

Regulatory Policy Committee

INDICATORS OF REGULATORY MANAGEMENT SYSTEMS

2009 REPORT



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Regulatory Policy Committee

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

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Although the report refers to the EU, the peer review was conducted on regulatory management practices in use in the European Commission.

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EXECUTIVE SUMMARY

Regulation is a key tool to achieve government's policy objectives and its failure can be costly, as demonstrated most recently by the outcomes of the global financial crisis. The indicators presented in this report focus on regulatory management practices; *i.e.* the processes by which new rules are made and existing rules are reviewed and reformed. Such processes aim to produce effective and efficient regulations, that is regulations that achieve the stated policy objectives and optimise economic benefits. In responding to the economic crisis, it is essential that countries regulate following good regulatory management practices.

The results of 2008 survey of *Indicators of Systems of Regulatory Management in OECD Countries* show that there has been progressive consolidation of regulatory management systems across the OECD area at the national level over the past decade. Regulatory policy is now acknowledged as field of its own and most countries have adopted regulatory policies and core processes that aim to assess the impact of new regulations, including a consideration of possible alternatives, and compliance and enforcement issues. There has also been an expansion in the use of broad scale administrative simplification strategies. Jurisdictions that report significant progress in several key areas recent years include the Czech Republic, the EU, France, Germany and Japan.

Despite the apparent trend to consolidation, countries continue to differ significantly in the focus and scope of their regulatory management systems. In particular, the institutional capacities for managing regulatory reform, and the extent of the application of RIA and consultation processes, vary across countries. Programmes to measure and streamline administrative burdens which were pioneered by a handful of OECD countries are gradually being transferred to a wider group, with however significant practical differences in implementation.

Considered over time, the results demonstrate the diversity of countries' strategies, and the sequence of reform strategies, perhaps reflecting where countries have deliberately adopted one set of tools for improving regulatory quality over other tools, with regard to the costs and benefits or according to administrative customs. The indicators presented are descriptive: they aim to support broad analysis of trends across countries; a full analysis would require that they be complemented by detailed country-by-country assessment, conducted in the context of country reviews.

INTRODUCTION

Regulatory policy is a one of the key levers of the state as governments prepare the ground for a sustainable recovery during the first global financial and economic crisis in over 60 years. OECD countries have integrated regulatory policy into their strategy for economic and social development, and for public governance. But they face challenges to extend the value of better regulation beyond the familiar ground of product market liberalisation to new and more complex, risk-based policy agendas such as financial services and climate change; to enhance evaluation capacities and improve evidence-based decision-making; and to analyse and promote an understanding of the benefits of regulatory reform, and promote better ways of communicating. Over-regulation is often the consequence when governments respond to crises, undermining efforts to reduce regulatory burdens and to simplify regulation.

The Regulatory Policy Committee promotes continuous improvement in regulatory management, concentrating on: co-operation between regulatory oversight bodies and other departments; administrative burden reduction to enhance entrepreneurship and public sector efficiency; effective consultation and public participation consistent with efficient regulatory processes; improving cost-benefit analysis and impact assessment more generally, including consideration of distributional effects; assessing and improving indicators of regulatory performance and outcomes. Communication is a major theme of the work. And indicators are a powerful means of communicating trends, achievements and gaps

Since the OECD initiated its work on regulatory reform in the mid 1990s, it has collected three surveys on countries' regulatory management systems, starting in 1998, with a second round in 2005 and a third round in 2008. This report introduces the results of the 2008 survey which allows for a monitoring of regulatory practices over a decade. The OECD concept of regulatory quality is closely related to the 2005 OECD *Guiding Principles for Regulatory Quality and Performance* (OECD, 2005a), which follow and expand on the previous 1997 *Policy Recommendations on Regulatory Reform* (OECD, 1997b) and the 1995 OECD *Recommendation on Improving the Quality of Government Regulation* (OECD, 1995a). These offer guidelines of good practices in relation to the way in which regulatory management systems are organised in terms of institutions, tools and policies. These principles aim at sharing the results of the OECD experience and foster good practices in terms of processes for preparing and issuing new regulations as well as tools and policies to improve the stock of existing regulations.

Better rules are a necessary condition for societies to meet social goals and to improve economic competitiveness. As a result, countries wish to attain effectiveness and efficiency in their regulatory systems. Effectiveness in this context refers to the extent to which regulations achieve stated objectives underlying their use. Efficiency refers to the balance between costs and benefits associated with their use. Efficient regulation in the narrowest sense confers a net benefit from the perspective of society as a whole *i.e.*, the benefits it brings are greater than the costs of employing it. In the broader sense, efficiency implies that regulation should achieve an identified objective at minimum cost or, alternatively, confer greater net benefits than any other policy tool available to government to achieve the same objective.

It is very difficult in practice to identify directly the “quality” of a given set of regulations and to compare it across countries, let alone assess the costs and benefits of all regulations. The mechanisms for assessing the impact of regulatory interventions are still under development in many countries. However, an analysis can be conducted at a higher level looking at of types of systems that countries have put in place to manage the quality of regulations. The current report reflects a focus on regulatory management

systems. It includes indicators that focus on the processes for generating new regulations and for managing the stock of existing regulations. The set of indicators has been elaborated with reference to the OECD accepted approaches for good practice in regulatory management developed over more than a decade of country reviews.

The Indicators of Regulatory Management Systems are fact-based. They are transparent and replicable. They provide a starting point for comparing the focus and scope of regulatory management systems across countries. The indicators refer to the existence of institutional practices as reflected in administrative arrangements and procedures. The indicators mainly measure the *de jure* dimension of the strength of arrangements for quality regulation, and as is the case of all indicators, they only tell part of the story. An evaluation of the performance of these institutional practices within a specific country would require an in depth country review taking account of the context to analyse how these procedures are implemented in practice and whether they are effective. It is important that the indicators are not misinterpreted as league tables. They could also be usefully complemented in the future by other types of quantitative information such as perceptions-based data or performance indicators. This policy area and the questionnaire methodology are still under development, reflecting ongoing discussions among OECD members, and gradual improvements of the understanding of what constitutes effective regulatory management practices.

An important point to note is that the indicators are limited to information on the systems in place at the national level of government, (with the exception of the indicators related to licences).

The indicators presented in this report can help inform the policy debate at the international level on trends across OECD countries regulatory management systems. The core policy issues addressed by this report include:

- How to compare regulatory management systems, including regulatory policies, tools, processes and institutions across OECD countries in the recent period?
- Is there any evidence of increased reliance on regulatory tools, of more structured regulatory policies and stronger institutional capacities? What is the trend? What should be the priority for further action?
- Which countries rely on different regulatory quality tools, such as Regulatory Impact Analysis, consultations, one stop shops and *post* administrative simplification methods?

This study draws on and builds on previous editions of the indicators, namely on the Working Papers *Indicators of Regulatory Management Systems* (OECD, 2007b) and *Regulatory Management Systems across OECD countries: Indicators of Recent Achievements and Challenges* (OECD, 2007c). These results were also presented in a policy brief.¹

The 2008 results bring a number of key improvements compared with the previous data:

- New areas are covered with the aim to reflect a changing and dynamic regulatory reform environment, and to analyse the recent regulatory reforms undertaken. For instance, the new set provides comparative data on administrative burden measurements and reflects better the systems for the search for alternatives and the extent and depth of RIA processes. It also distinguishes (more than previous surveys) between primary laws and subordinate regulation, in particular with respect to consultation processes.

- An innovative peer-review process has enhanced the quality of the data and its consistency across a number of key areas. However, the data for the indicators reflect direct submissions from member countries, originating from self assessments. Therefore issues related to data quality may remain, even if they have been greatly reduced by the peer review process.
- All the comparisons across countries are presented with a corresponding sensitivity analysis. The resulting confidence intervals contribute to a more careful interpretation of cross-country differences.

This report presents first a methodological part which describes the 2008 survey, its policy relevance and matching with the 1998 and 2005 surveys. This methodological part also explains the process and the construction of the indicators and the sensitivity analysis. A second analytical part introduces the results of the 2008 survey and the trends from 1998 to 2008. This contains four sections: *i)* regulatory policies and institutional arrangements to promote regulatory quality, *ii)* transparency, consultation and open processes, *iii)* tools for improving the quality of new regulation and finally *iv)* strategies for improving the quality of existing regulations. The conclusion highlights the main findings, the contribution and limits of the current work and suggests possible areas for further research. The Annex has three parts: Part I contains detailed country by country results reflecting countries' responses to the questionnaire, presented in a set of tables. Part II contains additional complementary figures. Part III contains detailed methodological material including the sensitivity analysis. All data presented reflect the situation in member countries in 2008.

THE DATA AND METHODOLOGY²

The indicators draw upon country responses to the OECD's survey of regulatory management systems conducted in 1998, 2005 and 2008. Survey respondents were government officials in OECD member countries. In addition to the 30 OECD member countries, data are presented for the policies of the European Union, covering the European Commission. Most questions from 1998 and 2005 were kept in 2008 to allow for comparison over time. New questions were added to reflect a changing regulatory reform environment and to be able to analyse the recent regulatory reforms undertaken. The construction of the indicators follows the OECD quality framework for statistical activities (see Annex 3.1).

The 2008 survey

The indicators presented in this report were collected in 2008 by a survey distributed to national governments in June 2008. Significant follow up work was devoted to ensure the quality of the submissions as well as to further improve the consistency of the data. All data presented reflect the situation in 2008. Any changes that occurred in 2009, or projects without any legal and institutional consequences in 2008, are not reflected in the data.

The indicators of quality in regulatory management attempt to capture whether countries comply with good practice as identified by the principles (see Table 1). The goal is to be able to use these indicators as a diagnostic tool to assist government in identifying priority areas for improving their regulatory governance systems.

Regulatory indicators can contribute to the attainment of regulatory policy goals in a number of ways. Major uses of indicators include:

- measuring progress in implementing regulatory policies;
- highlighting priority areas for further action;
- demonstrating consistency between regulatory policy actions and regulatory quality outcomes;
- enhancing the legitimacy and accountability of the regulatory policy by demonstrating progress; and,
- raising awareness of regulatory policy issues among regulators.

Table 1. Mapping the Core policy areas with the OECD Principles for Regulatory Quality and performance

OECD Principles for Regulatory Quality and Performance	Core policy areas
<p>1. Adopt at the political level broad programmes of regulatory reform that establish clear objectives and frameworks for implementation</p> <ul style="list-style-type: none"> • <i>Establish principles of “good regulation” to guide reform.</i> • <i>Create effective and credible co-ordination mechanisms inside the government, foster coherence across major policy objectives.</i> • <i>Ensure that institutional frameworks and resources are adequate and that systems are in place to manage regulatory resources effectively.</i> • <i>Strengthen quality regulation by staffing regulatory units adequately, conducting regular training</i> • <i>Encourage better regulation at all levels of government.</i> • <i>Make effective use of ex-post evaluation.</i> 	<p>Regulatory policies (Q1) Regulatory management and policy coherence (Q2) Central regulatory oversight authority (administrative and political) (Q14) The role of Parliament in regulatory quality (Q15) Inter-governmental co-ordination on regulatory policy (Q16) Ex-post regulatory review and evaluation (Q17) Training in regulatory quality skills (Q13)</p>
<p>2. Assess impacts and review regulations systematically to ensure that they meet their intended objectives efficiently and effectively.</p> <ul style="list-style-type: none"> • <i>Review regulations against the principles of good regulation; update regulations through automatic review procedures such as sun-setting.</i> • <i>Use performance-based assessment of regulatory tools and institutions</i> • <i>Consider alternatives to regulation when appropriate.</i> • <i>Integrate regulatory impact analysis into the development, review and revision of significant regulations</i> • <i>Minimise the aggregate regulatory burden; measure the aggregate regulatory burden</i> 	<p>Provision of justification for regulatory actions, consideration of alternatives (Q6) Provision of justification for regulatory actions, continued (Q7) Compliance and enforcement (Q8) Use of regulatory impact analysis (RIA) (Q10) Administrative simplification licences and permits (Q11) Measurement and reduction of administrative burdens (Q12) Controlling aggregate regulatory burdens (Q18)</p>
<p>3. Ensure that regulations, regulatory institutions charged with implementation, and regulatory processes are transparent and non-discriminatory.</p> <ul style="list-style-type: none"> • <i>Consult with all significantly affected and potentially interested parties, whether domestic or foreign, where appropriate at the earliest possible stage while developing or reviewing regulation.</i> • <i>Create and update on a continuous basis public registries of regulations and business formalities or use other means of ensuring that domestic and foreign businesses can easily identify all requirements applicable to them.</i> • <i>Ensure that administrative procedures for applying regulations are transparent, non discriminatory, contain an appeal processes.</i> 	<p>Clarity and due process in decision making procedures (Q3) Regulatory processes (Q4) Transparency (Q5) Consultation procedures with affected parties (Q9)</p>

Note: This is a general mapping as some principles may translate in several areas, including for example policies and tools. The table shows that the various policy areas in the questionnaire are generally taking their policy justification from the agreed OECD Principles (OECD, 2005a).

Providing a dynamic perspective: linking indicators to the earlier work; mapping 1998, 2005 and 2008 data

In developing a revised indicators questionnaire, it is important to be able to construct “time series” to analyse trends overtime. In particular, given the relatively recent development of regulatory policies in many or most of the OECD member countries, the ability to track trends over a longer period is very valuable in establishing the nature and extent of progress on regulatory policy issues and highlighting areas in which progress has been limited. While time consistency is important, some questions had to be updated and modified, building on the 1998 and 2005 questionnaire (see Table 2).

Table 2. Mapping of the 2008 questionnaire with the 1998 and the 2005 questionnaire

Question in 1998 questionnaire	Question in 2005 questionnaire	Link with 2008	Question in 2008 questionnaire
Q.1 Explicit policy commitment Part 1	Q.1 Explicit regulatory policy	<i>Subset in 1998 and 2005</i>	Q.1 Regulatory policies
Q.2 Co-ordination and management	Q.2 Linking regulatory policy and other policy areas	<i>Subset in 1998 and 2005</i>	Q.2 Regulatory management and policy coherence
Q.3 Forward planning of regulatory activities	Q.3 Forward planning of regulatory activities	<i>Subset in 1998 and 2005</i>	Q.3 Clarity and due process in decision making procedures
Q.6 Communication and enforcement of Regulations	Q.8 Compliance and enforcement	<i>Subset in 1998 and 2005</i>	
	Q. 17 Role of the judiciary in regulatory procedures	<i>Subset in 2005, missing in 1998</i>	
Q.4 Rule-making procedures	Q.4 Rule-making procedures	<i>Subset in 1998 and 2005</i>	Q.4 Regulatory processes
Q.6 Communication and enforcement of Regulations	Q.5 Communication of regulations	<i>Subset in 1998, same in 2005</i>	Q.5 Transparency
Q.7 Threshold tests	Q.6 Threshold tests	<i>Subset in 1998 and 2005</i>	Q.6 Provision of justification for regulatory actions
Q.8 Choice of policy instruments	Q.7 Choice of policy instruments	<i>Subset in 1998 and 2005</i>	Q.7 Provision of justification for regulatory actions, continued
Q.1 Explicit policy commitment Part 2	Q.9 Use of regulatory quality tools-general	Not kept in 2008	
	Q.8 Compliance and enforcement	<i>Subset in 2005, missing in 1998</i>	Q.8 Compliance and enforcement
Q.5 Public consultation	Q.10 Use of public consultation	<i>Subset in 1998 and 2005</i>	Q.9 Consultation procedures with affected parties
Q.9 Use of regulatory impact analysis (RIA)	Q.11 Use of regulatory impact analysis (RIA)	<i>Subset in 1998 and 2005</i>	Q.10 Use of regulatory impact analysis (RIA)
Q.13 Business licences and permits	Q.12 Business licences and permits	<i>Subset in 1998, same in 2005</i>	Q.11 Administrative simplification licences and permits
Q.12 Reducing administrative burdens	Q.13 Reducing administrative burdens	<i>Subset in 1998 and 2005</i>	Q.12 Measurement and reduction of administrative burdens
Q.15 Training in regulatory reform skills	Q.14 Training in regulatory quality skills	<i>Subset in 1998, same in 2005</i>	Q.13 Training in regulatory quality skills
Q.2 Co-ordination and management	Q.15 Central regulatory oversight authority (administrative and political)	<i>Subset in 1998 and 2005</i>	Q.14 Central regulatory oversight authority (administrative and political)
	Q.16 Parliamentary oversight of regulatory policy	<i>Missing in 1998, same in 2005</i>	Q.15 The role of parliament in regulatory quality
	Q.17 Role of the judiciary in regulatory policy	Partly dropped in 2008	Q.3 Clarity and due process in decision making procedures, question f)
Q.14 Co-ordination between levels of government	Q.18 Inter-governmental co-ordination on regulatory policy	<i>Subset in 1998, same in 2005</i>	Q.16 Inter-governmental co-ordination on regulatory policy
Q.10 Technical law drafting capabilities		Not kept in 2005 and 2008	
Q.11 Regulatory review and evaluation	Q.19 Regulatory review and evaluation	<i>Subset in 1998 and 2005</i>	Q.17 Ex-post regulatory review and evaluation
	Q.20 Controlling aggregate regulatory burdens	<i>Subset in 2005, missing in 1998</i>	Q.18 Controlling aggregate regulatory burdens
	Q.22 Indicators of performance, quantitative questions, output	<i>Missing in 1998, fewer questions in 2008</i>	Q.19 Indicators of performance, quantitative questions, outputs

Improving data quality: the value of a peer-review process

At the invitation of the chair of the Regulatory Policy Committee, the member countries and the commission, an innovative peer review process was launched in December 2008. Experts from all OECD member countries and country experts working at the OECD scrutinised the data for the indicators of regulatory management systems. The data check aimed to enhance the quality of the data and improve its consistency over time as well as the comparability of data across countries. The process ended in May 2009.

The first step was to identify experts in participating countries and to assign peers to countries, taking into advantage linguistic and intrinsic knowledge. Datasets and additional materials provided by the respective countries were made available to peers. The peers received briefing and additional information and guidance to orient their efforts. A process of constant interaction between the peers and the OECD Secretariat ensured a free exchange of information, while preserving the necessary confidentiality. Peers acted in a personal capacity. They helped to clarify and harmonise the interpretation of questions. The peer reviewers' contribution improved significantly the comparability and consistency of the data and its coherence with in-depths country studies such as the EU 15 project. In a number of cases, supplemental help and support were received from Secretariat experts. A thorough screening of data inconsistencies was also undertaken by the indicator team.

In the second phase, peers returned their feedback, with suggestions for modifications and questions for clarifications to the respective countries. Team meetings with OECD country experts involved in the process were held to ensure a consistent approach. As a result, adjustments were made and countries had to provide evidence for questions where peer reviewers had made specific remarks. Discussions also served to clarify the focus of particular questions to member countries and hence led to adjustments for clarification.

The organisation of an expert workshop in London on 2-3 April 2009 at the invitation of the UK BRE represented an important milestone, and helped to make significant progress. This workshop helped to promote a common understanding, clarify questions and reach an agreement on weights for the composite indicators (see Data and Methodology). It also helped to organize a fruitful analytical debate on the value and limits of indicators, as well as their suitability for applied policy analysis.

As a result of the process, the data were significantly adjusted.³ The process hence contributed to improving the comparability of the data across countries and over time. The process also served to reduce the number of missing answers significantly. Remaining missing answers are coded as "0", *i.e.* as if countries answered "no" to the question.

The peer review process has helped to significantly improve the data and its consistency over time. However, responsibility for countries' responses remains with the member countries.

Composite indicators for specific areas

The construction and use of composite indicators provides both opportunities and challenges. On the one hand, if each individual variable describes a discrete and narrowly-defined concept, it is relatively straightforward to determine what the variable is describing and consequently the action necessary to change it is reasonably clear. On the other hand, a profusion of separate variables gives little indication about a strategy relevant to policy reform – each might mean something at the micro-level, but, as a group, they provide a scattered picture, leaving the reader to deduce policy implications.

A more aggregated picture which includes composite indicators is necessary to formulate a more complete diagnostic. Composite indicators could provide a more strategic snapshot of the situation, summarising complex issues and facilitating the use of the data. Ideally, they could provide headlines of interest to policy makers concerning the drivers of good or bad performance. They help to identify successes, but also remaining gaps.

However, composite indicators also involve risks, particularly with institutional issues such as policy tools and institutions. There is a political significance to any public assessment of regulatory performance, for example, in terms of related issues to trade and investment, which may push the debate to the headline level at the expense of a serious analytic focus on the underlying success factors or reform possibilities. Second, from an analytical standpoint, some may argue that a composite indicator might be misleading. For these reasons, the OECD Statistics Directorate has elaborated a Handbook on constructing composite indicators, reflected in Box 1, which sets a number of criteria and issues that should be addressed when developing composite indicators.

The development of the composite indicators was guided by the handbook on composite indicators (see Box 1). The statistical relevance of the variables to the underlying concept was verified by computing a coefficient, called Cronbach's alpha. The methodology chosen allows for full comparability of the indicators over the three time periods.

Box 1. Composite Indicators: The OECD and European Commission's Statistical Perspective

The European Commission's JRC and the OECD Statistics Directorate have produced a Handbook on Constructing Composite Indicators which offers a checklist of 10 quality criteria:

- Clear theoretical framework
- Indicators selected on the basis of their quality and relevance
- The methodological choices in weighting and aggregation exposed
- Different approaches for imputing missing values exposed
- Indicators normalised to render them comparable
- Indicators aggregated and weighted according to the underlying theoretical framework
- Explicit assessments made of the robustness of the composite indicator
- Composite indicator correlated with other data
- Presentation should clarify and not mislead
- Underlying indicators or values should be readily available

Source: OECD/EC (2008).

Weights

The construction of indicators implies attaching some weights to questions of sub elements, so as to gain a more detailed understanding of the differences across countries and broadly summarise the information. Assigning a weight to a categorical answer implies giving a value to an institutional or process aspect of the quality of a regulatory management system. In 2005 weights were assigned based on expert analysis⁴ and internal discussion of the survey instrument. These weights were then adjusted following extensive discussions and consultations among the regulatory policy division, data correspondents and delegates. The 2008 questionnaire on regulatory management systems included new questions to reflect the changing regulatory reform environment and to analyse the recent regulatory reforms undertaken, for example in terms of burden measurement. As a result, new questions have been included in a number of existing composite indicators. Weights for the new questions were suggested by a team of OECD secretariat experts. They were then extensively discussed, modified and approved by delegates and data correspondents prior and during the workshop on indicators in London and the May 2009 Meeting.

The construction of weights is quite complex as it incorporates a large proportion of the questions included in the questionnaire under the relevant heading. This reflects the fact that the questionnaire focuses strongly on areas in which there is a sound understanding of the detailed elements of good practice in relation to a regulatory policy issue. The exclusion of sub-questions from the weighting generally reflects either that the question seeks information in an area where there is not a sound understanding of the elements of good practice or that this question is purely descriptive. This includes open-ended questions, which gather information on current practices for the purpose of subsequent research, rather than benchmarking practices in quality terms. In other cases, sub-questions have been excluded because their role in assuring aspects of regulatory quality appears to be significantly smaller than that of the other sub-questions.

For example, the fact that only the regulations available in a public register are enforceable is weighted more heavily than the simple availability of a register of proposed regulatory initiatives (a weighting of 2 is suggested for the former and of 1 for the latter). This reflects that these registers are likely to be of greater value if they enable stakeholders to know the limits of the regulations that are to be applied. This is unlikely to be the case if regulations that are not in the register are also in force. Weightings are also applied where possible answers to questions are of the form “always/sometimes/rarely/never”. Here, such weightings clearly reflect the fact that the wider application of a particular tool or policy can, in general, be expected to increase its utility. The weightings used are kept as simple as possible, since the judgements made as to importance are clearly subjective in nature. All weights are transparently exposed in Annex 3. They are constant over time and across countries to ensure full comparability.

Sensitivity Analysis

A new feature of the 2008 indicators is confidence intervals based on sensitivity analysis. They are helpful to avoid simplistic conclusions about differences in countries’ systems. In order to assess the sensitivity of results to the weights, a random weights technique was applied (see Box 2). This closely followed the methodology used for the OECD indicators of Product Market Regulation Developed by the OECD Economics Department (Conway *et al.*, 2005, Wöelfl *et al.*, 2009). As a result, 90% confidence intervals for the 2008 indicators were calculated. These confidence intervals should be taken into account when using the indicators to compare regulatory management systems across countries. If the confidence intervals do not overlap, countries’ score differ independent of the weighting method. This means that even if different weights were assigned to the questions, there would still be a difference in the score of these two countries. If the confidence interval line is longer below a country’s score, different weighting schemes would more likely lead to lower scores for the country. If the confidence interval line is longer above a country’s score, different weighting schemes would more likely lead to higher scores for the country.

Box 2. Sensitivity Analysis for the composite indicators: the Random Weights technique

A 'random weights' technique was used to test the sensitivity of summary indicator values to different weighting schemes used in the aggregation. This technique uses 1 000 sets of randomly-generated simulations (*Monte Carlo simulations*) weights to calculate 1 000 overall indicators for each country. The random weights are drawn from a uniform distribution between zero and one and then normalised so as to sum to one. This is equivalent to assuming uncertainty about the most appropriate value of each of the individual weights used to construct the composite indicators. Confidence intervals and the probability of a given country achieving a given rank are calculated from these distributions.

As a result, the sensitivity figures illustrate how a country's score on a given summary indicator would vary through these simulations with all the different possibilities of weights with a random variation. The weights are drawn from a uniform distribution between zero and one. The resulting distribution of indicators for each country reflects the possible range of values if no *a priori* information on the most appropriate value for each of the weights was to be imposed. This yields confidence intervals around the point estimates which allow the robustness of cross-country comparisons to be tested.

See: Conway *et al.* (2005).

The expert weighting scheme chosen is intended to be superior to random weights. The effect is to illustrate the difference in countries responses that are inherent in the normative assumptions of the weights, which is displayed as a difference in the score of the country. Displaying confidence intervals is also a useful way to avoid drawing simplistic conclusions about actual differences in countries' practices from very small differences in scores. It is nevertheless important to note that, as most confidence intervals are small and therefore do not overlap with the confidence intervals of other countries' scores, large differences in scores and rankings across countries would mostly persist even with completely different weights.

Composite indicators which draw only on 2008 data are displayed in the text with their confidence intervals from sensitivity analysis. Composite indicators which draw on data for several years are displayed without confidence intervals throughout the text to keep them reader friendly. The corresponding sensitivity analysis is in Annex 2.

PART A: REGULATORY POLICIES AND INSTITUTIONAL ARRANGEMENTS TO PROMOTE REGULATORY QUALITY

Regulatory policies

A key component for a successful system of regulatory quality management is the adoption of a clear political commitment to the established principles for regulatory reform, as articulated in the 1995 *OECD Recommendation on Improving the Quality of Government Regulation* (OECD, 1995a), and reiterated in the subsequent 1997 and the 2005 *OECD Guiding Principles of Regulatory Quality and Performance* (OECD, 1997b, 2005a). Political support for what is otherwise often a technical analysis is essential for the legitimacy of processes to improve overall welfare and the rule of law. For example, the better regulation agenda in European countries is one of the main pillars of the Lisbon agenda of the European Union.

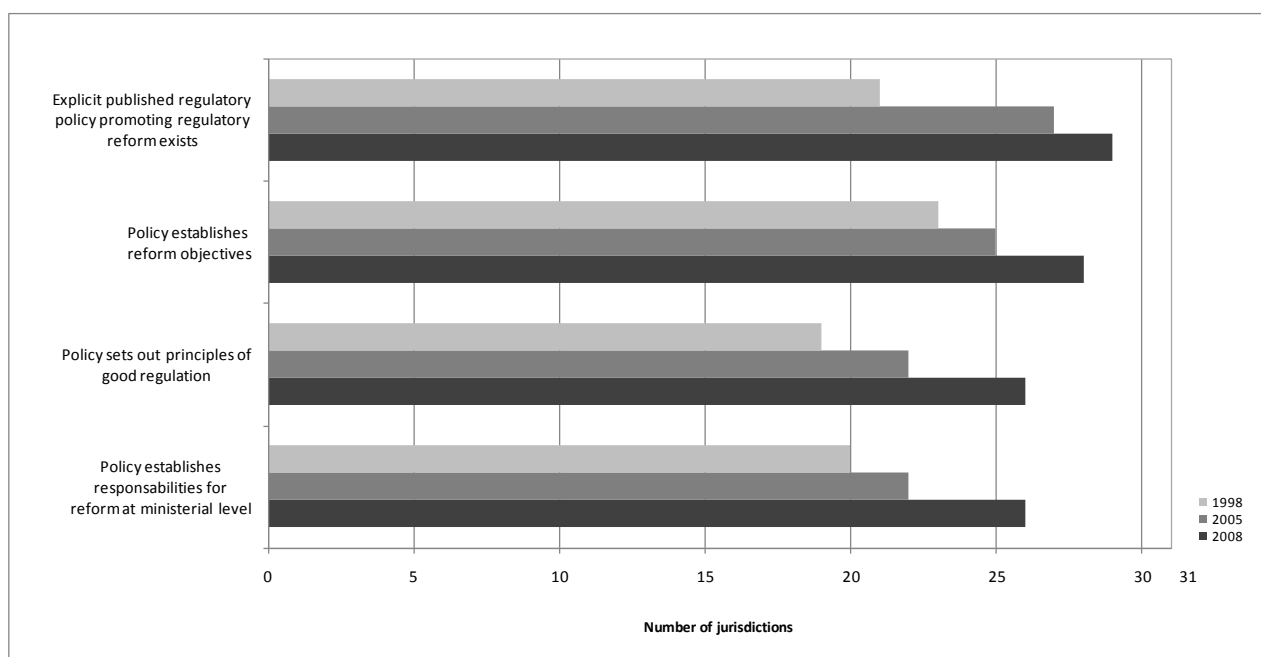
In 2008, nearly all OECD member countries had some form of a published regulatory policy promoting regulatory reform (see Figure 1). Among the first countries to adopt an explicit regulatory policy were the United States where regulatory reform was pioneered in the 1970s and Canada, which developed its regulatory reform strategy in 1986. Several more OECD countries introduced elements of a regulatory quality policy during the 1990s. In most countries where an explicit regulatory policy has been put in place, it has been substantially revised and developed since the first collection of indicators in 1998.

Progress can be identified with most countries allocating responsibility for regulatory policy at ministerial level and often giving explicit recognition to the OECD principles of good regulation.

For further details on countries' responses please see Table 1, Regulatory policies, in Annex 1.

Figure 1. Explicit regulatory policy promoting government wide regulatory reform

1998, 2005 and 2008



Note: The sample includes 31 jurisdictions for 2008 and 2005. For 1998, 27 jurisdictions are included as no data were available for the EU, Luxembourg, Poland and Slovak Republic

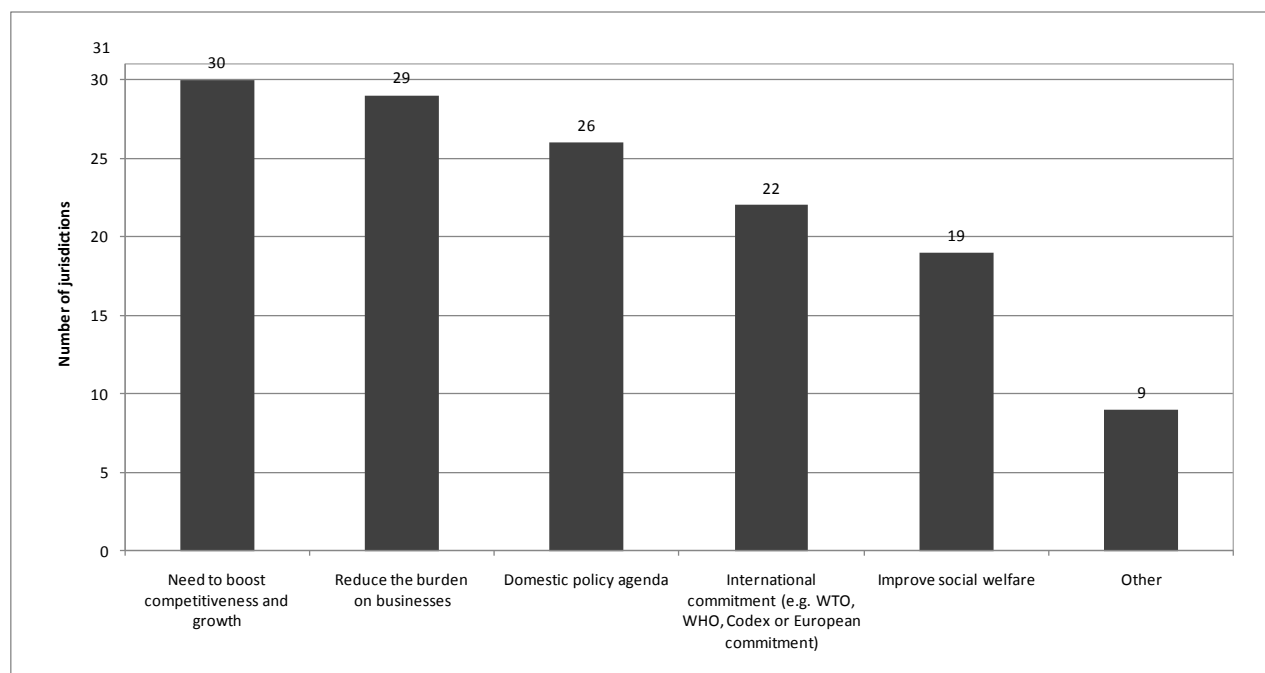
Source: Question 1 a),ai),aii),aiii), 2008 OECD Indicators Questionnaire.

The focus of regulatory policies however differs across countries. For example, several countries concentrate on administrative burden reduction while some others have a more comprehensive approach. An illustration of the latter is UK (OECD, 2009d). In-depth country reviews such as those stemming from the EU 15 project assessing Regulatory Capacity in 15 EU member states, provide readers with a more detailed analysis of the content, strengths and shortcomings of countries' regulatory policies (see country reviews in www.oecd.org/regreform).

The main motives for regulatory reform are to improve competitiveness and growth, and to reduce the burden of regulations on businesses. International commitments are mentioned by over two-thirds of the countries as a motive, but the main motives for reform are primarily found in the domestic policy agenda, including the need to reduce burdens on business which is almost universally expressed. Korea, for instance, reports having implemented a far reaching regulatory reform policy to overcome the impacts of the 1997 financial crisis.

Figure 2. Main motives for reform

2008

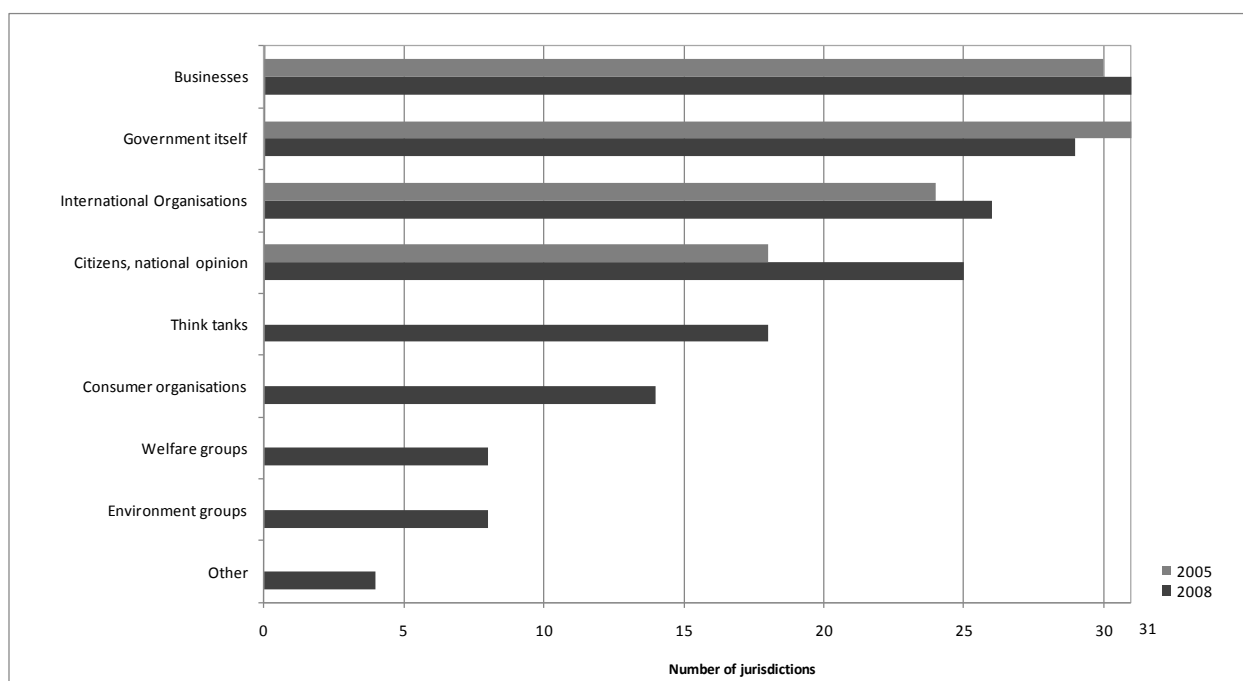


Source: Question 1 bi),bii),biii),biv),bv),bvi), 2008 OECD Indicators Questionnaire.

Government and business continue to be perceived as key drivers of the reforms, as the explicit goal of many jurisdictions is to improve the regulatory environment for business, often in response to criticism and to improve government processes. Increasingly countries are adopting a citizen centred perspective. The role of citizens is mentioned in three quarters of the responses, against only half in 2005. International organisations also play a role as a driver in over three quarters of the jurisdictions. Given the fact that the 2008 answers allowed for more detail, it is notable that consumers are mentioned by only about half of the countries. Other groups, such as welfare, environmental groups and think tanks are also increasing becoming significant drivers for reform.

Figure 3. Drivers for reform

2005 and 2008



Source: Question 1 ci),cii),ciii),civ),cv),cvi),cvii), cviii), cix), cx) 2008 OECD Indicators Questionnaire.

To summarise, all countries now report having some form of regulatory policy from a whole of government perspective and most have revised it over recent years. There are large differences across countries in the focus of the policies, as well as their scope and the detail of suggested actions. The next section concerns the institutional settings for regulatory reform which play an important role in implementation.

For further details on countries' responses please see Tables 1, Regulatory Policies, and 2, Regulatory Policies: Group lobbying for, or in favour of, the regulatory reform agenda, in Annex 1.

Further reading:

OECD (2002a), *Regulatory Policies in OECD member countries: From Interventionism to Regulatory Governance*, Chapter 3.

OECD (2009d), *Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union*, European Commission and OECD, Paris, www.oecd.org/regref/eu15.

OECD country reviews on regulatory reform are available at www.oecd.org/regreform

Regulatory oversight

Appropriate regulatory institutions are a key element for the delivery of regulatory policy and to ensure the quality of regulation. Within OECD member countries, an important feature of these institutional arrangements is the existence regulatory oversight bodies, usually located at a focal point within the government administration, with a broad remit to advocate for regulatory quality. The functions of these bodies include assisting regulators in implementing elements of regulatory policy, undertaking quality control in areas such as RIA and administrative simplification and ensuring compliance with and reporting on overall performance in achieving regulatory policy objectives. Another important institutional feature is the establishment of independent regulators in key sectors to ensure that regulatory settings are appropriate and to avoid conflicting political imperatives which can potentially undermine the achievement of regulatory outcomes.⁵

OECD member countries demonstrate significant progress in consolidating their institutional frameworks for regulatory reform. Clearly it takes time for new institutional arrangements to become fully effective. Nevertheless the administrative arrangements for achieving the regulatory reform agenda are increasingly becoming enmeshed in the machinery of government. The trend towards strong institutional capacities for managing regulatory reform goes hand in hand with a deepening of the use of RIA as well as the implementation of other aspects of the Better Regulation Agenda such as the arrangements being promoted in the EU. However, in many countries strong institutional capacities are targeted at managing administrative burden reduction programmes, with limited focus given to comprehensive regulatory impact assessments (see *e.g.* OECD, 2009d).

Figure 4 illustrates the progress accomplished since 1998. The number of countries with regulatory oversight bodies has increased significantly, together with an increase in the powers and analytical responsibilities of these bodies: in 1998, only 17 countries out of the 27 surveyed had a dedicated body responsible for promoting regulatory policy; in 2008 almost all OECD member countries and the European Commission reported having one.

