies and societies? How can they identify further investments in better regulatory policy to yield the highest dividends? 56 experts and delegates from 24 countries explored the development of a framework that countries can use to evaluate regulatory policy performance domestically. As a result, the framework discussed during this meeting was further refined, approved by RPC delegates and piloted in Canada and the Netherlands.

The 4th expert Workshop on “Re-boosting growth: Overcoming challenges to measuring and reducing compliance costs” was hosted by the Government of Germany in Berlin on 11-12 June 2012. It aimed to share approaches and techniques for measuring compliance costs and to identify strategies for cutting regulatory costs that contribute to re-boosting growth and to delivering improved welfare outcomes. 70 experts and delegates from 24 countries exchanged experiences and good practices and discussed both the technical challenges in measuring compliance costs and benefits of regulations, and the political challenges in reducing costs to stimulate growth and maximise welfare outcomes. As a result, key policy lessons for measuring and reducing compliance costs were identified and a project for further co-operation on reducing compliance costs is currently being developed. See www.oecd.org/governance/regulatorypolicy/eventsonmeasuringregulatoryperformance.htm for further information.
**Steering Group**

The steering group for the programme Measuring Regulatory Performance is an ad hoc body composed of delegates to the RPC and has an advisory role to the OECD Secretariat during the life of the programme. Member of the steering group currently include delegates from Australia, Austria, Belgium, Canada, Denmark, the European Commission, Germany, Ireland, Mexico, the Netherlands, Norway, Spain, Sweden, the United Kingdom and the United States. Other OECD members may also nominate delegates to join the steering group. For further information, please contact Ms. Christiane Arndt (christiane.arndt@oecd.org) or Mr. Gregory Bounds (gregory.bounds@oecd.org).

**Chatham House rules**

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.” Hence, the statements made throughout the workshop will not be affiliated with a person, unless he/she gives his/her consent. Speakers and discussants will be 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 Sara Kincaid (sara.kincaid@oecd.org) until 27 May if their slides/one-page summaries should not be posted online.

**Acknowledgements**

The Secretariat is grateful to the Swedish Government Offices, Ministry of Enterprise, Energy and Communications, and the Swedish Agency for Economic and Regional Growth for hosting the workshop.
The impact of the financial and fiscal crisis, and of social change and environmental challenges highlight the importance of sound regulatory frameworks as a basic condition for well-functioning markets and societies, protecting the environment and the promotion of economic growth. The Recommendation sets out the measures that Governments can and should take to support the implementation and advancement of systemic regulatory reform to deliver regulations that meet public policy objectives and will have a positive impact on the economy and society. These measures are integrated in a comprehensive policy cycle in which regulations are designed, assessed and evaluated ex ante and ex post, revised and enforced at all levels of government, supported by appropriate institutions.

The 12 high-level principles in the Recommendation recommends that member states:

1. Commit at the highest political level to an explicit whole-of-government policy for regulatory quality. The policy should have clear objectives and frameworks for implementation to ensure that, if regulation is used, the economic, social and environmental benefits justify the costs, the distributional effects are considered and the net benefits are maximised.

2. Adhere to principles of open government, including transparency and participation in the regulatory process to ensure that regulation serves the public interest and is informed by the legitimate needs of those interested in and affected by regulation. This includes providing meaningful opportunities (including online) for the public to contribute to the process of preparing draft regulatory proposals and to the quality of the supporting analysis. Governments should ensure that regulations are comprehensible and clear and that parties can easily understand their rights and obligations.

3. Establish mechanisms and institutions to actively provide oversight of regulatory policy procedures and goals, support and implement regulatory policy, and thereby foster regulatory quality.

4. Integrate Regulatory Impact Assessment (RIA) into the early stages of the policy process for the formulation of new regulatory proposals. Clearly identify policy goals, and evaluate if regulation is necessary and how it can be most effective and efficient in achieving those goals. Consider means other than regulation and identify the tradeoffs of the different approaches analysed to identify the best approach.

