

Switzerland

Indicators of Regulatory Policy and Governance 2021





Overview and recent developments

Switzerland has reformed its regulatory policy framework in 2019, in particular through the issuing of new regulatory impact assessment (RIA) directives by the Federal Council. The requirement for RIA to be conducted for all regulations in Switzerland has been refined with a “quick check” procedure and additional consideration for proportionality. All regulations must undergo a preliminary RIA, which will allow to identify regulations to be subject to an in-depth assessment. A threshold test, based on quantitative and qualitative criteria, is applied to determine whether a regulation should be subject to a simplified or full RIA. The obligation to quantify regulatory costs has been extended and systematised, such as for all new regulations which cause additional regulatory costs for more than 1 000 companies or which place a particular burden on an economic sector. Switzerland focuses less on quantifying benefits and costs of regulations to citizens.

The State Secretariat for Economic Affairs (SECO), within the Federal Department of Economic Affairs, Education and Research, issues guidelines for conducting RIA, reviews selected RIAs to provide non-public opinions on their quality, and is responsible for promoting international regulatory co-operation (IRC). SECO also publishes reports on the level of regulatory costs and results from business perception surveys of administrative burdens. A new regulation has been issued to formally and permanently define SECO’s tasks

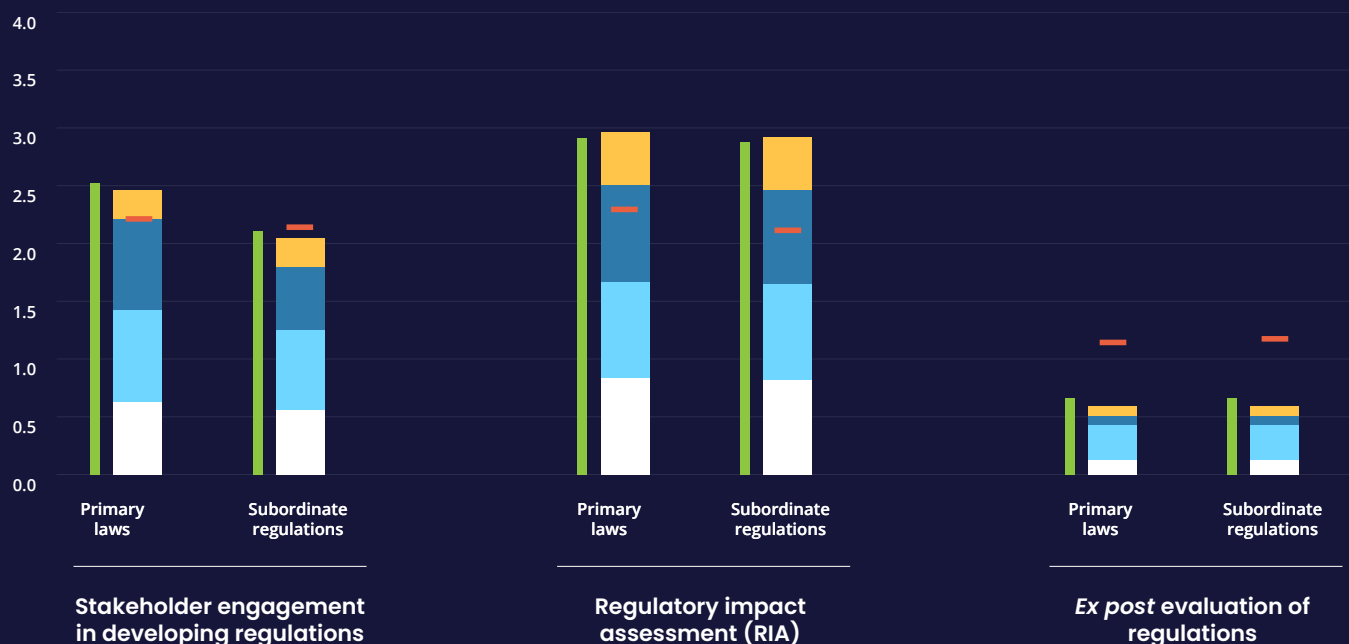
and competencies with regard to RIA. The Federal Office of Justice and the Federal Chancellery’s Legal and Central Language Services are responsible for scrutinising the legal quality of draft regulation and provide advice on stakeholder engagement. The Federal Office of Justice provides guidelines for legislative drafting and stakeholder engagement processes as well as for *ex post* evaluation. It also manages the Federal Administration Evaluation Network, which provides a forum for exchange on evaluation inside the federal government.

Stakeholders can comment on all draft primary laws and major subordinate regulations in public online consultations, which last at least 12 weeks. Switzerland is one of the few OECD members that informs its citizens in advance of upcoming consultations. Early-stage stakeholder engagement on the nature of the problem and possible solutions are carried out for most regulations but is not open to the general public. Switzerland could benefit from establishing a more systematic approach to public early-stage consultations.

The requirement for policy evaluation is enshrined in the Swiss Constitution. However, *ex post* evaluation of regulations is mandatory only for some regulations. While there are co-ordination mechanisms in place across the administration as well as support units for evaluation, there are no standardised evaluation techniques to be used when conducting evaluations.

Indicators of Regulatory Policy and Governance (iREG): Switzerland, 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. The indicators on stakeholder engagement and RIA for primary laws only cover those initiated by the executive (82% of all primary laws in Switzerland).

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

Switzerland: 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	Never



Consult with stakeholders on:

Draft regulations	All
Evaluations of existing regulations	Major



Publish online:

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



Policy makers use:

Interactive website(s) to consult with stakeholders	No
Website(s) for the public to make recommendations on existing regulations	No



Policy makers provide a public response to:

Consultation comments	No
Recommendations made in ex post evaluations	Never

* Publish on a single central government website.

Note: The data reflects Switzerland'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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