The majority of countries located their regulatory oversight body at the centre of government, in a prime minister's office or a presidential office with some form of interdepartmental co-ordination. Ministries of finance and ministries of justice also play a significant role hosting these functions. The bodies range in size. The United Kingdom has a relatively large unit, the Better Regulation Executive, with nearly 100 staff, Mexico has 69 civil servants at the Federal Commission on Regulatory Improvement and the US has 50 staff at the Office of Information and Regulatory Affairs.⁶

Significant reforms have been undertaken over the last decade to empower regulatory oversight bodies. In 2008, it was reported that most bodies in charge of promoting regulatory reform are consulted when new regulations are developed. The number of bodies that report on progress by individual ministries almost doubled. However, the authority to conduct their own analysis of regulatory impacts remains limited to about half of the regulatory oversight bodies.

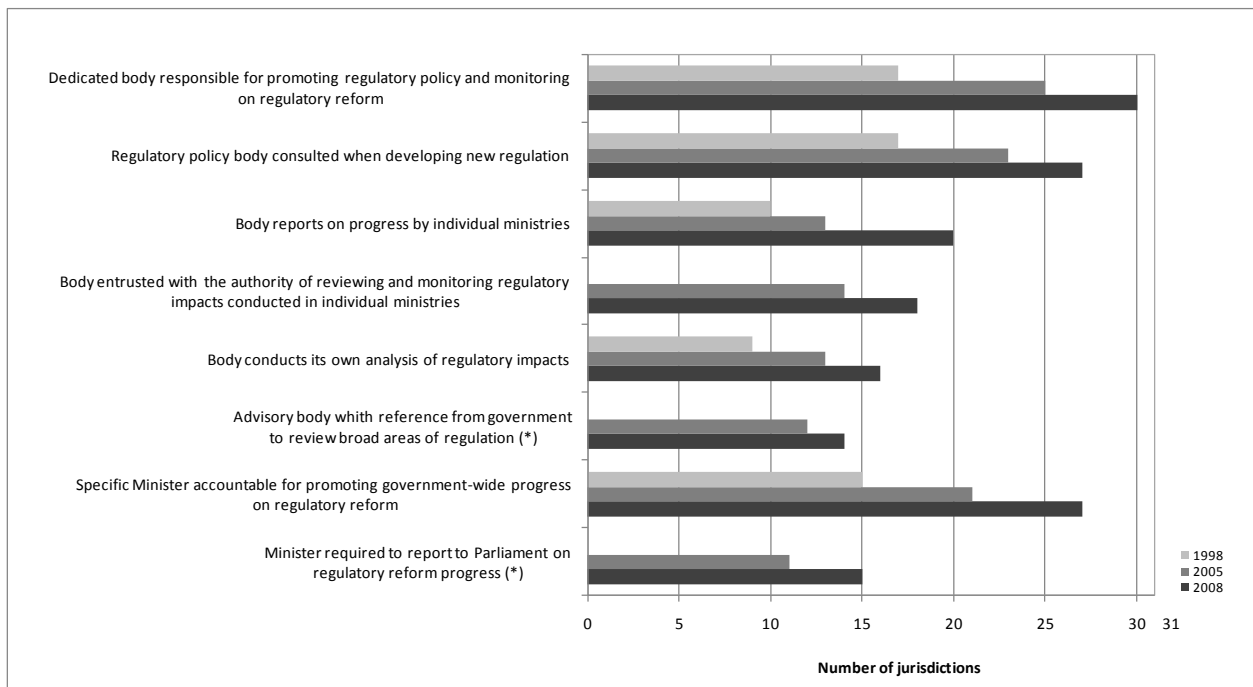
Around half of OECD member countries make use of an external advisory body with reference from government to review broad areas of regulation. Such bodies have the advantages of bringing an independent view and a store of acquired regulatory policy expertise to the review process and are often powerful tools to support the reform process (see OECD, 2007a, Chapter 3 for a detailed analysis). Accordingly, this suggests that some room for further progress remains here.

In 1998 about half of OECD member countries had a specific minister accountable for promoting regulatory reform. By 2008 eight further countries had mandated a specific minister with this task (out of those countries for which data were available for both years). This included Belgium, the Czech Republic, Denmark, Finland, Germany, Greece, Ireland, Norway and Spain. In about half of OECD member countries, this minister is required to report to Parliament on the progress of the regulatory reform agenda. The Italian government, for instance, appointed a Minister without portfolio responsible for normative

simplification. The Minister closely works with the Minister of Public Administration with regard to relevant aspects of administrative simplification and evaluation practices and monitoring of central administrations' performance (OECD, 2009a). In Australia, the Rudd administration recently created a new cabinet portfolio position of Minister for Finance and Deregulation, with responsibility for regulatory reform (see OECD, 2009b). In Germany, the programme for bureaucracy reduction and better regulation is co-ordinated by a Minister of State attached to the Federal Chancellery.

Figure 4. Institutional arrangements to promote regulatory policy

1998, 2005 and 2008



Notes: The sample includes 31 jurisdictions for 2008 and 2005.

For 1998, 27 jurisdictions are included as no data were available for the EU, Luxembourg, Poland and Slovak Republic

(*) Questions only relevant for the years 2008 and 2005

Source: Question 14 / 2008 OECD Regulatory Indicators Questionnaire

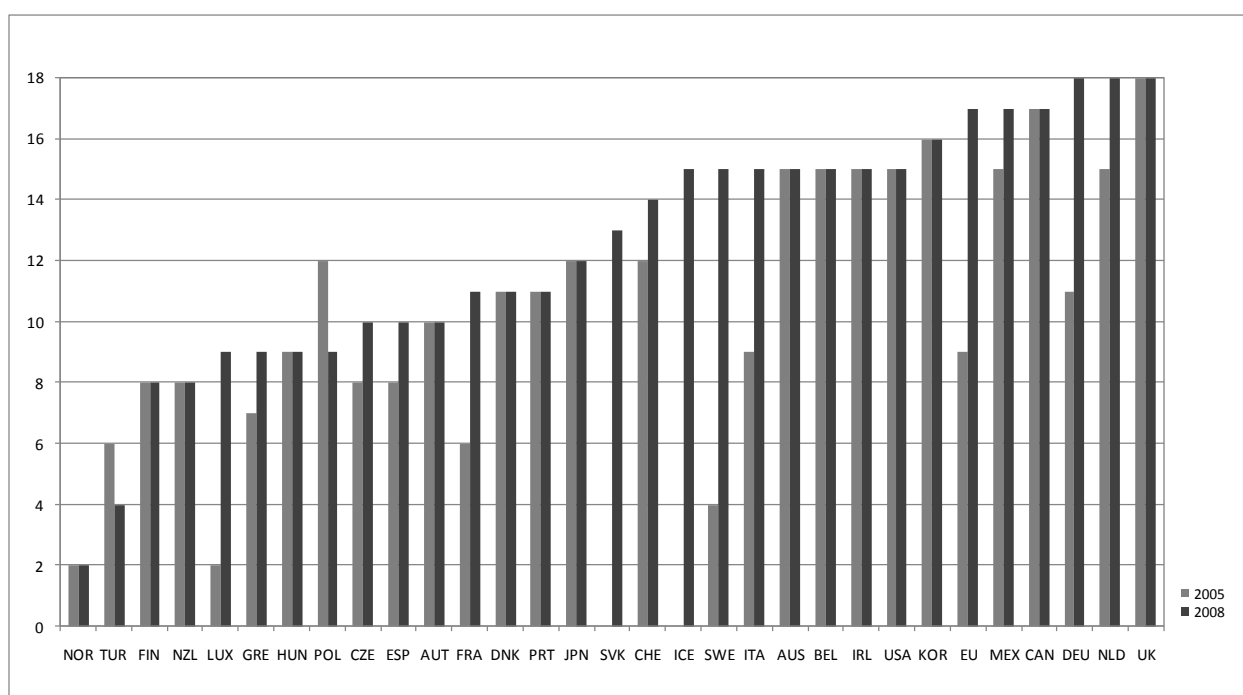
Figure 5 provides an overview of the arrangements in place in individual countries based on a composite of the responses to questions on institutional capacity for managing regulatory reform. Some countries such as the UK already demonstrated strong capacities in 2005. A number of OECD members appear to have significantly increased their institutional capacity in the past three years, at least with respect to the formal administrative arrangements at the national or federal level. This includes the EU, Germany, Italy, France and Sweden. In 2006, the EU created the Impact Assessment Board (IAB). The IAB's main mission is to examine and issue opinions on all the European Commission's impact assessments. All impact assessments and opinions of the IAB are published after the Commission has adopted a proposal. In France, the Government's General Secretariat's supervision role on rule making was reinforced in 2006 with the transformation of the "legislative unit" into the "unit for legislation and quality of law", which is responsible not only for the daily management of rule making but also of promoting regulatory quality.

In 2008, Sweden established a Better Regulation Council which provides independent scrutiny of proposals for new regulations. All regulators have to submit their regulation to the Council for a quality check and its opinions and recommendations are publicly available online. Germany established its Regulatory Control Council (RCC) in 2006 to support the federal government in avoiding new bureaucracy and reducing existing administrative burdens. The RCC receives draft legislation from the federal ministries and has the mandate to investigate whether departments have correctly quantified the anticipated burdens and have selected the most inexpensive alternative.

The Netherlands recently further strengthened its institutional capacity by merging several relevant units of the Ministry of Finance and Ministry of Economic Affairs into the Better Regulation Group, which provides a clearer focus for better regulation.⁷

Figure 5. Institutional capacity for managing regulatory reform

2005 and 2008



Note: This graph summarises information about the existence of key elements of institutional settings for managing regulatory reform in OECD member countries. It does not gauge whether these institutions are effective.

Questions

- Is there a dedicated body (or bodies) responsible for promoting the regulatory policy and monitoring and reporting on regulatory reform and regulatory quality in the national administration from a whole of government perspective?
- Is this body consulted as part of the process of developing new regulation?
- Does this body report on progress made on reform by individual ministries?
- Is this body entrusted with the authority of reviewing and monitoring regulatory impacts conducted in individual ministries?
- Can this body conduct its own analysis of regulatory impacts?
- Is this body entrusted with an advocacy function to promote regulatory quality and reform?
- Is there an advisory body that receives references from Government to review broad areas of regulation, collecting the views of private stakeholders? (e.g. past bodies have included the Better Regulation Task Force in the UK, the External Advisory Council on Smart Regulation in Canada and the Regulatory Reform Council in Korea)
- If the answer is "yes":
 - Does this body have a degree of independence from government (e.g. through a board or commission structure)?
 - Does this body report its findings publicly?
 - Is a specific minister accountable for promoting government-wide progress on regulatory reform?
 - If the answer is "yes":
 - Is the Minister required to report to Parliament on progress?

Weights

- If Yes, weight=3
- If Yes, weight=2
- If Yes, weight=2
- If Yes, weight=2
- If Yes, weight=1
- If Yes, weight=1
- If Yes, weight=1
- If Yes, weight=1
- If Yes, weight=1
- If Yes, weight=1
- If Yes, weight=2
- If Yes, weight=2

Source: Question 14 / 2008 OECD Regulatory Indicators Questionnaire

Most OECD member countries have increased institutional capacities significantly over the last decade. In response to the crisis, the causes of which include regulatory gaps and failures, the challenge will be to strengthen the effectiveness of regulatory oversight authorities, so that they have both the capacity and the mandate to ensure that new and amended regulation meet high quality standards. Relying more on external advisory bodies with reference from government to review broad areas of regulation may also be an area for further progress among OECD member countries. The area of regulatory oversight deserves further analysis.⁸

For further details on countries' responses please see Table 24, Central regulatory oversight authority (administrative and political), in Annex 1.

Further reading

OECD (2002a), *Regulatory Policies in OECD Countries: From Interventionism to Regulatory Governance*, Chapter 6.

OECD (2007a), *Implementing Regulatory Reform: Building the case through results*, Chapter 3.

OECD (2009d), *Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union*, European Commission and OECD, Paris, www.oecd.org/regref/eu15.

OECD (2009f), *Strengthening the Institutional Settings for Regulatory Reform: Allocating Responsibility for Regulatory Quality*, GOV/PGC/REG(2009)5, OECD, Paris.

OECD country reviews on regulatory reform are available at www.oecd.org/regreform.

Training in regulatory quality skills

The capacity of regulators to adequately conduct cost-benefit analysis is an important factor in ensuring that new and amended regulation does not impose unnecessary costs and burdens upon citizens. It is equally important that regulators have adequate skills and knowledge to identify and assess appropriate alternatives to regulation, so that they can choose the most efficient and effective tool to meet a policy objective. The capacity to clearly and effectively communicate objectives, and the costs and benefits of regulatory action is also important to foster transparency and facilitate buy in from key stakeholders. Training regulators in these skills is therefore an important part of ensuring the effectiveness of tools to help improve the overall quality of regulation.

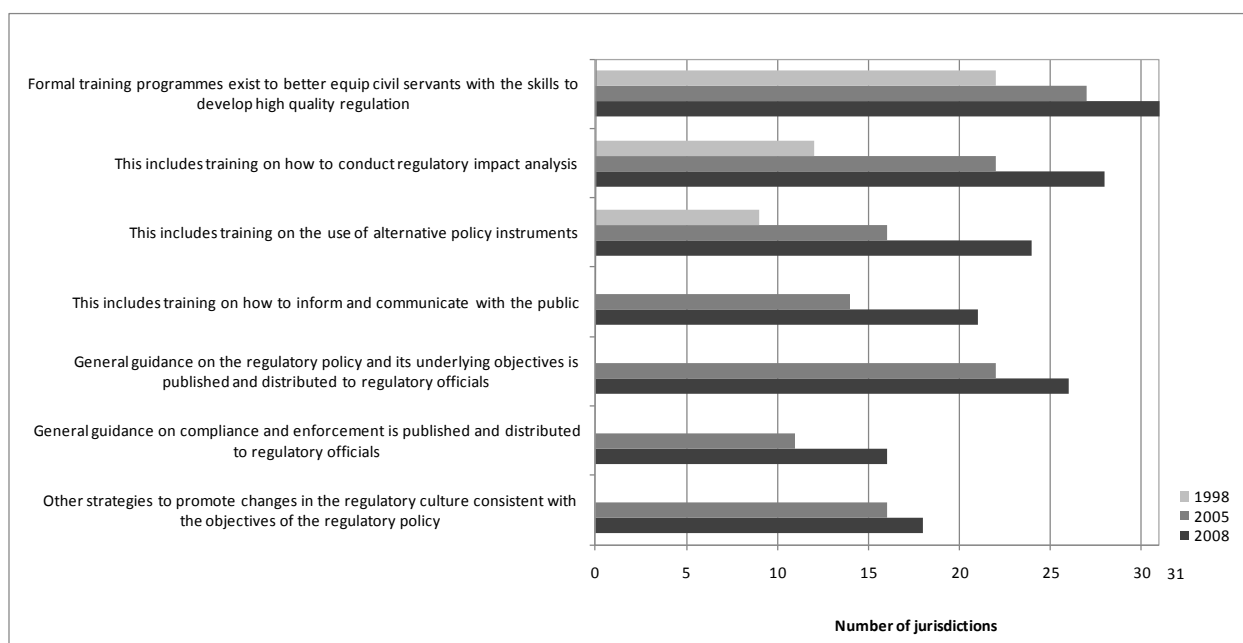
OECD member countries are consistently taking action toward strengthening the capacity of regulators to adopt and use tools for better regulation (see Figure 6). All OECD member countries report having in place formal training programmes to promote high quality regulation. Training programmes are also converging on the set of skills they provide to regulators. Approximately 90% of countries report providing training to conduct regulatory impact analysis, showing a strong progression since 1998 and 2005, when countries providing such training were only about 40% and 70% respectively. Training in the use of alternative policy instruments and communication has also strengthened, although less strongly. About four-fifths of countries provide training on alternative policy instruments, while approximately three-fifths of OECD member countries train regulators on how to inform and communicate with the public. The quality and intensity of this training differs considerably across countries. Country reviews reveal that focused training on impact assessments for instance is still fragmented in many countries (see www.oecd.org/regreform). Training is therefore an area with considerable room for progress.

For further details on countries' responses please see Table 23, Training in regulatory quality skills, in Annex 1.

Clear guidance on regulatory policies can be equally important as it can provide regulators with a check-list of the processes to be followed and ensure consistency and coherence across regulators. OECD member countries are increasingly developing and circulating policy guidelines for regulators. In more than four-fifths of countries, countries report to provide regulators with clear guidelines on regulatory policy and objectives. Approximately half of countries report providing regulators with guidelines on compliance and enforcement, and three fifths of countries are also adopting alternative strategies such as mobility within government and exchanges with the private sector to promote changes in regulatory practices (see Figure 6).

Figure 6. Training in regulatory quality skills

1998, 2005 and 2008



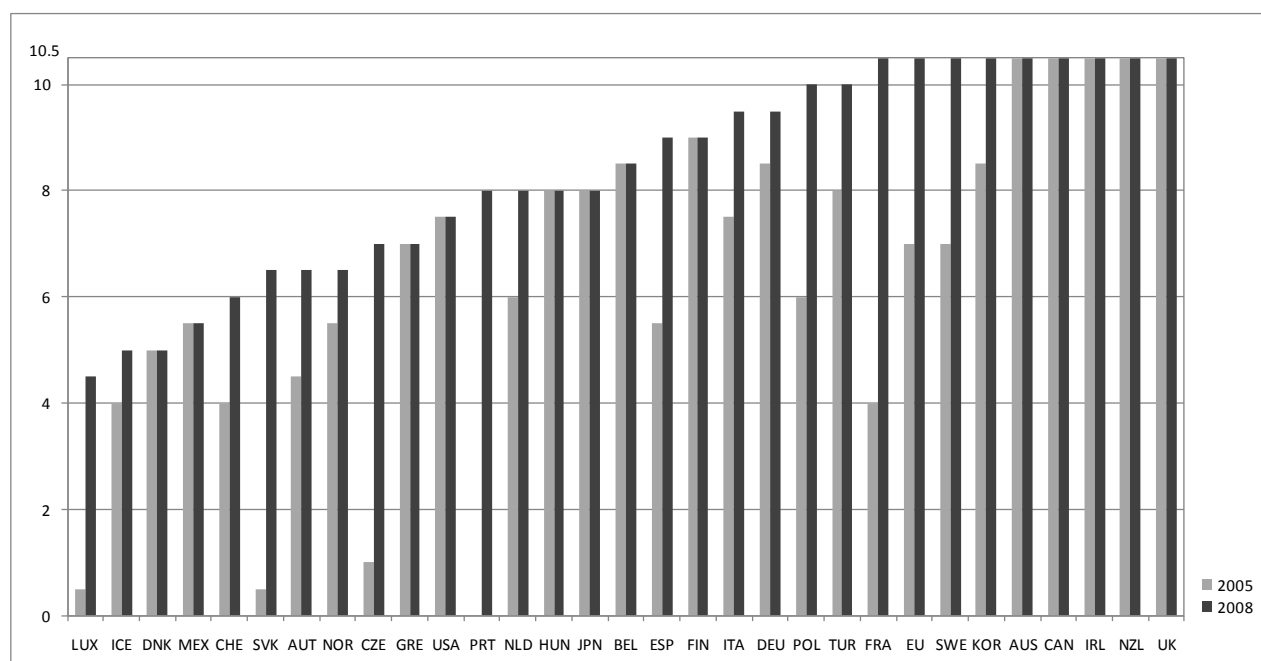
Notes: The sample includes 31 jurisdictions for 2008 and 2005. For 1998, 27 jurisdictions are included as no data were available for the EU, Luxembourg, Poland and Slovak Republic.

Source: See Question 13 a), a(i), a(ii), a(iii), b(i), b(ii), c)/ 2008 OECD Regulatory Indicators Questionnaire.

Figure 7 summarises countries' responses to the questions on training and regulatory reform skills for 2005 and 2008. Countries which appear to have expanded their training programmes include France, Luxembourg, Poland, Portugal, Sweden, the Czech Republic, the Slovak Republic as well as the EU. Sweden reports having had for a long time training programmes to instruct civil servants within the government offices in regulatory reform issues in a broad sense, and has recently intensified its efforts in training civil servants in conducting impact assessments, after the new Regulatory Impact Assessment Ordinance enacted on 1st January 2008 and the establishment of a Better Regulation Council.

Figure 7. Training in regulatory reform skills

2005 and 2008



Note: This graph summarises information about the existence of training in regulatory reform skills in OECD member countries. It does not gauge the quality of these trainings.

Questions:

Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation?

If the answer is "yes":

- Does this include training in how to conduct regulatory impact analysis?

- Does this training include use of alternative policy instruments?

- Does this include training on how to inform and communicate with the public?

Is general guidance on the regulatory policy and its underlying objectives published and distributed to regulatory officials?

Is general guidance on compliance and enforcement published and distributed to regulatory officials?

Are other strategies in place to promote changes in the regulatory culture consistent with the objectives of the regulatory policy? (e.g. mobility of officials across areas, exchanges with the private sector, others)

Weights:

if yes, weight=2

if yes, weight=2

if yes, weight=2

if yes, weight=2

if yes, weight=1

if yes, weight=1

if yes, weight=0.5

Source: See Question 13 / 2008 OECD Regulatory Indicators Questionnaire.

OECD member countries are adopting different mechanisms to strengthen regulators' skills and capacity, reflecting the richness and diversity of public management practices. For example, in 2007, Canada established a Centre of Regulatory Expertise (CORE) to assist departments with the implementation of regulatory policy. The CORE provides expertise to departments on key regulatory reform areas. Moreover, to bolster departmental capacity, CORE cost-share services of external experts. Finland has adopted a targeted capacity programme. The government's legislative plan contains a catalogue of major legislative projects during the government's term. Legislative drafters are then provided with training, resources and support to successfully bring to completion these projects. In Norway, the RIA unit in the ministry of trade and industry regularly gives courses and workshops in the area of regulatory reform and the Norwegian government agency for financial management gives courses in the use of socio-economic methodologies used in RIAs. A number of countries have also established partnerships with universities and graduate schools to facilitate continuous training and learning across government departments. For example, Australia New Zealand School of Government (ANZSOG) was founded in

2002 through the collaboration of the major Australian and New Zealand universities and the governments of the Australian Commonwealth, States and Territories and New Zealand. All students come from the public sector of the participating governments. The programme includes a course on managing risk regulation, enforcement and compliance, concentrating on the challenges that surround regulatory and enforcement functions.

OECD member countries have taken clear action to strengthen skills and capacity of regulators to implement high quality regulation. Training programmes are in place in all OECD member countries. Programmes are converging on key skills, including cost-benefit analysis and use of alternative policies. Progress has been less strong on providing guidelines for communicating with stakeholders, as well as enforcement and compliance policies. Countries have also started to adopt innovative methods to facilitate capacity building, including by establishing partnerships through universities and graduate schools. The challenge for the coming years will be to improve the quality of training programmes and their relevance. OECD member countries can benefit from innovations and lessons learned in developing high-quality training. The OECD has also been involved in capacity building in this area, in Brazil, South Africa and Turkey, APEC and the MENA region for instance.

Further reading:

OECD (2009d), *Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union*, European Commission and OECD, Paris, www.oecd.org/regref/eu15.

OECD country reviews on regulatory reform are available at www.oecd.org/regreform.

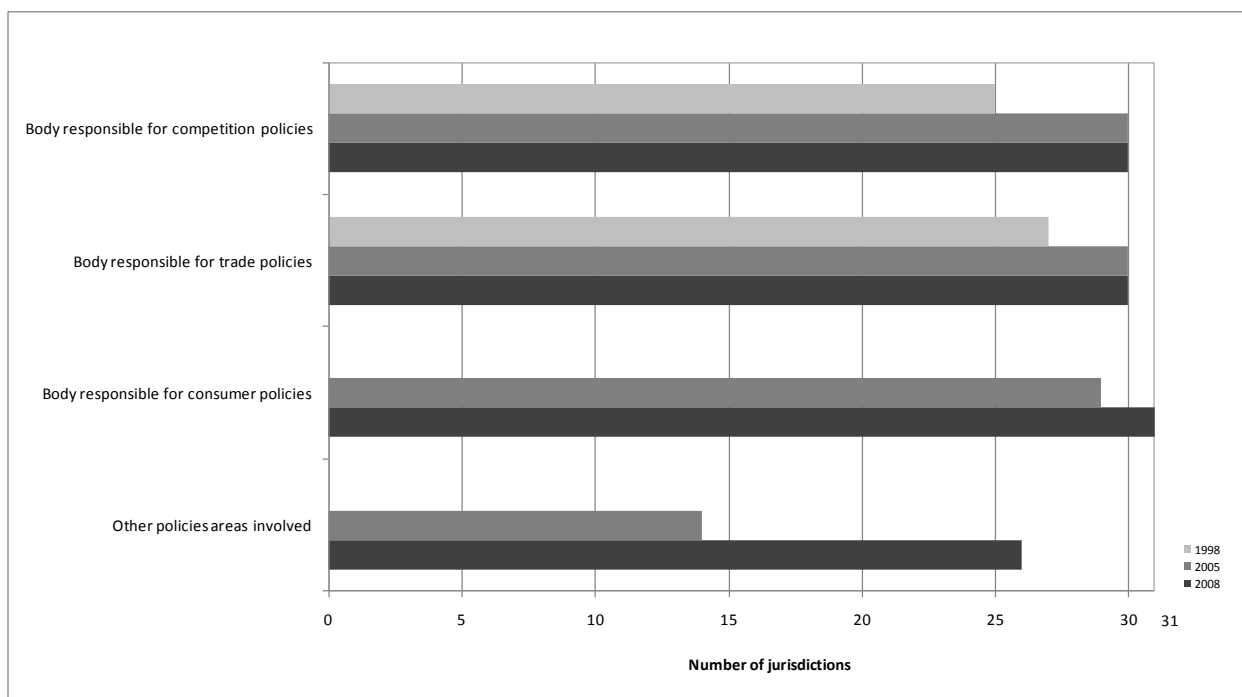
Regulatory management and policy coherence

The development and implementation of broad regulatory policies are essential to achieve key objectives such as boosting economic development and consumer welfare by encouraging market entry, market openness, innovation and competition. This requires links across policy areas fostering policy coherence. Most countries have some form of consultation within government on competition, trade and consumer policies (see Figure 8). In only around half of OECD member countries, this consultation is always mandatory. In Switzerland, consultation within government is mandatory for every regulation adopted by the government and includes all seven ministries and the main agencies, including the environment, finance, justice, economy, trade, and competition, as well as any other affected agency. In Belgium this intergovernmental consultation is also mandatory for all regulations concerning finance, trade, economy, social affairs, social security, justice and environment. The number of bodies consulted has generally evolved over the past years. Policies areas frequently mentioned under “other policy areas” were social areas and environment. This development goes hand in hand with the increase in impact assessments on social groups and the non-profit sector (see chapter on Regulatory Impact Assessments). In New Zealand, for instance, consultation on social or environmental concerns is usually carried out where relevant. New Zealand further reports that all costs and benefits that are likely to be experienced by each affected group should be given consideration and a draft Regulatory Impact Statement should seek to ascertain whether all of these have been included.

For further details on countries’ responses please see Table 3, Regulatory management and policy coherence, in Annex 1.

Figure 8. Bodies consulted

1998, 2005 and 2008



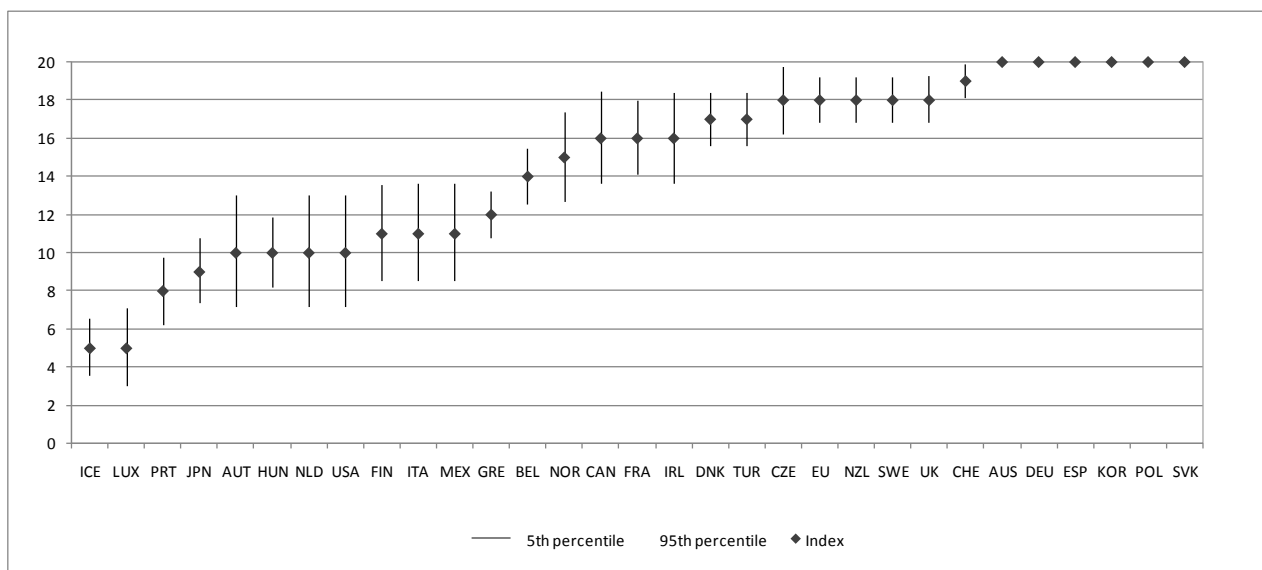
Note: The sample includes 31 jurisdictions for 2008 and 2005. For 1998, 27 jurisdictions are included as no data were available for the EU, Luxembourg, Poland and Slovak Republic

Source: Question 2 c), d), e), f)/ 2008 OECD Indicators Questionnaire.

The majority of countries report to have some formal requirement to consider comparable international standards and rules before setting new domestic standards. The majority of countries also require regulators to explain the rationale for diverting from international standards when country specific rules are proposed, with eleven countries reporting to require this “always”. These are Australia, Canada, Finland, Germany, Greece, Korea, Luxembourg, Poland, Spain, Slovak Republic and the UK.

Figure 9 summarises a number of formal mechanisms in place in countries ensuring policy coherence in the development of new regulation, both within government and internationally. There might be in some countries a gap between formal mechanisms and implementation.

Figure 9. Policy coherence integrating competition and market openness, 2008



Note: This graph summarises information about the existence of formal processes for consultation within government in OECD member countries. It does not gauge whether these processes have been effective.

Questions:

Are there formal processes for consultation within government when preparing new primary laws?
 Are there formal processes for consultation within government when preparing new subordinate regulations?
 Is the body responsible for competition policy usually consulted on new regulation?
 If the answer is yes,
 is this consultation mandatory?
 Is the body responsible for trade policy usually consulted on new regulation?
 If the answer is yes,
 is this consultation mandatory?
 Is the body responsible for consumer policy usually consulted on new regulation?
 If the answer is yes,
 is this consultation mandatory?
 Is there a formal requirement that regulators consider comparable international standards and rules before setting new domestic standards?
 Are regulators required to explain the rationale for diverting from international standards when country specific rules are proposed?

Weights:

No=0, In some cases=1, Always=2
 No=0, In some cases=1, Always=2
 No=0, In some cases=1, Always=2
 No=0, In some cases=1, Always=2
 No=0, In some cases=1, Always=2
 No=0, In some cases=1, Always=2
 No=0, In some cases=1, Always=2
 No=0, In some cases=1, Always=2
 No=0, In some cases=1, Always=2

Source: See Question 2 / 2008 OECD Regulatory Indicators Questionnaire

To summarise, formal processes of consultation of bodies within government and the consideration of international standards are common in OECD member countries, though they are less frequently mandatory.

Further reading:

OECD country reviews on regulatory reform are available at www.oecd.org/regreform.

The role of Parliament in strengthening regulatory quality

Parliaments can play a key role in helping strengthen regulatory quality. As the institutions responsible for approving legislation, they can exercise oversight and control over the application of better regulation principles for new and amended regulation. Through the public debate of proposed bills and amendments, they can help foster a transparent dialogue on the opportunities and challenges offered by new and amended regulation. Through the control they exercise on public expenditures and government performance, they can help monitor the effectiveness and efficiency of regulation.

OECD member countries and the EU have taken action toward strengthening the role of parliaments in fostering better regulation. In 2008, 14 OECD member countries and the EU had a parliamentary committee or other parliamentary body responsible for regulatory policy or reform (They were ten alongside the EU in 2005). In six countries and the EU, this committee or body conducts periodic reviews of the quality of proposed legislation. In seven countries and the EU, it conducts quality reviews of subordinate legislation. In five countries, the review process is guided by specific criteria, and in six the committee or body regularly reports on progress on regulatory policy and reform across government.

For further details on countries' responses please see Table 25, The role of Parliament in regulatory quality, in Annex I.

The arrangements adopted to institutionalise parliamentary oversight vary across OECD member countries. In most countries, a parliamentary committee exercises regulatory oversight. For example, in Canada, a Standing Committee for the Scrutiny of Regulations reviews government regulations and statutory instruments. Similarly, New Zealand and Poland have established reviews committees to examine regulations and investigate complaints. In the Netherlands, a specific committee – the Joint Committee on Economic Affairs and Finance – reviews progress toward implementing a Regulatory Reform Programme. In some countries, specialised bodies reporting to parliament exercise regulatory oversight. For example, in the USA, the Government Accountability Office, the supreme audit institution, conducts reviews of regulatory policies at the request of members of Congress.

In those OECD member countries without a parliamentary committee or specialised body for regulatory policy or reform, other existing committees might review specific regulation. For example, in Denmark, a business committee regularly reviews business regulation and assesses progress towards administrative simplification. In Sweden, a committee on trade and commerce receives reports from the executive on progress towards improving the quality of regulation. In Australia, compliance with legislative requirements, including better regulation principles, is exercised at the federal and state/territory level by parliamentary counsel's offices.

The 2005 and 2008 surveys show a progressive move toward strengthening the role of Parliament in improving regulatory quality. Approximately half of OECD member countries have parliamentary committees or other parliamentary bodies responsible for regulatory policy and reform. In addition, in those countries where no parliamentary committee on regulatory reform or specialised body exist, existing committees might exercise oversight on regulation. However, parliamentary review of regulation is less systematic and is conducted according to established principles in only a handful of countries. Limited parliamentary oversight, in turn, might weaken overall regulatory quality. Thus, strengthening parliamentary oversight might be an area for further reform.

Further reading:

OECD (2009d), *Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union*, European Commission and OECD, Paris, www.oecd.org/regref/eu15.

OECD country reviews on regulatory reform are available at www.oecd.org/regreform.

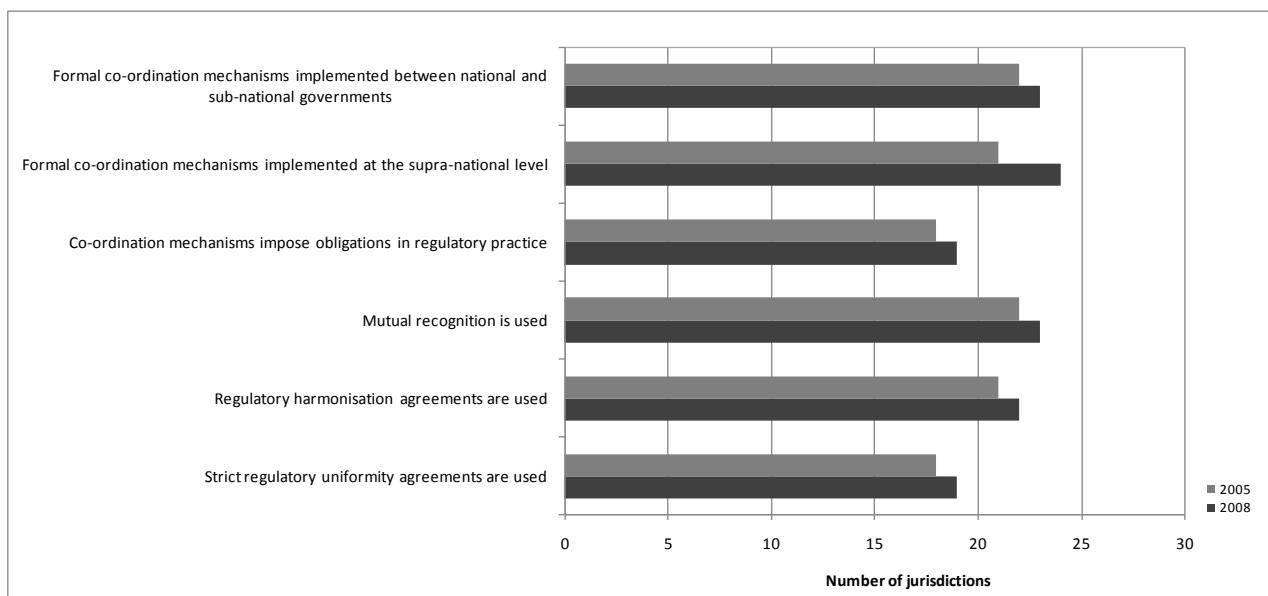
Multi-level co-ordination on regulatory policy

Multiple jurisdictions are increasingly responsible for developing and/or implementing regulation. This trend follows a move towards stronger co-operation across levels of government in federal systems and a progressive shift of functions and responsibilities towards lower levels of government in unitary systems (OECD 2009b, 2009i). Multi-level regulation thus creates new opportunities and challenges to strengthen regulatory quality. For example, multi-level regulation can help bring decision making closer to the citizens and be better tailored to local needs and circumstances. It can create competition across levels of government, thus helping improve efficiency and effectiveness of government services. However, multi-level regulation can also raise barriers to national and international trade in goods and services, increase administrative costs and create regulatory duplication and overlap that constrain and fragment the development of markets.

Co-ordination of regulatory policies across levels of government can help address these challenges. It can involve a forum for regular dialogue among jurisdictions and, in a supra-national context, among countries, thus facilitating sharing of experience and the emergence of champions of reform. It can facilitate agreement on a set of better regulation principles, thus helping strengthen regulatory quality within each jurisdiction. It can help promote regulatory policies – mutual recognition, harmonisation or uniformity – that best fit local needs and circumstances (OECD, 2005a, 2009c).

Intergovernmental co-ordination mechanisms exist in many OECD countries, that have implications for regulatory processes (For more detail see OECD (2009c)), Multi-level Regulatory Governance). Co-ordination mechanisms at the national and supra-national levels are reported to be in place by approximately four-fifths of OECD member countries. Institutionalised dialogue across levels of government is also facilitating the use of mechanisms for better regulation. Three-fifths of OECD member countries report that co-ordination mechanisms commit jurisdictions to adopt better regulation practices. Increasingly, countries report relying on mutual recognition and harmonisation as low-cost strategies to lower regulatory and technical barriers across jurisdictions (see Figure 10). Overall, mechanisms have been stable or shown some modest progress between 2005 and 2008.

Figure 10. Intergovernmental co-ordination on regulatory policy
2005 and 2008



Notes: Data presented only for the 30 member countries as this question is not relevant for the European Union.

Source: OECD Question 16, 2008 Indicators Questionnaire.

Recent OECD evidence suggests a move toward deepening and strengthening intergovernmental co-ordination on regulatory policy across OECD member countries (OECD (2009c)). For example, Australia's Council of Australian Governments (COAG), comprising the Prime Minister of Australia as chair, the States' Premiers and the Territories' Chief Ministers, has provided a forum for systematic dialogue across jurisdictions on regulatory reform since 1992. In 2008, following a renewed commitment of the newly elected Australian government toward stronger intergovernmental co-operation, COAG introduced an ambitious regulatory reform agenda, supported by incentive payments to facilitate implementation of agreed policies. COAG also reinforced commitment to better regulation practices across jurisdictions. (OECD, 2009b) Denmark has also strengthened co-ordination across levels of government on regulatory reform through mechanisms that facilitate buy-in from local jurisdictions. The association of municipalities (LGDK) and the association of regions (Danish Regions), comprising representatives of municipalities and regions, participate in a Steering Group for Cross-national Initiatives, thus contributing to developing policies and programmes. In 2007, municipalities and regions agreed to support a De-bureaucratisation Programme, and more specifically engaged to change some of their own regulations in order to ease administrative burdens within the administration (OECD 2009g and OECD 2009d). Belgium reports that the Federal, community and regional governments signed a co-operation agreement that aims to ensure co-ordination, stimulate synergies and create scale effects due to common efforts. The 2005 and 2008 surveys show that a large number of OECD countries reports having established at least to some extent intergovernmental co-operation on regulatory policy. Use of better regulation practices through intergovernmental co-ordination is emerging, but less strongly, with fewer countries adopting specific regulatory practices through co-ordination mechanisms. Despite formal arrangements in place, actual co-operation may still have scope for improvement in some countries, according to the ongoing assessment of regulatory capacity in 15 EU Member states. (OECD, 2009d). Facilitating the establishment of regulatory management arrangements that consistently meet best practice standards could help achieve regulatory quality in a country as a whole.