5. Conduct systematic programme reviews of the stock of significant regulation against clearly defined policy goals, including consideration of costs and benefits, to ensure that regulations remain up to date, cost justified, cost effective and consistent, and deliver the intended policy objectives.

6. Regularly publish reports on the performance of regulatory policy and reform programmes and the public authorities applying the regulations. Such reports should also include information on how regulatory tools such as Regulatory Impact Assessment (RIA), public consultation practices and reviews of existing regulations are functioning in practice.

7. Develop a consistent policy covering the role and functions of regulatory agencies in order to provide greater confidence that regulatory decisions are made on an objective, impartial and consistent basis, without conflict of interest, bias or improper influence.

8. Ensure the effectiveness of systems for the review of the legality and procedural fairness of regulations and of decisions made by bodies empowered to issue regulatory sanctions. Ensure that citizens and businesses have access to these systems of review at reasonable cost and receive decisions in a timely manner.

9. As appropriate apply risk assessment, risk management, and risk communication strategies to the design and implementation of regulations to ensure that regulation is targeted and effective. Regulators should assess how regulations will be given effect and should design responsive implementation and enforcement strategies.

10. Where appropriate promote regulatory coherence through co-ordination mechanisms between the supranational, the national and sub-national levels of government. Identify cross-cutting regulatory issues at all levels of government, to promote coherence between regulatory approaches and avoid duplication or conflict of regulations.

11. Foster the development of regulatory management capacity and performance at sub-national levels of government.

12. In developing regulatory measures, give consideration to all relevant international standards and frameworks for co-operation in the same field and, where appropriate, their likely effects on parties outside the jurisdiction.

Each of the principles expressed in the 2012 Recommendation are further developed in the full text of the Recommendation: www.oecd.org/regreform/regulatorypolicy/2012recommendation.htm
DAY 1. MONDAY 3 JUNE 2013 — CONFERENCE

8.30-9.00 Registration to the Conference and the Workshop
Participants are kindly asked to be seated at 9 am.

9.00-09.10 Opening remarks by the Chair
Chair: Prof. Gary Banks, Chair of the OECD Regulatory Policy Committee and Dean and Chief Executive of the Australia New Zealand School of Government, Australia

09.10-9.30 Keynote speech
Speaker: Mrs. Annie Lööf, Swedish Minister for Enterprise

9.30-10.00 Session 1. The benefits of a systematic implementation of the OECD Recommendation on Regulatory Policy and Governance
Speaker: Prof. Gary Banks, Chair of the OECD Regulatory Policy Committee and Dean and Chief Executive of the Australia New Zealand School of Government, Australia

10.00-10.20 Session 2. The benefits of implementing the Recommendation: A business perspective
Speakers: Mr. Jens Hedström, Chair of the BIAC Governance Committee and President of the Board of Swedish Industry and Commerce for Better Regulation (NNR)  
Mr. Jens Spendrup, Board Chair for the Confederation of Swedish Enterprise and Chairman of Spendrups Brewery

10.20-10.45 Coffee break

10.45-11.10 Session 3. Overcoming challenges in implementing the Recommendation
Speaker: Prof. Julia Black, Professor of Law, London School of Economics and Political Science, United Kingdom

11.10-12.15 Plenary panel discussion: Improving regulatory policy and governance
Panellists will share their specific country experiences to improve regulatory policy with the audience. They will put their experience into the context of implementing the Recommendation and explain their vision for improving regulatory policy in the future.
Moderator: Mr. Nick Malyshev, Head, Regulatory Policy Division, OECD
Panellists: Mr. Riccardo Maggi, Deputy Head, Regulatory Policy and Impact Assessment Unit, Secretariat General, European Commission  
Mr. Doug Band, Executive Director, Regulatory Affairs Sector, Treasury Board of Canada Secretariat  
Mr. David Parker, Member of the Regulatory Policy Committee, United Kingdom  
Ms. Lena Rooth, Head of Department, Division for Business Support, Swedish Agency of Economic and Regional Growth
Background documents: 2012 OECD Recommendation of the Council on Regulatory Policy and Governance  
Regulatory Policy and Governance: supporting economic growth and serving the public interest

12.15-12.20 Conclusions by the Chair

12.20-13.45 Buffet lunch in Boberghallen
The purpose of this session is to introduce workshop participants to the process of analysing the implementation of the Recommendation, focusing on three overarching principles: a government-wide policy on regulatory quality, the institutional setting to support its implementation and regular review of its functioning in practice.

