

OECD Regulatory Policy Outlook 2015

Country profile

BELGIUM



Access links

- [OECD Regulatory Policy Outlook 2015: www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm](http://www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm)
- [Indicators of Regulatory Policy and Governance and the underlying data: www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm](http://www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm)
- [Regulatory policy in Belgium: www.oecd.org/regreform/regulatory-policy/belgium.htm](http://www.oecd.org/regreform/regulatory-policy/belgium.htm)
- [Regulatory Policy Outlook country profiles: www.oecd.org/regreform/regulatory-policy/outlook-country-profiles.htm](http://www.oecd.org/regreform/regulatory-policy/outlook-country-profiles.htm)
- [OECD regulatory policy website: www.oecd.org/governance/regulatory-policy/](http://www.oecd.org/governance/regulatory-policy/)

Overview

Belgium has made progress towards strengthening policies and institutions aimed at improving regulation at the federal level. Formal consultations are often conducted with social partners, and the RIA, which is mandatory for all primary and subordinate legislation submitted to the Cabinet of Ministers at the federal level, is usually shared with social partners as a basis for consultation. Parliament and social partners have welcomed the RIA as a useful tool to facilitate policy coherence. Periodic *ex post* review of legislation is mandatory for some legislation and sunset clauses are sometimes used. In 2013 and 2014, a comprehensive review of economic legislation led to the development of a new code of economic law. *Ex post* review of legislation is facilitated through a parliamentary committee that can initiate reviews also at the request of citizens. Within the executive, since 2013 the Agency for Administrative Simplification (ASA) within the Prime Minister's Office, which was responsible for assessing administrative burdens, is also responsible for the whole better regulation policy. The ASA co-ordinates the RIA in partnership with four other ministries (economy, equality of women and men, sustainable development and development co-operation). An Impact Assessment Committee can provide advice on the RIA at the request of the responsible ministry.

Some areas appear to need further improvement. Ways of reaching out to the wider public could be strengthened, for instance, through a single central government website listing all ongoing consultations. The decision to bypass consultation could be also made public (as it is not currently the case). While RIA can be shared with social partners during consultation, it is not released for consultation with the general public. Also, the scope and focus of the RIA is adapted depending on the theme of the proposed legislation, without however a more formal threshold test. Such test could help better align the depth of the analysis and the resources to conduct it with the expected impact of the proposed legislation. While some *ex post* reviews assess whether the underlying policy goals of the regulation have been achieved, this requirement could be extended to all reviews to adequately evaluate the effectiveness of regulation and whether additional regulatory and/or non-regulatory interventions are needed.



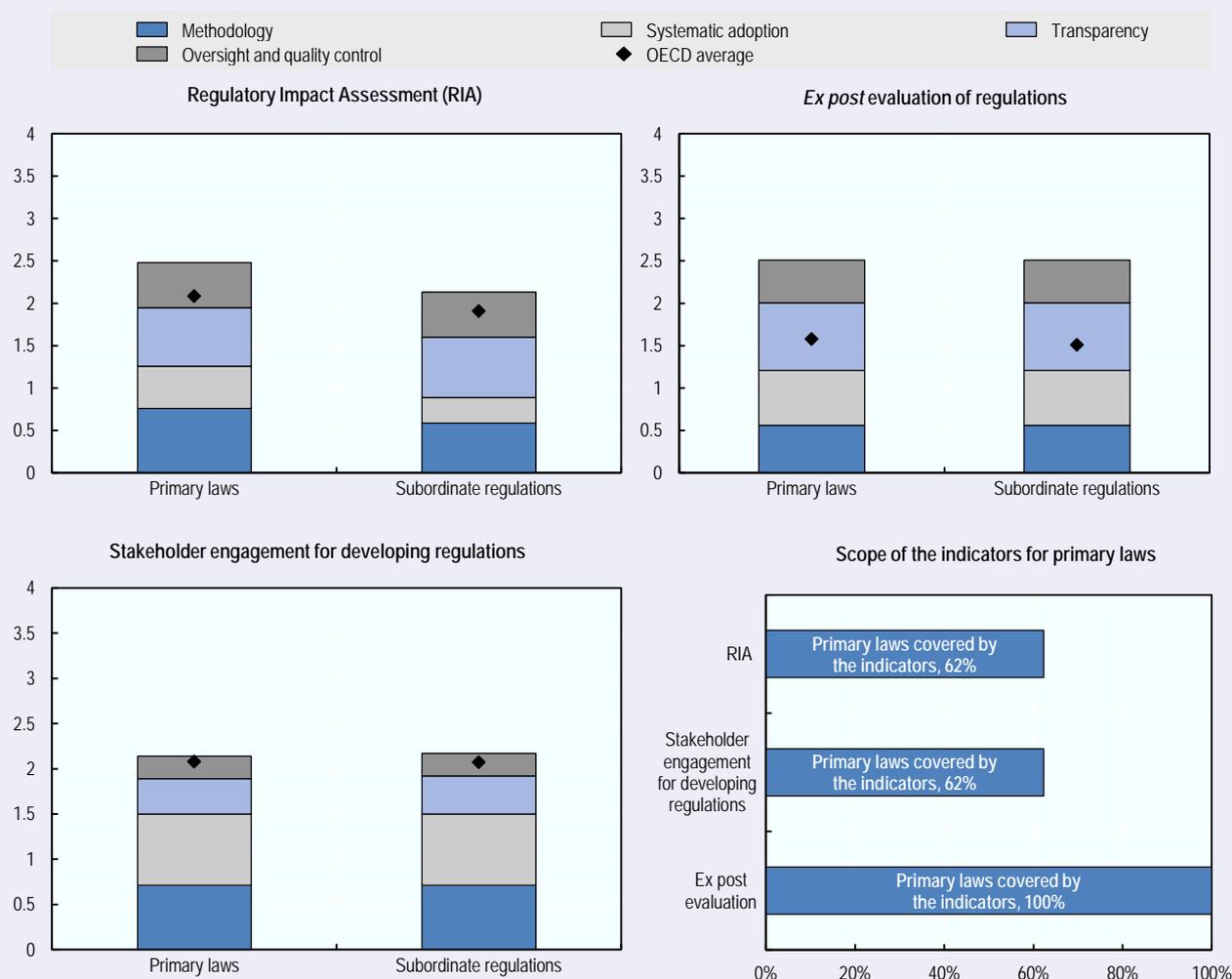
Spotlight: Engaging stakeholders in *ex post* reviews