For further details on countries' responses please see Table 26, Inter-governmental co-ordination on regulatory policy, in Annex I.

Further reading:

OECD (2005a), *Guiding Principles for Regulatory Performance and Quality*, OECD, Paris

OECD (2009d), *Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union*, European Commission and OECD, Paris, www.oecd.org/regref/eu15

OECD (2009c), *Multi-level Regulatory Governance*, Working Paper 13, OECD, Paris.

OECD (2009j), *Policy Brief: Mind the Gaps: Managing mutual dependence in relations among levels of government*, OECD, Paris.

OECD (2009k), *OECD Working Paper on Public Governance No. 14: Mind the Gaps: Managing mutual dependence in relations among levels of government*, OECD, Paris.

OECD country reviews on regulatory reform are available at:

www.oecd.org/regreform

PART B: TRANSPARENCY, CONSULTATION AND OPEN PROCESSES

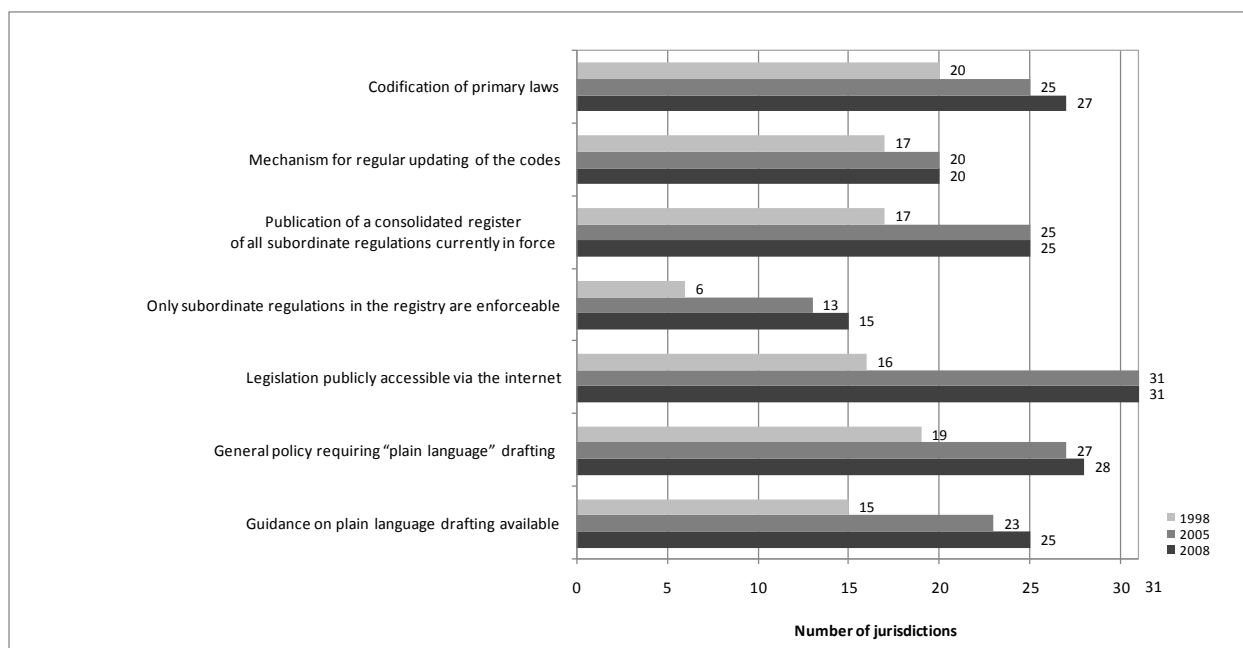
Transparency in communication and access to regulations

Transparency represents a key feature of good public governance. A central demand of civil society, it serves to protect the democratic value of openness. A country's regulation contains much information about how a society is organised, *i.e.* about the rules of the game, and the political decisions taken. Because it is so important, regulation needs to be easily available to and understandable by citizens and business. If citizens can access and understand regulation easily, they can more easily comply with it. Furthermore, the easier it is for foreign nationals to understand a country's regulation, the easier trade and investment becomes. Transparency in communication and access to regulations is therefore an important element of market openness. The principles of transparency are reflected in the first and third principles of the 2005 *OECD Guiding Principles for Regulatory Quality and Performance* and were also already mentioned in the 1995 Checklist for Regulatory Quality. Nevertheless, concerns about regulatory complexity, fragmentation and the difficulty to understand regulations are frequently voiced among business groups and citizens.

The situation has significantly improved though between 1998 and 2005, with some further small improvements over the last years (see Figure 11), mainly as a result of making laws publicly accessible via the internet: this was the case of all countries with systematic procedures for making regulations known and accessible (See also OECD work on e-government).⁹ Progress has been observed in other areas too. For example, over two thirds of the countries had published a consolidated register of all subordinate regulations currently in force. Over two thirds also had procedures for codification of primary laws, and had both a general policy requiring "plain language" drafting and some corresponding guidance. However, there were relatively fewer countries with regular updating of the codes. Only half of the countries had provisions that only subordinate regulations in the registry are enforceable.

Figure 11. Access to regulations

1998, 2005 and 2008



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic.

This means that descriptive figures are based on data for 27 countries in 1998 and for 30 countries and the EU in 2005/2008.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators

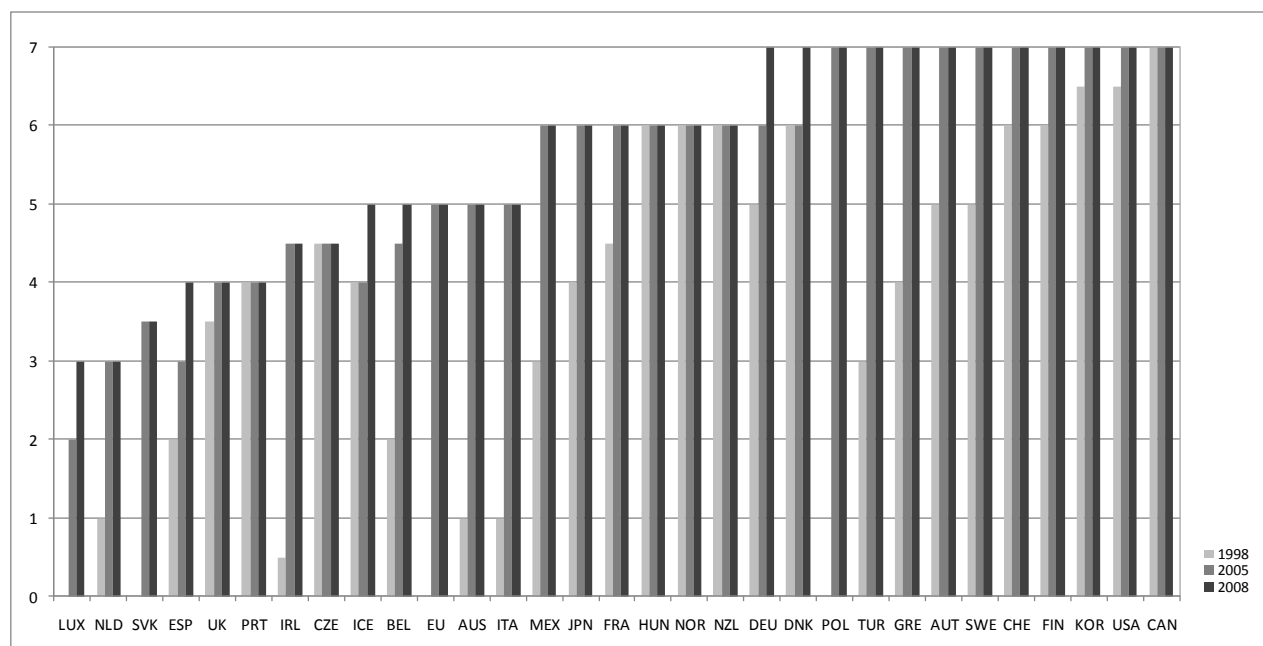
Figure 12 summarises individual countries' responses to a series of questions related to transparency and easy access to regulation. According to the responses, Austria, Canada, Denmark, Germany, Greece, Korea, Poland, Sweden, Switzerland, Turkey and the United States appear to have the easiest access in terms of easy access to regulations in 2008. Care needs to be taken in the interpretation of this result, as a large number of countries have scores that are only marginally lower. Results presented in Figure 12 only cover arrangements at national level, and may not reflect the full complexity of some federal countries, where sub national governments have significant responsibilities for regulation.

E-government plays an important role in ensuring access to regulations (OECD, 2009n). For instance, on the website *Légifrance* all laws and regulations are accessible within a delay of several days. This now includes forthcoming regulations. In Germany, all laws are accessible in an online database of the ministry of Justice called laws online (*Gesetze-im-Internet*). This is also the case in Belgium. Besides a general portal site "Belgian.be", a website "Belgiumlex" was created within the parliament, reflecting co-operation between federal, community and regional institutions. This website contains all regulations as well as jurisprudence and parliamentary preparatory proceedings. The official gazette publishes daily all regulations in an electronic format. In Korea, users can access every regulation on the website of the Regulatory Reform Committee. A comprehensive legislative cyber database is made available by the ministry of government legislation, which offers all the laws and ordinances in force, as well as those scheduled.

Some countries, including Denmark, Germany, Iceland, Luxembourg and Spain appear to have made progress over recent years. Denmark and Germany report having introduced a provision that subordinate regulations are only enforceable if on the registry.

Figure 12. Access to regulations

1998, 2005 and 2008



Note: This graph summarises information about the existence of systematic policies to make regulations accessible to the public in OECD member countries. It does not gauge whether these policies have been effective.

Questions:

Which of the following measures for making regulation known and accessible to affected parties are employed:

a(i) Codification of primary laws?

a(i-1) If "yes": Is there a mechanism for regular updating of the codes or codified laws (at least yearly basis)?

a(ii) Publication of a consolidated register of all subordinate regulations currently in force?

a(ii-1) If "yes": Is there a provision that only subordinate regulations in the registry are enforceable?

a(iii) Public access via the Internet to the text of all or most primary laws?

a(iv) Public access via the Internet to the text of all or most subordinate regulation?

a(v) A general policy requiring "plain language" drafting of regulation?

a(vi) If "yes": Is guidance on plain language drafting issued?

Weights:

if yes, weight=1

if yes, weight=1

if yes, weight=1

if yes, weight=1

if yes, weight=1

if yes, weight=0.5

if yes, weight=0.5

Source: Question 5 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators

Overall, many countries have improved access to regulation and its readability significantly over the period 1998-2005, mainly due to access via internet. Most OECD member countries may have reached now a relatively stable point.

For further details on countries' responses please see Table 6, Transparency, in Annex 1.

Further reading:

OECD (2002a), *Regulatory Policies in OECD Countries: From Interventionism to Regulatory Governance*, Chapter 4, Paris.

OECD (2003a), *e-Government Studies: The e-Government Imperative*, Paris

OECD (2005b), *e-Government Studies: e-Government for Better Government*, Paris

OECD (2009n), *Rethinking e-Government services: user-centred approaches*, OECD, Paris.

OECD (2009d), “Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union”, European Commission and OECD, Paris,
www.oecd.org/regref/eu15.

OECD country reviews on regulatory reform are available at www.oecd.org/regreform

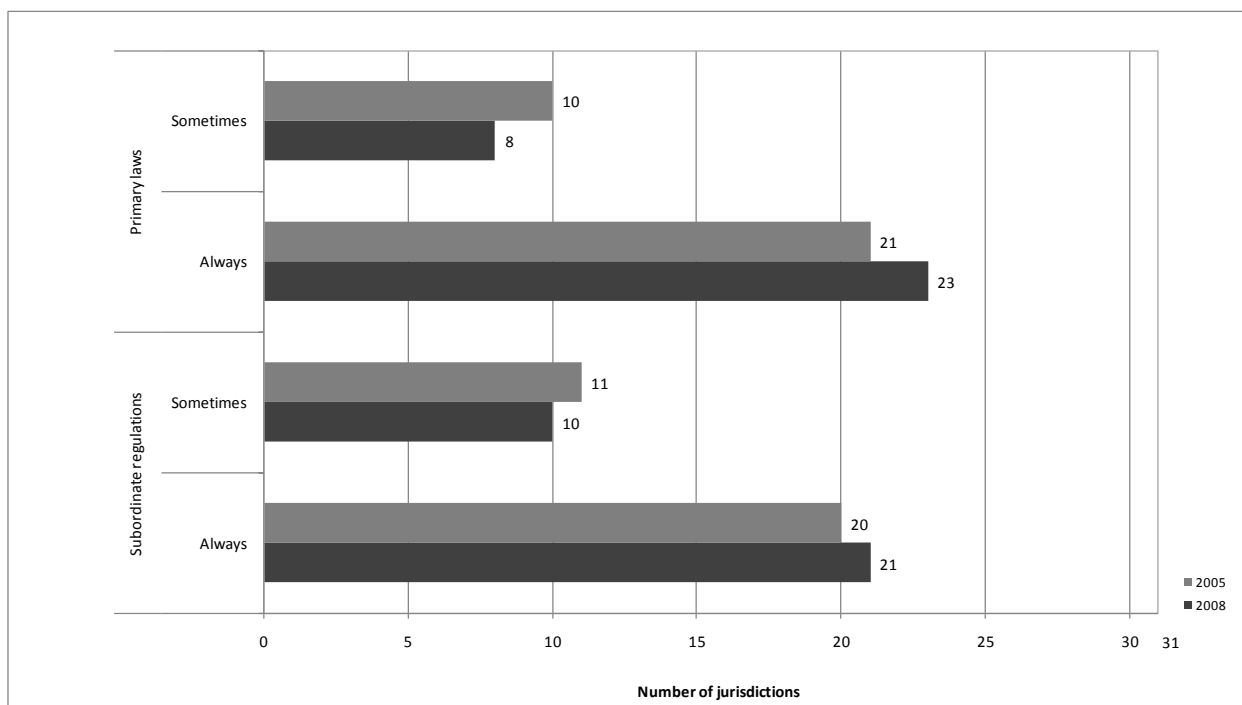
Consultation procedures

Transparency is one of the central pillars of effective regulation. Businesses need to be able to fully understand the regulatory environment in which they operate (see previous chapter on transparency), and to have a voice in regulatory decision making. It is a major challenge to governments to ensure that their regulatory processes take into consideration the views of all groups in society (OECD, 2005a). Participation of stakeholder in the regulatory process ensures that feedback about the design and effects of regulation is taken into account when preparing new regulation. It increases the likelihood of compliance by building legitimacy in regulatory proposals and may therefore improve the effect of regulation and reduce the cost of enforcement. Hence, formalised consultation processes are an important feature of regulatory transparency and a key factor in strengthening regulatory management systems in the wake of the financial crisis.

The indicators of regulatory management systems examine the extent to which formal consultation processes are built in at key stages of the design of regulatory proposals, and what mechanisms exist for the outcome of that consultation to influence the preparation of draft laws. The most effective means will provide formalised opportunities for citizens and businesses to learn about the potential implications of proposals and to express their views. The data on consultation has been expanded and refined in the last round of the questionnaire. As a result, the 2008 data allow for presenting a separate analysis of consultation for new primary laws and for new subordinate regulations for most questions.

Public consultation procedures when developing new primary laws and regulations existed in all countries as well as in the EU in 2005 and in 2008 (Figure 13).

Figure 13. Public consultation in developing draft primary laws and subordinate regulations
2005 and 2008



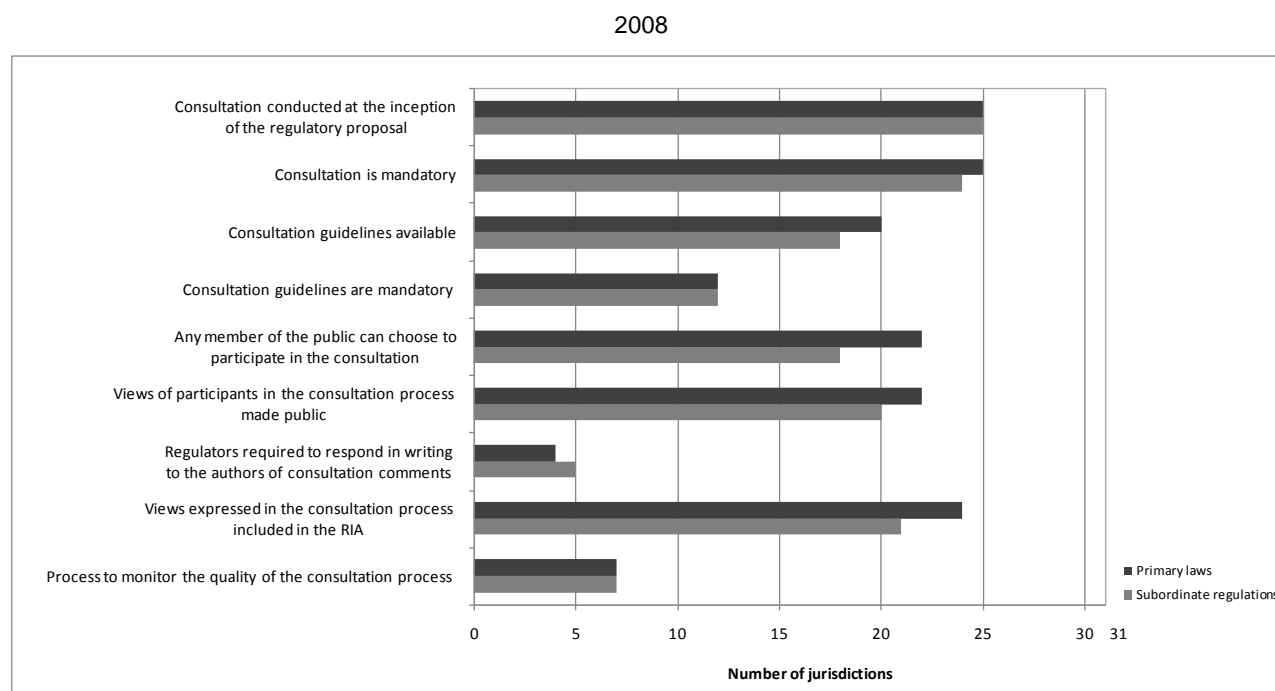
Notes: Data for 2005 and 2008 are presented for the 30 OECD member countries and the European Union.

Source: OECD Regulatory Management Systems' Indicators Survey 2005 and 2008. www.oecd.org/regreform/indicators

Consultation processes differ widely across countries with respect to the timing, availability of guidelines and the degree of openness of the process (see Figure 14). While 25 jurisdictions reported mandatory consultation processes at the inception of regulatory proposals, consultation guidelines are only mandatory in 12 jurisdictions for both primary laws and subordinate regulation. Some countries have developed guidance, such as Canada with a *Guide for Effective Regulatory Consultation*.¹⁰ In Canada, the appropriateness of the consultations conducted by departments with stakeholders prior to seeking Cabinet's consideration of a regulatory proposal, together with the outcome of the consultations, such as stakeholder support, play a role in determining whether Cabinet will approve the pre-publication of the proposal for comments by the public in general. Ireland has established Guidelines for Public Sector Bodies which provide guidance on best practice in consultation, but these guidelines are not statutorily binding.¹¹

A process for monitoring the quality of consultation processes exists to a varying extent in at least seven jurisdictions, namely Australia, Canada, Poland, Sweden, Switzerland, the United Kingdom and the EU (see Figure 14). In Poland, for instance, the quality of the consultation process is monitored by the Chancellery of the Prime Minister, which provides opinions on the scope of consultation before proposals can be transmitted to inter-ministerial clearings (see Figure 14).

Figure 14. Characteristics of Formal consultation processes used by central governments



Notes: Data presented for the 30 OECD member countries and the European Union.

The sample includes 31 jurisdictions for 2008. Results have been adjusted for 26 countries following the results of a peer review process. Results have been partly adjusted for 26 countries following the early results of a peer review process as of May 5 2009. Some further adjustments will be undertaken. Final results will be circulated in a new draft.

Source: OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

Countries report to have increased the openness of their consultation processes (see Figure 15). Most countries report publishing now the views of participants in the consultation process and granting access to any member of the public to participate in the consultation (see Figure 15). For example, in Korea, Mexico, Poland and Switzerland regulators are required to respond in writing to the authors of consultation comments for primary laws. In these countries as well as in the U.S. this is required with respect to subordinate regulation. From 2005 to 2008, the number of countries which report to include the views

expressed in the consultation process in RIA rose from 17 to 24 for primary laws and from 15 to 21 for subordinate regulations. This may reflect some synergy effects between reforms of RIA systems and consultation processes.

For further details on countries' responses please see in Annex 1:

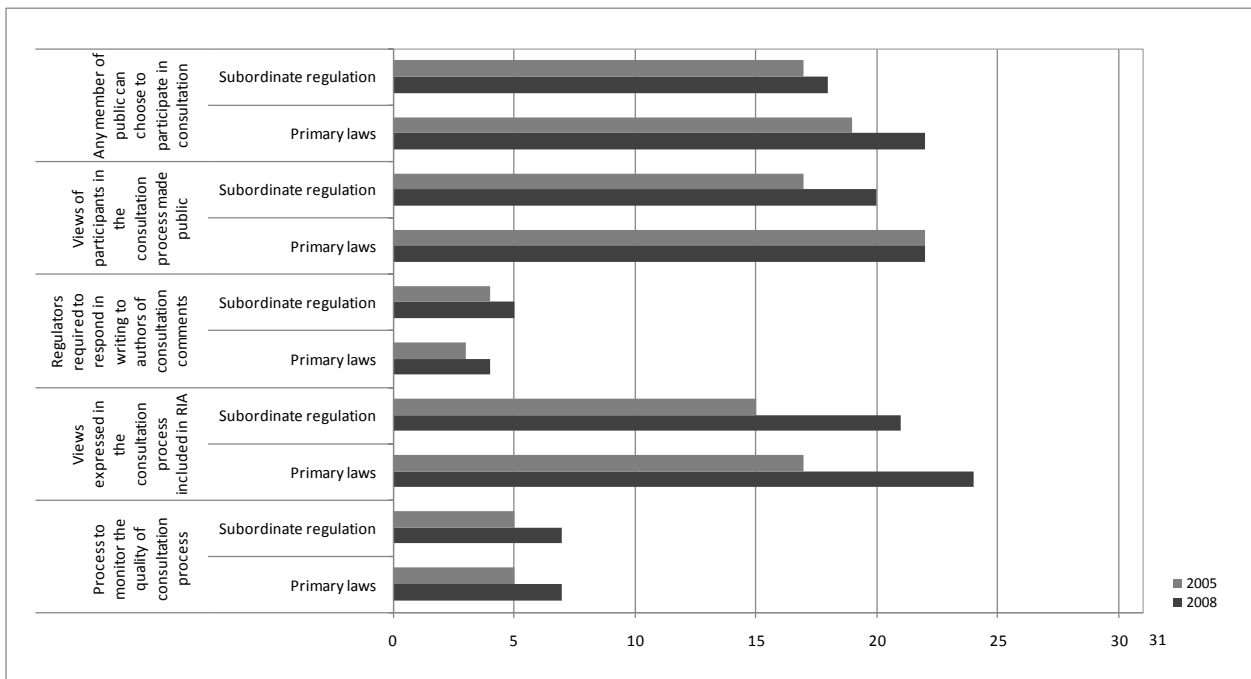
Tables 10, Consultation procedures with affected parties,

Table 11, Consultation procedures with affected parties: Primary laws,

Table 12, Consultation procedures with affected parties: Subordinate regulation

Figure 15. Openness of the consultation process

2005 and 2008

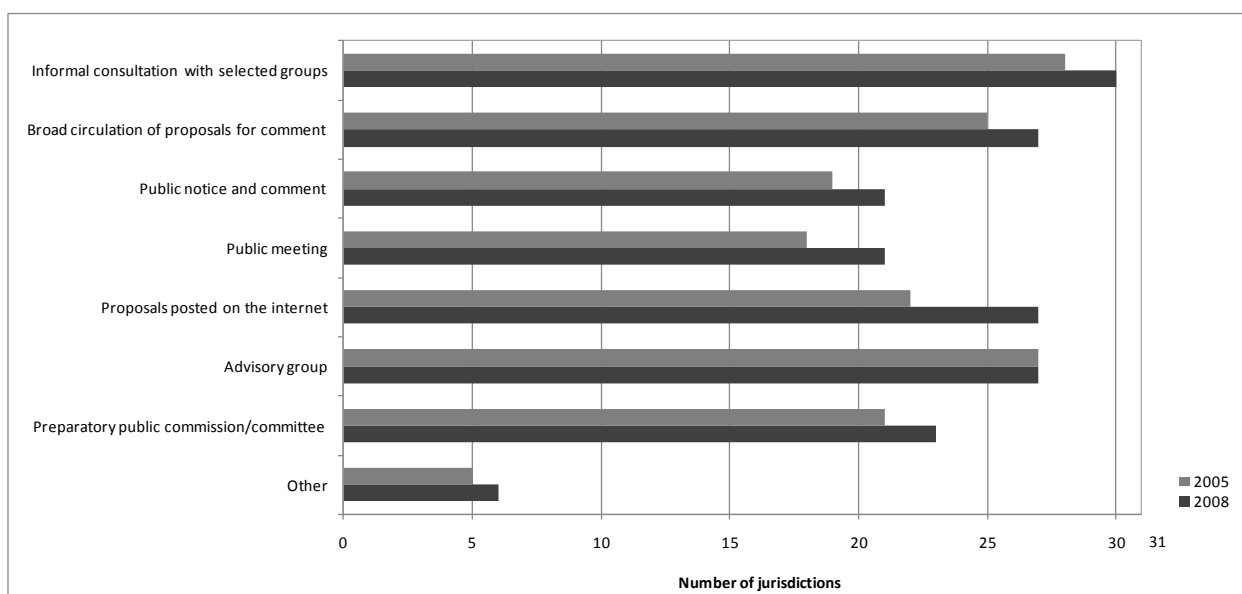


Notes: Data for 2005 and 2008 are presented for the 30 OECD member countries and the European Union.

Source: OECD Regulatory Management Systems' Indicators Survey 2005 and 2008, www.oecd.org/regreform/indicators

In practice, there are many different mechanisms for engaging the public in the development of regulations, as depicted in Figure 16. Consultation will be less effective if confined to a selected group. While almost all countries reported a routine reliance on informal consultation with selected groups, they also increasingly report to the use of more open and formal forms of consultation on a routine basis. In particular, the number of countries reporting the use of the internet to post proposals for consultation¹² and the use of public meetings and public notice and comments procedures on a routine basis has increased between 2005 and 2008. To illustrate, in Mexico, notice and comment procedures are applicable to draft primary laws when they are proposed by the executive branch. The United States had such notice and comment procedures for subordinate regulations in 2008 but not for primary laws. In contrast, Iceland, Norway, Switzerland and Turkey had such mechanisms for primary laws but not for subordinate regulations.

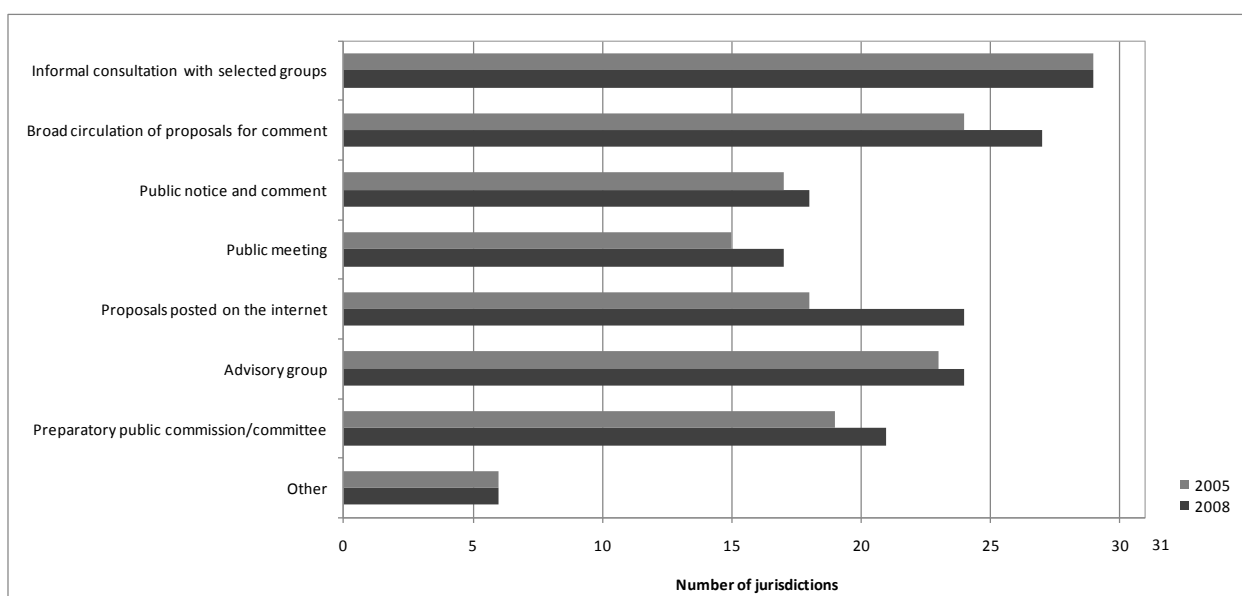
Figure 16. Forms of public consultation routinely used at the central government level: Primary laws
2005 and 2008



Notes: Data for 2005 and 2008 are presented for the 30 OECD member countries and the European Union.

Source: OECD Regulatory Management Systems' Indicators Survey 2005 and 2008. www.oecd.org/regreform/indicators

Figure 17. Forms of public consultation routinely used at the central government level: Subordinate regulations
2005 and 2008



Notes: Data for 2005 and 2008 are presented for the 30 OECD member countries and the European Union.

Source: OECD Regulatory Management Systems' Indicators Survey 2005 and 2008. www.oecd.org/regreform/indicators

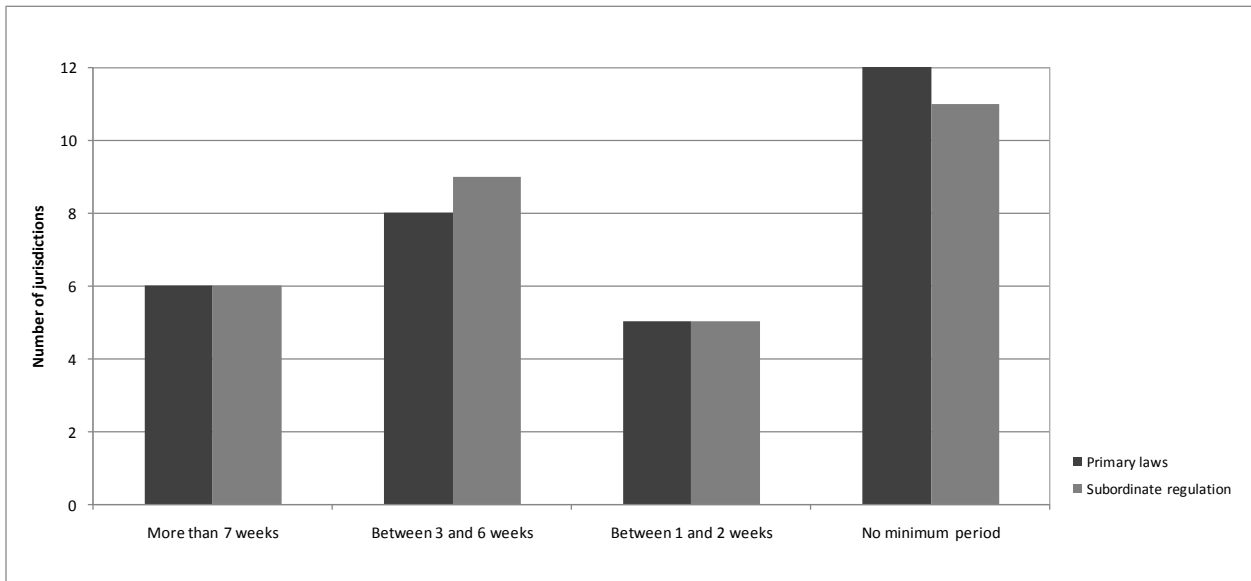
Routine, structured mechanisms for consultation permit adequate time for the consideration of proposals, whether made in legislation or regulation, and for the submission of views. Consultation will be less effective if it is *ad hoc*. Practices differ widely across countries (see Figure 18). The fact that some

countries have no specific minimum period may simply reflect the lack of a formal policy rather than the absence of well institutionalised practices.

In Canada, specific efforts are made to provide a reasonable amount of time for review and comments by the public. There is a minimum period of 75 days for trade related regulations. For other regulations, interested and affected parties are allowed a period of time – usually 30 days – to express their views.

Figure 18. Minimum period for consultation comments by the public

2008



Notes: Missing answers are considered as "No minimum period".

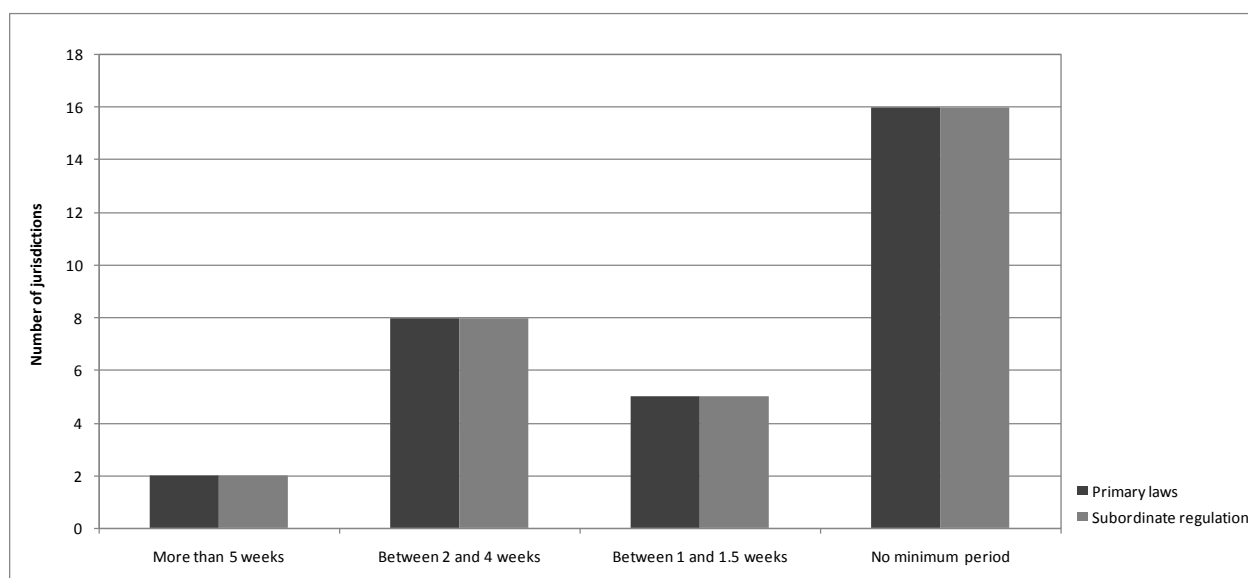
Data presented for the 30 OECD member countries and the European Union.

Source: OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators

Minimum Periods for seeking comments inside the government are generally shorter (see Figure 19).

Figure 19. Minimum period for consultation comments inside government

2008



Notes: Missing answers are considered as "No minimum period".

Data presented for the 30 OECD member countries and the European Union.

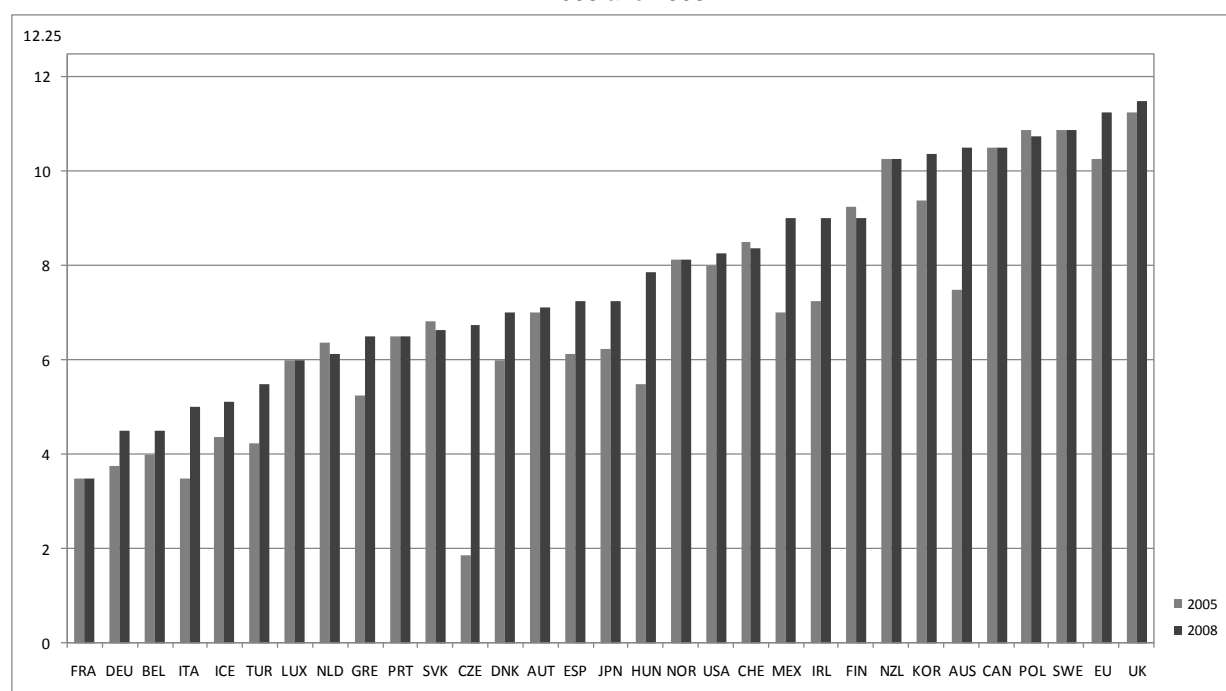
Source: OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

Figures 20-22 present cross-country evidence related to key aspects in formal and open consultation procedures. These indicators need to be interpreted with caution, as they focus on formal aspects that give the general public and every possible stakeholder an opportunity to comment. Countries that have systems in place that are organised to consult large social groups, such as trade and labour unions, representatives of the communities and consumer and welfare organisations, may not necessarily score well as a result, despite extensive consultation practices (*e.g.* Belgium, Germany). The indicator on formal and open consultation processes is also *de jure* and does not provide information on whether a system works well, which depends on the specific context and requires in-depth analysis as part of a country review (OECD, 2009d, 2009l).

Countries such as the Czech Republic, Australia, Mexico and Hungary appear to have intensified their efforts significantly in the area of formal and open consultation in the very recent years (see Figure 20). In the case of the Czech Republic, progress is connected with the implementation of RIA. Consultations with interested parties are a part of the impact assessment which has been obligatory for all legislative documents prepared by the government since November 2007. The consultation guidelines were tested in a pilot phase and adopted by the government. Adherence to these guidelines is checked by the same inter-ministerial body that is also responsible for quality control of RIAs.

Other jurisdictions, such as Canada, the EU, Poland, Sweden and the UK had already recorded extensive formal and open consultation processes in 2005. In the UK, each government department has a consultation co-ordinator who is named in consultation documents as the contact person regarding any matters of process, including queries as to whether the consultation abides by the criteria in the government's Code of Practice on Consultation.

Figure 20. Formal and open consultation processes
2005 and 2008



Note: This graph summarises information about the existence of key elements of formal consultation processes in OECD member countries. It does not gauge whether these processes have been effective.

