OECD Regulatory Policy Outlook 2015

Country profile

PORTUGAL

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 Portugal: www.oecd.org/regreform/regulatory-policy/portugal.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/

OECD

BETTER POLICIES FOR BETTER LIVES

Overview

The development of Better Regulation policies in Portugal is relatively recent compared with other OECD countries. Portugal has made significant efforts to bring down administrative burdens and to modernise its public administration. More recently, the Simplificar programme further extends the modernisation and simplification efforts (see box below) and also aims at promoting more systematic and comprehensive *ex ante* and *ex post* evaluation of regulations. Political responsibility for administrative modernisation is vested with the State Secretary for Administrative Modernisation located within the Presidency of the Council of Ministers at the centre of government. The State Secretary oversees the Agency for Administrative Modernisation which is in charge of the execution of the simplification programmes.

RIA is conducted for all primary laws and subordinate regulations. The main focus of RIAs is on cost assessment, in particular administrative burdens. Widening the scope of the analysis could encourage a more encompassing approach to rule making. While the Minister for the Presidency currently has responsibility for ensuring the completion of the RIA questionnaire, it would be essential to set up a body with oversight functions in order to check the quality of the RIA. Transparency could be strengthened by introducing a sign-off on RIAs and making them publicly available.

While consultation is a common practice for major laws and subordinate regulations, it only takes place once a preferred regulatory option has been identified. Seeking additional input at an early stage would help inform policy makers about the nature of the problem and potential solutions. In addition, transparency could be strengthened by making consultations systematically open to the general public and by making increased use of ICT.

Portugal has taken important initiatives to curb red tape by reviewing administrative procedures and by simplifying the legal system. There is however room for improvement for reviewing laws and regulations. In particular, assessing whether the underlying policy goals have been achieved would be necessary to ensure regulations enacted actually address the issue at hand.
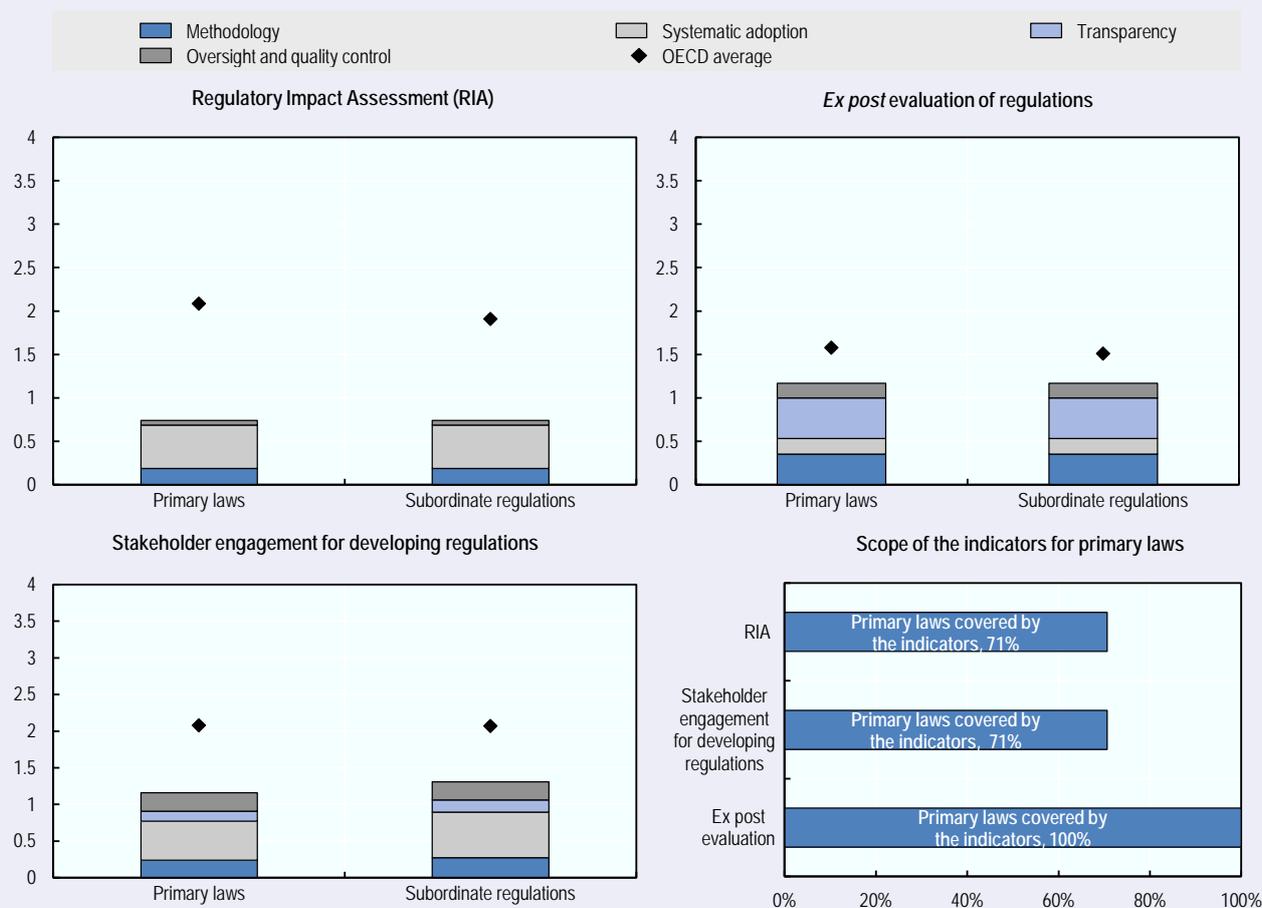
Spotlight: Simplificar Programme

Adopted by a large majority in March 2014, Parliament Resolution 31/2014 promotes the implementation of Simplificar, a comprehensive programme of administrative modernisation and simplification. It includes the "only once" principle, by which citizens can no longer be required by the administration to provide information more than once, regardless of the department involved. Simplificar also introduced a "one-in, one-out" principle as part of the system for administrative burden control and the "digital by default" principle, which aims at the digitisation of all public services by 2020.

Building on the successful Simplex programme, the implementation of Simplificar relies on co-ordination through the Inter-ministerial Network for Administrative Modernisation (RIMA). In addition, the Simplificar website (www.simplificar.gov.pt) serves as a crowdsourcing platform for collecting input from external stakeholders to help detect and propose possible solutions for regulatory and administrative burdens.

Indicators of Regulatory Policy and Governance 2015

Methodology
Oversight and quality control
Systematic adoption
OECD average
Transparency

Regulatory Impact Assessment (RIA)

Ex post evaluation of regulations

Stakeholder engagement for developing regulations

Scope of the indicators for primary laws

RIA — Primary laws covered by the indicators, 71%

Stakeholder engagement for developing regulations — Primary laws covered by the indicators, 71%

Ex post evaluation — Primary laws covered by the indicators, 100%

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 Portugal approx. 71% of primary laws are initiated by the executive, the indicators on RIA and stakeholder engagement cover approx. 71% of primary laws. There is no formal requirement in Portugal 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/10.1787/888933263302

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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