Every two years, the Federal Planning Office conducts a survey on administrative burdens on business. Seven thousand enterprises are surveyed by mail and by phone. A website (www.kafka.be) also allows citizens and businesses to signal burdensome procedures.

Since 2007, a Parliamentary committee composed of 22 members of the Chamber of Deputies and the Senate is responsible for evaluating adopted federal legislation and improving its quality. Business, citizens or the public administration can signal issues related to existing legislation and the Committee can launch an evaluation and propose changes of an existing law.

www.simplification.be/fr/content/enquete-biennale; www.comitesuivilegislatif.be/indexF.html.

Indicators of Regulatory Policy and Governance 2015



1. The figures display the aggregated scores from all four categories giving the total composite score for each indicator. The maximum score for each category is one and the maximum score for each aggregated indicator is four.
2. The information presented in the indicators for primary laws on RIA and stakeholder engagement only cover processes of developing primary laws that are carried out by the executive branch of the national government. As in Belgium approx. 62% of primary laws are initiated by the executive, the indicators on RIA and stakeholder engagement cover 62% of primary laws. There is no formal requirement in Belgium for consultation with the general public and conducting RIAs to inform the development of primary laws initiated by parliament. The information presented in the indicators for primary laws on *ex post* evaluation covers processes in place for both primary laws initiated by parliament and by the executive. The percentage of primary laws initiated by parliament is an average between the years 2011 to 2013.

Source: 2014 Regulatory Indicators Survey results, www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm.

Statlink: <http://dx.doi.org/10.1787/888933263061>

Indicators of Regulatory Policy and Governance (iREG)

The three composite indicators provide an overview of a country's practices in the areas of stakeholder engagement, Regulatory Impact Assessment (RIA) and *ex post* evaluation. Each indicator comprises four equally weighted categories:

- Systematic adoption which records formal requirements and how often these requirements are conducted in practice.
- Methodology which gathers information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used.
- Oversight and quality control records the role of oversight bodies and publically available evaluations.
- Transparency records information from the questions that relate to the principles of open government, e.g. whether government decisions are made publically available.



The composite indicators are based on the results of the *OECD 2014 Regulatory Indicators Survey*, which gathers information from all 34 OECD countries and the European Commission as of 31 December 2014. The survey focuses on regulatory policy practices as described in the 2012 *OECD Recommendation on Regulatory Policy and Governance*. The more of these practices a country has adopted, the higher its indicator score. Further information on the methodology is available online at www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm.

Whilst the indicators provide an overview of a country's regulatory framework, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform.

OECD Regulatory Policy Outlook 2015

The *OECD Regulatory Policy Outlook* (www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm) provides the first evidence-based, cross-country analysis of the progress made by OECD countries in improving the way they regulate. Findings are based on the results of the *OECD 2014 Regulatory Indicators Survey*.

Key findings:

- Laws and regulations are essential instruments, together with taxes and spending, in attaining policy objectives such as economic growth, social welfare and environmental protection. OECD countries have generally committed at the highest political level to an explicit whole-of-government policy for regulatory quality and have established a standing body charged with regulatory oversight.
- Implementation of regulatory policy varies greatly in scope and form across countries. While RIA has been widely adopted, few countries systematically assess whether their laws and regulations achieve their objectives. Stakeholder engagement on rule making is widespread in OECD countries, taking place mostly in the final phase of developing regulation.
- The national executive government has made important progress over the last decade to improve the quality of regulations. Parliaments, regulatory agencies and sub-national and international levels of government need to be more engaged to ensure that there are evidence-based and efficient laws and regulations for stimulating economic activity and promoting well-being.
- The impact of regulatory policy could be further improved by addressing shortcomings in the implementation and enforcement of regulations and by considering new approaches to regulatory design and delivery such as those based on behavioural economics.

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