Questions:

a) Is public consultation with parties affected by regulations a routine part of developing new draft primary laws?

b) Is public consultation with parties affected by regulations a routine part of developing new draft subordinate regulations?

If the answer is "always" or "in some cases" to a) or b): Primary laws b(iv) Is consultation mandatory?

If the answer is "always" or "in some cases" to a) or b): Subordinate regulation b(iv) Is consultation mandatory?

b(vii) What forms of public consultation are routinely used: Primary laws & Subordinate regulation

- Informal consultation with selected groups (e.g. tripartite discussions)?
- Broad circulation of proposals for comment?
- Public notice and calling for comment?
- Public meeting?
- Simply posting proposals on the Internet?
- Advisory group?
- Preparatory public commission/committee?

b(viii) Can any member of the public choose to participate in the consultation? Primary laws & Subordinate regulation

c(i) What is the minimum period for allowing consultation comments inside government?

c(ii) What is the minimum period for allowing consultation comments by the public, including citizens, business and civil society organisations?

d(i) Are the views of participants in the consultation process made public? Primary laws & Subordinate regulation

d(ii) Are regulators required to respond in writing to the authors of consultation comments? Primary laws & Subordinate regulation

d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis? Primary laws & Subordinate regulation

d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments) Primary laws & Subordinate regulation

Weights:

if no=0, in some cases=0.5, always=1

if no=0, in some cases=0.5, always=1

if yes, weight=0.5

if yes, weight=0.5

if ticked, weight=0, 0.25, 0.5, 0.25, 0.25, 0.25, 0.25

if yes, weight=0.5

1 week=0.125, 2 weeks=0.25, 4 weeks or more=0.5

2 weeks=0.125, 3 weeks=0.2, 4 weeks=0.25, 6 weeks=0.4, 8 weeks= 0.5, 12 weeks or more= 0.75

if yes, weight=0.5

yes: weight= 0.25

if yes, weight=0.5

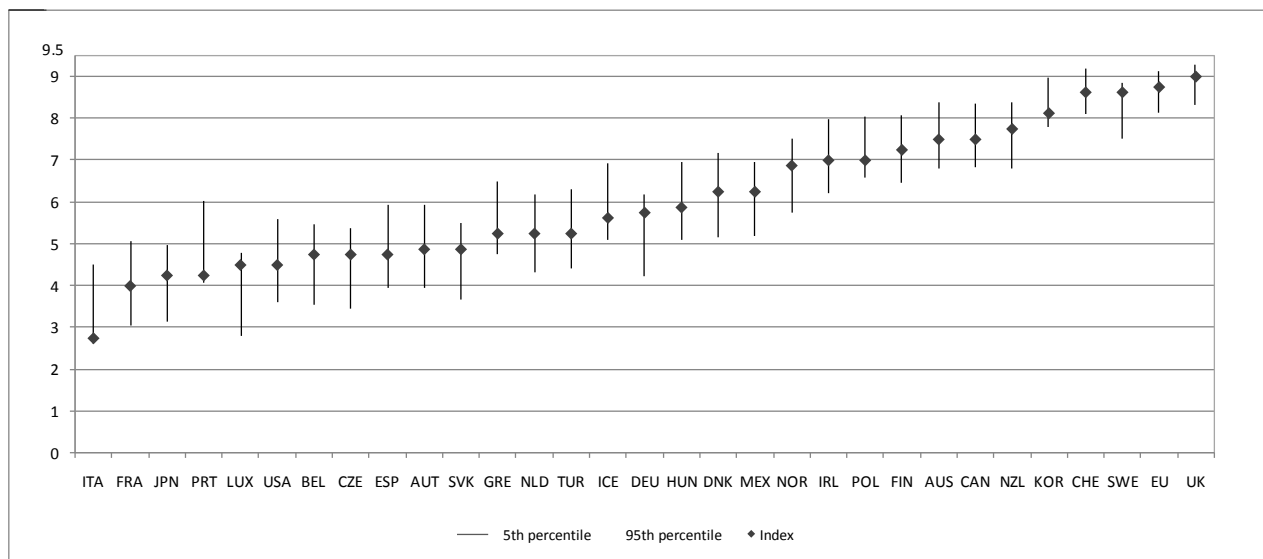
if yes, weight=0.5

Source: Question 9 / OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators

Results are informative about differences in the formal consultation processes applied by countries to primary laws and subordinate regulations (see Figure 21). This reflects the use of tools such as administrative procedure law to rationalise the consultation processes. For example, the United States has less formal processes for new primary laws, but have formal processes that apply to federal regulations. Similarly, Japan has formal processes for new subordinate regulations, and less formal processes for new laws.

Figure 21. Formal consultation processes: Primary laws

2008



Note: This graph summarises information about the existence of key elements of formal consultation processes for primary laws in OECD member countries. It does not gauge whether these processes have been effective.

Questions:

a) Is public consultation with parties affected by regulations a routine part of developing draft new primary laws?

When is it conducted? a(i) at the inception of the legal proposal?

a(ii) during the drafting of a law?

If the answer is "always" or "in some cases" to a) Is consultation mandatory?

b(v) Are there consultation guidelines?

If so, are they mandatory?

b(vii) What forms of public consultation are routinely used:

- Broad circulation of proposals for comment?

- Public notice and calling for comment?

- Public meeting?

- Simply posting proposals on the Internet?

- Advisory group?

- Preparatory public commission/committee?

b(viii) Can any member of the public choose to participate in the consultation?

c(i) What is the minimum period for allowing consultation comments inside government?

c(ii) What is the minimum period for allowing consultation comments by the public, including citizens and business and civil society organisations?

d(i) Are the views of participants in the consultation process made public?

d(ii) Are regulators required to respond in writing to the authors of consultation comments?

d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis?

d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments)

d(v) Is guidance available on how to conduct effective consultation?

Weights:

No=0, In some cases=0.5, Always=1

No=0, Yes=0.75

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

If ticked, weight= 0.25, 0.5, 0.25, 0.25, 0.25, 0.25

No=0, Yes=0.5

1 week=0.125, 2 weeks=0.25, 4 weeks or more=0.5

2 weeks=0.125, 3 weeks=0.2, 4

weeks=0.25, 6 weeks=0.4, 8 weeks=

0.5, 12 weeks or more= 0.75

No=0, Yes=0.5

No=0, Yes= 0.25

No=0, Yes=0.5

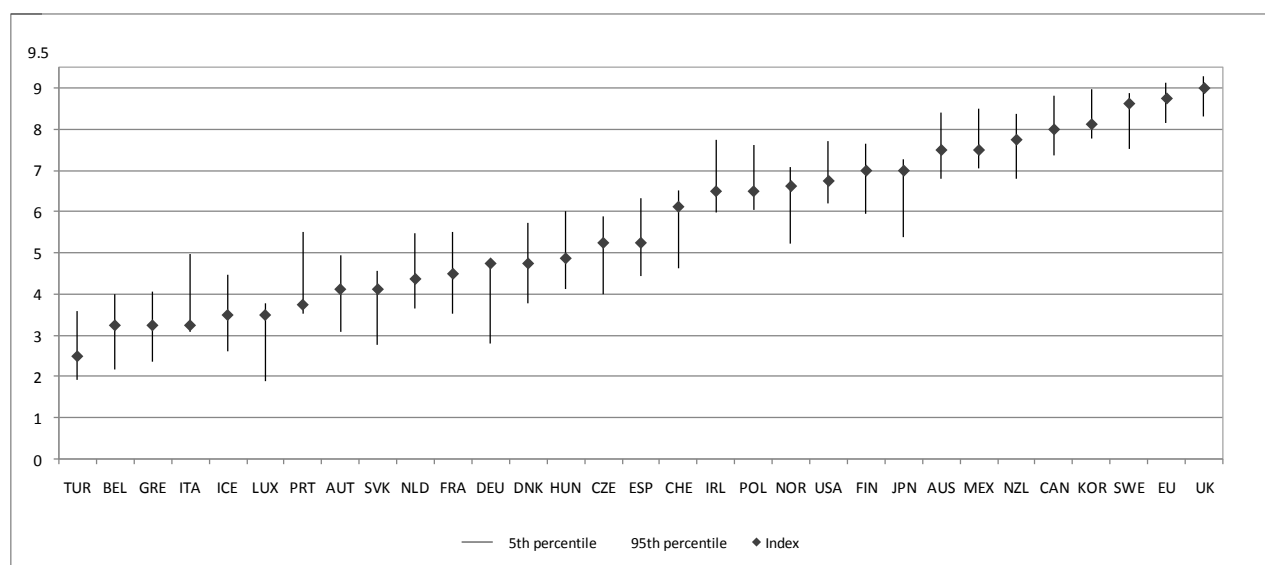
No=0, Yes=0.5

No=0, Yes=0.5

Source: Question 9 / OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators

Figure 22. Formal consultation processes: Subordinate legislation

2008



Note: This graph summarises information about the existence of key elements of formal consultation processes for subordinate regulations in OECD member countries. It does not gauge whether these processes have been effective.

Questions:

a) Is public consultation with parties affected by regulations a routine part of developing new draft subordinate regulations?

When is it conducted? a(i) at the inception of the legal proposal?

a(ii) during the drafting of a regulatory impact statement (RIS)?

If the answer is "always" or "in some cases" to a) Is consultation mandatory?

b(v) Are there consultation guidelines?

If so, are they mandatory?

b(vii) What forms of public consultation are routinely used:

- Broad circulation of proposals for comment?

- Public notice and calling for comment?

- Public meeting?

- Simply posting proposals on the Internet?

- Advisory group?

- Preparatory public commission/committee?

b(viii) Can any member of the public choose to participate in the consultation?

c(i) What is the minimum period for allowing consultation comments inside government?

c(ii) What is the minimum period for allowing consultation comments by the public, including citizens, business and civil society organisations?

d(i) Are the views of participants in the consultation process made public?

d(ii) Are regulators required to respond in writing to the authors of consultation comments?

d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis?

d(iv) Is there a process to monitor the quality of the consultation process? (e.g. surveys or other methods, please specify in comments)

d(v) Is guidance available on how to conduct effective consultation?

Weights:

No=0, In some cases=0.5, Always=1

No=0, Yes=0.75

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

If ticked, weight= 0.25, 0.5, 0.25, 0.25, 0.25, 0.25

No=0, Yes=0.5

1 week=0.125, 2 weeks=0.25, 4 weeks or more=0.5

2 weeks=0.125, 3 weeks=0.2, 4 weeks=0.25, 6 weeks=0.4, 8 weeks= 0.5, 12 weeks or more= 0.75

No=0, Yes=0.5

No=0, Yes= 0.25

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

Source: Question 9 / OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators

Countries have significantly strengthened their formal consultation processes, both for primary laws and subordinate regulations. Different consultation methods might be effective and appropriate in different countries, depending on the cultural, institutional and historical contexts (OECD, 2002a). While some tools are therefore context specific, a number of elements that are considered to be general best practice may contribute to improving the openness and effectiveness of consultation systems in a number of countries. Countries may continue to make progress in the years ahead in broadening access to consultation, enhancing transparency about the process and improving its quality.

Further reading:

OECD (2009d), *Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union*, European Commission and OECD, Paris, www.oecd.org/regref/eu15

OECD country reviews on regulatory reform are available at www.oecd.org/regreform.

Clarity and due process in decision making procedures

The 2005 *Guiding Principles* call on countries to “ensure that regulations, regulatory institutions charged with implementation, and regulatory processes are transparent and non-discriminatory”.

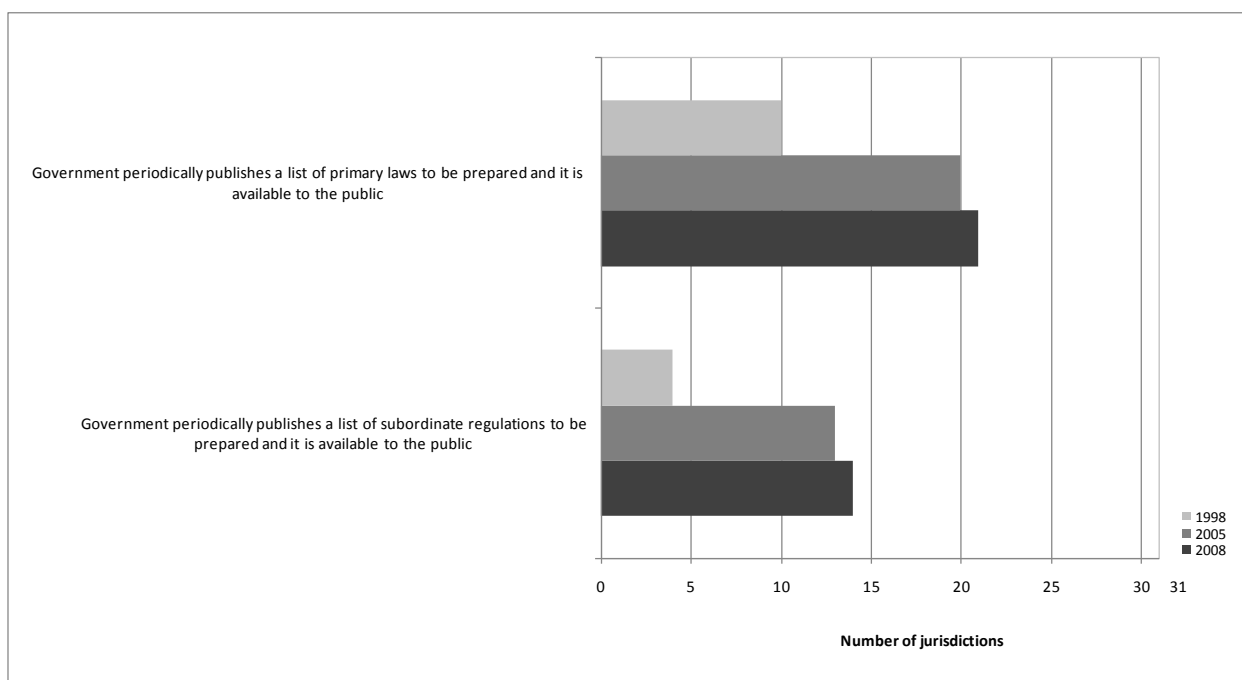
Forward planning

A first element of clarity and due process is the existence of forward planning as a means to inform businesses and citizens of current and future regulatory developments. A periodical publication of the list of primary laws to be prepared, modified or reformed in the next six months or more was available in 20 countries, and in the EU. Only 14 OECD member countries, including the EU, reported having such a list for subordinate regulations. When this list existed, it was always available to the public via the internet and both for primary laws or for subordinate regulations. In Australia, regulatory plans are required to be published annually by each government regulatory agency with responsibility for business regulation. In Denmark, the government presents its annual law planning programme at the beginning of each parliamentary year, in October. It includes a detailed list of all bills that the government plans to send to parliament during the year (OECD, 2009d). In Korea, the Ministry of Legislation publishes in the internet the yearly law enactment/amendment plans by each ministry. The 1998 Basic Act on Regulatory Reform stipulates that “each ministry must submit an annual plan for regulatory amendment to the Regulatory Reform Council and the Regulatory Reform Council must publish a comprehensive regulatory amendment plan covering all ministries.

For further details on countries’ responses please see Table 4, Regulatory processes, in Annex 1.

Figure 23. Forward planning

1998, 2005 and 2008



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic.

This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005/2008.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

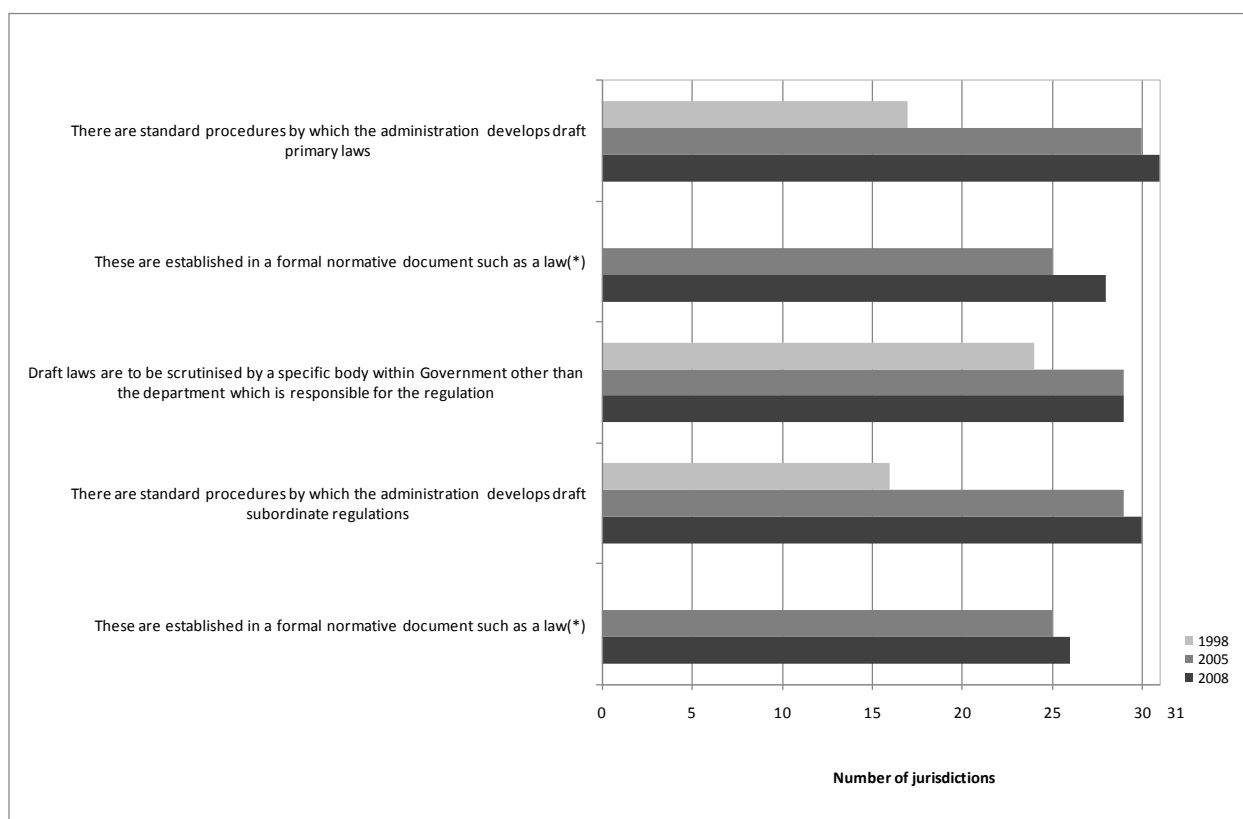
Standard administrative procedures for rule-making

All countries reported some form of standard administrative procedures for drafting primary laws and 30 had standard administrative procedures for new subordinate regulations (the exception is Greece). This reflects regulatory reform efforts such as the introduction of Administrative Procedure Acts, which are a tool for controlling excessive administrative discretion. Countries such as Korea and Mexico followed the example of the United States and Canada. Both have had administrative procedure acts respectively since 1946 (US, APA) and 1971. In Canada, the making and scrutiny of subordinate law is governed by the Statutory Instruments Act (SIA) issued in 1971. In total, 28 countries have established standard procedures in a formal normative document such as a law for the development of primary laws, and 26 have procedures for subordinate regulations. Exceptions are France, Japan and the EU for primary laws, and France, Greece, Japan, Luxembourg and the EU for subordinate regulation. Some countries only have guidelines or procedural requirements issued by the centre of government, such as the principles issued by the Prime Ministry in Turkey (OECD, 2007b).

Nearly all countries in 2008 had some form of external scrutiny of draft laws (with the exceptions of Portugal and Iceland). External scrutiny can be of legal or judicial nature, and can include the economic and social assessment of regulatory impacts. In a number of countries including Belgium, Greece, Italy, France, Luxembourg, Turkey, this external scrutiny is the responsibility of the Council of State, which tends to focus on legal and judicial aspects (OECD, 2007b). In Hungary, the Department of Constitutional Law and the Department of Administrative Procedures within the Ministry of Justice scrutinise the draft. Elsewhere, this responsibility falls with an agency of the executive, such as the Privy Council Office/Treasury Board of Canada Secretariat, the Office of Information and Regulatory Affairs in The Office of Management and Budget in the United States or the Better Regulation Executive in the Department for Business, Innovation and Skills in the United Kingdom. These agencies ensure consistency with overall government directions, established procedures and consultation requirements, including the quality of the underlying economic or cost-benefit analysis.

Figure 24. Standard administrative procedures for rule-making

1998, 2005 and 2008



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic.

This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005/2008.

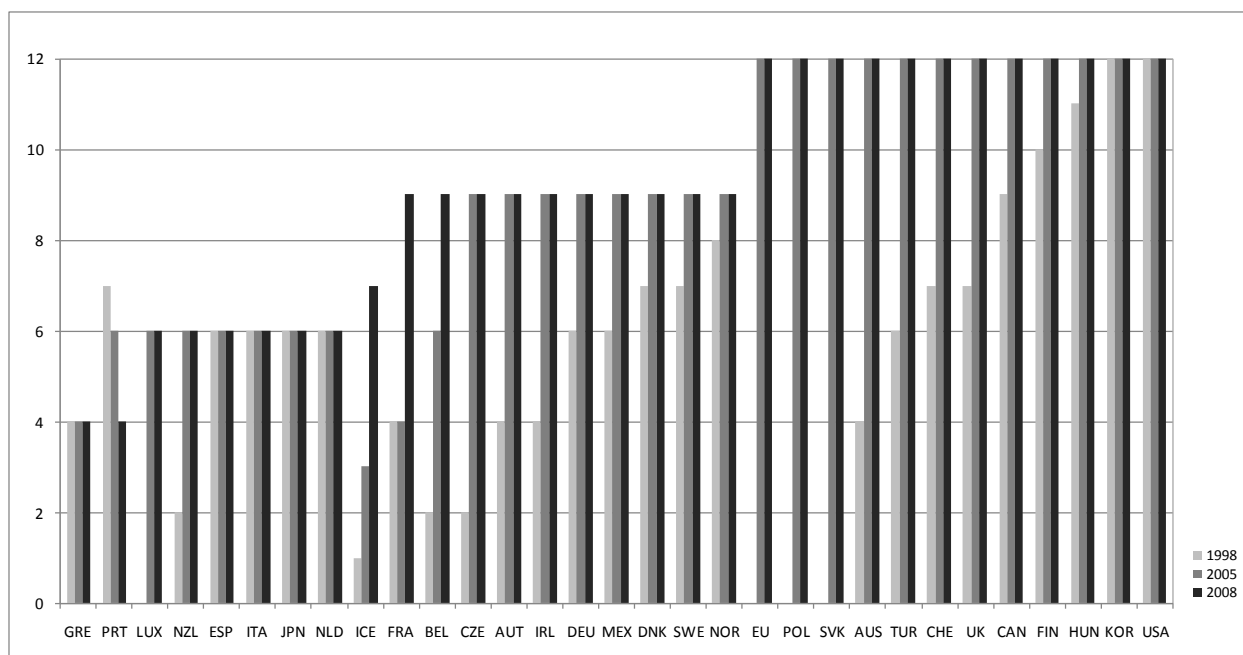
(*) No data are available prior to 2005.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators

Figure 25 summarises information provided by individual countries on a number of elements linked to clarity and due-process in rule-making procedures. It appears that most countries systems have been stable in this respect since 2005, with the exception of Belgium, France and Iceland. In Iceland, for instance, the Prime Ministry, the Ministry of Justice and the Parliament's Office issued a Handbook on the preparation and finalisation of draft laws in 2007.

Figure 25. Clarity and due process in rule-making procedures

1998, 2005 and 2008



Note: This figure summarises a number of elements relevant to the clarity and due process in rule-making procedures which are listed below. It does not gauge whether these procedures have been effective.

Questions:

Does the government periodically publish a list of primary laws to be prepared, modified, reformed or repealed in the next six months or more?

If the answer is "yes": Is it available to the public (*i.e.* via the Internet)?

Does the government periodically publish a list of subordinate regulations to be prepared, modified, reformed or repealed in the next six months or more?

If the answer is "yes": Is it available to the public (*i.e.* via the Internet)?

Are there standard procedures by which the administration develops draft primary laws?

If there are standard procedures by which draft laws are developed: are draft laws to be scrutinised by a specific body within Government other than the department which is responsible for the regulation?

Are there standard procedures by which the administration develops draft subordinate regulations?

Weights:

if yes, weight=2

if yes, weight=1

if yes, weight=2

if yes, weight=1

if yes, weight=2

if yes, weight=2

if yes, weight=2

Source: Questions 3 & 4 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators

The number of countries having standard procedures for developing regulations has evolved significantly in the period 1998 to 2005 and has remained fairly stable since then. All countries now have some form of standard procedure and they are normative in almost all countries. While most OECD member countries regularly publish a list of primary laws to be prepared, less than half do so with respect to subordinate regulations. Increasing transparency in this field might be an area for further progress in the years ahead.

Further reading:

OECD country reviews on regulatory reform are available at www.oecd.org/regreform.

PART C: TOOLS FOR IMPROVING THE QUALITY OF NEW REGULATION

Alternatives to regulations and provision of justification for regulatory actions

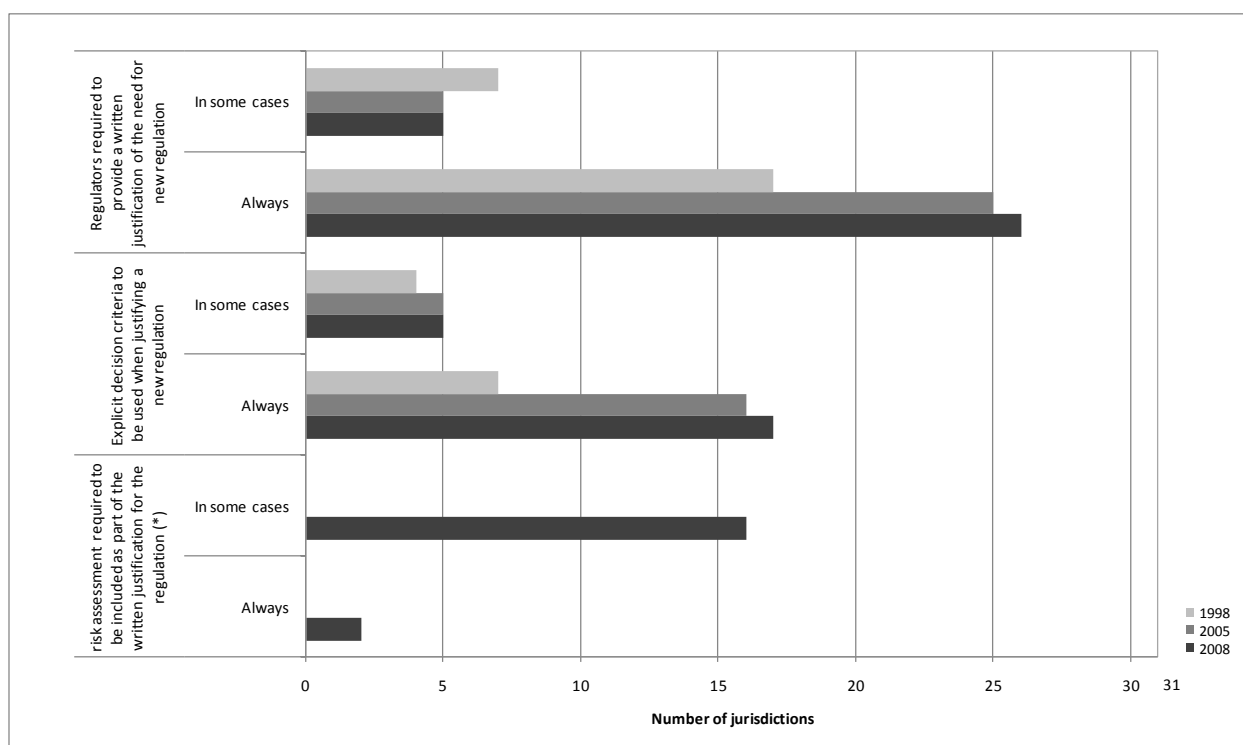
The justification for regulatory action and the search for alternatives represent a logical first step in developing new regulations. Regulation is one of a small set of public policy instruments. In specific cases, other instruments may be more suited for addressing a particular policy issue and for a public intervention. The decision to regulate may be justified on the grounds of market imperfections, of information asymmetries or deficiencies, or of externalities and spillovers. It may also be justified on the grounds of achieving social, environmental and cultural objectives (OECD, 2007b).

Justification for regulatory actions

Providing a justification for regulatory actions reflects the thrust of the initial 1995 *OECD Recommendation on Improving the Quality of Government Regulation* (OECD, 2007b). All OECD member countries and the EU had such a requirement in 2008, although it did not always apply in all cases (see Figure 26). Explicit decision criteria when justifying new regulations existed in more than two-thirds of the countries and in the EU. While more than half of the OECD member countries have a requirement for risk assessment, in only two of them it is always required.

Figure 26. Provision of justification for regulatory actions

1998, 2005 and 2008



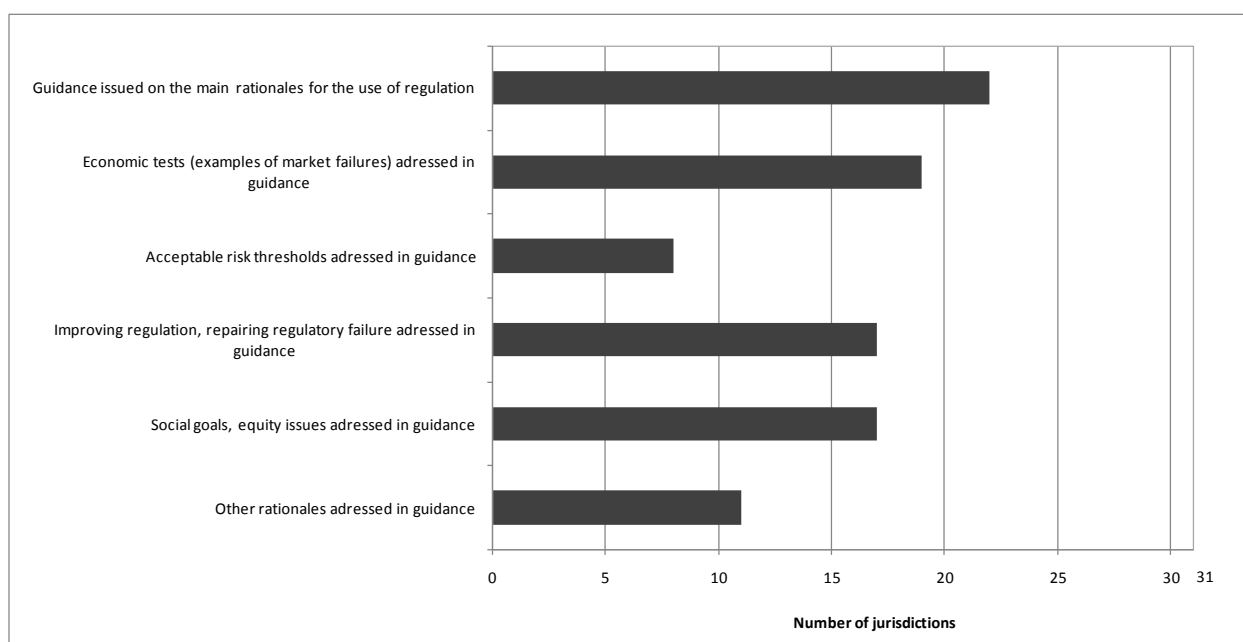
Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic. This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005/2008.
(*) No data are available prior to 2008.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

General guidance on the main rationales for regulation is issued in more than 70% of countries. Guidance on economic tests, improving regulation and social goals exists in more than 50% of the OECD member countries, while guidance on the acceptable risk threshold is only available in 25% of OECD member countries (see Figure 27). In Canada, for instance, regulatory authorities must ensure that they can demonstrate that a problem or risk exists, federal government intervention is justified and regulation is the best alternative. The Treasury Board of Canada Secretariat, Regulatory Affairs Sector, provides and maintains guidance on assessing, selecting, and implementing instruments for government action. The framework sketches out a sequence of enquiry, suggests a methodological foundation, and provides guidance for each step in the instrument choice process. Departments and agencies are invited to use the framework as is or as a template for developing their own versions in their respective areas of responsibility.

Figure 27. Guidance on the main rationales for regulation

2008



Notes: Data presented for the 30 OECD member countries and the European Union.

Source: OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

Consideration of alternatives

Searching for alternatives represents a second step when investigating how to regulate and achieve policy objectives. Governments need to ensure that the regulations and instruments used to achieve public objectives are effective and efficient. In this context, a range of options other than “command and control” regulation need to be considered. These options, called “alternatives to regulation”, include a number of features such as:

- More flexible, less prescriptive forms of regulation, such as performance-based regulation. Performance based regulation is regulation that sets objectives or standards for outcomes and allows the regulated entity some flexibility to determine the means by which they will meet these objectives.

- Management based regulation (sometimes called process based regulation). It requires businesses to demonstrate that they are meeting regulatory objectives through the requirement to have in place management processes directed at achieving regulatory outcomes.
- Co-regulation and self-regulation. This involves the government and an industry association jointly developing and enforcing regulatory standards.
- Incentives and market based instruments, including taxes and subsidies, tradable permits and other market oriented approaches. These are often found in the environmental area.
- Information approaches, with education and persuasion.

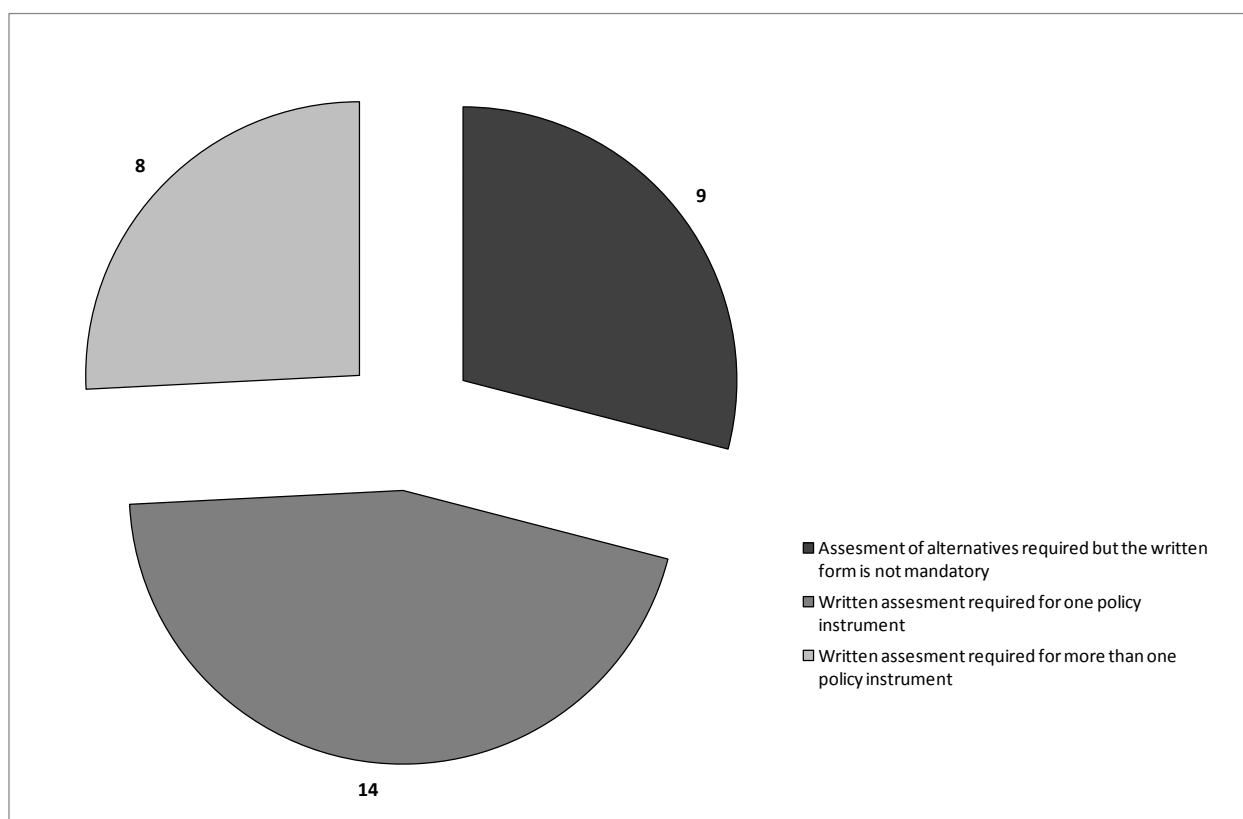
The number of countries having a requirement for considering alternatives increased significantly since 1998; this requirement now exists in all OECD member countries. The implementation of such a requirement involves some guidance to be available. In 2008, 20 countries and the EU had developed such guidance, with a systematic requirement to consider alternatives.¹³ The guidelines commonly addressed voluntary approaches and economic instruments and less commonly performance based regulation and process based regulation. A written assessment for more than one policy instrument was required in only eight countries (see Figure 28).

For further details on countries' responses please see Tables 7, Provision of justification for regulatory actions, consideration of alternatives, and 8, Provision of justification for regulatory actions, continued, in Annex 1.

Some countries monitor the use of alternatives to regulation. In Finland, the SÄVY project of the former Ministry of Trade and Industry commissioned a report in 2007 on the use of alternatives especially in legislative drafting with an impact on businesses. The purpose of the study was to promote the use of alternatives in legislative drafting by increasing information about them, and to encourage legislative drafters to consider various operating alternatives more actively and systematically. The report deals with various alternatives concerning the strategy of regulation (such as self-regulation, co-regulation, replacing steering by the authorities on the market) and the alternatives concerning the selection of regulation methods (such as the general nature vs. differentiation of regulation, implementation alternatives, sanctions and their alternatives).

Figure 28. Assessment of alternative policy instruments

2008



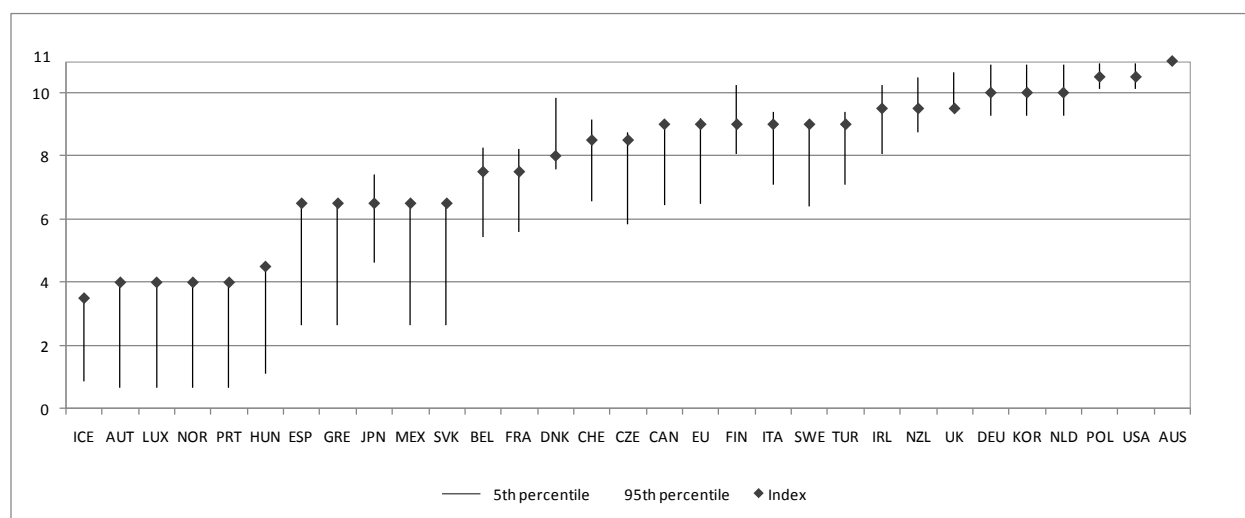
Notes: Data presented for the 30 OECD member countries and the European Union.

Source: OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

Figure 29 summarises information provided by individual countries on their provision of justification of regulatory actions and consideration of alternatives. Australia, the USA and Poland have high requirements for justifying regulatory actions, closely followed by the Netherlands, Korea, Germany, the UK, New Zealand and Ireland. A series of countries has undertaken significant reforms in these areas over the last three years. To illustrate, since 2005 the Czech Republic and Japan reported to have introduced guidance on alternative police instruments and a requirement to assess them.

