



European Union

Indicators of Regulatory Policy and Governance 2021





Overview and recent developments

The 2016 Interinstitutional Agreement between the European Commission (EC), the European Parliament and the Council recognised stakeholder engagement, regulatory impact assessment (RIA), and *ex post* evaluation as core elements to improve regulatory quality. The EC is the executive of the European Union (EU). It develops and presents regulatory proposals in accordance with its Better Regulation Toolkit to the European Parliament and the Council for adoption. The Commission announced in the 2021 Policy Communication on Better Regulation to further streamline consultations particularly through the call for evidence, integrate foresight, introduce regulatory offsetting and to require policy makers to provide information about the attainment of long-term goals such as climate change and the SDGs.

The Commission's Secretariat General ensures overall coherence of the Commission's work and oversees compliance with its commitment to Better Regulation and develops its policy. It reviews RIAs, stakeholder engagement processes and *ex post* evaluations, oversees burden reduction activities, provides capacity support and draft corporate guidance on Better Regulation. It also serves as Secretariat to the Regulatory Scrutiny Board (RSB), which consists of three Commission officials and three external experts and is chaired by a Commission's Director General. The RSB checks the quality of all impact assessments and major evaluations and fitness checks. Its mandate was expanded in 2020 to include outreach activities and oversight regarding the one in-one out rule. The RSB's mandate has been enlarged to reflect the European Commission's decision to embed strategic foresight into its working methods, including to inform the design of new initiatives and the review of existing ones. The European Parliament's Directorate for Impact Assessment and European

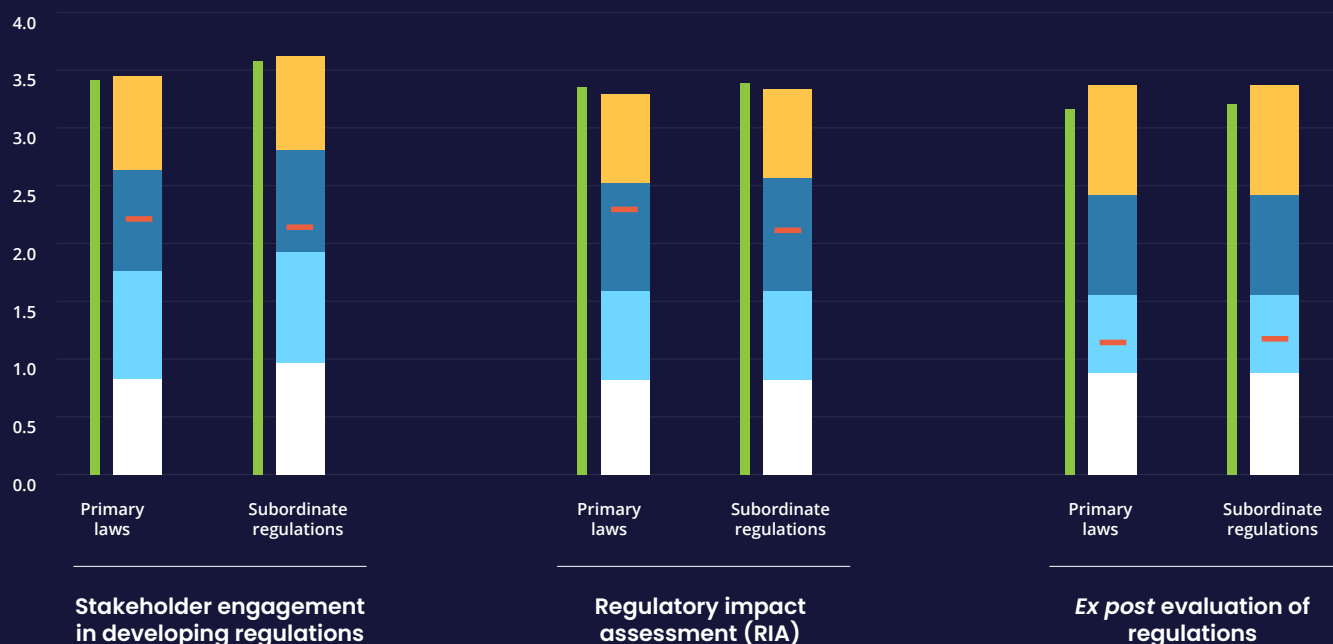
Added Value also reviews RIAs attached to draft legislation submitted by the Commission, and conducts in-depth analysis and impact assessments of amendments at the request of Parliamentary committees. The Council has also developed its capacity to assess impacts of their substantial amendments, but it has not used it so far.