**Speakers:**
- Mr. Nick Malyshev, Head of Regulatory Policy Division and Mr. Gregory Bounds, Deputy Head of the Regulatory Policy Division, OECD

**Background documents:**
- 2012 OECD Recommendation of the Council on Regulatory Policy and Governance
- Project plan “Implementation of Regulatory Policy: Assessing progress in countries”

### Session 2. Challenges and opportunities for tracking improvements in regulatory policy

The session will draw on lessons learnt from previous data collections at the OECD and elsewhere to identify advantages and limitations of different approaches to track policy improvements across countries and over time. In particular, it will distil lessons from the rich experience of the Regulatory Policy Committee and its predecessor, the Working Party on Regulatory Management and Reform, with the Indicators of Regulatory Management and other work on measuring regulatory performance to improve the current data collection process.

**Speakers:**
- Ms. Christiane Arndt, Co-ordinator, Measuring Regulatory Performance Programme, Regulatory Policy Division, OECD and Mr. Gregory Bounds, Deputy Head, Regulatory Policy Division, OECD

**Discussion:**
- What information on regulatory policy would be needed from countries?
- How can countries engage in getting this information?
- How can information on regulatory policy in OECD countries help to establish a global consolidated understanding of the significance of regulatory policy?
- How can it help countries plan, sequence and communicate their regulatory policy reform, demonstrate effective progress over time and provide incentives for improving regulatory policy?

**Background documents:**
- 2012 OECD Recommendation of the Council on Regulatory Policy and Governance

### Session 3. Plenary on implementing Principle 1 on an Explicit Policy on Regulatory Quality, Principle 3 on Regulatory Oversight, and Principle 6 on Reviewing Performance of Regulatory Reform Programmes and Regulatory Policy

The purpose of this session is to introduce workshop participants to the process of analysing the implementation of the Recommendation, focusing on three overarching principles: a government-wide policy on regulatory quality, the institutional setting to support its implementation and regular review of its functioning in practice.

**Speakers:**
- Mr. Nick Malyshev, Head of Regulatory Policy Division and Mr. Gregory Bounds, Deputy Head of the Regulatory Policy Division, OECD

**Discussion:**
- What are the key elements of a good regulatory policy?
- What institutional setting is needed to support it?
- How can countries systematically review its functioning in practice?

**Background documents:**
- 2012 OECD Recommendation of the Council on Regulatory Policy and Governance
- Explicit Policy on Regulatory Quality, Regulatory Oversight, and Reviewing Performance of Regulatory Reform Programmes and Regulatory Policy (principles 1, 3 and 6). Discussion note.
### Breakout Sessions

The purpose of these interactive sessions is to identify effective country practices in systematically implementing principles in the Recommendation, identify priorities for implementation, discuss obstacles and ways to overcome them. The breakout groups will be facilitated by U Communicate.

**Discussion:** What practices reflect a systematic implementation of the Recommendation? Which of these practices merit a more systematic adoption in OECD countries in the next five years? What obstacles could you face in implementing practices like this, and how can these obstacles be overcome?