Figure 29. Provision of justification for regulatory actions

2008



Note: This graph summarises information about countries' provision of justification for regulation and their search for alternatives. It does not gauge whether these have been effective.

Questions:

Are regulators required to provide a written justification of the need for new regulation?

If the answer is "always" or "in some cases": Are explicit decision criteria to be used when justifying a new regulation?

Is a risk assessment required to be included as part of the written justification for the regulation?

Has guidance been issued on the main rationales for the use of regulation?

Are regulators required to identify and assess potentially feasible alternative policy instruments (regulatory and non-regulatory) before adopting new regulation?

Has guidance been issued on using alternative policy instruments?

If the answer is "yes" does it address the following topics:

Performance based regulation?

Process (or management) based regulation?

Co-regulation?

Economic instruments?

The use of Quasi regulatory guidelines as an alternative to regulation?

Voluntary approaches?

Weights:

No=0, In some cases=1, Always=2

No=0, In some cases=0.5, Always=1

No=0, In some cases=0.5, Always=1

No=0, Yes=1

No=0, In some cases=1, Always=2

No=0, Yes=1

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

Source: Questions 6 & 7 / OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators

Countries have significantly increased their efforts in justifying the need for new regulation and searching for alternatives over the past decade. All countries now have some formal processes for assessing the need for new regulation and assessing potential alternatives. Risk-assessments to justify regulations and requirements to assess alternatives in written form are in place in fewer countries.

Further reading:

OECD (2002a), *Regulatory Policies in OECD Countries: From Interventionism to Regulatory Governance*, Chapter 4, OECD, Paris.

OECD (2002b), *OECD Flagship report, Annex 2, Use of alternatives*, OECD, Paris.

OECD (2006b), *Alternatives to Traditional Regulation*, OECD, Paris.

OECD country reviews on regulatory reform are available at www.oecd.org/regreform

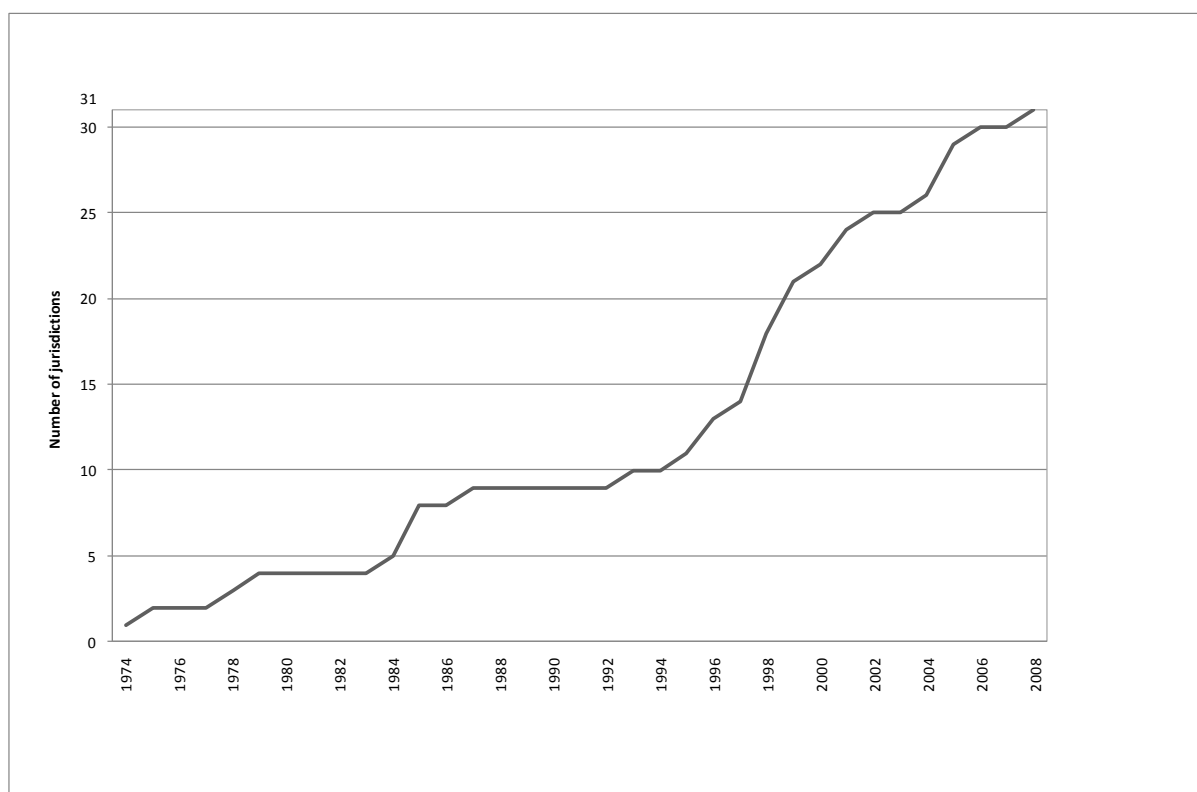
Regulatory impact analysis

RIA represents an essential core tool for ensuring the quality of new regulations through a rigorous, evidence-based process for decision making. A well functioning RIA system can assist in promoting policy coherence by making transparent the tradeoffs inherent in regulatory proposals, identifying who is likely to benefit from the distribution of impacts from regulation, and how risk reduction in one area may create risks for another area of government policy. RIA improves the use of evidence in policy making and reduces the incidence of regulatory failure arising from regulating when there is no case for doing so, or failing to regulate when there is a clear need (OECD, 2009e).¹⁴

Like all regulatory reform strategies, the successful incorporation of RIA in regulatory policy depends on high political support. This is primarily derived from the expressed political endorsement of the role of RIA as part of an overall regulatory policy strategy. The establishment of a central oversight body with responsibility for promoting the use of RIA is the single most significant quality assurance mechanism that has been taken up by OECD member countries. The advocacy role of oversight bodies covers a range of important factors including reviewing individual RIA, delivering training and providing methodological guidance (OECD, 2009e, see also chapter on Regulatory Oversight Authorities).

The use of Regulatory Impact Analysis by OECD member countries has expanded over the past 30 years. Precursory forms of RIA included the assessment of economic and administrative impacts of regulation from as early as 1966 in Denmark. The United States included benefit-cost analysis in Inflation Impact Analysis in the 1970s¹⁵ and Finland and Canada followed towards the end of that decade. Australia, the United Kingdom, Netherlands and Germany adopted RIA in the mid 1980s. The 1997 OECD Report on RIA Best Practices in OECD member countries (OECD, 1997a) notes that by 1996 around half of OECD member countries had already adopted Regulatory Impact Analysis. The trend accelerated notably in 1997-1999 during the initial phase of the OECD regulatory reform programme. The European Union's better regulation agenda has encouraged progress in a number of remaining EU countries since 2002 (OECD, 2007b). Japan and Turkey have taken significant steps towards the adoption of RIA during the most recent period. The reforms in Turkey occurred in 2008; accordingly, full implementation of the formal arrangements that have been reported may take time.

Figure 30. Trend in RIA adoption by central governments across OECD countries (1974-2008)



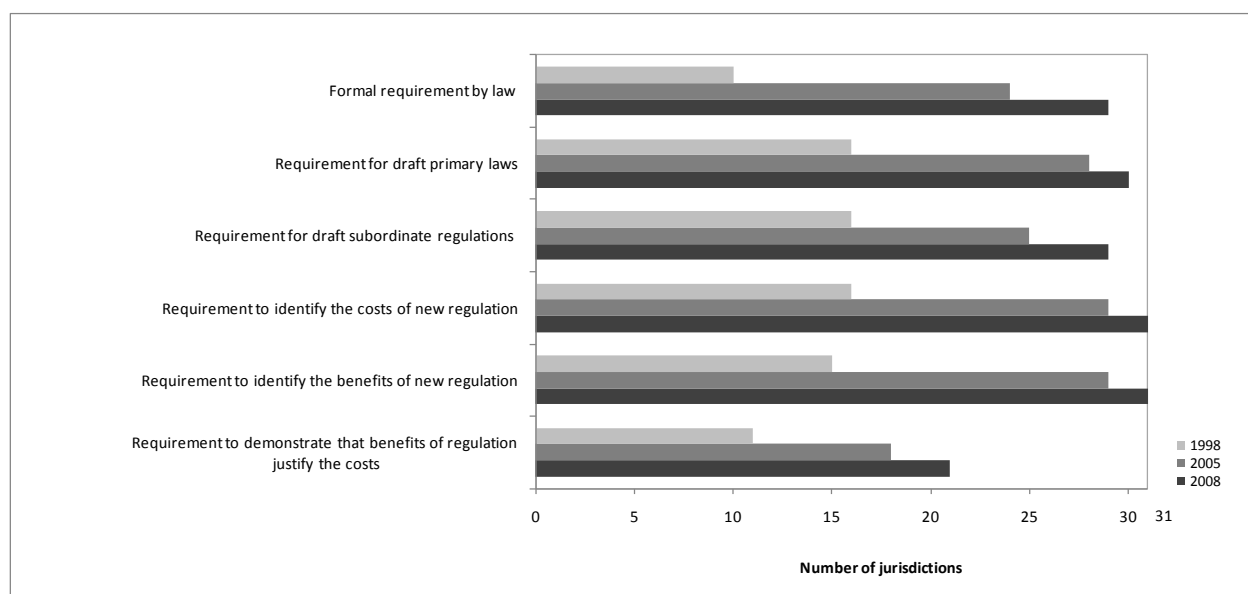
Requirements for RIA

While the use of RIA is widespread, it is differently organised within governments. Because the success of RIA depends on its systematic incorporation in the development of policy that leads to regulation, to assess the extent of its use a somewhat deeper view of the incorporation of RIA with policy development is necessary. To some degree this can be ascertained by looking at its component elements. The indicators try to give this view by examining key features of the scope of RIA processes that countries have adopted including the institutional underpinning for RIA in OECD member countries. Among other areas, for each country the following aspects of RIA have been examined: is it required by law to be conducted on new regulation; is it applied to primary and subordinate legislation and is there a requirement to demonstrate that the benefits of regulation justify the costs? (See Figure 31.)

Most OECD member countries had adopted RIA requirements in law over the last decade, which gives significant authority to the process. The number of countries with requirements to identify the costs and benefits of new regulations has almost doubled. In 1998, 15 out of 27 OECD member countries surveyed had this requirement compared to all OECD member countries in 2008 as Figure 31 shows. Roughly 70% of the countries have a requirement to always identify the costs and benefits of new regulations. The percentage of countries with a requirement to always demonstrate that benefits of regulations justify the costs is much lower, at roughly 35% (see Figures 1 and 2 in Annex 2: Requirements for RIA and Requirements for RIA: costs and benefits). Despite procedural requirements many RIAs typically list just a qualitative analysis of the expected costs and benefits of regulation. Less than half of OECD member countries reported always requiring a quantification of the costs. If the principles under which the RIA are produced are too general and the RIA is not required to include a benefit-cost analysis, the RIA may be too easily captured and simply provide a justification of a predetermined position rather than provide an examination of the potential regulatory and non regulatory options (OECD, 2009e).

Figure 31. Requirements for RIA at the central government level

1998, 2005 and 2008



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic. This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005-08.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

These indicators only present the requirements in place, reflecting a *de jure* perspective. For example, the question on the requirements to identify the benefits of new regulation, does not address the scope of benefits assessed and the depth and quality of these assessments may vary considerably. Therefore, the indicators represent a starting point for analysing RIA systems and need to be complemented by more in-depth analysis, for example in the context of country reviews.

The most fundamental challenge for RIA system design is promoting its integration in the policy-making process beginning as early as possible. If the benefits to policy are to be realised, RIA has to be undertaken at the inception of policy proposals, when there is a genuine interest in identifying the optimal approach and there is an opportunity to consider alternatives to regulation (OECD, 2009e). The UK for instance makes major efforts to integrate impact assessments into policy making (OECD, 2009d). 24 countries report a requirement to undertake RIA early in the development of a new regulatory proposal. RIA documents for all regulations are required to be publicly released for consultation in only 13 countries, suggesting that scope for progress remains in the development of RIA requirements.

For further details on countries' responses please see Tables 14, Requirements for regulatory impact analysis (RIA) I, and 15, Requirements for regulatory impact analysis (RIA) II, in Annex 1.

In principle RIA should be applied to regulatory instruments that impose significant costs above some threshold where the costs of the RIA exercise are proportionate and justifiable. Thirteen OECD member countries report having a clear threshold for applying RIA to new regulatory proposals. Out of these, 11 have a requirement for a simplified RIA as an alternative to a full RIA as a result of the threshold test. The threshold tests for applying RIAs are defined very differently across countries. Some countries such as the US have an explicit monetary threshold. If a regulation is likely to impose at least USD 100 million in costs or benefits in any one year, it is considered "economically significant" and subject to formal RIA requirements. Other countries such as Australia leave it to the responsibility of the regulatory oversight

body to determine whether a given regulation should be subject to RIA if it has a direct or significant impact on business or restrict competition.

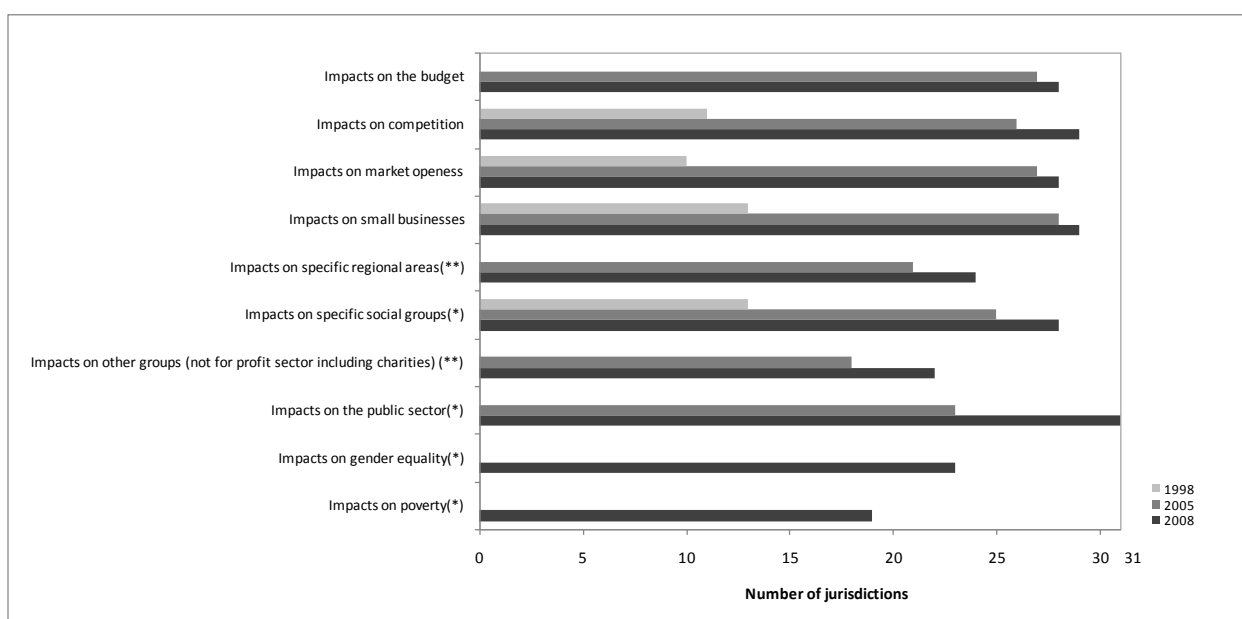
For further details on countries' responses please see Table 13, Use of regulatory impact analysis (RIA) III in Annex 1.

RIA, or at least in some simplified form, is also applied at the local level in some countries, when local governments have delegated regulatory powers. For example in Austria under a 1999 consultation mechanism with the central government, regional governments are formally required to perform an assessment of the impact on the budget from new regulatory proposals.

Extent of RIA processes

The range of impacts that are routinely required to be assessed within a RIA has evolved significantly over the last decade. The requirements for an assessment of the impact on competition, market openness, budget, the public sector, specific social groups and small businesses are now nearly universal across OECD. Gender equality is reported to be assessed in over two thirds of OECD member countries, and an assessment of the impact on poverty is required in more than half of the countries. This shows that, while the emphasis remains towards competition, entrepreneurship and issues of market dynamics, the inclusion of social concerns has also become more widespread. To illustrate, an improved RIA template was brought forward in 2008 in Canada and is now mandatory for all new regulatory proposals. The new RIAs are required to demonstrate the impacts of regulation on the quality of the environment, health, safety, security, and social and economic well-being.

Figure 32. Regulatory Impact Analysis: Requirement for Policy Impacts
1998, 2005 and 2008



AustNotes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic. This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005/2008.

(*) No data are available prior to 2008

(**) No data are available prior to 2005.

"Sometimes" corresponds to "Only for major regulations" and "In other selected cases"

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

Approximately two-thirds of countries report some requirement for risk assessment to be included in RIA. Few countries report this to be the case on a regular basis. These include Australia, Canada, Japan,

the UK, the US and the EU. A. Canada for instance reports having a risk-based approach to regulation, whereby proposals that have been identified as having significant impacts following a systematic triage exercise undergo risk assessments. Risk assessments for health and safety regulation and for environmental regulation are more frequently reported to be a requirement of OECD countries. For example, in Belgium, every RIA for health and safety regulation as well as for environmental regulation has to include a risk assessment. This is also the case in Greece for environmental regulation.

Compliance with RIA requirements

In 24 countries a government body outside the ministry sponsoring the regulation was responsible for reviewing the quality of the RIA with scope for revising the regulatory proposal. However, only in 16 countries, two-thirds of this group, was there scope for blocking the regulatory proposal as part of the review. Reports on the level of compliance with RIA requirements were produced in half of the countries and the EU. These reports are regularly published in only four countries, Australia, the Czech Republic, the UK and the US. Eight countries reported that they undertake *ex post* comparisons of actual versus predicted impacts. Only Korea, Switzerland, the UK and the EU reported that they assess the effectiveness of RIA in leading to modifications of initial regulatory proposals undertaken. For example, Korea found that about 29% of draft regulations had been changed as they passed through the Regulatory Reform Committee in 2004.

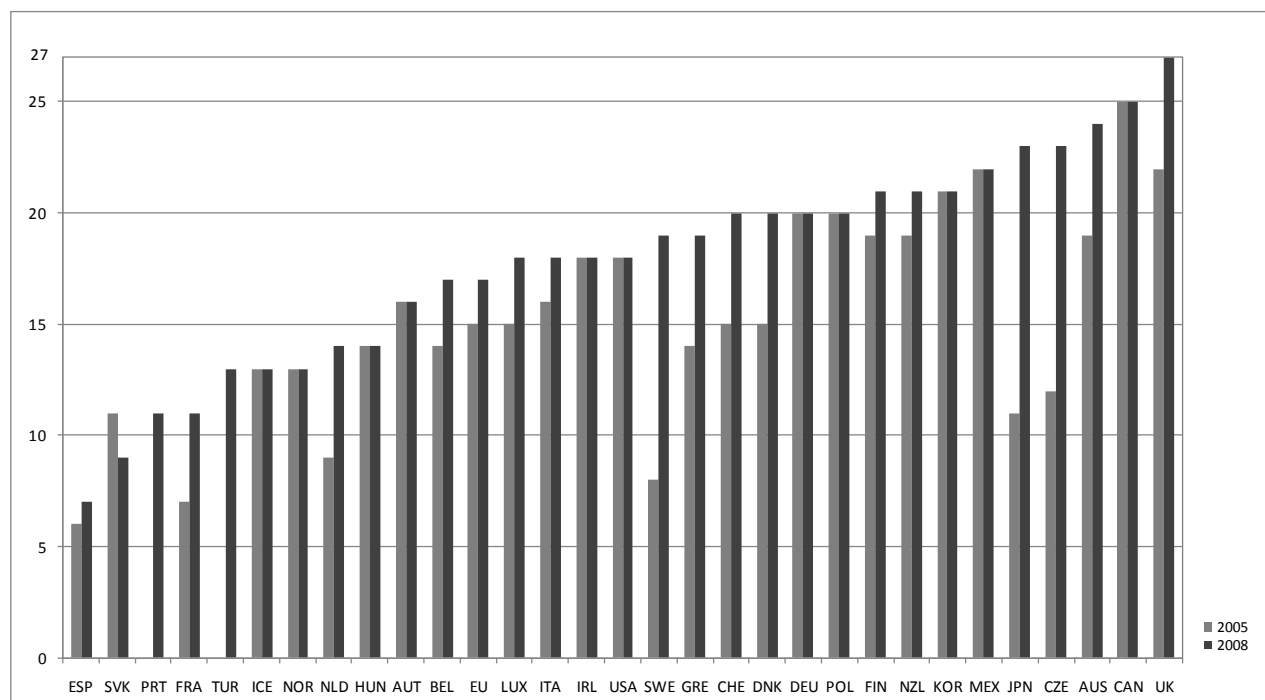
For further details on countries' responses please see Table 16, Requirements for regulatory impact analysis (RIA) III in Annex 1.

Summary indicators

Figure 33 shows how requirements for RIA evolved in individual countries over the period 2005-2008. In particular the Czech Republic, Japan, Portugal and Sweden significantly expanded their RIA systems. In Portugal, a simple form of RIA, the "Simplex Test" was introduced (OECD, 2009d). France is preparing significant reforms of its institutional framework, which are likely to have significant and positive implications for RIA processes, but were not finalised within the timing of the survey to be able to be reflected in the 2008 figures. Potential issues related to implementation may also need to be considered in the future before a full assessment of the results for Greece and Italy can be made (see Figure 33).

Figure 33. Requirements for RIA processes used by central governments

2005 and 2008 (RIA 1)



Note: This figure summarises information about the existence of key elements of RIA processes in OECD member countries. It does not offer information on the quality of specific RIAs.

Questions:

- a) Is regulatory impact analysis (RIA) carried out before new regulation is adopted?
- c) Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA?
- e) Is there a clear "threshold" for applying RIA to new regulatory proposals?
- h(i) Is RIA required by law or by a similarly strictly binding administrative instrument?
- h(ii) Is RIA required for draft primary laws?
- h(iii) Is RIA required for draft subordinate regulations?
- h(iv) Are regulators required to identify the costs of new regulation?
- If yes:
Is the impact analysis required to include the quantification of the costs?
- h(v) Are regulators required to identify the benefits of new regulation?
- If yes:
Is the impact analysis required to include the quantification of the benefits?
- h(vi) Does the RIA require regulators to demonstrate that the benefits of new regulation justify the costs?
- h(vii) Are RIA documents required to be publicly released for consultation with the general public?
- k) Are *ex post* comparisons of the actual vs predicted impacts of regulations made?
- l) Is there an assessment of the effectiveness of RIA in leading to modifications of initial regulatory proposals undertaken?

Weights:

- a) if no=0, in some cases=1, always=2
- c) if yes, weight=3
- e) if yes, weight=2
- h(i) to h(vii):
if no=0,
in other selected cases=1,
only for major regulation=1,
always=2
- k) if yes, weight=1
- l) if yes, weight=1

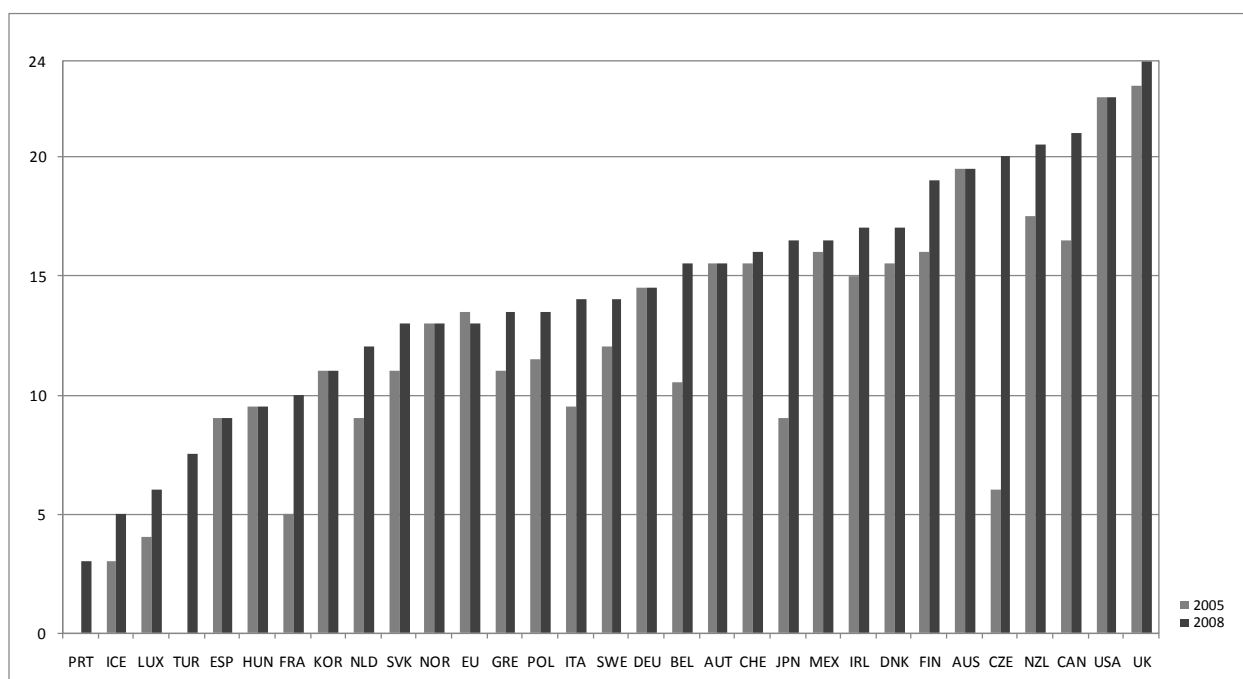
Source: Question 10 / OECD Regulatory Management Systems' Indicators Survey 2005 and 2008.
www.oecd.org/regreform/indicators

Figure 34 summarises information about the extent of RIA processes in individual OECD member countries and the EU. The responses from the Czech Republic and Japan demonstrate a striking increase in the number of different impacts that the countries report being required to be assessed in a RIA. This is also the case in Belgium which reports having introduced *inter alia* a new sustainable development impact assessment test in 2007. Again, time and further analytical work may be necessary to assess the extent to which all these requirements will be met in practice and whether they will yield the expected benefits in terms of improved decision-making processes and regulatory frameworks.

A requirement for an assessment of multiple impacts is an indication of the breadth of the RIA process. However, it can also be interpreted as evidence that there is a risk of fragmentation of the process, when too many different impacts have to be considered simultaneously the chances increase that no-one is considered fully. From an overall welfare perspective, the methodological benefits of a requirement for an assessment of multiple impacts compared to an assessment of general economic welfare could therefore be subject to further consideration and discussion.

Figure 34. Extent of RIA processes

2005 and 2008 (RIA 2)



Note: This graph summarises information about the extent of RIA processes in OECD member countries. It does not gauge whether these processes have been effective.

Questions:

d(ix) Is the RIA required to include assessments of other specific impacts: Impacts on the budget, impacts on competition, impacts on market openness, impacts on small businesses, impact on specific regional areas, impact on specific social groups, impact on other groups (not for profit sector including charities), impact on the public sector

e) Is risk assessment required when preparing a RIA?

For all regulation, for health and safety regulation, for environmental regulation?

If "yes":

Does the risk assessment require quantitative modelling?

f(i) Does the RIA require regulators to explicitly consider compliance and enforcement issues when preparing new regulation?

f(ii) Are reports prepared on the level of compliance with the above RIA requirements?

f(iii) Are these reports published?

Weights:

d(ix), Impacts on the budget, competition, market openness, small businesses, specific regional areas, specific social groups, the public sector: if no=0, in other selected cases=1, only for major regulation=1, always=2

d(ix), Impact on other groups (charities, not for profit sector): if no=0, in other selected cases=0.5, only for major regulation=0.5, always=1

e) if no=0, in other selected cases=1, only for major regulation=1

if yes, weight=1

f(i) if yes, weight=1

f(ii) if no=0, *ad hoc* basis=1, regularly=2

f(iii) if yes, weight=2

Source: Question 10 / OECD Regulatory Management Systems' Indicators Survey 2005 and 2008. www.oecd.org/regreform/indicators

For further details on countries' responses please see Table 17, Extent of Regulatory Impact Analysis (RIA), in Annex I.

There has been significant progress over the last decade in the adoption and implementation of RIA systems. Using the data that has been collected from OECD member countries on the range of components of RIA, the picture that emerges shows that within OECD, some countries have comprehensive and well developed systems for RIA and incorporate many of the key elements that OECD has promoted as best practice, while other elements have not been broadly taken up among OECD member countries. This includes the introduction of a clear threshold test and measures to demonstrate that benefits justify the costs. Moreover, few countries monitor systematically the level of compliance with requirements for RIA.

All countries, even those with many years experience with undertaking RIA and with very advanced RIA systems in place still experience problems with the quality and timeliness of RIA documentation. In this respect the integration of RIA should be seen as a long term policy goal. A major challenge is to ensure that RIA goes beyond a simple “box checking exercise”. Well-trained officials, the right institutional design, the right timing of the RIA exercises and significant political support are all necessary for successful implementation. The recent OECD publication “Regulatory Impact Analysis: A Tool for Policy Coherence” (OECD, 2009e) provides practical guidance on how to improve the performance of RIA systems, drawing on countries’ experiences and lessons learned.

Further reading:

OECD (1997a), *Regulatory Impact Analysis: Best Practices in OECD Countries*, OECD, Paris.

OECD (2002a), *Regulatory Policies in OECD Countries: From Interventionism to Regulatory Governance*, Chapter 4

OECD (2008a), *Building an Institutional Framework for Regulatory Impact Analysis (RIA): Guidance for Policy Makers*, OECD, Paris, www.oecd.org/dataoecd/44/15/40984990.pdf

OECD (2009d), *Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union*, European Commission and OECD, Paris, www.oecd.org/regref/eu15

OECD (2009e), *Regulatory Impact Analysis: A Tool for Policy Coherence*, Paris

OECD country reviews on regulatory reform are available at www.oecd.org/regreform.

Compliance and enforcement

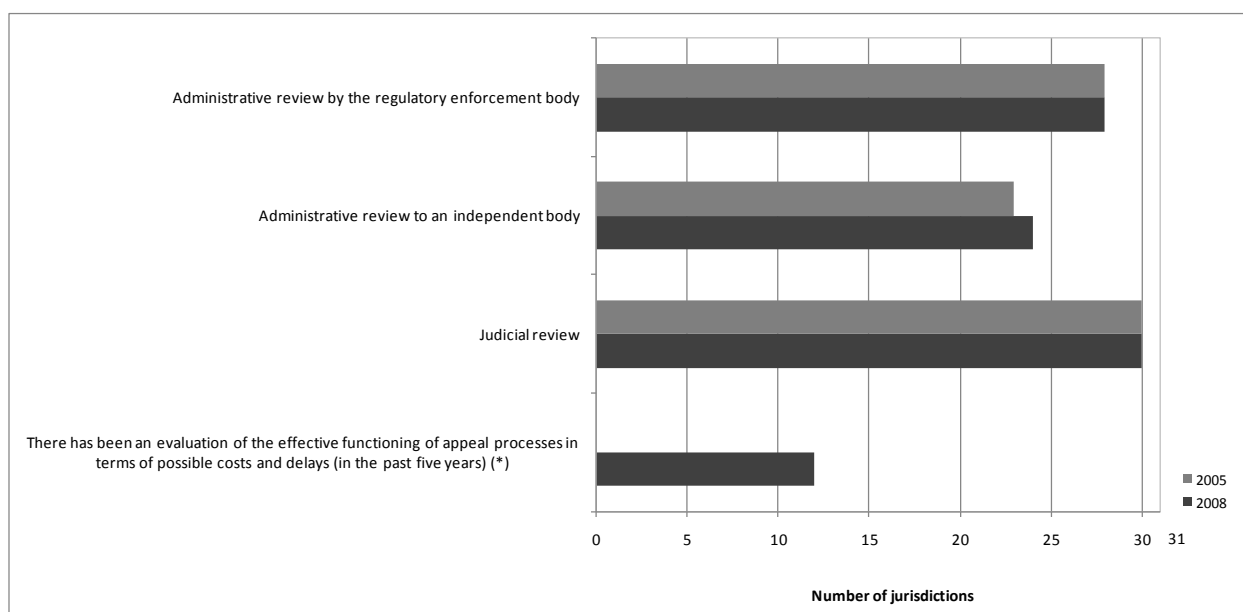
Strategies to ensure effective compliance and implementation are an important feature of regulatory management systems. The 2005 *OECD Guiding Principles for Regulatory Quality and Performance* explicitly call on governments to ensure that “regulations are efficiently applied” with non-discriminatory and transparent procedures for enforcing regulations and with fair appeal processes. Access to review processes of the decisions of national or local authorities ensures that regulators are accountable for their actions. Accountability requirements promote transparency and should define the process requirements that regulators are committed to uphold when exercising their powers, stating the rights afforded to businesses and citizens in the implementation of those powers (OECD, 2007b).

Opportunities for administrative justice and judicial review are a key element of a healthy judicial process (OECD, 2007b). Administrative and judicial review arrangements are standard practice in almost all OECD member countries. In the case of the EU, judicial review is possible at the level of the European Court of Justice at the initiative of the Commission or of a Member State. Arrangements for review are embedded in the judicial system and have remained generally stable across countries over the last three years (see Figure 35). Fewer than half of OECD member countries reported that in the past five years they have undertaken an evaluation of the effective functioning of appeal processes in terms of possible costs and delays. In Sweden, for instance, a committee of inquiry currently analyses the need for special measures to among others enable a speedier review.

One way in which countries have promoted the rigour of regulatory quality initiatives is to allow for regulations to be challenged if requirements with respect to RIA or consultation are not met. To illustrate, the Spanish Supreme Court has established that if consultation procedures have not been met, the law/royal decree can be invalidated. In the United States the Administrative Procedure Act (APA) of 1946 also provides such a possibility: it requires that agencies go through a notice and comment process open to all members of the public. The information in the public record, including the RIA, and agencies’ use of this information are used by the courts in settling any challenges to regulation brought by the public. In Luxembourg, if a professional chamber has not been consulted according to process requirements for subordinate legislation, the regulation is considered invalid. Arrangements of this type are not common; however, only nine OECD member countries reported processes for challenging regulation in this way, namely Luxembourg, New Zealand, Portugal, Spain, the Slovak Republic, the United Kingdom and the United States. This may be an area for further reform.

Figure 35. Appeal availability

2005 and 2008



Notes: Data for 2005 and 2008 are presented for the 30 OECD member countries and the European Union.

(*) No data are available prior to 2008.

Source: OECD Regulatory Management Systems' Indicators Survey 2005 and 2008, www.oecd.org/regreform/indicators.

Achieving a high level of compliance is a key factor in the effectiveness of regulations. Regulatory design and implementation need to proceed from an understanding of the factors that influence awareness, willingness (acceptance), capacity (ability) and actions of regulated groups to comply with the intended regulations. Requirements for compliance and enforcement issues were specifically required to be considered when developing new regulations in more than two thirds of the countries in 2008, an increase over the last years (see Figure 36). About half of the OECD countries now have specific policies on compliance friendly regulation and have produced written guidance on compliance and enforcement issues for use by regulators.

The Netherlands was a pioneer of efforts to ensure that compliance and enforcement issues are considered at the start of the rule making process. Two decades ago the Ministry of Justice raised awareness, via the Directives on Legislation, the legal quality criteria and the Practicability and Enforcement Impact Assessment. The development of the “Table of Eleven” determinants of compliance have had a far reaching influence on other countries’ practices in this area, according to a recent OECD EU 15 Peer Review of Regulatory Reform (OECD, 2009d).¹⁶ In Norway, compliance and enforcement issues are considered part of administrative consequences to be assessed when developing a new regulation. In Canada, the Cabinet Directive on Streamlining Regulation contains specific provisions regarding compliance and enforcement (see Box 3). Belgium and New Zealand both reinforced their policies on developing compliance and enforcement friendly regulation from 2005 to 2008. On an indicator summarising some information provided by countries on appeal, compliance and enforcement issues, they are now among the countries with the highest score (see Figure 3 in Annex 2).

Box 3. Compliance and enforcement in Canada

The Cabinet Directive on Streamlining Regulation contains specific provisions regarding compliance and enforcement.

Departments and agencies are responsible for putting in place the processes to implement regulatory programmes and to manage human and financial resources effectively, including:

1. Publishing service standards, including timelines for approval processes set out in regulations setting transparent programme objectives, and identifying requirements for approval processes,
2. Taking advantage of opportunities for implementation and delivery co-ordination with other departments and agencies, and with other governments in Canada that are regulating in the same sector,
3. Planning for the necessary human and financial resources that the recommended option would require, including compliance and enforcement activities and
4. Ensuring that those charged with carrying out regulatory responsibilities have the necessary resources, skills, and abilities.

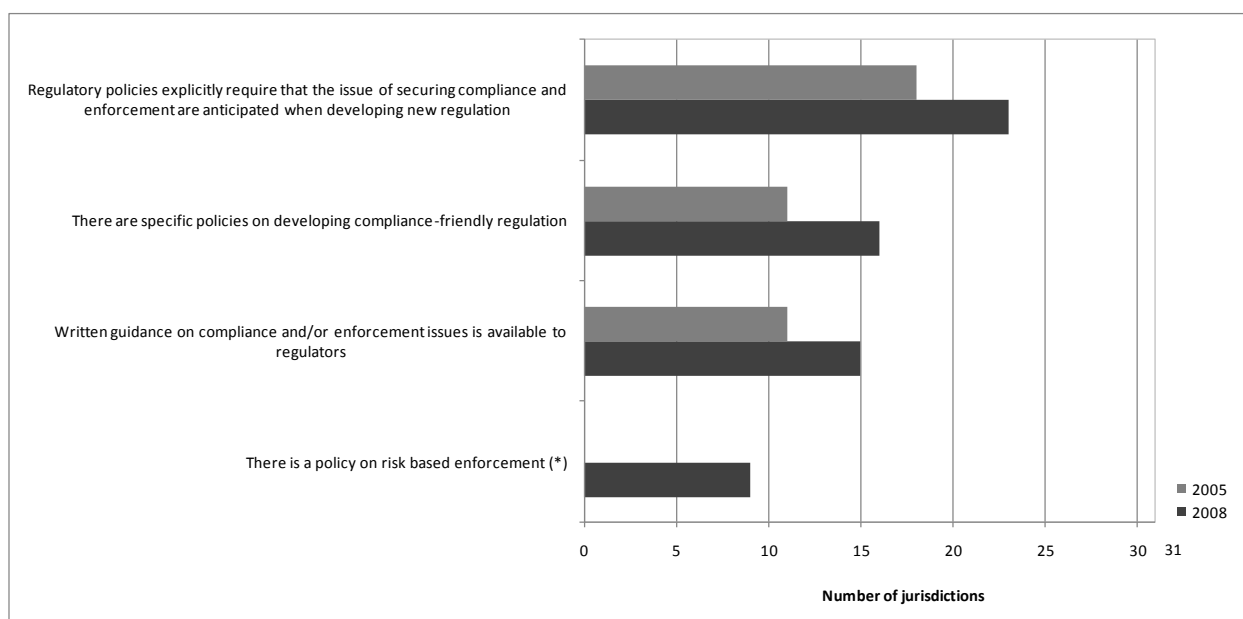
Source: OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

Compliance and enforcement issues are an integral part of RIA in 20 countries and the European Commission. In Ireland and Poland, the RIA manual includes written guidance in relation to enforcement and compliance. Only 9 countries have a policy on risk based enforcement. The Netherlands has had a policy of risk-based approaches since 2001. They recently reformed their system and established joint risk analyses between inspectorates, co-operation between inspectorates and municipalities, facilities for digital co-operation as well as the reassignment of tasks (OECD, 2009d). Scope for progress in spreading risk-based enforcement approaches across OECD member countries remains.

For further details on countries' responses please see Tables 4, Forward planning and appeal processes and 9, Compliance and enforcement, in Annex I.

Figure 36. Compliance and enforcement issues

2005 and 2008



Notes: Data for 2005 and 2008 are presented for the 30 OECD member countries and the European Union.

(*) No data are available prior to 2008.