Ex ante impact assessments continue to be carried out for major primary laws and subordinate legislation. Inception Impact Assessments, including an initial assessment of possible impacts and options to be considered, are prepared and consulted on before a full RIA is conducted. Following this initial feedback period, the EC conducts public consultations during the development of initiatives with an impact assessment. Legislative proposals and the accompanying full RIA are then published online for feedback following approval of the proposal by the College of Commissioners. Draft subordinate legislation is consulted on publicly. Transparency could be further improved by making RIAs on subordinate legislation available at this stage with the opportunity to comment on the analysis.

The *ex post* evaluation system, combining systematic evaluations of individual regulations with comprehensive "Fitness checks" of policy sectors, invites comment on evaluation roadmaps and on the main elements of all evaluations. The RSB now provides quality indicators on evaluations which are made publicly available along with compliance statistics. The Fit for Future Platform brings together representatives of the Commission, Member States and non-government stakeholders, to make suggestions for simplification and review of EU legislation. Indicators below mainly represent practices of the European Commission. The other EU institutions and in particular the Council seems to be lacking behind in terms of the implementation of the 2016 Interinstitutional Agreement.

Indicators of Regulatory Policy and Governance (iREG): European Union, 2021

● Methodology
 ● Systematic adoption
 ● Transparency
 ● Oversight and quality control
 ■ Country total, 2018
 — OECD average, 2021



Notes: The more regulatory practices as advocated in the [OECD Recommendation on Regulatory Policy and Governance](#) a country has implemented, the higher its iREG score. Results presented apply to all legislation (regulations, directives and implementing and delegated acts) initiated by the European Commission, who is the sole initiator of legislation in the EU system.

Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/ireg>.

European Union: Transparency throughout the policy cycle



Inform the public in advance that:

A public consultation is planned to take place	All
Regulatory impact assessment (RIA) is due to take place	Yes
Ex post evaluations are planned to take place	All



Consult with stakeholders on:

Draft regulations	Major
Evaluations of existing regulations	All



Publish online:

Ongoing consultations*	All
Views of participants in the consultation process	Yes
RIAs	All
Evaluations of existing regulations	Yes



Policy makers use:

Interactive website(s) to consult with stakeholders	Yes
Website(s) for the public to make recommendations on existing regulations	Yes



Policy makers provide a public response to:

Consultation comments	Yes
Recommendations made in ex post evaluations	Frequently

* Publish on a single central government website.

Note: The data reflects European Union's practices regarding primary laws initiated by the executive.

Source: Indicators of Regulatory Policy and Governance Survey 2021, <http://oe.cd/ireg>.



THE OECD REGULATORY INDICATORS SURVEY AND THE IREG COMPOSITE INDICATORS

The data presented in the 2021 Regulatory Policy Outlook are the results of the 2014, 2017 and 2021 Indicators of Regulatory Policy and Governance (iREG) surveys.

The iREG survey investigates in detail three principles of the 2012 OECD Recommendation of the Council on Regulatory Policy and Governance: stakeholder engagement, regulatory impact assessment (RIA) and *ex post* evaluation. Three composite indicators were developed based on information collected through the surveys for these areas. Each composite indicator is composed of four equally weighted categories:

- **Systematic adoption** comprises formal requirements and how often these requirements are conducted in practice;
- **Methodology** presents 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** reflects the role of oversight bodies and publicly available evaluations; and
- **Transparency** comprises information which relates to the principles of open government e.g. whether government decisions are made publicly available.

The data underlying the composite indicators reflect practices and requirements in place at the national level of government, as of 1 January 2021. The indicators for stakeholder engagement

and RIA relate to regulations initiated by the executive, while the indicator on *ex post* evaluation relates to all regulations. Whilst the indicators provide an overview of a country's regulatory policy system, 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. A full score on the composite indicators does not imply full implementation of the Recommendation. To ensure full transparency, the methodology for constructing the composite indicators and underlying data as well as the results of sensitivity analysis are available publicly on the OECD website (<http://oe.cd/ireg>).

Related links:

- [Regulatory Policy Outlook 2021](#)
- [Indicators and underlying data and methodology](#)
- [2012 Recommendation of the Council on Regulatory Policy and Governance](#)
- [OECD Measuring Regulatory Performance Programme](#)
- [OECD work on regulatory policy](#)

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