#### Breakout Group 1: Principle 2 on Communication, Consultation and Engagement

- **Rapporteur:** Ms. Zsuzsanna Lonti, Senior Project Manager, Reform of the Public Sector Division, OECD
- **Introduction:** Mr. Daniel Trnka, Policy Analyst, and Mrs. Céline Kauffmann, Senior Economist, Regulatory Policy Division, OECD
- **Critical country reflection:** Mr. Julian Farrel, Deputy Director, Better Regulation Executive, Department for Business, Innovation & Skills, United Kingdom
- **Comments:** Ms. Maija Salo, Ministerial Advisor, Ministry of Justice, Finland

#### Breakout Group 2: Principle 4 on Integrated Regulatory Impact Assessment and Principle 9 on Risk and Regulation

- **Rapporteur:** Mr. David Parker, Member of the Regulatory Policy Committee, United Kingdom
- **Introduction:** Mr. Gregory Bounds, Deputy Head, Regulatory Policy Division, OECD
- **Critical country reflection:** Ms. Rosalyn Bell, Assistant Commissioner, Productivity Commission Australia
- **Comments:** Ms. Christina Fors, Director, Better Regulation Council, Sweden

#### Breakout Group 3: Principle 5 on Reviews of the Regulatory Stock: *ex post* Regulatory Evaluation

- **Rapporteur:** Mr. Carlo Thomsen, Specialist Director, Department of ICT Policy and Public Sector Reform, Ministry of Government Administration, Reform and Church Affairs, Norway
- **Introduction:** Ms. Christiane Arndt, Co-ordinator Measuring Regulatory Performance Programme and Mr. Nick Malyshev, Head, Regulatory Policy Division, OECD
- **Critical country reflection:** Prof. Gary Banks, Chair of the OECD Regulatory Policy Committee and Dean and Chief Executive of the Australia New Zealand School of Government, Australia

**19.00** Buffet dinner for all workshop participants in Boberghallen
DAY 2. TUESDAY 4 JUNE 2013

9.00-10.15  Session 4. Reports from Breakout Groups 1, 2, 3 and discussion

The purpose of this session is to discuss the results of the breakout groups on systematically improving ex ante and ex post review of regulations, and open government, consultation and transparency.

Speakers:
- Rapporteur Breakout Group 1: Ms. Zsuzsanna Lonti, Senior Project Manager, Reform of the Public Sector Division, OECD
- Rapporteur Breakout Group 2: Mr. David Parker, Member of the Regulatory Policy Committee, United Kingdom
- Rapporteur Breakout Group 3: Mr. Carlo Thomsen, Specialist Director, Department of ICT Policy and Public Sector Reform, Ministry of Government Administration, Reform and Church Affairs, Norway

Discussion:
- What practices reflect a systematic implementation of the Recommendation?
- Which of these practices merit a more systematic adoption in OECD countries in the next five years?
- What obstacles could you face in implementing practices like this, and how can these obstacles be overcome?

Background documents:
- Integrated regulatory impact assessment and risk and regulation (principles 4 and 9). Discussion note.
- Ex post regulatory evaluation (Principle 5). Discussion note.

10.15-10.45  Coffee break

10.45-12.20  Breakout Sessions

The purpose of these interactive sessions is to identify effective country practices in systematically implementing principles in the Recommendation, identify priorities for implementation, discuss obstacles and ways to overcome them. The breakout groups will be facilitated by U Communicate.

Discussion:
- What practices reflect a systematic implementation of the Recommendation?
- Which of these practices merit a more systematic adoption in OECD countries in the next five years?
- What obstacles are you facing in implementing practices like this, and how can these obstacles be overcome?

Background documents:
- 2012 OECD Recommendation of the Council on Regulatory Policy and Governance Improving regulatory coherence across levels of government and regulatory management capacity at sub-national level (principles 10 and 11). Discussion note.
- Organisation of regulatory agencies and administrative and judicial review (principles 7 and 8). Discussion note.
- International regulatory co-operation (Principle 12). Discussion note.

