

## Impact assessment in Belgium, federal government

### Introduction and history

The regulatory impact assessment (RIA) is a prior and an integrated evaluation of potential consequences (/collateral impacts) of regulatory projects on economic, social and environmental domains and on public authorities.

The scope of the RIA is composed of twenty one themes defined within a sustainable development approach. Four of the twenty one themes are more deeply developed: gender, SME's, administrative burdens and policy coherence for development.

The introduction of impact assessment procedures in Belgium dates back to the 1998 Federal Programme Law on Entrepreneurship, which stipulated that the impact of new federal regulation should be screened for administrative burdens.

The Kafka Test, which was made a requirement in 2001 and refined in 2004, screens proposals for their impact on administrative burdens for businesses and citizens. The SDIA (Sustainable Development Impact Assessment), which was made a mandatory requirement in 2007, screens the impact of draft regulations in terms of sustainable development.

With the adoption in 2013 of the RIA for all new regulation to be submitted to the Council of Ministers, Belgium made headway in improving the quality of government regulation. The Kafka Test and the SDIA, the eye-catchers of Belgian's 'Better Policy Process', have been improved and integrated in the broader RIA, while simultaneously integrating the gender, the SME (Small and Medium Enterprises) and the policy coherence for development dimensions.

The Administrative Simplification Agency (ASA), an independent agency within the Chancellery of the Prime Minister, coordinates the Belgian federal RIA in partnership with four other Ministries: the Ministry of Economy, the Institute for the Equality of Women on Men, the Institute for a Sustainable Development and the Ministry of Development Cooperation. The ASA is since 2000 in charge of the impact assessment of administrative burdens and has become responsible for the 'better regulation policy' since the law of 15 December 2013 concerning the administrative simplification . The organising procedures assign the ASA with the management of the helpdesk, the management of the Impact Assessment Committee (IAC) and the publication of the RIA's.

The introduction of the RIA has generated an encouraging welcome by the parliament and the stakeholders (federations of enterprises, trade unions, and consultative councils), thanks to its potential to strengthen policy coherence.

### Procedure and implications

RIA's are mandatory for regulation initiated by the federal government (drafts law and drafts Royal order). The RIA is one of the documents that must be presented to the Council of Ministers along with the draft regulation.

Officials in charge of drafting regulations are responsible for filling in the impact assessment light form. These are currently members of ministerial cabinets and/or members of administrations.

The RIA is an potentially key document for people implicated in the decision-making: Ministers, ministerial cabinets, administrations, institutionalised consultation bodies (where stakeholders are represented) and the Parliament.

The RIA process:

1. Get the RIA form and guidelines when beginning to draft a new regulation. Preferably fill in the online form [ria-air.fed.be](http://ria-air.fed.be).
2. Verify if the regulation is eventually excepted from RIA<sup>1</sup>.
3. Contact the helpdesk if necessary.
4. Finalise the RIA for the first policy coordination group (first formal discussion between the ministerial cabinets, aka 'strategic cells').
5. (optional) Submit the RIA to the Impact Assessment Committee (IAC) who will firstly examine the completeness, the accuracy and the relevance of the answers, and secondly make recommendations (non-binding, within a 5 days' notice) in order to improve the RIA (qualitatively and quantitatively). The IAC gives an opinion on the quality of the assessment (are the positive and negative impacts rightly evaluated?) but not on the policy decision itself.
6. Add the RIA to the file submitted for approval by the Council of Ministers.
7. *(ex post) The RIA will be published on the website of the ASA when draft Laws go to Parliament or when Royal Orders are published in the Official Journal.*
8. *(ex post) The IAC will annually present to the government a report regarding the quality of the RIA's.*

## Weakness

The RIA has two weaknesses. It lacks anticipation, meaning that it is conducted too late in the decision-making process (too often just before presenting a regulation for approval by the Council of Ministers). It also lacks quality control since the advice of the IAC is not mandatory.

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<sup>1</sup> They are six cases when an RIA is not mandatory when drafting a new regulation: approval of international regulation (this exception is not applicable to European regulation); approval of interregional regulation; auto-regulation; formal regulation (e.g. decoration, nominations of staff, ...); urgency (must be justified); national security.