Source: OECD Regulatory Management Systems' Indicators Survey 2005 and 2008. www.oecd.org/regreform/indicators.

Appeal, compliance and enforcement issues vary widely across OECD member countries. While most countries have some form of a requirement to consider compliance and enforcement issues when developing new regulation, guidelines in this area and policies on risk based enforcement are less common, though growing in number. Possibilities for administrative and judicial review are common and stable over time in OECD member countries, and some countries have had programmes to evaluate their effectiveness.

Further reading:

OECD (2002a), *Regulatory Policies in OECD Countries: From Interventionism to Regulatory Governance*, Chapter 5, Paris.

OECD (2009d), *Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union*, European Commission and OECD, Paris, www.oecd.org/regref/eu15

OECD country reviews on regulatory reform are available at:

www.oecd.org/regreform

PART D: STRATEGIES FOR IMPROVING THE QUALITY OF EXISTING REGULATIONS

Administrative simplification strategies

For many OECD member countries, reducing the burden of government regulations on business and citizens is a large part of their strategy to improve economic performance and productivity. Red tape can be particularly burdensome to small business, where the proportion of resources diverted to administrative functions is greater than for large firms. Within the regulatory management strategies of OECD member countries, tools for administrative simplification have become more prominent to improve the administrative efficiency of regulations and reduce the time and money spent on compliance.¹⁷

Facilitating licences and permits

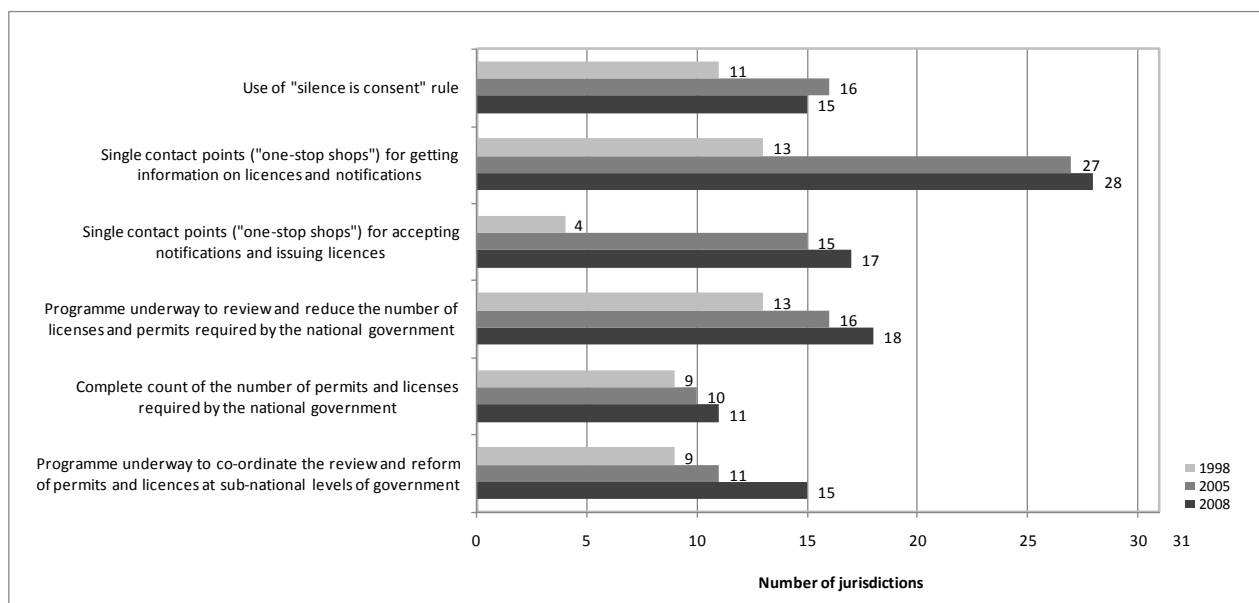
This section covers various specific strategies to facilitate licences, permits and administrative requirements, as part of national administrative simplification strategies. Licences and permits (*e.g.* for business start-up, specific environmental permits, building permits, *etc.*) can become a significant barrier to business activities and have the potential to cause serious economic harm (OECD, 2003b). Simplifying procedures and reducing the number of permits are possible strategies to facilitate business activities and enhance competitiveness.

Figure 37 shows the trend in the use of the “one-stop shops” and the “silence is consent rule”. The “silence is consent rule” implies that licences are issued automatically if the competent licensing office has not reacted by the end of the statutory response period. Prior to the instrumentation of one-stop shops, entrepreneurs often needed to visit different government offices, fill several forms and questionnaires supplying the same information several times, wait in lines to submit information, and wait several hours or days to receive an official response. The number of countries that had “one-stop shops” for getting information on licences notifications more than doubled in the last decade. In 2008 nearly all countries used them. 15 countries introduced “one-stop shops” between 1998 and 2008. Electronic portals are common in this respect (see Box 4 for some examples).

Eighteen countries reported having a programme underway to review and reduce the number of licences and permits required by the national government; 9 had both undertaken a complete count of the number of licences and permits, and had a programme underway to review and reduce their number. Eleven countries reported to have a programme both at national level and at sub-national level in 2008. These were Belgium, France, Greece, Hungary, Italy, Korea, Mexico, the Netherlands, Portugal, Sweden and the United Kingdom.

Figure 37. Business Licences and Permits

1998, 2005 and 2008



Notes: Data presented only for the 30 member countries as this question is not relevant for the European Union. Data for 1998 are not available for Australia, Luxembourg, Poland and the Slovak Republic. This means that this figure is based on data for 26 countries in 1998 and for 30 countries in 2005-08.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

Box 4. Initiatives for web-based single contact points

- Korea has established an online administrative service system called "government for citizen". This system receives 1,200 different types of paper applications, issues 188 types of certificates – such as certificates of residence – and provides information on 71 different types of registration, for example on property registration. Furthermore, the "Internet registry office of Supreme Court" offers online real estate and corporate registration services. In the "real estate transaction management system" run by the ministry of land, transport and maritime affairs, users can report real estate transactions instantly through the Internet.
- The Government of Canada has developed an online business licensing service called BizPaL. BizPaL is Canada's one-stop shop for business licences and permits targeted at SMEs. It functions as an online tool which provides users with a customised list of all licences and permits required from all three levels of government (federal, provincial/territorial, and municipal).
- In Hungary approximately 20-25 matters (licensing, permits, tax and pension-related matters, state agricultural aids, granting personal ID, etc.) can be administered via the internet and in electronic form, through the "e-gate". After 1st October 2009, the rule will be to use single contact points (an integrated electronic mechanism and official Governmental Internet platform) to get a permit, a licence or to register a commercial and industrial activity or a service at a public authority in any administrative procedure unless the law rules otherwise.
- As a result of a joint project between the OECD and the Mexican Government, a one-stop shop for business start-up, the portal "tuempresa.gob.mx", was opened by President Calderón on 4 August 2009. The portal "tuempresa.gob.mx" is an on-line site that allows entrepreneurs to comply with the five federal formalities needed to legally constitute a commercial entity in a simplified and streamlined manner. With the portal "tuempresa.gob.mx", entrepreneurs fill just one single form on-line, and after visiting a notary or an authorised commercial broker, they receive and are able to download official responses from the website. The portal lowers entrepreneurs' opportunity costs by interconnecting several government databases, by making possible the sharing of information between different ministries, and by eliminating the need to submit several times the same information. Estimations by OECD show that the administrative burdens for the entrepreneur are cut by 65% with the instrumentation of the portal, decreasing from an amount equivalent to 16% of the GDP *per capita* of Mexico of 2007 to just 6%.
- The Swedish Agency for Economic and Regional Growth runs an "Entrepreneur's Guide" on its website. It assembles key background information for business start-ups and helps entrepreneurs to get in contact with the authorities and public organisations that they need as business owners. In some cases it is possible to apply for licences by using e-services, available at a specific website, instead of applying for licences to several authorities. Some local Swedish authorities have started to provide what could be described as a type of "one-stop shops" for business start-ups.
- The UK business link website provides services for businesses with a special focus on small businesses.

Source: OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators

1. See www.tuempresa.gob.mx

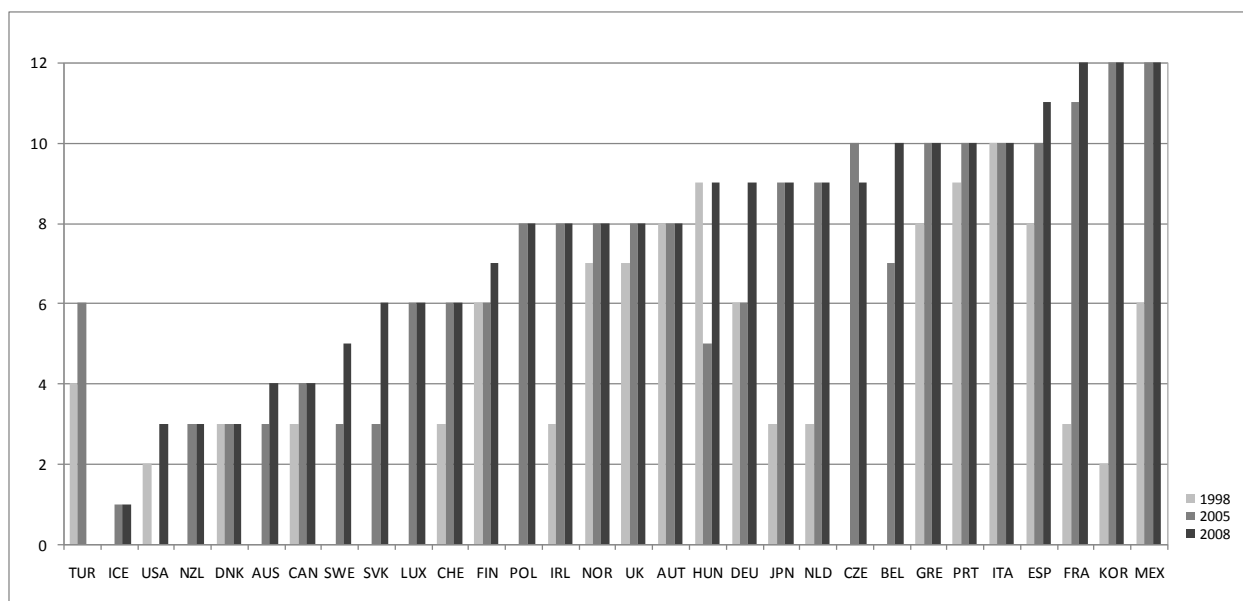
The following composite indicator summarises the answers given to the questions in the preceding figure for every country. Countries commented significantly on the weights attributed to every question. Use of one-stop shops to either receive information on licences or accept notifications was weighted with 3. A weight of 2 was given to the use of a “silence is consent rule” as well as to the assessment of a decline in the aggregate number of licences and permits. Programmes to co-ordinate efforts at sub-national levels, the availability of a complete count of licences and permits with a programme to reduce them, received a weight of 1.

The results for the *ex post* analysis reveal striking differences across countries: a set of countries attached high priority to this approach while in others the use of *ex ante* tools was more prominent. Southern European countries, such as Greece, Spain, France, Italy and Portugal, together with Belgium, Korea and Mexico put significant emphasis on facilitating licences and permits. Australia, Canada, Denmark, Iceland, New Zealand, Sweden, Finland, Ireland, New Zealand, the United States and the EU made limited or nearly no use of such tools, as in 1998 and 2005. These tools were used to some extent at national level in countries such as Canada, Iceland, Sweden and the United Kingdom. However, for some countries, giving consideration only at national level, might give a biased impression on overall national efforts, as a significant share of licences and permits are awarded by sub-national authorities. Germany and the Slovak Republic report that their single contact points accept notifications and issue licences in 2008. This was not the case at the time of the 2005 survey.

This indicator reflects the intensity of the efforts invested in facilitating licences and permits, as well as one stop shops. Some of the countries which score low on this indicator may also feel that they do not necessarily need further investment, as they may already have abolished many underlying licence requirements and do not need to have a comprehensive reform programme. Countries which score high on the indicator are making significant investment in administrative simplification in order to improve their regulatory frameworks.

Figure 38. Facilitating licences and permits, one-stop shops

1998, 2005 and 2008



Note: This graph summarises information about the existence of some key elements for administrative simplification programmes in OECD member countries. It does not gauge whether these programmes have been effective. Data presented only for the 30 member countries as this question is not relevant for the European Union.

Questions:

Is a "silence is consent" rule used at all (*i.e.* that licences are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)?
 Are there single contact points ("one-stop shops") for getting information on licences and notifications?
 Are there single contact points for accepting notifications and issuing licences (one-stop shops)?
 Is there a programme underway to review and reduce the number of licences and permits required by the national government?
 Is there a complete count of the number of permits and licences required by the national government (all ministries and agencies)?
 Is there a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government?

Weights:

if yes, weight=2
 if yes, weight=3
 if yes, weight=3
 if yes, weight=1
 if yes, weight=2
 if yes, weight=1

Source: Question 11 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

For further details on countries' responses please see Table 18, Administrative licences and permits, in Annex I.

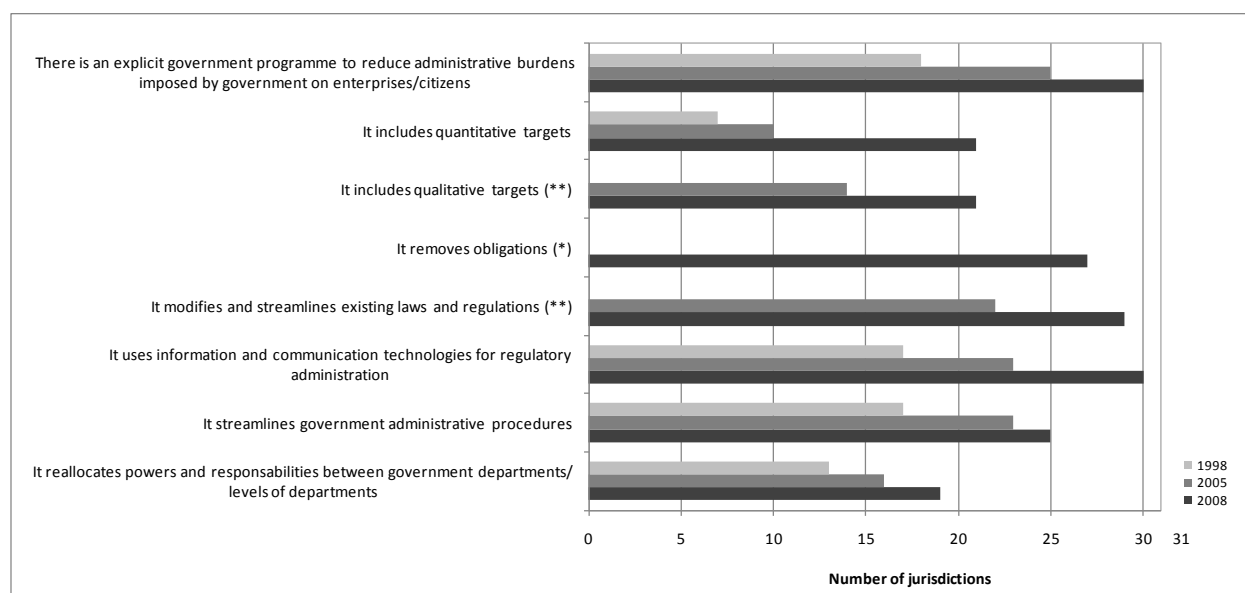
Administrative burden reduction programmes and measurement

The area of burden reduction and in particular the area of burden measurement is one where many advances have been made over the period 2005-2008. The 2008 questionnaire therefore included a series of new questions related to the measurement of administrative burdens, the results of which will be presented at the end of this chapter. To analyse the trends over time, this section will first consider the limited dataset which draws on questions common to 2005 and 2008.

Figure 39 sheds additional light on the diffusion of the programmes for cutting red tape across OECD member countries and the EU between 1998 and 2008. This is acknowledged as a priority by many countries. In 2008, all countries reported having a programme to reduce administrative burdens imposed by government on enterprises and, or citizens, with the exception of Finland which has developed an action plan for reducing administrative burdens on businesses for 2009-2012. The number of countries with targets for their reduction programmes evolved significantly over the last years. In 2005, only 10 jurisdictions had quantitative targets and 14 countries had qualitative targets in their programme. In 2008, 21 jurisdictions reported having quantitative targets and 21 jurisdictions reported having qualitative targets. For instance, Poland and the EU set burden reduction targets to cut burdens by 25%, by 2010, in Poland in seven priority areas and by 2012 in the EU. Fifteen jurisdictions reported having both types of targets. Countries further reported increasing the use of information and communication technologies for regulatory administration such as electronic databases over the last decade, so that they appear now to be a standard strategy for burden reduction among OECD member countries. For instance, the Czech Republic, Japan and Poland implemented recently Information and Communication technologies for regulatory administration strategy.

Figure 39. Reducing administrative burdens

1998, 2005 and 2008



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic. This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005-08.

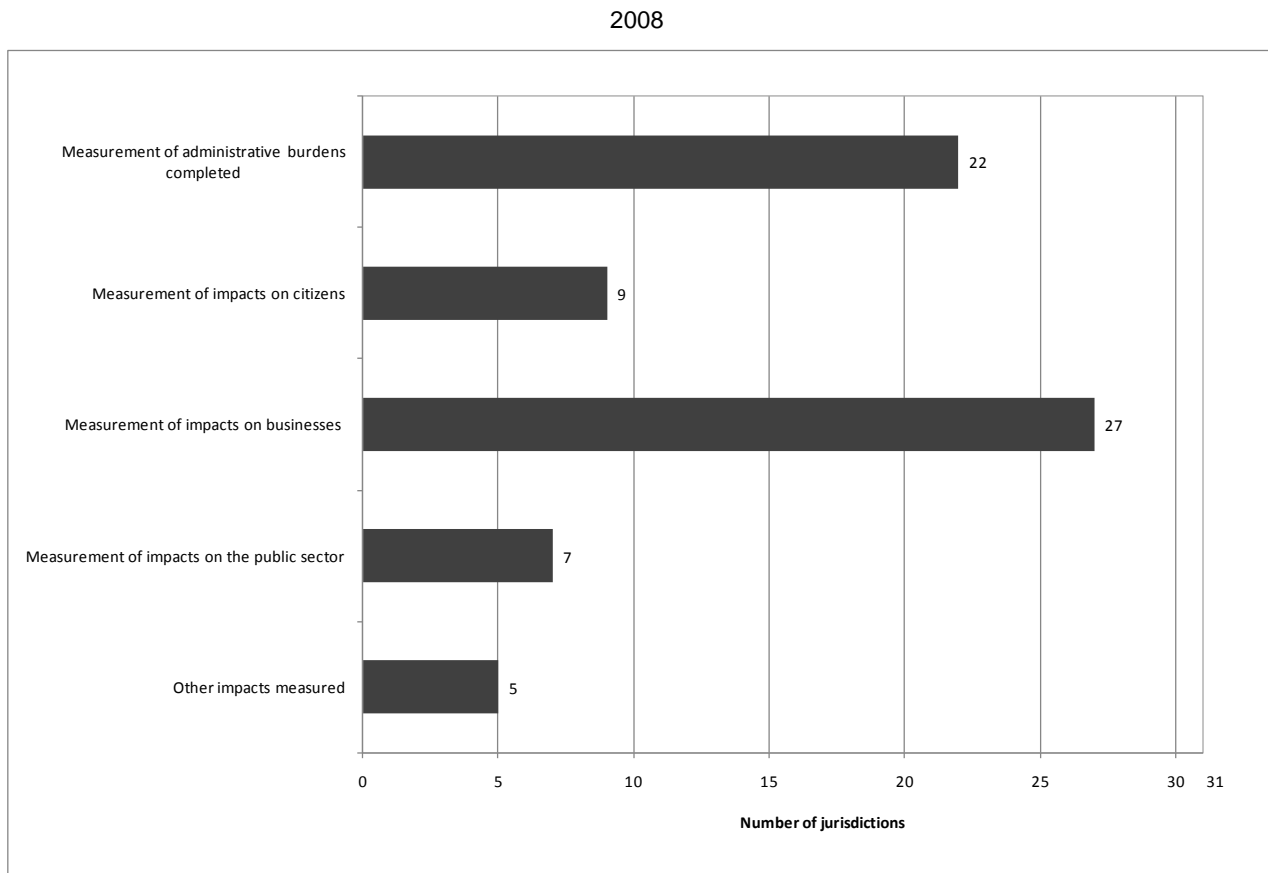
(*) No data are available prior to 2008.

(**) No data are available prior to 2005.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

The remaining figures on the measurement of administrative burdens are based on the more extensive 2008 survey. Results show that 27 countries and the EU carried out some measurement of the administrative burdens imposed on businesses. The agenda of measuring burdens on either citizens or the public sector is also expanding, with nine countries declaring that they had measured the impact on citizens, and seven on the public sector. Five countries reported to have completed a measurement on other sectors. In Germany, for instance, pilot projects were started, together with the regional and local levels of government, in the areas of parental allowance, housing benefits and of the Federal training assistance act (BAföG). Furthermore, an *ex ante* assessment of information obligations for citizens started at the beginning of 2009.

Figure 40. Measurement of administrative burdens and groups targeted



Notes: Data presented for the 30 OECD member countries and the European Union.

Source: OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

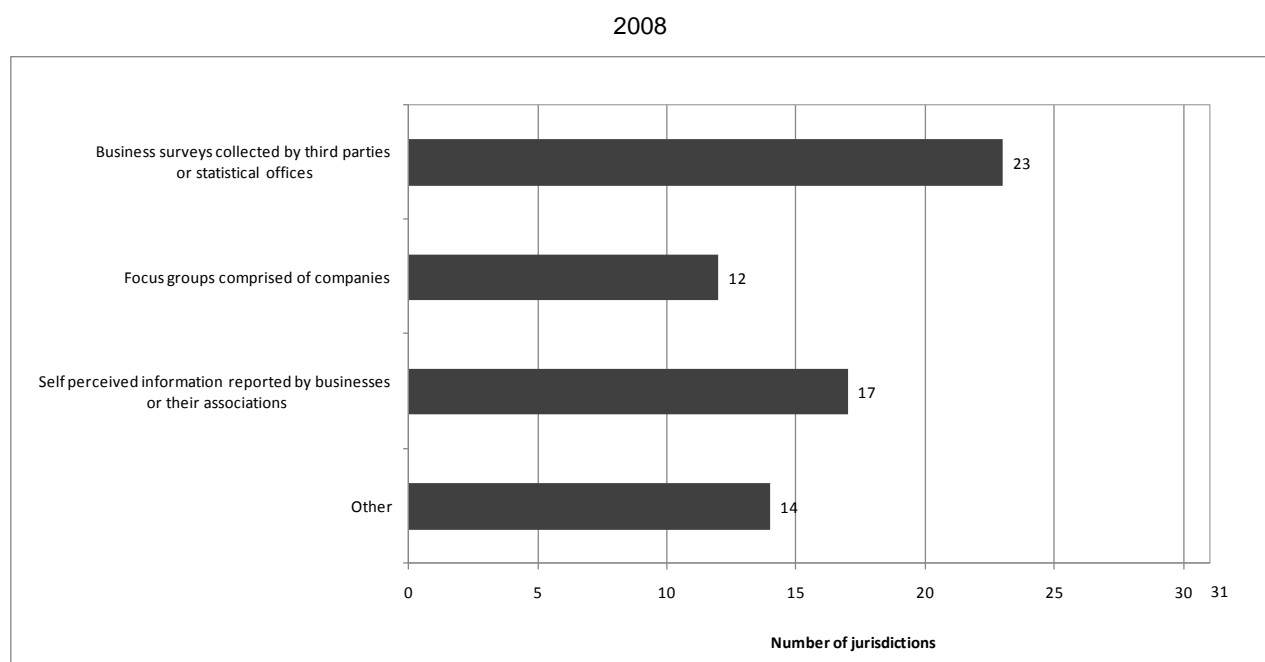
In terms of methodology the Standard Cost Model (SCM) has become a widely accepted methodology for measuring administrative burdens across OECD member countries. The SCM gives a detailed, precise measure of administrative burdens and allows governments to “set numerical targets for burden reduction and to measure progress towards these targets over time” (OECD, 2006a). The Dutch approach has had considerable impact on many countries across the OECD area, as three quarters of the countries either use the standard cost model directly, or some adaptation of it. In detail, 16 OECD member countries used the SCM and 11 countries and the EU used an adapted or modified version of it. While the standard cost model was designed to measure burdens on businesses, some countries have adapted it so that it includes burden measurement for citizens. For instance, in the Netherlands and Germany, the

standard cost model for citizens, measures the administrative burdens of citizens in time (in hours) and out-of-pocket costs (in euros). This widespread use of SCM based techniques shows the trend, among OECD member countries, towards the use of quantitative techniques in administrative burden assessment and reduction.

For further details on countries' responses please see Tables 19, Measurement of administrative burdens I, 20, Measurement of administrative burdens II, and 21, Measurement and reduction of administrative burdens, in Annex I.

Data collection mechanisms used by OECD member countries involved surveys conducted by third parties for 23 OECD member countries and focus groups in 12 jurisdictions, as shown in Figure 41. Seventeen OECD member countries reported relying on self-perceived information reported by businesses. Fourteen members report to use other means for collecting their data on administrative burdens. The recourse to external consultants is common. In Austria and Sweden, for instance, consultants conduct direct interviews with businesses. In Germany, the government has entrusted the Federal statistical office with measuring and assessing the administrative burden according to the SCM. This was also the choice made in Italy. This approach draws on the expertise and experience of the statistical office in data collection and analysis.

Figure 41. Mechanism used for data collection on administrative burdens



Notes: Data presented for the 30 OECD member countries and the European Union.

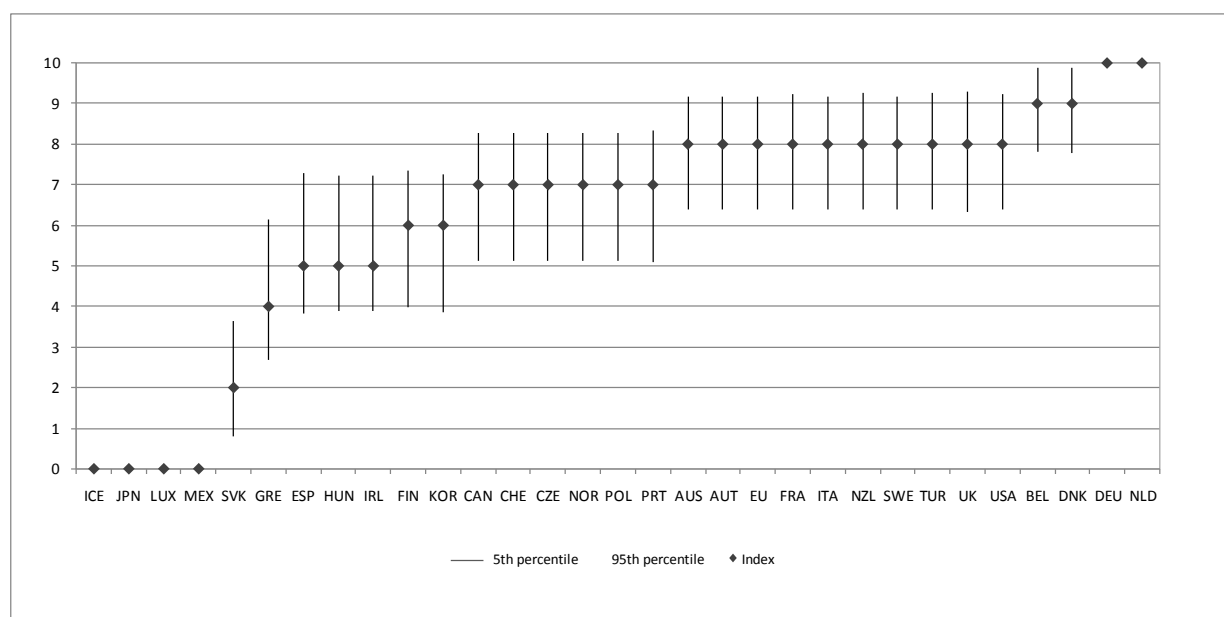
Source: OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

The scope of programmes for measuring administrative burdens varied considerably across countries and so did the costs. Norway estimates total costs related to the measurement of burdens at NOK 15 million (approximately EUR 1.7 million) and Sweden at EUR 4 million. Canada budgets CAD 1.75 million for each iteration of the survey of regulatory compliance, and Belgium estimates costs for its yearly burden measurement at EUR 800 000. The baseline measurement has cost EUR 1.5 million in Austria for administrative burdens on businesses, and EUR 750 000 in the Netherlands for administrative burdens on citizens. One burden measurement exercise confined to a specific segment of regulation and based on the SCM methodology was undertaken in Switzerland at the cost of EUR 60 000.

Some countries estimated progress in terms of actual burden reductions since measurements begun. To illustrate, France estimates to have reduced burdens so far by EUR 891 million, Denmark estimates the current reduction of burdens on businesses to be 10.1% compared with the 2001 baseline. Italy estimates cuts of burdens in the sectors of the environment, labour and social security, privacy, landscape and cultural heritage conservation and fire prevention at EUR 4.08 billion in total. Norway has measured the time that business employees are required to spend on reporting obligations, and estimates that administrative burdens have been reduced by 1 199 full-time equivalent employees since 1997; three quarters of which were reduced in the period 2005- 2007 mostly through the introduction of electronic reporting and a dedicated Internet portal for businesses. The remaining reporting obligations are estimated to impose a total administrative burden on businesses of almost 5000 full-time equivalent employees; equivalent to 0.3% of total business sector employment. Figure 42 summarises some of the information provided by countries on their administrative burden measurements. The completion of an administrative burden measurement received a weight of 2. A weight of 1 was assigned to the remaining sub-questions as detailed below the figure. Many European countries such as the Netherlands, Germany, Denmark, or Belgium have invested in the measurement of administrative burdens, partly influenced by the EU agenda. To illustrate, the Danish government, one of the front runners in the area of administrative burden reduction, has used the Standard Cost Model (SCM) to measure administrative burdens. Denmark has committed to a reduction of 25% between 2001 and 2010. A reduction of 15% was achieved by mid-2008 (OECD, 2009d). Germany had set a reduction target of 25% by 2011, and had already achieved a reduction of 15% by mid 2009. In the United Kingdom, the impact of Ministries' administrative reduction programme are quantified before they are implemented, using the administrative burden calculator which makes use of the baseline data. An external validation panel of business organisations and the trade unions validate the numbers. Not only European Union countries but also other countries such as the United States, New Zealand, or Australia have implemented extensive measurements of administrative burdens.

Figure 42. Measurement of administrative burdens

2008



Note: This graph summarises information about the existence of key elements for measuring administrative burdens in OECD member countries. It does not gauge whether these measurements have been effective.

Questions:

Has your country completed a measurement of administrative burdens imposed by government on enterprises and/or citizens?

If the answer is "yes":

Is there an embedded programme to update and repeat burden measurement?

Which groups are targeted in your measurement of administrative burdens?

Impacts on citizens

impacts on businesses

impacts on the public sector

Is the methodology applied:

Ex ante (prior to the introduction of the regulation)?

Ex post (after the regulation has been implemented)?

Does your methodology allow you to differentiate between various ministries or policy areas?

Does your methodology allow you to differentiate between administrative burdens imposed by different levels of government, *i.e.* supra, central and local government levels?

Weights:

No=0, Yes=2

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

Source: Question 12 / OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators

Some countries do not have comprehensive quantitative burden measurements, but rely on other methods to identify burdensome regulations. For instance, Japan reports using a biannual practice of soliciting requests for regulatory reform. Korea does not measure the whole administrative burden itself, but takes a "first-reduce, second-assess" approach, analysing the impact of the burden reduction initiative. For example, Korea reports reducing administrative burdens through the on-line system "Government for Citizen, (G4C)", and expects to save between USD 340 million and USD 510 million.

A large set of countries as well as the European Union were heavily engaged in administrative simplification strategies in 2008. Further analysis shows that those countries that are investing a great deal in burden reduction strategies are experiencing steep decreases in the restrictiveness of their product market regulations, which in turn is conducive to higher economic growth in the long term (Jacobzone *et al.*, 2009). Some countries have been committed to these efforts for over a decade now, which may also explain why certain countries have scaled down their efforts. Some countries may also put less emphasis on *ex ante* regulatory quality tools, and thus focus more on improving their stock of regulations *ex post* on a "curative" basis.

Complement: trends in the number of new laws and subordinate regulations

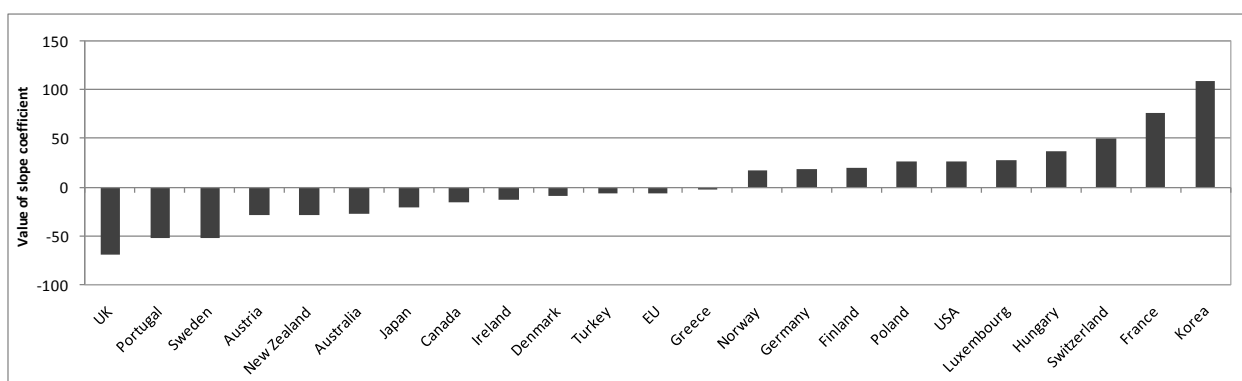
In many countries, trends in the number of new Laws and regulations are referred to in the policy debates on regulatory inflation and increasing burdens. While these measures present some drawbacks and have limitations, they may still prove useful to shed some light on the debate. The analysis is strictly limited to an overview of recent trends, as was the case in the previous OECD study (OECD 2007b). Preliminary results are presented in the box below.

Box 5. Number of new Laws and regulations at the federal/national level: some exploratory results

The data collected on the number of new regulations in the 2008 survey cover the period 2001 to 2007. As significant methodological differences exist in measuring the number of new Laws and subordinate regulations across countries, the analysis is limited to the trends. Previous country submissions covered the period 1997-2003/5. In some cases some changes of definitions occurred. To the extent feasible, trends over time were obtained through collating the time series and in some cases replotting the 2001-07 results using the initial submission. The 2005 and 2008 data submissions that were used for the graphs are presented in the annex. The results should be carefully interpreted. First, the numbers represent trends at the national level. In countries where considerable regulatory power is delegated to the regions, these numbers may not represent the situation in the country as a whole. Second, the causes leading to an increase in the number of Laws and regulations vary considerably across countries. The abolition of government monopolies, and opening up of markets for competition and private enterprises can for instance lead to an increase in the number of new regulations. Furthermore, the number of new Laws or regulations should be considered as a proxy. Another proxy could have been the number of pages in the national gazette for example, but this information was also subject to linguistic differences and would have been difficult to track consistently.

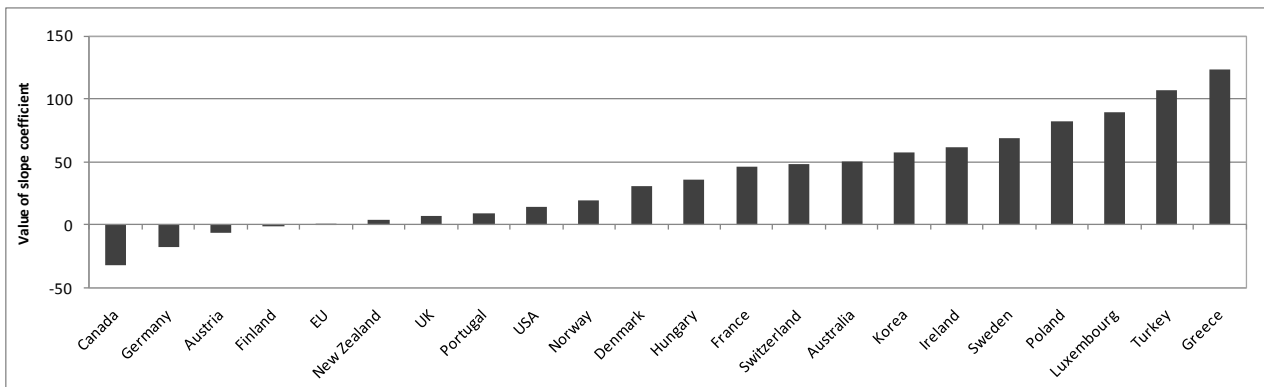
The analysis is presented separately for primary Laws and for subordinate regulations. As data availability varies across countries, the analysis was done for the whole period as well as for two sub periods to assess any changes in recent trends. The results over the whole period cover about two thirds of OECD countries. They tend to reveal a slight reduction in the number of new primary Laws for a limited group of countries where consistent information was available. However, some countries tended to experience significant increases in the number of their subordinate regulation, including Greece, Turkey, Luxembourg and Poland. Over the most recent period, Korea, and Italy are the countries which have experienced a significant increase in the number of new Laws (see following figures).

Trends in the number of new Laws (1997-2007)



Note: The figure shows the value of the slope coefficient of the curve for each country giving the number of new Laws over time. A negative coefficient indicates a reduction in these numbers while a positive coefficient indicates an increase. The actual numbers of Laws for each year are shown in Table 29 in Annex 1. All country values have been standardised to 100 in 2001. Slopes have been multiplied by 20. To illustrate, on average the number of new Laws has declined annually by about 1% in Denmark and more than 5% in the UK if the base year is 2001. The results for Korea need to be qualified as the data includes all the Laws, including new ones, modification for existing ones, and Laws to abolish previous Laws. Series begins in 1998 for Australia and 1999 for Austria.

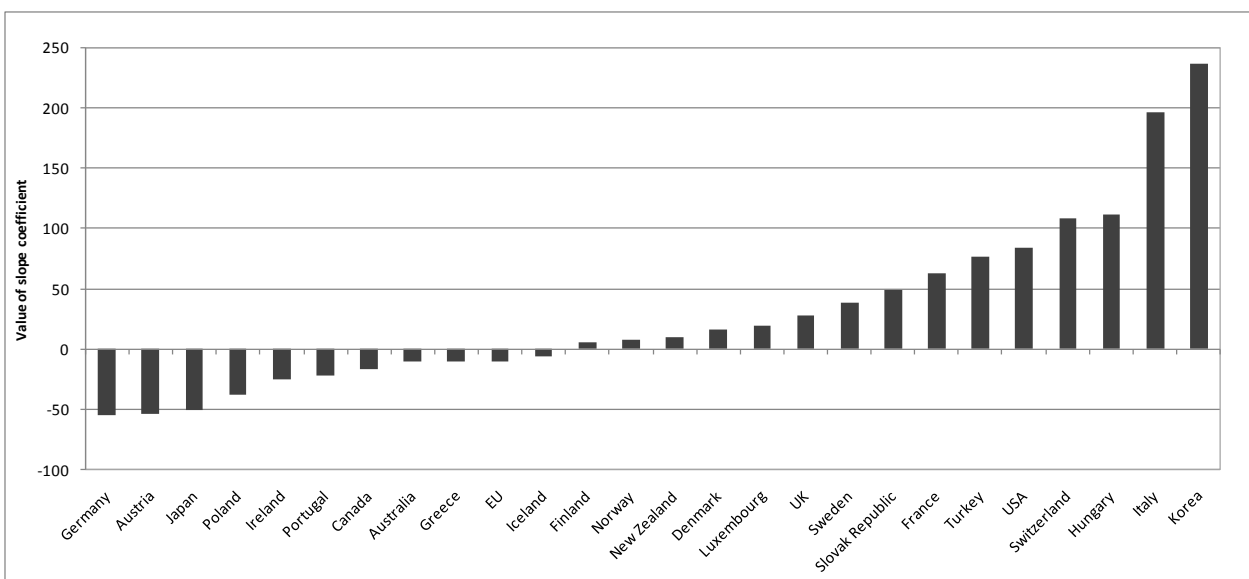
Trends in the number of new subordinate regulations (1997-2007)



Note: Figure shows the value of the slope coefficient of the curve for each country giving the number of new subordinate regulations over time. A negative coefficient indicates a reduction in these numbers while a positive coefficient indicates an increase. The actual numbers of subordinate regulations for each year are shown in Table 30 in Annex 1. Series begins in 1998 for Australia and 1999 for Austria.