Breakout Group 4: Principle 10 on Regulatory Coherence across Levels of Government and Principle 11 on Regulatory Management Capacity at Sub-national Level

Rapporteur:
- Mr. Virgilio Andrade Martinez, Head of the Federal Commission for Regulatory Improvement (COFEMER), Mexico

Introduction:
- Mr. Gregory Bounds, Deputy Head, Regulatory Policy Division, OECD

Critical country reflection:
- Ms. Carin Karlsson, Process Manager, County Administrative Board of Kronoberg, Sweden
Breakout Group 5: Principle 7 on the Organisation of Regulatory Agencies and Principle 8 on Administrative and Judicial Review

**Rapporteur:** Ms. Rosalyn Bell, Assistant Commissioner, Productivity Commission Australia

**Introduction:** Daniel Trnka, Policy Analyst, Regulatory Policy Division, OECD and Mr. Nick Malyshov, Head, Regulatory Policy Division

**Critical country reflection:** Mr. David Alves, Head, Strategic Projects Department, Water and Waste Services Regulation Authority (ERSAR), Portugal
Ms. Jenny Nobes, Policy Analyst, Better Regulation Delivery Office, Department for Business, Innovation and Skills, United Kingdom

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Breakout Group 6: Principle 12 on International Regulatory Co-operation

**Rapporteur:** Mr. Charles-Henri Montin, Senior Regulatory Adviser, Ministry of Economy and Finance, France

**Introduction:** Mrs. Céline Kauffmann, Senior Economist, and Ms. Christiane Arndt, Co-ordinator Measuring Regulatory Performance Programme, Regulatory Policy Division, OECD

**Critical country reflection:** Mr. Doug Band, Executive Director, Regulatory Affairs Sector, Treasury Board of Canada Secretariat

**Comments** Mr. Riccardo Maggi, Deputy Head, Regulatory Policy and Impact Assessment Unit, Secretariat General, European Commission

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**1.40-1.5.15 Session 5: Reports from the breakout sessions and discussion**

The purpose of this session is to discuss the results of the breakout groups on improving international regulatory co-operation, regulatory policy at the sub-national level and governance of regulators.

**Speakers:**

- **Rapporteur Breakout Group 4:** Mr. Virgilio Andrade Martinez, Head of the Federal Commission for Regulatory Improvement (COFEMER), Mexico
- **Rapporteur Breakout Group 5:** Ms. Rosalyn Bell, Assistant Commissioner, Productivity Commission Australia
- **Rapporteur Breakout Group 6:** Mr. Charles-Henri Montin, Senior Regulatory Adviser, Ministry of Economy and Finance, France

**Discussion:**

What practices reflect a systematic implementation of the Recommendation?
Which of these practices merit a more systematic adoption in OECD countries in the next five years?
What obstacles are you facing in implementing practices like this, and how can these obstacles be overcome?

**Background documents:**

- 2012 OECD Recommendation of the Council on Regulatory Policy and Governance Improving regulatory coherence across levels of government and regulatory management capacity at sub-national level (principles 10 and 11). Discussion note.
- Organisation of regulatory agencies and administrative and judicial review (principles 7 and 8). Discussion note.
- International regulatory co-operation (Principle 12). Discussion note.

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**15.15-15.30 Closing remarks by the Chair and the OECD Secretariat**

**15.30-16.00 Coffee break**
16.00-17.30  Meeting of the Steering Group on Measuring Regulatory Performance

| Speakers: | **Chair: Mr. Doug Band**, Executive Director, Regulatory Affairs Sector, Treasury Board of Canada Secretariat |
| Participating countries: | Australia, Austria, Belgium, Canada, Denmark, the European Commission, Germany, Ireland, Mexico, Netherlands, Norway, Spain, Sweden, United Kingdom, United States |

The purpose of this meeting is to discuss and plan the next steps following the workshop in Stockholm. This includes discussing priority areas for developing a methodology to assess progress in implementing the Recommendation over time, the timeline of the project and the involvement of the steering group.

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1. 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.
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3-4 June 2013

For more information about the content of the meeting, please contact:
Christiane Arndt, e-mail: christiane.arndt@oecd.org
Gregory Bounds, e-mail: gregory.bounds@oecd.org

For co-ordination aspects, please contact:
Sara Kincaid, e-mail: sara.kincaid@oecd.org

For more information on the work of the OECD Regulatory Policy Committee and the measuring regulatory performance programme, please visit www.oecd.org/regreform and www.oecd.org/regreform/measuringperformance