

OECD Regulatory Policy Outlook 2015

Country profile

Netherlands



Access links

- **OECD Regulatory Policy Outlook 2015:** 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
- **Regulatory policy in the Netherlands:** www.oecd.org/regreform/regulatory-policy/netherlands.htm
- **Regulatory Policy Outlook country profiles:** www.oecd.org/regreform/regulatory-policy/outlook-country-profiles.htm
- **OECD regulatory policy website:** www.oecd.org/governance/regulatory-policy/

Overview

The Netherlands was one of Europe's early starters in the development of Better Regulation policies, with a strong momentum in the 1990s to improve the regulatory and structural environment for more open markets and, starting in the late 1990s, a strong focus on reducing administrative burdens for business which was subsequently extended to citizens. In 2000 ACTAL, the Dutch Advisory Board on Regulatory Burden, was established as an independent advisory body that advises government and parliament on how to minimise regulatory burdens for business, citizens, and professional workers in healthcare, education, safety and welfare. The Netherlands has also created regulatory burden units in the Ministry of Economic Affairs for business and in the Ministry of the Interior for citizens to lead programmes for reducing burdens across the government. The 2011 Integraal Afwegingskader (IAK) directive brings together the available guidance and instructions for impact assessment tools in an integrated fashion. The Unit for the Quality of Regulatory Policy located at the Ministry of Justice provides independent oversight on the quality of impact assessments.

In accordance with the IAK all primary laws are accompanied by an explanatory memorandum (Memorie van Toelichting) which describes the problem under consideration and justifies government intervention as well as its effects and consequences. Improving the assessment of benefits and costs including the distribution of impacts and introducing systematic consultation on RIA early in the process would help improve the quality and transparency of the system.

Later-stage consultation only occurs in practice for some primary laws and subordinate regulations. There is now an interactive website for consultations which displays the views of participants. Introducing systematic consultation earlier in the process could help gather information about the nature of the problem and possible solutions, e.g. through the use of green papers.

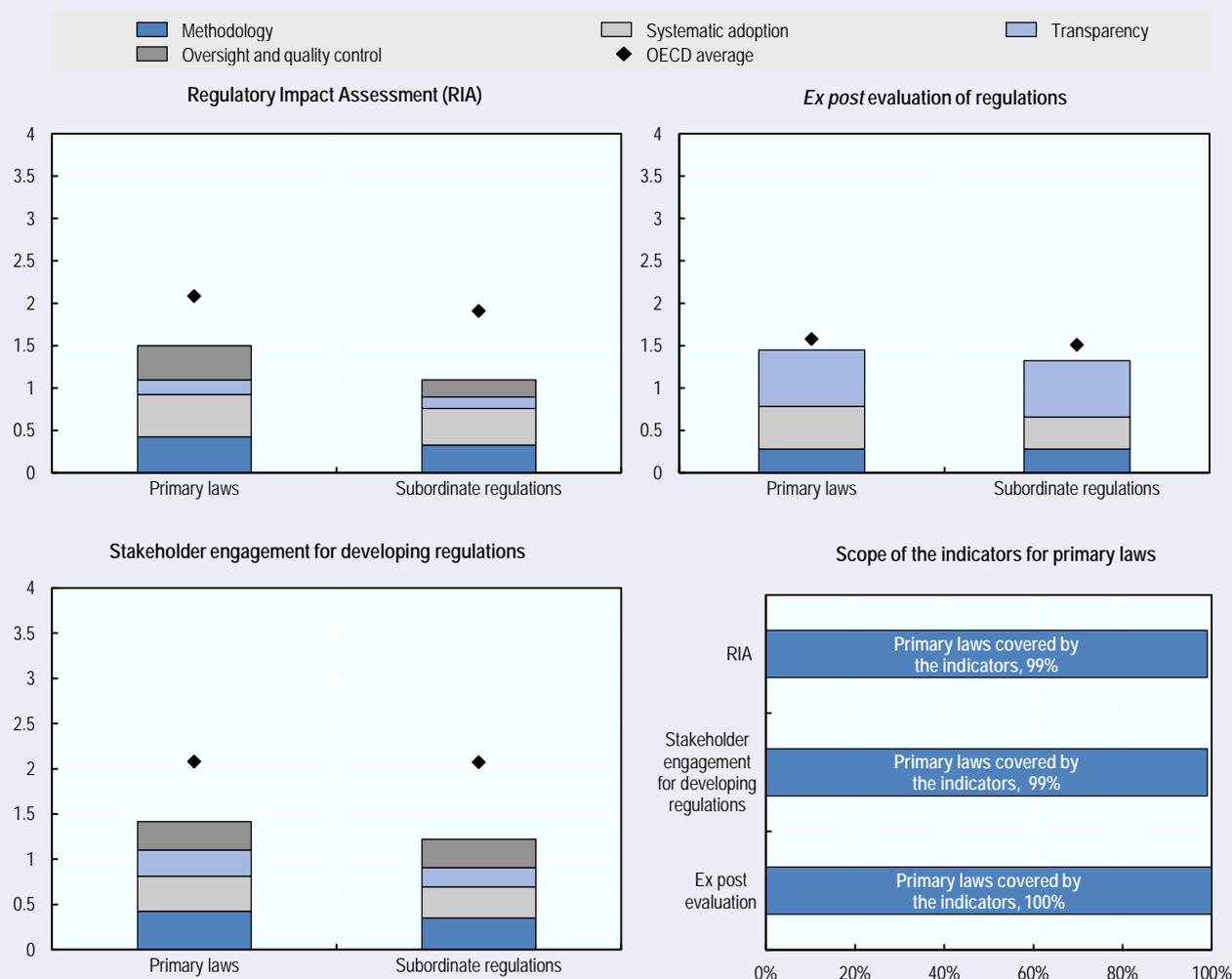
Periodic *ex post* evaluation has been mandatory for all primary laws since 2001. The government may wish to consider whether comprehensive in-depth reviews in particular sectors would also be useful for identifying areas of reform.



Spotlight: Reviews of online consultation and *ex ante* evaluation

The use of evaluations and reviews has helped set the direction for improvements in the Dutch regulatory framework. In 2011, the government published an evaluation report (<http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2011/06/17/kabinetsstandpunt-internetconsultatie-wetgeving.html>) on the government-wide online consultation pilot, (www.internetconsultatie.nl). The report stated that, while creating additional costs, internet consultation improves public participation and contributes to the quality of the proposed legislation. Therefore, the use of the portal should be extended with a focus on those laws with high impacts on citizens and business. In 2012 an in-depth review discussing the theory and practice of *ex ante* evaluation was produced by an independent evaluator. The review concluded that the application of *ex ante* evaluation should be intensified.

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 covers processes of developing primary laws that are carried out by the executive branch of the national government. As in the Netherlands approx. 99% of primary laws are initiated by the executive, the indicators on RIA and stakeholder engagement cover approx. 99% of primary laws. There is no formal requirement in the Netherlands for consultation with the general public and for 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.

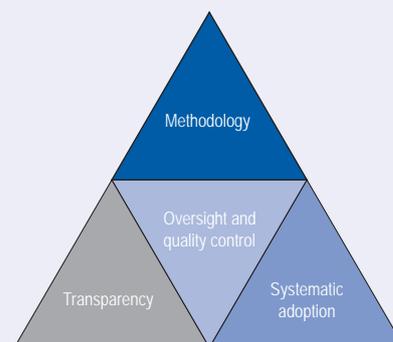
Source: 2014 Regulatory Indicators Survey results, www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm.

Statlink: <http://dx.doi.org/10.1787/888933263271>

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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