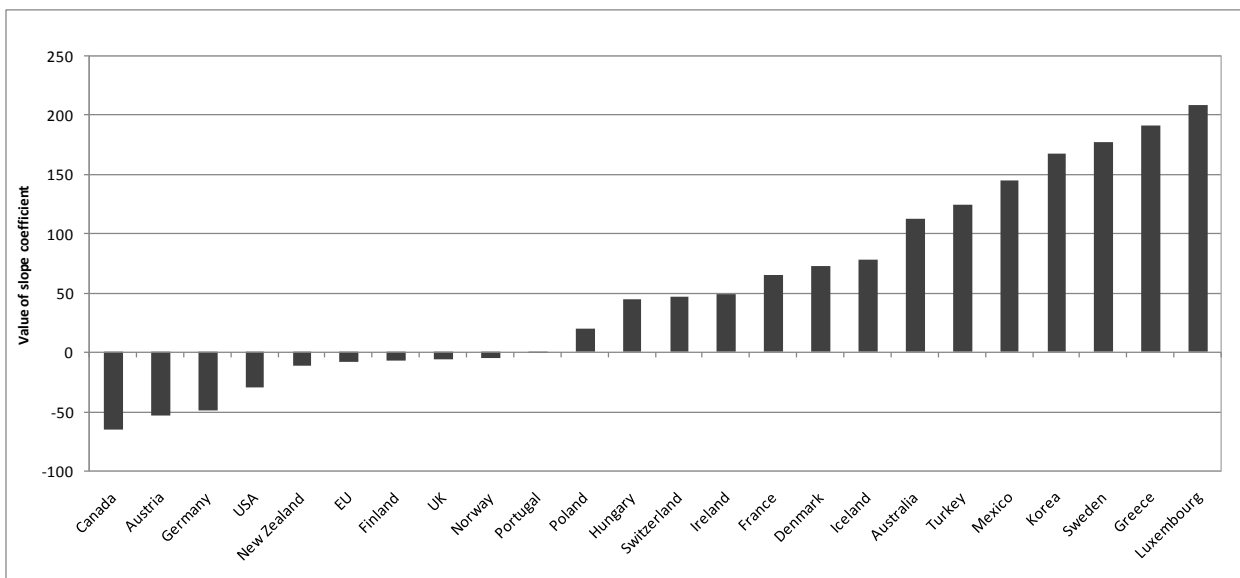
The analysis can be further extended by sub periods. The most recent trends (2001 to 2007), which cover 25 countries and the EU for primary laws and 23 countries and the EU for subordinate regulations, show a rather mixed picture: A slight majority of countries reported significant increases from 2001 to 2007 in primary laws. With respect to subordinate regulations, almost half of OECD countries experienced slight to significant increases.

Trends in the number of new laws (2001-07)



Note: The figure shows the value of the slope coefficient of the curve for each country giving the number of new Laws over time. A negative coefficient indicates a reduction in these numbers while a positive coefficient indicates an increase. The actual numbers of laws for each year are shown in Table 29 in Annex 1. All country values have been standardised to 100 in 2001.

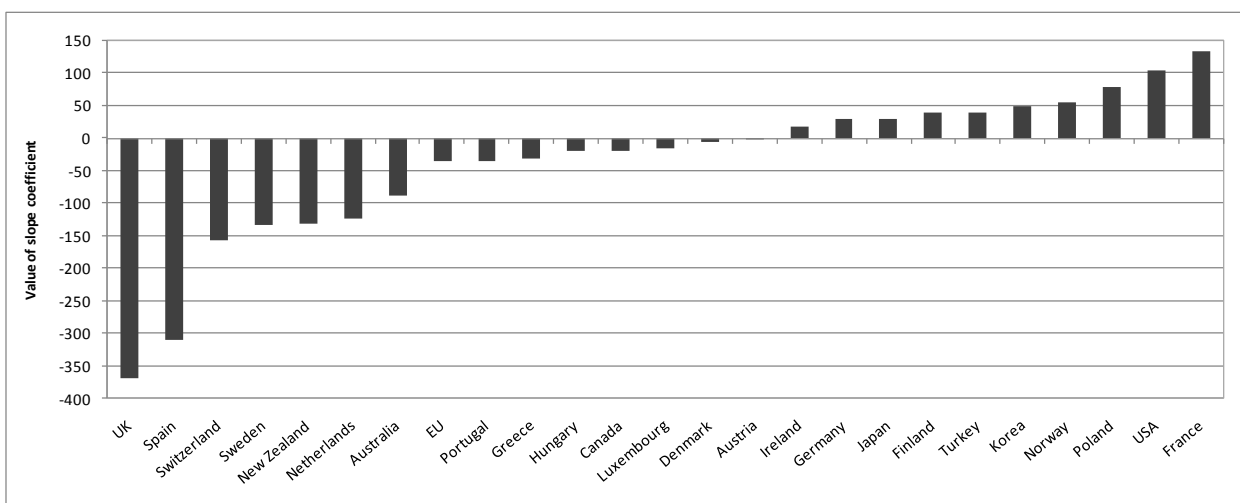
Trends in the number of new subordinate regulations (2001-07)



Note: Figure shows the value of the slope coefficient of the curve for each country giving the number of new subordinate regulations over time. A negative coefficient indicates a reduction in these numbers while a positive coefficient indicates an increase. The actual numbers of subordinate regulations for each year are shown in Table 30 in Annex 1.

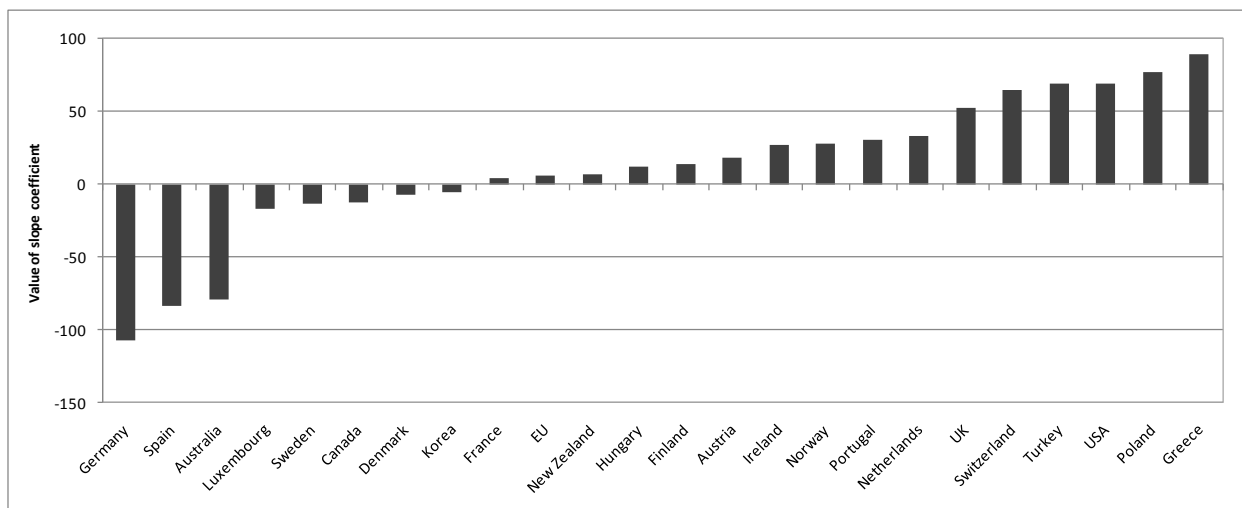
The recent trends compare with more significant reductions in the late 90s. For the period 1997 to 2001, data is available for more than two third of OECD countries and the EU. The data indicate some significant decreases for primary laws and a mixed picture for subordinate regulations (see following figures).

Trends in the number of new laws (1997-2001)



Note: The figure shows the value of the slope coefficient of the curve for each country giving the number of new Laws over time. A negative coefficient indicates a reduction in these numbers while a positive coefficient indicates an increase. The actual numbers of laws for each year are shown in Table 29 in Annex 1. All country values have been standardised to 100 in 2001. Series begins in 1998 for Australia and 1999 for Austria.

Trends in the number of new subordinate regulations (1997-2001)



Note: Figure shows the value of the slope coefficient of the curve for each country giving the number of new subordinate regulations over time. A negative coefficient indicates a reduction in these numbers while a positive coefficient indicates an increase. The actual numbers of subordinate regulations for each year are shown in Table 30 in Annex 1. Series begins in 1998 for Australia and 1999 for Austria.

General Note: The data presented above is limited to the illustration of trends at the national level. Levels should not be compared across countries. Please see Annex 1, Tables 29 and 30 for details about countries' methodological methods for measuring the number of new laws and regulations.

Further reading:

Jacobzone S., F. Steiner and E. Lopez Ponton (2009), *Analytical Assessing the Impact of Regulatory Management Systems, Preliminary Statistical and Econometric Estimates, Public Governance*, OECD Papers on Public Governance, OECD, Paris.

OECD (2002a), *Regulatory Policies in OECD Countries: From Interventionism to Regulatory Governance*, Chapter 4, Paris

OECD (2003b), *From Red Tape to Smart Tape: Administrative Simplification in OECD Countries*, Paris

OECD (2006a), *Cutting Red Tape: National Strategies for Administrative Simplification*, Paris

OECD (2007d), *Cutting red tape: Administrative simplification in the Netherlands*, Paris.

OECD (2007e), *Cutting Red Tape: Comparing Administrative Burdens Across Countries*, OECD, Paris.

OECD (2009d), “Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union, European Commission and OECD”, Paris, www.oecd.org/regref/eu15

OECD (2009m), *Overcoming Barriers to Administrative Simplification Strategies: Guidance for Policy Makers*, Paris.

OECD country reviews on regulatory reform are available at www.oecd.org/regreform

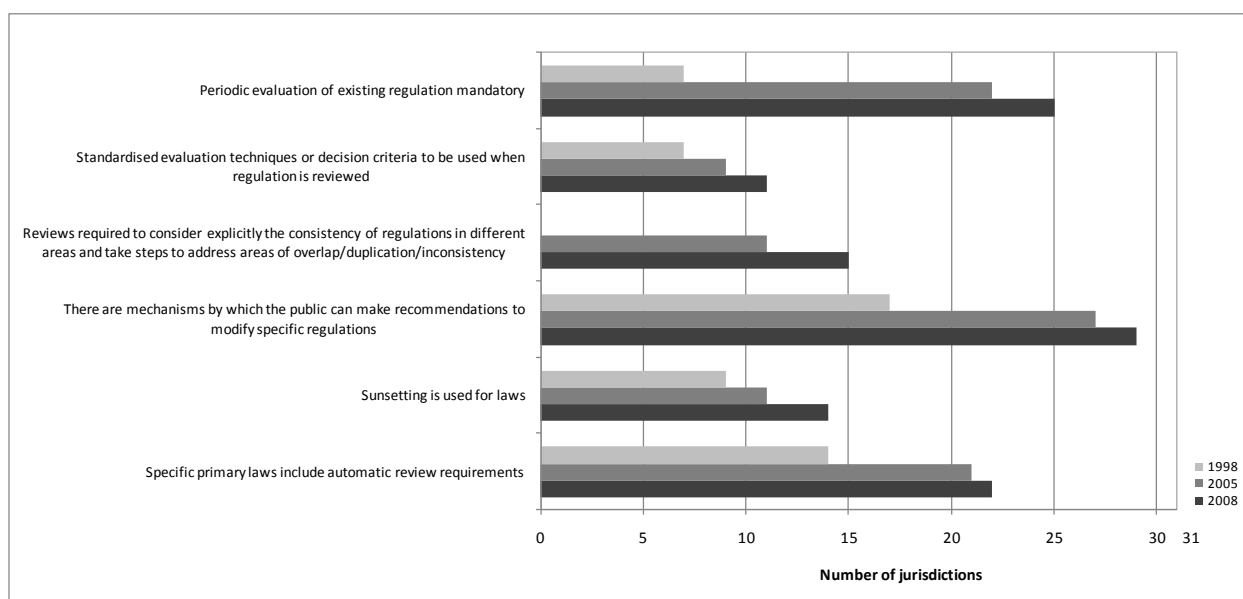
Ex post regulatory review and evaluation

As countries increasingly adopt comprehensive regulatory policies in dynamic frameworks, the mechanism for evaluation and update of regulations becomes increasingly important (OECD, 2007b). Benefits from systematic regulatory reviews are likely to be most apparent in sectors or areas where change is most rapid. The increasing inclusion of mandated review provisions in primary laws may reflect the rapidly changing legal and economic environment of industries such as communications and IT. Gains are also likely to be found in areas of regulatory growth. In some countries, such as France or Italy, these reviews are also associated with the tradition of codification, where codification is also used as a tool for simplification, going beyond the mere consolidation of existing sets of rules

The number of countries adopting mechanisms for regulatory review and evaluation has evolved significantly over the last decade (see Figure 43). In particular, most OECD member countries report now having mandatory periodic evaluation of existing regulation, automatic review requirements for specific primary laws and mechanisms by which the public can make recommendations to modify existing regulation. Sunsetting clauses are less popular, though still growing.

Figure 43. Regulatory review and evaluation

1998, 2005 and 2008



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic.

This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005/2008.

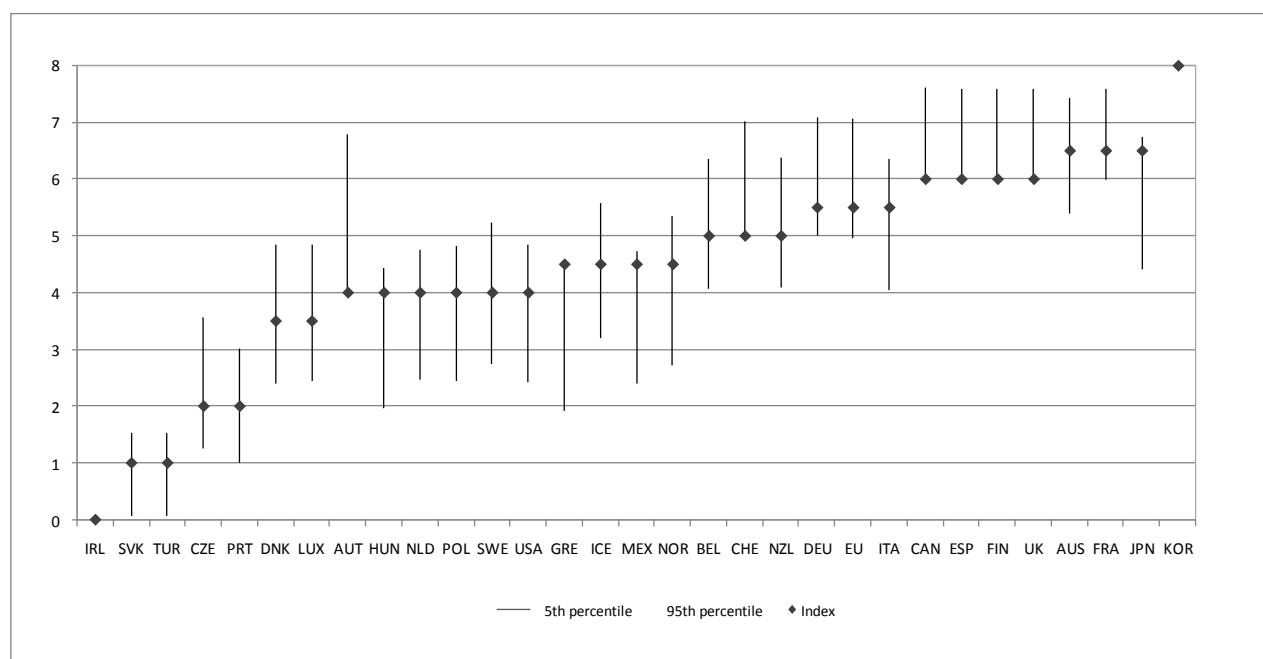
(*) No data are available prior to 2005.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

Figure 44 summarises the answers provided by countries to the questions on dynamic process of evaluation. It shows significant variation across OECD member countries in 2008. Australia, Canada, Finland, France, Japan, Korea, Spain and the UK appear to be among those countries that place significant emphasis on *ex post* evaluation and update. To illustrate, Korea reports that any citizen and business can make suggestions and demand regulatory improvements on all Korean regulations on the website of the Regulatory Reform Committee.

Figure 44. Dynamic process of evaluation and update of regulations

2008



Note: This graph summarises information about dynamic processes of update and evaluation of existing regulations in OECD jurisdictions. It does not gauge whether the efforts made by these countries have been effective.

Questions:

Is periodic *ex post* evaluation of existing regulation mandatory?

Are there standardised evaluation techniques or criteria to be used when regulation is reviewed?

Are reviews required to consider explicitly the consistency of regulations in different areas and take steps to address areas of overlap/duplication/inconsistency?

Are there mechanisms by which the public can make recommendations to modify specific regulations?

If the answer is "yes", please specify:

- Electronic mailboxes

- Ombudsman

Is sunseting used for primary laws?

Is sunseting used for subordinate regulations?

Do specific primary laws include automatic review requirements?

Does subordinate regulation include automatic review requirements?

Weights:

No=0, For specific areas=1, For all policy areas=2

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

If yes, weight=0.5

If yes, weight=0.5

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

No=0, Yes=0.5

Source: Question 17 / OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators

OECD member countries significantly increased the range of techniques used to improve the quality of regulation *ex post*, with significant variation across countries. These efforts go often hand in hand with the reduction of regulatory burdens.

For further details on countries' responses please see Table 27, Ex post regulatory review and evaluation, in Annex 1.

Further reading:

Jacobzone S., F. Steiner and E. Lopez Ponton (2009), “Analytical Assessing the Impact of Regulatory Management Systems, Preliminary Statistical and Econometric Estimates”, Public Governance, *OECD Papers on Public Governance*, OECD, Paris.

OECD (2007e), *Cutting Red Tape: Comparing Administrative Burdens across Countries*, OECD, Paris.

OECD (2009d), “Better Regulation in Europe: An Assessment of Regulatory Capacity in 15 Member States of the European Union, European Commission and OECD”, Paris, www.oecd.org/regref/eu15

OECD country reviews on regulatory reform are available at www.oecd.org/regreform

CONCLUSION

The results of this report show progressive consolidation of regulatory management systems across the OECD area. Regulatory policy is now acknowledged in its own right and most countries have core processes that aim to assess the impact of new regulations and consider possible alternatives, compliance and enforcement issues. Many are committed to broad administrative simplification strategies. A number of jurisdictions report significant progress in several key areas over the very recent years.

The field of regulatory reform and management is highly dynamic. The frontier itself keeps moving, as most countries innovate and continue to improve their systems. The 2008 set of indicators presents significant differences in the focus and scope of countries' regulatory management systems. Countries still differ significantly with respect to their institutional capacities for managing regulatory reform, the extent and depths of their RIA and consultation processes. The efforts to measure and streamline administrative burdens which have been pioneered by some countries are also gradually being taken up by a wider group, with however significant differences in practical application. The results illustrate the diversity of countries' strategies. This may reflect where some countries have deliberately selected one tool, or set of tools, for improving regulatory quality over other tools, or administrative history and preference.

The indicators are useful for considering aggregate trends and comparing the circumstances of individual countries. They provide comparative data, which helps to develop the context for detailed assessment of countries, and complemented by detailed country-by country analysis the indicators can support broad analysis of trends across countries. An acknowledged limitation of the data is that it refers to institutional practices as reflected in administrative arrangements and procedures, but does not make an assessment of how these procedures are implemented in practice or whether they are effective in achieving their stated aims. Accordingly, a closer more focused analysis of country practices will be required to form specific country assessments.

A number of areas for potential analysis remain. Further work is required to strengthen the understanding of the interplay of regulatory management systems with the quality of regulations and economic outcomes. An area for future research includes assessing the potential contribution of perception surveys of citizens' and businesses' views on the impact of regulations and its perceived quality. This information is fully complementary to the process-based indicators of regulatory management systems. Furthermore, as the use of RIA becomes more common in OECD countries, in-depth assessments of the quality of RIA products, would enable countries to benefit from the experience of peer countries and help to improve their RIA systems. More detailed indicators can also be complementary to a number of contemporary analytical issues. Potential areas for consideration by delegates include ex-post analysis, the use of risk assessment in RIA, the role of parliaments, the regulatory capacity at a sub national level, and issues related to compliance and enforcement. Depending on the needs of specific analytical projects, more focused and specific data could be collected, either for all OECD countries or a subset of countries.

NOTES

1. See the 2008 OECD policy brief on Measuring Regulatory Quality at:
<http://oecd.org/dataoecd/38/13/40395187.pdf> (OECD, 2008b)
2. This chapter draws on and builds on previous working papers (OECD [2007b] and OECD [2007c])
3. The general pattern stayed the same though, as some preliminary principal component analysis shows.
4. Mr. Rex Deighton Smith, who was involved in the preparation of the initial questionnaire.
5. These latter elements relating to independent regulators were described and analysed separately following an independent inventory in 2003, with some descriptive data presented in OECD 2005.
6. More analysis is currently on the way. Detailed comparative tables on Regulatory Oversight Bodies will be prepared on the basis of the Indicators survey as well as additional sources.
7. For further information, please see the EU-15 review of the Netherlands. “Better Regulation in the Netherlands”, OECD, 2009. *<http://www.oecd.org/dataoecd/0/13/43307757.pdf>*, (OECD, 2009h).
8. See OECD (2009f), *Strengthening the Institutional Settings for Regulatory Reform: Allocating Responsibility for Regulatory Quality*, GOV/PGC/REG(2009)5.
9. OECD, 2003a, 2005b and 2009n.
10. See *www.regulation.gc.ca/docs/consultation/guidelines_e.pdf*.
11. *www.betterregulation.ie/eng/Publications/Launch_of_the_Report_on_RIA_Guidelines_on_Consultation,_Farmleigh_11_July_2005.html*.
12. See also OECD, 2003 chapter on Citizen Engagement and trust.
13. More information on alternatives is available in the OECD 2002 Flagship report, Annex 2, use of alternatives and in (GOV/PGC/REG(2006)9).
14. This chapter is partly based on: OECD (2009e), “Regulatory Impact Analysis: A Tool for Policy Coherence”
15. OECD (1999), *OECD Reviews of Regulatory Reform – Regulatory Reform in the United States*, Paris.
16. For further information, please see the EU-15 review of the Netherlands. “Better Regulation in the Netherlands”, OECD, 2009, *www.oecd.org/dataoecd/0/13/43307757.pdf*.
17. This section has also been included in OECD (2009o), *Government at a glance*.

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ANNEX 1. TABLES

Table 1. Regulatory Policies 2008

Question 1

	Published regulatory policy promoting government-wide regulatory reform or regulatory quality improvement					Main motives for regulatory reform						
	Exists	It establishes explicit objectives of reform	It sets out explicit principles of good regulation	It establishes specific responsibilities for reform at the ministerial level	Year it was introduced or last substantially revised	Need to boost competitiveness and growth	International commitment	Domestic policy agenda	Improve social welfare	Reduce the burden on business	Other	No main motive is explicitly identified
Australia	Y	Y	Y	Y	2008	Y	N	Y	Y	Y	Y	N
Austria	Y	Y	Y	N	2007	Y	Y	Y	Y	Y	Y	...
Belgium	Y	Y	N	Y	...*	Y	Y	Y	Y	Y	...	...
Canada	Y	Y	Y	Y	2007	Y	Y	Y	Y	Y	N	N
Czech Rep.	Y	Y	Y	Y	2007	Y	N	Y	N	Y	Y	N
Denmark	Y	Y	Y	Y	2007/2008	Y	N	Y	Y	Y	Y	N
Finland	Y	Y	Y	Y	2007	Y	Y	N	Y	Y	Y	N
France	Y	Y	Y	Y	2006-2008	Y	Y	Y	Y	Y	...	...
Germany	Y	Y	Y	Y	2006	Y	Y	Y	N	Y	...	...
Greece	Y	Y	Y	Y	2006	Y	...	...	...	Y	...	...
Hungary	N	...	...	...	...	Y	Y	N	...	Y	...	...
Iceland	Y	Y	Y	Y	2006	Y	N	N	Y	Y	...	...
Ireland	Y	Y	Y	Y	2004	Y	Y	Y	...	Y	...	N
Italy	Y	Y	Y	Y	revised in 2007	Y	Y	Y	...	Y	...	...
Japan	Y	Y	Y	Y	2007	Y	Y	Y	Y	Y	N	N
Korea	Y	Y	Y	Y	every year	Y	N	Y	Y	Y	Y	N
Luxembourg	Y	Y	N	Y	2004	Y	Y	Y	...	Y	...	...
Mexico	Y	Y	Y	Y	2000	Y	N	Y	Y	Y	...	...
Netherlands	Y	Y	Y	Y	2007	Y	Y	Y	Y	Y	...	...
New Zealand	Y	N	Y	N	introduced 1997/ revised 2007	Y	Y	Y	Y	Y	...	...
Norway	N	...	...	...	...	Y	Y	Y	...	Y	...	...
Poland	Y	Y	Y	Y	Revised 2007	Y	Y	Y	Y	Y	...	...
Portugal	Y	Y	Y	Y	2006	Y	Y	Y	N	Y	...	N
Slovak Rep.	Y	Y	Y	Y	2007	...	...	...	...	Y	...	...
Spain	Y	Y	Y	Y	2008	Y	Y	Y	Y	Y	Y	...
Sweden	Y	Y	Y	Y	2006	Y	Y	Y	N	Y	N	N
Switzerland	Y	Y	N	Y	2002 / revised 2008	Y	Y	Y	...	...	Y	...
Turkey	Y	Y	Y	Y	2006	Y	Y	Y	Y	...	...	...
UK	Y	Y	Y	Y	2005	Y	Y	Y	Y	Y	...	...
USA	Y	Y	Y	Y	2004	Y	N	Y	Y	Y	N	N
EU	Y	Y	Y	N	2008	Y	Y	Y	Y	Y	Y	N

Notes: "Y": Yes. "N": No. "...": Non applicable or missing .

*the policy priorities and strategy remain the same (simplification, reform, administrative burden reduction, use of e-gov, public sector efficiency...) but the accents might differ from one legislature to another.

Table 2. Regulatory Policies: Group lobbying for, or in favour of, the regulatory reform agenda, 2008

Question 1

	Government itself	Large businesses (or their associations)	Small businesses (or their associations)	Consumer organisations	Citizens, national opinion	International Organisations	Welfare groups	Environment groups	Think tanks	Other
Australia	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Austria	Y	Y	Y	...	Y	Y	...	...	...	...
Belgium	Y	Y	Y	...	Y	Y	Y	...	...	...
Canada	Y	Y	Y	N	Y	Y	N	N	Y	N
Czech Rep.	Y	Y	Y	Y	Y	Y	N	N	Y	...
Denmark	Y	Y	Y	N	Y	N	N	N	Y	Y
Finland	Y	Y	Y	Y	Y	N	Y	N	N	Y
France	Y	Y	Y	Y	Y	Y	N	Y	N	N
Germany	Y	Y	Y	N	N	Y	N	N	Y	N
Greece	...	Y	...	...	Y	Y	...	...	Y	...
Hungary	N	Y	Y	N	N	Y	...	...	...	...
Iceland	Y	Y	Y	N	N	N	N	...	...	...
Ireland	Y	Y	Y	Y	Y	Y	...	...	...	...
Italy	Y	Y	Y	Y	Y	Y	...	...	Y	...
Japan	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Korea	Y	Y	Y	N	Y	Y	N	N	Y	N
Luxembourg	Y	Y	Y	...	...	Y	...	...	...	...
Mexico	Y	Y	Y	Y	Y	Y	Y	Y	Y	...
Netherlands	Y	Y	Y	...	Y	Y	...	...	Y	...
New Zealand	Y	Y	Y	Y	Y	Y	...	...	Y	...
Norway	Y	Y	Y	...	N	Y	...	...	...	...
Poland	Y	Y	Y	Y	Y	Y	Y	Y	Y	...
Portugal	Y	N	Y	N	Y	Y	N	N	Y	...
Slovak Rep.	Y	...	Y	...	Y	...	...	...	...	...
Spain	Y	Y	Y	Y	Y	Y	...	Y	...	Y
Sweden	Y	Y	Y	N	N	Y	N	N	Y	N
Switzerland	Y	...	Y	...	Y	Y	...	...	Y	...
Turkey	Y	Y	Y	Y	Y	Y	N	N	N	...
U. K.	Y	Y	Y	Y	Y	Y	Y	Y	...	...
USA	Y	Y	Y	N	Y	N	N	N	Y	N
EU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Notes: "Y": Yes. "N": No. "...":Non applicable or missing.

Table 3. Regulatory management and policy coherence, 2008

Question 2

	Formal processes for consultation		Body responsible for competition		Body responsible for trade		Body responsible for consumer policy				
	Exist when preparing new primary laws	Exist when preparing new subordinate regulations	Is usually consulted on new regulation	This consultation is mandatory	Is usually consulted on new regulation	This consultation is mandatory	Is usually consulted on new regulation	This consultation is mandatory	Other policy areas are involved	There is a formal requirement that regulators consider comparable international standards and rules before setting new domestic standards	Regulators are required to explain the rationale for diverting from international standards when country specific rules are proposed
Australia	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
Austria	Always	Always	Always	No	Always	No	Always	No	In some cases	No	No
Belgium	Always	Always	Always	Always	In some cases	In some cases	In some cases	In some cases	...	In some cases	In some cases
Canada	Always	Always	Always	No	Always	Always	Always	No	In some cases	Always	Always
Czech Rep.	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always	No
Denmark	Always	In some cases	Always	Always	Always	Always	Always	Always	Always	In some cases	In some cases
Finland	Always	Always	In some cases	No	In some cases	No	In some cases	No	In some cases	Always	Always
France	Always	Always	Always	In some cases	Always	Always	Always	Always	Always	No	In some cases
Germany	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
Greece	In some cases	In some cases	In some cases	In some cases	In some cases	In some cases	In some cases	In some cases	No	Always	Always
Hungary	Always	Always	In some cases	In some cases	In some cases	In some cases	In some cases	In some cases	In some cases	No	No
Iceland	In some cases	In some cases	In some cases	No	In some cases	No	In some cases	No	No	No	No
Ireland	Always	Always	Always	Always	Always	Always	Always	Always	Always	No	No
Italy	In some cases	Always	Always	No	Always	No	Always	No	Always	In some cases	In some cases
Japan	Always	No	In some cases	In some cases	In some cases	In some cases	In some cases	In some cases	In some cases	In some cases	No
Korea	Always	Always	Always	Always	Always	Always	Always	Always	In some cases	Always	Always
Luxembourg	In some cases	In some cases	No	...	No	...	In some cases	No	In some cases	No	Always
Mexico	In some cases	Always	Always	No	Always	No	Always	No	Always	In some cases	In some cases
Netherlands	Always	Always	Always	No	Always	No	Always	No	No	No	No
New Zealand	Always	Always	Always	Always	Always	Always	Always	Always	Always	In some cases	In some cases
Norway	Always	Always	Always	Always	Always	Always	Always	No	Always	In some cases	No
Poland	Always	Always	Always	Always	Always	Always	Always	Always	In some cases	Always	Always
Portugal	In some cases	In some cases	Always	No	In some cases	No	In some cases	No	Always	In some cases	In some cases
Spain	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
Slovak Rep.	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
Sweden	Always	Always	Always	Always	Always	Always	Always	Always	Always	In some cases	In some cases
Switzerland	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always	In some cases
Turkey	Always	In some cases	Always	Always	Always	Always	Always	Always	...	In some cases	In some cases
UK	Always	Always	Always	Always	Always	In some cases	Always	Always	In some cases	In some cases	Always
USA	Always	Always	Always	No	Always	No	Always	No	Always	No	No
EU	Always	Always	Always	Always	Always	Always	Always	Always	Always	In some cases	In some cases

Notes: "...":Non applicable or missing.

Table 4. Forward planning and appeal processes, 2008

Question 3

	Forward Planning				Appeal processes										Elements of the regulatory policy and subject to judicial review
	Periodical publication of a list of primary laws to be prepared, modified, reformed or repealed in the next six months or more	It is available to the public via the internet to ensure its publicity	Periodical publication of a list of subordinate regulations to be prepared, modified, reformed or repealed in the next six months or more	It is available to the public via the internet to ensure its publicity	There is an administrative review by the regulatory enforcement body	There is an administrative review to an independent body	There is a judicial review	There has been an evaluation of the effective functioning of appeals processes in terms of possible costs and delays	There has been a programme to facilitate appeal processes in the past five years	Program relates to the costs to appellants	Program relates to the length of delays for appeals	Program relates to the number of stages for appeal	Other		
Australia	Y	Y	Y	Y	Y	Y	Y	N	N	...	...	...	...	N
Austria	Y	Y	N	N	N	Y	Y	N	N	...	...	...	...	N
Belgium	Y	Y	N	...	Y	Y	Y	Y	Y	N	Y	Y	...	N	
Canada	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	
Czech Rep.	Y	Y	N	...	Y	Y	Y	Y	Y	N	Y	Y	N	N	
Denmark	Y	Y	N	N	Y	Y	Y	N	N	...	...	...	...	Y
Finland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
France	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	
Germany	Y	Y	N	...	Y	Y	Y	N	Y	...	...	Y	...	N
Greece	N	...	N	...	N	Y	Y	N	Y	Y	Y	Y	Y	N	
Hungary	Y	Y	Y	Y	N	N	Y	Y	Y	N	Y	N	N	N	
Iceland	Y	Y	N	N	Y	Y	Y	N	N	...	...	...	...	N
Ireland	Y	Y	N	...	Y	Y	Y	Y	N	...	...	...	...	N
Italy	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Japan	N	N	N	...	Y	Y	Y	N	N	...	...	...	...	N
Korea	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Luxembourg	N	...	N	...	Y	Y	Y	N	N	...	...	...	...	Y
Mexico	N	...	Y	Y	Y	Y	Y	N	N	...	...	...	...	N
Netherlands	N	...	N	...	Y	N	Y	Y	Y	N	Y	N	Y	N	
New Zealand	N	...	N	...	Y	Y	Y	N	N	...	...	...	...	Y
Norway	Y	Y	N	...	Y	Y	Y	N	N	...	...	...	...	N
Poland	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	N	
Portugal	N	...	N	...	Y	N	Y	Y	Y	Y	Y	Y	...	Y	
Slovak Rep.	Y	Y	Y	Y	Y	Y	Y	N	N	...	...	...	...	Y
Spain	N	...	N	...	Y	N	Y	N	N	...	...	...	...	Y
Sweden	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	
Switzerland	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	N	
Turkey	Y	Y	Y	Y	Y	N	N	N	N	...	...	...	...	N
UK	Y	Y	Y	Y	Y	Y	Y	...	N	...	...	...	...	Y
USA	Y	Y	Y	Y	Y	Y	Y	N	N	...	...	...	...	Y
EU	Y	Y	Y	Y	Y	N	Y	N	N	...	...	...	...	N

Notes: "Y": Yes. "N": No. "...":Non applicable or missing.

Table 5. Regulatory Processes 2008

Question 4

	Standard procedures by which the administration develops draft				
	Primary laws			Subordinate regulation	
	Exist	Are established in a formal normative document such as a law or a formal policy document, with a binding impact	Draft laws are to be scrutinised by a specific body within Government other than the department which is responsible for the regulation	Exist	Are established in a formal normative document such as a law or a formal policy document, with a binding impact
Australia	Y	Y	Y	Y	Y
Austria	Y	Y	Y	Y	Y
Belgium	Y	Y	Y	Y	Y
Canada	Y	Y	Y	Y	Y
Czech Rep.	Y	Y	Y	Y	Y
Denmark	Y	Y	Y	Y	Y
Finland	Y	Y	Y	Y	Y
France	Y	N	Y	Y	N
Germany	Y	Y	Y	Y	Y
Greece	Y	Y	Y	N	N
Hungary	Y	Y	Y	Y	Y
Iceland	Y	Y	N	Y	Y
Ireland	Y	Y	Y	Y	Y
Italy	Y	Y	Y	Y	Y
Japan	Y	N	Y	Y	N
Korea	Y	Y	Y	Y	Y
Luxembourg	Y	Y	Y	Y	N
Mexico	Y	Y	Y	Y	Y
Netherlands	Y	Y	Y	Y	Y
New Zealand	Y	Y	Y	Y	Y
Norway	Y	Y	Y	Y	Y
Poland	Y	Y	Y	Y	Y
Portugal	Y	Y	N	Y	Y
Slovak Rep.	Y	Y	Y	Y	Y
Spain	Y	Y	Y	Y	Y
Sweden	Y	Y	Y	Y	Y
Switzerland	Y	Y	Y	Y	Y
Turkey	Y	Y	Y	Y	Y
U. K.	Y	Y	Y	Y	Y
USA	Y	Y	Y	Y	Y
EU	Y	N	Y	Y	N

Notes: "Y": Yes. "N": No. "...":Non applicable or missing.

Table 6. Transparency, 2008

Question 5

	Primary laws			Subordinate regulation			A general policy requiring plain language drafting of regulation	Guidance on plain language drafting is issued
	Codification	There is a mechanism for regular updating of the codes or codified laws (at least yearly basis)	Public access via the Internet to the text	Publication of a consolidated register of all subordinate regulations currently in force	There is a provision that only subordinate regulations in the registry are enforceable	Public access via the Internet to the text		
Australia	N	...	Y	Y	Y	Y	Y	Y
Austria	Y	Y	Y	Y	Y	Y	Y	Y
Belgium	Y	N	Y	Y	N	Y	Y	Y
Canada	Y	Y	Y	Y	Y	Y	Y	Y
Czech Rep.	N	...	Y	Y	Y	Y	Y	N
Denmark	Y	Y	Y	Y	Y	Y	Y	Y
Finland	Y	Y	Y	Y	Y	Y	Y	Y
France	Y	Y	Y	Y	N	Y	Y	Y
Germany	Y	Y	Y	Y	Y	Y	Y	Y
Greece	Y	Y	Y	Y	Y	Y	Y	Y
Hungary	Y	Y	Y	Y	N	Y	Y	Y
Iceland	Y	Y	Y	N	N	Y	Y	Y
Ireland	Y	N	Y	Y	N	Y	Y	N
Italy	Y	Y	Y	N	N	Y	Y	Y
Japan	Y	Y	Y	Y	N	Y	Y	Y
Korea	Y	Y	Y	Y	Y	Y	Y	Y
Luxembourg	Y	N	Y	N	...	Y	N	N
Mexico	Y	Y	Y	Y	N	Y	Y	Y
Netherlands	N	...	Y	Y	N	Y	N	N
New Zealand	Y	Y	Y	Y	N	Y	Y	Y
Norway	Y	Y	Y	Y	N	Y	Y	Y
Poland	Y	Y	Y	Y	Y	Y	Y	Y
Portugal	N	N	Y	N	Y	Y	Y	Y
Slovak Rep.	Y	N	Y	N	N	Y	Y	N
Spain	Y	N	Y	N	...	Y	Y	Y
Sweden	Y	Y	Y	Y	Y	Y	Y	Y
Switzerland	Y	Y	Y	Y	Y	Y	Y	Y
Turkey	Y	Y	Y	Y	Y	Y	Y	Y
UK	Y	N	Y	Y	...	Y	N	...
USA	Y	Y	Y	Y	Y	Y	Y	Y
EU	Y	N	Y	Y	N	Y	Y	Y

Notes: "Y": Yes. "N": No. "...":Non applicable or missing.

Table 7. Provision of justification for regulatory actions, consideration of alternatives, 2008

Question 6

	Justifications			Guidance					
	Regulators are required to provide a written justification of the need for new regulation	Explicit decision criteria are used when justifying a new regulation	A risk assessment is required to be included as part of the written justification for the regulation	Guidance has been issued on the main rationales for the use of regulation	Economic tests	Acceptable risk thresholds	Improving regulation, repairing regulatory failure	Social goals, equity issues	Other rationales
Australia	Always	Always	Always	Y	Y	Y	Y	Y	N
Austria	Always	No	No	N	...	...	...	...	...
Belgium	Always	No	In some cases	N	...	...	...	...	...
Canada	Always	Always	In some cases	Y	N	N	N	N	Y
Czech Rep.	Always	Always	No	Y	Y	N	Y	Y	N
Denmark	In some cases	No	No	Y	Y	N	Y	N	Y
Finland	Always	Always	No	N	...	...	...	...	...
France	In some cases	In some cases	In some cases	Y	N	N	Y	Y	N
Germany	Always	Always	No	Y	Y	N	N	Y	Y
Greece	Always	Always	In some cases	Y	Y	N	Y	Y	N
Hungary	Always	No	In some cases	N	...	...	...	...	...
Iceland	In some cases	No	In some cases	N	...	...	...	...	...
Ireland	Always	Always	No	Y	Y	Y	Y	Y	...
Italy	Always	In some cases	In some cases	Y	Y	N	Y	Y	N
Japan	In some cases	No	No	Y	Y	N	Y	Y	Y
Korea	Always	Always	No	Y	Y	Y	Y	N	Y
Luxembourg	Always	No	No	N	...	...	...	...	...
Mexico	Always	Always	In some cases	Y	Y	N	Y	Y	Y
Netherlands	Always	Always	No	Y	Y	N	Y	Y	N
New Zealand	Always	Always	In some cases	N	...	...	...	...	...
Norway	Always	No	No	N	...	...	...	...	...
Poland	Always	Always	In some cases	Y	Y	N	Y	Y	...
Portugal	Always	No	No	N	N	N	N	N	N
Slovak Rep.	Always	Always	In some cases	Y	N	Y	Y	N	N
Spain	Always	Always	In some cases	Y	Y	N	N	Y	Y
Sweden	Always	In some cases	Always	Y	Y	Y	Y	Y	Y
Switzerland	Always	In some cases	No	Y	Y	N	N	N	N
Turkey	Always	In some cases	In some cases	Y	Y	Y	N	Y	Y
UK	In some cases	Always	In some cases	Y	Y	Y	Y	Y	Y
USA	Always	Always	In some cases	Y	Y	N	Y	Y	N
EU	Always	Always	In some cases	Y	Y	Y	Y	Y	Y

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 8. Provision of justification for regulatory actions, continued, 2008

Question 7

	Assessment of potentially feasible alternative policy instruments			Guidance on using alternative policy instruments						
	Regulators are required to assess alternative instruments before adopting new regulation	It is required to be provided in a written form	This written assessment is required to include more than one alternative	Has been issued	Topics addressed					
					Performance based regulation	Process (or management) based regulation	Co-regulation	Economic instruments	The use of Quasi regulatory guidelines as an alternative to regulation	Voluntary approaches
Australia	Always	Y	Y	Y	Y	Y	Y	Y	Y	Y
Austria	Always	Y	N	N	...	...	...	...	...	...
Belgium	In some cases	N	...	Y	Y	N	Y	Y	N	Y
Canada	Always	Y	N	Y	Y	N	N	Y	N	Y
Czech Rep.	Always	Y	N	Y	N	N	Y	Y	N	Y
Denmark	Always	N	...	Y	Y	Y	Y	Y	Y	Y
Finland	Always	Y	Y	Y	Y	Y	Y	Y	Y	Y
France	In some cases	...	...	Y	N	N	Y	Y	N	Y
Germany	Always	Y	N	Y	Y	Y	Y	Y	Y	Y
Greece	In some cases	Y	N	N	...	...	...	...	...	...
Hungary	In some cases	Y	Y	N	...	...	...	...	...	...
Iceland	Always	Y	N	N	...	...	...	...	...	...
Ireland	Always	Y	N	Y	Y	N	Y	Y	Y	Y
Italy	In some cases	...	...	Y	N	N	Y	Y	Y	Y
Japan	Always	Y	Y	Y	N	N	Y	Y	N	Y
Korea	Always	Y	N	Y	Y	Y	Y	Y	Y	Y
Luxembourg	In some cases	N	N	N	...	...	...	...	...	...
Mexico	In some cases	Y	Y	N	...	...	...	...	...	...
Netherlands	Always	Y	N	Y	Y	Y	Y	Y	Y	Y
New Zealand	Always	Y	N	Y	Y	Y	Y	Y	Y	Y
Norway	Always	N	...	N	...	...	...	...	...	...
Poland	Always	Y	N	Y	Y	Y	Y	Y	Y	Y
Portugal	In some cases	N	...	N	...	...	...	...	...	...
Slovak Rep.	In some cases	N	...	N	...	...	...	...	...	...
Spain	In some cases	N	...	N	...	...	...	...	...	...
Sweden	Always	Y	N	Y	N	N	N	Y	Y	Y
Switzerland	Always	Y	Y	Y	N	Y	N	Y	Y	Y
Turkey	In some cases	Y	Y	Y	N	N	Y	Y	Y	Y
UK	Always	Y	N	Y	Y	Y	Y	Y	Y	Y
USA	Always	Y	Y	Y	Y	Y	Y	Y	Y	Y
EU	Always	Y	N	Y	N	N	Y	Y	N	Y

Notes: "Y": Yes. "N": No. "...":Non applicable or missing.

Table 9. Compliance and enforcement, 2008

Question 8

	Regulatory policies explicitly require that the issue of securing compliance and enforcement be anticipated when developing new regulation	There are specific policies on developing compliance-friendly regulation	There is written guidance on compliance and/or enforcement issues made available to regulators	There is a policy on risk based enforcement
Australia	Y	Y	Y	Y
Austria	Y	Y	Y	N
Belgium	Y	Y	Y	Y
Canada	Y	Y	Y	Y
Czech Rep.	Y	N	N	N
Denmark	Y	Y	Y	Y
Finland	Y	Y	N	Y
France	N	...	...	N
Germany	Y	Y	N	...
Greece	N	N	N	N
Hungary	N	...	...	...
Iceland	Y	N	N	N
Ireland	Y	Y	Y	N
Italy	Y	Y	N	N
Japan	N	...	...	...
Korea	Y	Y	Y	N
Luxembourg	Y	N	N	N
Mexico	Y	N	Y	N
Netherlands	Y	Y	Y	Y
New Zealand	Y	Y	Y	Y
Norway	N	...	...	...
Poland	Y	Y	Y	N
Portugal	N	...	...	...
Slovak Rep.	Y	N	N	N
Spain	N	N	N	N
Sweden	Y	Y	Y	Y
Switzerland	Y	Y	Y	N
Turkey	Y	N	N	N
U. K.	Y	Y	Y	Y
USA	N	N	N	N
EU	Y	N	Y	N

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 10. Consultation procedures with affected parties, 2008

Question 9

	Primary laws				Subordinate Regulation			
		It is conducted				It is conducted		
	Public consultation with parties affected by regulations is a part of developing new draft primary laws	At the inception of the legal proposal*	During the drafting of the law	On an established law	Public consultation with parties affected by regulations is a part of developing new draft subordinate regulations	At the inception of the regulatory proposal**	During the drafting of a regulatory impact statement (RIS)	After a regulatory impact statement (RIS) is finalised
Australia	Always	Y	N	Y	Always	Y	N	N
Austria	Always	N	N	Y	Always	N	N	N
Belgium	In some cases	Y	Y	Y	In some cases	Y	Y	Y
Canada	Always	Y	Y	Y	Always	Y	Y	Y
Czech Rep.	Always	N	N	Y	Always	N	Y	Y
Denmark	Always	Y	Y	Y	Always	Y	Y	Y
Finland	Always	Y	Y	N	Always	Y	Y	Y
France	In some cases	Y	Y	Y	In some cases	Y	Y	N
Germany	Always	Y	Y	Y	Always	Y	Y	Y
Greece	In some cases	Y	Y	N	In some cases	N	Y	N
Hungary	Always	Y	Y	Y	Always	Y	Y	N
Iceland	In some cases	Y	Y	N	In some cases	Y	Y	N
Ireland	Always	Y	Y	N	In some cases	Y	Y	N
Italy	In some cases	N	Y	Y	In some cases	N	Y	Y
Japan	In some cases	Y	Y	N	Always	Y	Y	Y
Korea	Always	Y	Y	Y	Always	Y	Y	Y
Luxembourg	Always	Y	Y	N	Always	Y	N	N
Mexico	In some cases	Y	Y	Y	Always	Y	Y	Y
Netherlands	Always	Y	Y	Y	In some cases	Y	Y	Y
New Zealand	Always	Y	Y	N	Always	Y	Y	N
Norway	Always	N	Y	N	Always	Y	Y	Y
Poland	Always	Y	Y	N	Always	Y	Y	Y
Portugal	In some cases	N	Y	N	In some cases	N	Y	N
Slovak Rep.	Always	Y	Y	Y	Always	Y	N	N
Spain	Always	Y	Y	N	Always	Y	Y	Y
Sweden	Always	Y	Y	Y	Always	Y	Y	Y
Switzerland	Always	Y	Y	N	In some cases	Y	Y	N
Turkey	Always	N	Y	N	In some cases	N	Y	N
UK	Always	Y	Y	...	Always	Y	Y	N
USA	Always	Y	Y	Y	Always	Y	Y	N
EU	Always	Y	Y	N	Always	Y	Y	N

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

* "At the inception" is defined as "Before any document in the form of a law has been drafted".

** "At the inception" is defined as "Before any document in the form of a regulation has been drafted".

Table 11. Consultation procedures with affected parties: Primary laws, 2008

Question 9

				Forms of public consultations routinely used								Requirements for consultations							
	Consultation is mandatory	There are consultation guidelines	Consultation guidelines are mandatory	Informal consultation with selected groups	Broad circulation of proposals for comment	Public notice and calling for comment	Public meeting	Simply posting proposals on the internet	Advisory group	Preparatory public commission /committee	Other	Any member of the public can choose to participate in the consultation	Minimum period for allowing consultation comments inside government (Number of weeks)	Minimum period for allowing consultation comments by the public (Number of weeks)	The views of participants in the consultation process are made public	Regulators are required to respond in writing to the authors of consultation comments	The views expressed in the consultation process are included in the regulatory impact analysis	There is a process to monitor the quality of the consultation process	Guidance is available on how to conduct effective consultation
Australia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	0	0	Y	N	Y	Y	Y
Austria	N	Y	N	Y	Y	...	...	Y	Y	Y	...	Y	6	6	Y	N	Y	N	N
Belgium	Y	Y	Y	Y	...	N	N	...	Y	Y	Y	N	0	0	Y	N	Y	N	N
Canada	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	0	0	Y	N	Y	Y	Y
Czech Rep.	Y	Y	N	Y	Y	N	N	Y	N	N	N	Y	10	4	N	N	Y	N	Y
Denmark	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	...	Y	0	0	Y	N	N	N	N
Finland	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	4	4	Y	N	Y	N	Y
France	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	N	0	0	N	N	N	N	N
Germany	Y	Y	Y	Y	N	N	N	Y	Y	N	N	Y	4	0	N	N	N	N	Y
Greece	Y	N	N	Y	Y	Y	Y	Y	Y	Y	...	N	0	4	Y	N	Y	N	N
Hungary	Y	N	N	Y	Y	N	Y	Y	Y	Y	...	Y	2	2	Y	N	Y	N	N
Iceland	N	Y	N	Y	Y	Y	Y	Y	Y	Y	...	Y	0	2	N	N	Y	N	Y
Ireland	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	...	Y	0	0	Y	N	Y	N	Y
Italy	Y	N	N	Y	Y	N	Y	Y	Y	Y	...	N	0	0	N	N	N	N	N
Japan	N	N	N	Y	Y	Y	N	Y	N	N	N	Y	0	0	Y	N	Y	N	N
Korea	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	1.5	3	Y	Y	Y	N	Y
Luxembourg	Y	N	...	Y	...	Y	...	...	Y	...	...	N	0	0	Y	N	Y	N	N
Mexico	Y	Y	Y	Y	N	Y	Y	Y	N	N	N	Y	0	4	Y	Y	Y	N	N
Netherlands	N	N	N	Y	Y	Y	Y	Y	Y	...	...	N	0	0	Y	N	Y	N	Y
New Zealand	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	...	Y	0	12	Y	N	Y	N	Y
Norway	Y	Y	Y	...	Y	Y	...	Y	N	Y	...	Y	2	6	Y	N	Y	N	Y
Poland	Y	N	...	Y	Y	Y	Y	Y	Y	Y	Y	Y	1	2	Y	Y	Y	Y	N
Portugal	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	N	0	0	N	N	Y	N	N
Slovak Rep.	Y	N	...	Y	Y	...	...	Y	Y	...	...	N	2	2	Y	N	Y	N	N
Spain	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	1	2	N	N	N	N	N
Sweden	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	1	12	Y	N	Y	Y	Y
Switzerland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	...	Y	1	12	Y	Y	N	Y	Y
Turkey	N	N	N	Y	Y	Y	Y	Y	Y	N	...	Y	4	4	N	N	Y	N	Y
UK	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	12	Y	N	Y	Y	Y
USA	N	N	N	Y	Y	N	Y	Y	Y	Y	N	Y	0	8	N	N	N	N	N
EU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	2	8	Y	N	Y	Y	Y

Notes: "Y": Yes. "N": No. "...":Non applicable or missing.

Table 12. Consultation procedures with affected parties: Subordinate regulation, 2008

Question 9

				Forms of public consultations routinely used								Requirements for consultations							
	Consultation is mandatory	There are consultation guidelines	Consultation guidelines are mandatory	Informal consultation with selected groups	Broad circulation of proposals for comment	Public notice and calling for comment	Public meeting	Simply posting proposals on the internet	Advisory group	Preparatory public commission/committee	Other	Any member of the public can choose to participate in the consultation	Minimum period for allowing consultation comments inside government (Number of weeks)	Minimum period for allowing consultation comments by the public (Number of weeks)	The views of participants in the consultation process are made public	Regulators are required to respond in writing to the authors of consultation comments	The views expressed in the consultation process are included in the regulatory impact	There is a process to monitor the quality of the consultation process	Guidance is available on how to conduct effective consultation
Australia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	...	Y	0	0	Y	N	Y	Y	Y
Austria	N	Y	N	Y	Y	...	...	Y	...	Y	Y	Y	6	6	N	N	Y	N	N
Belgium	Y	N	N	Y	...	...	N	...	Y	Y	...	N	0	0	Y	N	N	N	N
Canada	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	0	0	Y	N	Y	Y	Y
Czech Rep.	Y	Y	N	Y	Y	N	N	Y	N	N	N	Y	10	4	N	N	Y	N	Y
Denmark	N	Y	N	Y	Y	Y	N	Y	Y	Y	...	N	0	0	Y	N	N	N	N
Finland	Y	Y	N	Y	Y	N	Y	Y	N	Y	...	Y	4	4	Y	N	Y	N	Y
France	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	N	0	0	N	N	N	N	Y
Germany	Y	Y	Y	Y	N	N	N	N	N	N	...	N	4	0	N	N	N	N	Y
Greece	N	N	N	Y	Y	Y	N	N	N	Y	N	N	0	4	Y	N	Y	N	N
Hungary	Y	N	N	Y	Y	N	Y	Y	Y	Y	...	N	2	2	N	N	Y	N	N
Iceland	N	N	N	Y	Y	N	N	Y	Y	N	Y	Y	0	0	N	N	N	N	Y
Ireland	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	...	Y	0	0	Y	N	Y	N	Y
Italy	Y	N	N	Y	Y	N	Y	Y	Y	Y	...	N	0	0	N	N	Y	N	N
Japan	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	0	4	Y	N	Y	N	Y
Korea	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	1.5	3	Y	Y	Y	N	Y
Luxembourg	Y	N	...	Y	...	Y	...	...	Y	...	...	N	0	0	Y	N	N	N	N
Mexico	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	0	4	Y	Y	Y	N	N
Netherlands	N	N	N	Y	Y	Y	Y	Y	Y	...	...	N	0	2	N	N	Y	N	Y
New Zealand	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	...	Y	0	12	Y	N	Y	N	Y
Norway	Y	Y	Y	...	Y	...	...	Y	Y	...	...	Y	2	6	Y	N	N	N	Y
Poland	Y	N	...	Y	Y	Y	Y	Y	Y	Y	Y	Y	1	2	N	Y	Y	Y	N
Portugal	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	0	0	N	N	Y	N	N
Slovak Rep.	Y	N	...	...	Y	...	...	Y	...	...	...	N	2	2	Y	N	Y	N	N
Spain	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	1	2	Y	N	N	N	N
Sweden	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	1	12	Y	N	Y	Y	Y
Switzerland	N	Y	Y	Y	...	...	...	...	Y	...	...	Y	1	12	Y	Y	N	Y	Y
Turkey	N	N	N	Y	Y	N	N	Y	Y	N	...	N	4	4	N	N	N	N	N
UK	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	12	Y	N	Y	Y	Y
USA	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	0	8	Y	Y	Y	N	N
EU	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	2	8	Y	N	Y	Y	Y

Notes: "Y": Yes. "N": No. "...":Non applicable or missing.

Table 13. Use of regulatory impact analysis (RIA), 2008

	RIA is carried out			Government body outside the ministry			Threshold			
	Regulatory impact analysis (RIA) is carried out before new regulation is adopted	Early in the development of a regulatory proposal	Following the finalisation of the regulatory proposal	Responsible for reviewing the quality of the RIA	Revising the regulatory proposal	Blocking the regulatory proposal	There is a clear threshold for applying RIA to new regulatory proposals	The threshold is defined as a single objective criterion (Yes), or it combines criteria (No)	As a result of the threshold test there is a requirement for a simplified RIA as an alternative to a full RIA	Guidance on the preparation of RIA is provided
Australia	Always	Y	N	Y	Y	Y	Y	N	Y	Y
Austria	Always	Y	N	N	Y	Y	N	...	N	N
Belgium	Always	Y	Y	Y	N	N	Y	N	Y	Y
Canada	Always	Y	N	Y	Y	Y	Y	N	Y	Y
Czech Rep.	Always	Y	N	Y	Y	N	Y	N	Y	Y
Denmark	Always	Y	Y	Y	Y	Y	Y	Y	Y	Y
Finland	Always	Y	...	N	N	N	N	...	N	Y
France	In some cases	N	N	Y	Y	N	N	N	N	Y
Germany	Always	Y	Y	Y	Y	Y	N	...	...	Y
Greece	In some cases	...	Y	Y	Y	Y	N	...	...	Y
Hungary	In some cases	N	Y	N	...	...	N	...	...	Y
Iceland	Always	N	Y	Y	Y	Y	N	...	...	Y
Ireland	In some cases	Y	Y	Y	Y	Y	Y	N	Y	Y
Italy	In some cases	N	Y	Y	Y	N	N	N	N	Y
Japan	Always	Y	Y	Y	N	N	N	...	...	Y
Korea	Always	Y	N	Y	Y	Y	Y	Y	Y	Y
Luxembourg	In some cases	Y	Y	Y	N	N	N	...	...	Y
Mexico	In some cases	Y	N	Y	Y	Y	Y	Y	Y	Y
Netherlands	Always	Y	N	N	Y	N	N	...	N	Y
New Zealand	Always	Y	...	Y	Y	N	Y	Y	Y	Y
Norway	In some cases	Y	Y	N	...	...	N	...	...	Y
Poland	Always	Y	...	Y	Y	Y	Y	Y	N	Y
Portugal	In some cases	N	Y	Y	Y	Y	N	N	...	N
Slovak Rep.	In some cases	Y	N	N	Y	N	N	...	N	Y
Spain	In some cases	Y	N	N	N	N	N	N	...	...
Sweden	In some cases	Y	Y	Y	Y	Y	N	...	...	Y
Switzerland	Always	Y	Y	Y	Y	N	N	...	N	Y
Turkey	In some cases	N	Y	Y	Y	Y	Y	Y	Y	Y
UK	Always	Y	...	Y	Y	Y	Y	Y	N	Y
USA	In some cases	Y	N	Y	Y	Y	Y	Y	Y	Y
EU	Always	Y	N	Y	Y	N	N	...	...	Y

Note: "Y": Yes. "N": No. "...":Non applicable or missing.

Table 14. Requirements for regulatory impact analysis (RIA) I, 2008

Question 10

	RIA is required			Regulators			
	By law or by a similarly strictly binding administrative instrument*	For draft primary laws	For draft subordinate regulations	Are required to identify the costs of new regulation	Impact analysis is required to include the quantification of the costs	Are required to identify the benefits of new regulation	Impact analysis is required to include quantification of the benefits
Australia	For major regulation	Always	For major regulation	Always	Always	Always	Always
Austria	Always	Always	For major regulation	Always	Always	Always	In other cases
Belgium	Always	Always	For major regulation	Always	No	Always	No
Canada	Always	Always	Always	Always	Always	Always	Always
Czech Rep.	Always	Always	Always	Always	In other cases	Always	In other cases
Denmark	Always	Always	For major regulation	Always	For major regulation	Always	In other cases
Finland	Always	Always	Always	Always	Always	Always	Always
France	No	For major regulation	In other cases	For major regulation	For major regulation	For major regulation	For major regulation
Germany	Always	Always	Always	Always	Always	Always	In other cases
Greece	Always	Always	For major regulation	Always	Always	Always	Always
Hungary	Always	Always	Always	Always	In other cases	Always	In other cases
Iceland	In other cases	In other cases	In other cases	In other cases	In other cases	In other cases	In other cases
Ireland	In other cases	Always	For major regulation	Always	For major regulation	Always	For major regulation
Italy	Always	Always	Always	Always	Always	Always	For major regulation
Japan	Always	Always	For major regulation	Always	Always	Always	Always
Korea	Always	Always	Always	For major regulation	For major regulation	For major regulation	For major regulation
Luxembourg	Always	Always	Always	Always	Always	Always	No
Mexico	In other cases	In other cases	Always	Always	Always	Always	Always
Netherlands	For major regulation	For major regulation	For major regulation	Always	Always	Always	Always
New Zealand	No	Always	Always	Always	For major regulation	Always	For major regulation
Norway	Always	Always	Always	For major regulation	For major regulation	In other cases	In other cases
Poland	Always	Always	Always	Always	In other cases	Always	In other cases
Portugal	For major regulation	For major regulation	No	For major regulation	Always	In other cases	In other cases
Slovak Rep.	For major regulation	In other cases	No	In other cases	In other cases	In other cases	In other cases
Spain	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	In other cases	No
Sweden	Always	Always	Always	Always	Always	Always	In other cases
Switzerland	Always	Always	Always	Always	In other cases	Always	In other cases
Turkey	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation
UK	Always	Always	Always	Always	Always	Always	Always
USA	For major regulation	No	For major regulation	For major regulation	For major regulation	Always	For major regulation
EU	Always	Always	For major regulation	Always	In other cases	Always	In other cases

* If the administration is able to evade the requirement, it will be considered as not strictly binding.

Table 15. Requirements for regulatory impact analysis (RIA) II, 2008

Question 10

	Requirements		Requirements for risk assessment			
	RIA requires regulators to demonstrate that the benefits of new regulation justify the costs	RIA documents are required to be publicly released for consultation with the general public	For all regulation	For Health and safety regulation	For Environmental regulation	Risk assessment requires quantitative modelling
Australia	Always	Always	For major regulation	For major regulation	For major regulation	No
Austria	In other cases	For major regulation	In other cases	In other cases	In other cases	No
Belgium	No	No	In other cases	Always	Always	No
Canada	Always	Always	Always	Always	Always	Always
Czech Rep.	Always	Always	No	No	No	...
Denmark	No	Always	In other cases	In other cases	In other cases	No
Finland	Always	Always	No	No	No	...
France	For major regulation	No	In other cases	For major regulation	For major regulation	No
Germany	No	In other cases	In other cases	In other cases	In other cases	No
Greece	Always	No	No	In other cases	Always	No
Hungary	In other cases	No	...	...	...	...
Iceland	In other cases	No	No	No	No	No
Ireland	No	Always	...	...	...	...
Italy	For major regulation	No	In other cases	In other cases	In other cases	In other cases
Japan	Always	Always	For major regulation	For major regulation	For major regulation	No
Korea	For major regulation	Always	In other cases	For major regulation	For major regulation	No
Luxembourg	Always	No	No	No	No	...
Mexico	Always	Always	In other cases	For major regulation	For major regulation	Always
Netherlands	In other cases	No	...	...	...	...
New Zealand	Always	Always	In other cases	In other cases	In other cases	No
Norway	No	Always	In other cases	In other cases	In other cases	No
Poland	No	No	...	...	...	...
Portugal	No	No	...	...	...	No
Slovak Rep.	In other cases	In other cases	No	No	No	...
Spain	No	No	No	In other cases	In other cases	No
Sweden	In other cases	For major regulation	In other cases	For major regulation	For major regulation	No
Switzerland	In other cases	In other cases	In other cases	In other cases	In other cases	No
Turkey	No	No	No	No	No	No
UK	Always	Always	Always	Always	Always	Always
USA	Always	Always	For major regulation	For major regulation	For major regulation	For major regulation
EU	No	No	For major regulation	For major regulation	For major regulation	No

Notes: "...": Non applicable or missing.

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Table 16. Requirements for regulatory impact analysis (RIA) III, 2008

Question 10

	Compliance and enforcement				
	RIA requires regulators to explicitly consider compliance and enforcement issues when preparing new regulation	Reports are prepared on the level of compliance with the above requirements of RIA	These reports are published	Ex post comparisons of the actual vs predicted impacts of regulations are made	There is an assessment of the effectiveness of RIA in leading to modifications of initial regulatory proposals undertaken
Australia	Y	Regularly	Y	Y	N
Austria	Y	No	N	N	N
Belgium	N	Ad hoc basis	Y	Y	N
Canada	Y	Ad hoc basis	N	N	N
Czech Rep.	Y	Regularly	Y	N	N
Denmark	N	Ad hoc basis	Y	N	N
Finland	Y	Ad hoc basis	Y	Y	N
France	Y	No	N	N	N
Germany	Y	No	N	Y	N
Greece	N	No	...	N	N
Hungary	N	Ad hoc basis	N	N	N
Iceland	N	Ad hoc basis	N	N	N
Ireland	Y	Ad hoc basis	Y	N	N
Italy	Y	No	N	N	N
Japan	N	No	N	Y	N
Korea	Y	No	N	N	Y
Luxembourg	N	Regularly	N	N	N
Mexico	Y	No	N	N	N
Netherlands	Y	Ad hoc basis	N	N	N
New Zealand	Y	Ad hoc basis	Y	N	N
Norway	N	No	N	N	N
Poland	Y	No	N	Y	N
Portugal	N	No	N	N	N
Slovak Rep.	Y	No	N	N	N
Spain	N	No	N	N	N
Sweden	Y	No	...	N	N
Switzerland	Y	Ad hoc basis	Y	N	Y
Turkey	N	No	N	N	N
U. K.	Y	Regularly	Y	Y	Y
USA	Y	Regularly	Y	Y	N
EU	Y	Ad hoc basis	Y	N	Y

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 17. Extent of Regulatory Impact Analysis (RIA), 2008

Question 10

	RIA is required to include assessments of other specific impacts									
	Impacts on the budget	Impacts on competition	Impacts on market openness	Impacts on small businesses	Impact on specific regional areas	Impact on specific social groups (distributional effects across society)	Impact on other groups (not for profit sector including charities)	Impact on the public sector	Impact on gender equality	Impact on poverty
Australia	No	Always	Always	Always	Always	Always	Always	Always	No	No
Austria	Always	Always	Always	Always	Always	In other cases	No	Always	Always	In other cases
Belgium	Always	In other cases	In other cases	Always	For major regulation	In other cases	Always	For major regulation	No	...
Canada	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
Czech Rep.	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
Denmark	Always	Always	Always	Always	In other cases	In other cases	In other cases	Always	In other cases	In other cases
Finland	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
France	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation
Germany	Always	In other cases	In other cases	Always	In other cases	Always	Always	Always	Always	No
Greece	Always	Always	Always	Always	No	Always	No	Always	Always	Always
Hungary	Always	In other cases	In other cases	In other cases	In other cases	In other cases	In other cases	In other cases	In other cases	In other cases
Iceland	Always	In other cases	No	No	No	No	No	In other cases	In other cases	No
Ireland	Always	Always	Always	Always	No	Always	Always	Always	Always	Always
Italy	Always	Always	In other cases	In other cases	In other cases	In other cases	In other cases	Always	In other cases	In other cases
Japan	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
Korea	In other cases	Always	In other cases	In other cases	In other cases	In other cases	In other cases	In other cases	No	No
Luxembourg	No	No	No	Always	No	No	No	Always	Always	No
Mexico	Always	Always	Always	Always	In other cases	Always	No	Always	No	In other cases
Netherlands	Always	Always	Always	Always	No	No	No	Always	No	No
New Zealand	Always	Always	Always	Always	Always	Always	Always	Always	Always	Always
Norway	Always	For major regulation	For major regulation	Always	Always	For major regulation	In other cases	Always	Always	No
Poland	Always	Always	In other cases	Always	Always	In other cases	In other cases	Always	No	No
Portugal	No	No	No	No	No	In other cases	No	Always	Always	In other cases
Slovak Rep.	Always	Always	Always	Always	No	Always	No	Always	No	No
Spain	Always	In other cases	In other cases	In other cases	In other cases	For major regulation	No	In other cases	For major regulation	No
Sweden	Always	Always	Always	Always	For major regulation	For major regulation	In other cases	For major regulation	For major regulation	In other cases
Switzerland	Always	In other cases	In other cases	For major regulation	In other cases	Always	In other cases	Always	In other cases	In other cases
Turkey	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation
UK	Always	Always	Always	Always	Always	Always	Always	Always	Always	In other cases
USA	Always	Always	Always	Always	Always	Always	Always	Always	No	No
EU	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation	For major regulation

Notes: "...": Non applicable or missing.

Table 18. Facilitating licenses and permits, one-stop shops, 2008

Question 11

	"Silence is consent" rule is used	Administrations have to provide the name of the person responsible for handling the application in any formal correspondence	There are single contact points ("one-stop shops") for getting information on licences and notifications	There are single contact points for accepting notifications and issuing licences (one-stop shops)	There is a programme underway to review and reduce the number of licenses and permits required by the national government	There is a complete count of the number of permits and licenses required by the national government	There has been a decline in the aggregate number of licences and permits	There is a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government
Australia	N	N	Y	N	N	N	...	Y
Austria	Y	Y	Y	Y	N	N	N	N
Belgium	N	Y	Y	Y	Y	Y	Y	Y
Canada	N	N	Y	N	Y	N	...	N
Czech Rep.	Y	N	Y	Y	Y	N	Y	N
Denmark	N	Y	Y	N	N	N	N	N
Finland	N	Y	Y	Y	N	N	...	Y
France	Y	Y	Y	Y	Y	Y	Y	Y
Germany	Y	Y	Y	Y	Y	N	N	N
Greece	Y	Y	Y	Y	Y	N	N	Y
Hungary	Y	Y	Y	N	Y	Y	N	Y
Iceland	N	...	N	N	Y	N	...	N
Ireland	Y	Y	Y	Y	N	N	N	N
Italy	Y	Y	Y	Y	Y	N	Y	Y
Japan	N	N	Y	Y	N	Y	Y	Y
Korea	Y	Y	Y	Y	Y	Y	N	Y
Luxembourg	N	N	Y	Y	N	N	N	N
Mexico	Y	Y	Y	Y	Y	Y	N	Y
Netherlands	Y	N	Y	N	Y	Y	Y	Y
New Zealand	N	N	Y	N	N	N	N	N
Norway	Y	N	Y	N	N	Y	Y	Y
Poland	Y	N	Y	N	Y	Y	Y	N
Portugal	Y	Y	Y	Y	Y	N	Y	Y
Slovak Rep.	N	Y	Y	Y	N	N	N	N
Spain	Y	Y	Y	Y	Y	Y	Y	N
Sweden	N	Y	Y	N	Y	N	...	Y
Switzerland	N	N	Y	N	Y	Y	Y	N
Turkey	N	N	N	N	N	N	N	N
UK	N	...	Y	Y	Y	N	...	Y
USA	N	...	Y	N	N
EU

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

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Table 19. Measurement of administrative burdens I, 2008

Question 12

	Measurement of administrative burdens			Groups targeted				Methodology used		
	Has been completed	When?	There is an embedded program to update and repeat burden measurement	Citizens	Businesses	The public sector	Non-profit sector	Standard Cost Model (SCM)	Adapted or modified version from the Standard Cost Model	Other
Australia	Y	The ongoing five year cycle involves reviewing, in sequence, regulation which mainly impacts on the following areas: primary sector - 2007, manufacturing sector and distributive trades - 2008, social and economic infrastructure services - 2009, business and consumer services - 2010, economy-wide generic regulation and regulation not addressed earlier in the cycle - 2011.	Y	N	Y	N	N	N	Y	N
Austria	Y	2007	Y	N	Y	N	N	Y	N	N
Belgium	Y	2008	Y	Y	Y	N	Y	Y	Y	Y
Canada	Y	2007	Y	N	Y	N	N	N	N	Y
Czech Rep.	Y	2005	N	N	Y	N	N	Y	N	N
Denmark	Y	2008	Y	N	Y	Y	N	Y	N	N
Finland	Y	2007	N	N	Y	N	N	Y	Y	N
France	Y	2007	Y	N	Y	Y	N	Y	Y	N
Germany	Y	2008	Y	Y	Y	Y	Y	Y	N	N
Greece	N	...	...	N	Y	N	N	Y	N	N
Hungary	N	...	...	N	Y	N	N	N	Y	N
Iceland	N	...	...	...	...	...	...	...	...	...
Ireland	N	...	...	N	Y	N	...	N	Y	N
Italy	Y	...	Y	N	Y	N	N	N	Y	N
Japan	N	...	...	...	...	...	...	...	...	...
Korea	Y	2008	N	Y	Y	N	N	N	Y	N
Luxembourg	N	...	...	...	...	...	...	...	...	...
Mexico	N	...	...	N	N	N	N	N	N	N
Netherlands	Y	2008-baseline measurement 2007	Y	Y	Y	Y	Y	Y	Y	...
New Zealand	Y	2006	N	Y	Y	Y	...	N	N	Y
Norway	Y	2006	Y	N	Y	N	N	Y	N	Y
Poland	Y	2007	N	N	Y	N	N	Y	N	N
Portugal	Y	2007 in pilot phase	Y	Y	Y	N	...	N	Y	N
Slovak Rep.	N	...	...	...	Y	...	...	Y	N	N
Spain	N	...	...	Y	Y	N	N	Y	Y	Y
Sweden	Y	2008	Y	N	Y	N	N	Y	N	...
Switzerland	Y	...	N	N	Y	N	N	Y	N	Y
Turkey	Y	2008	N	Y	Y	Y	N	N	N	Y
UK	Y	2006	Y	N	Y	Y	Y	Y	...	...
USA	Y	2007	Y	Y	Y	N	Y	N	N	Y
EU	Y	2008	Y	N	Y	N	N	N	Y	N

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

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Table 20. Measurement of administrative burdens II, 2008

Question 12

	Definition of administrative burdens		Main mechanism used for data collection				Methodology is applied	
	Substantive compliance costs	Time and paperwork costs	Business surveys collected by third parties or statistical offices	Focus groups comprised of companies	Self perceived information reported by businesses or their associations	Other	Ex-ante (prior to the introduction of the regulation)	Ex-post (after the regulation has been implemented)
Australia	Y	Y	Y	N	Y	Y	Y	Y
Austria	N	Y	Y	N	N	Y	Y	Y
Belgium	Y	Y	Y	Y	Y	Y	Y	Y
Canada	N	Y	Y	N	Y	Y	N	Y
Czech Rep.	N	Y	N	N	Y	Y	Y	Y
Denmark	N	Y	Y	Y	N	Y	Y	Y
Finland	N	Y	Y	N	Y	Y	N	Y
France	Y	Y	Y	Y	Y	N	N	Y
Germany	N	Y	Y	Y	N	Y	Y	Y
Greece	Y	Y	Y	...	Y	...	N	Y
Hungary	Y	Y	Y	N	Y	Y	Y	Y
Iceland	...	...	...	...	...	...	...	...
Ireland	N	Y	Y	Y	Y	...	Y	Y
Italy	Y	N	Y	Y	Y	N	Y	Y
Japan	...	...	...	...	...	...	...	...
Korea	Y	Y	Y	Y	Y	Y	Y	Y
Luxembourg	...	...	...	...	...	...	...	...
Mexico	N	N	N	N	N	N	N	N
Netherlands	N	Y	Y	Y	Y	Y	Y	Y
New Zealand	N	Y	Y	Y	Y	...	N	Y
Norway	N	Y	Y	N	N	N	N	Y
Poland	N	Y	Y	N	N	N	Y	Y
Portugal	Y	Y	Y	N	N	N	Y	Y
Slovak Rep.	Y	Y	Y	Y	N	N	Y	N
Spain	Y	Y	Y	N	Y	N	N	Y
Sweden	Y	Y	N	N	N	Y	Y	Y
Switzerland	N	Y	Y	Y	Y	N	Y	Y
Turkey	N	Y	N	N	N	Y	N	Y
U. K.	...	Y	Y	Y	Y	...	Y	...
USA	N	Y	N	N	N	Y	Y	Y
EU	N	Y	Y	N	Y	N	Y	Y

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 21. Measurement and reduction of administrative burdens, 2008

Question 12

	Methodology			Measurements expressed		
	Allow s to differentiate betw een various ministries or policy areas	Allow s to differentiate betw een administrative burdens imposed by different levels of government, i.e supra, central and local government levels	Can differentiate betw een supra national and central government's regulations	Time (i.e time spent complying with administrative obligations)	Financial terms (i.e. the monetised value of time spent on compliance w ith administrative obligations)	Body responsible for co-ordinating country's administrative simplification policy also in charge of regulatory oversight/ promotion of other regulatory quality issues
Australia	Y	Y	N	Y	Y	Y
Austria	Y	Y	Y	Y	Y	Y
Belgium	Y	Y	Y	Y	Y	Y
Canada	Y	Y	...	Y	Y	N
Czech Rep.	Y	Y	Y	Y	Y	Y
Denmark	Y	Y	Y	Y	Y	Y
Finland	Y	Y	Y	N	Y	N
France	Y	Y	Y	N	Y	Y
Germany	Y	Y	Y	Y	Y	N
Greece	Y	Y	Y	N	Y	Y
Hungary	Y	Y	Y	Y	Y	N
Iceland	...	...	...	...	...	...
Ireland	Y	Y	Y	Y	Y	N
Italy	Y	Y	Y	N	Y	N
Japan	...	...	...	...	...	...
Korea	N	N	N	Y	Y	Y
Luxembourg	...	...	...	...	...	...
Mexico	N	...	...	...	...	...
Netherlands	Y	Y	Y	Y	Y	Y
New Zealand	Y	Y	...	N	N	Y
Norway	Y	Y	Y	N	Y	N
Poland	Y	Y	Y	N	Y	Y
Portugal	N	N	...	Y	Y	N
Slovak Rep.	N	N	N	Y	Y	Y
Spain	Y	Y	Y	Y	Y	Y
Sweden	Y	Y	Y	Y	Y	Y
Switzerland	Y	Y	N	Y	Y	Y
Turkey	Y	Y	N	Y	N	Y
U. K.	Y	Y	Y	...	Y	Y
USA	Y	N	...	Y	N	Y
EU	Y	Y	Y	Y	Y	N

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 22. Reduction of administrative burdens, 2008

Question 12

	Burden reduction							
	Programme:			Strategies used:				
	There is an explicit government programme to reduce the administrative burdens imposed by government on enterprises and/or citizens	This programme includes quantitative targets	This programme includes qualitative targets	Removal of obligations	Modification and streamlining of existing laws and regulations	Information and communication technologies for regulatory administration	Other streamlining of government administrative procedures	Reallocating powers and responsibilities between government departments and/or between levels of government
Australia	Y	N	Y	Y	Y	Y	Y	Y
Austria	Y	Y	Y	Y	Y	Y	Y	Y
Belgium	Y	N	Y	Y	Y	Y	Y	Y
Canada	Y	Y	N	Y	Y	Y	Y	Y
Czech Rep.	Y	Y	N	Y	Y	Y	N	N
Denmark	Y	Y	Y	Y	Y	Y	Y	N
Finland	N	...	...	...	...	...	...	...
France	Y	Y	Y	Y	Y	Y	Y	Y
Germany	Y	Y	Y	Y	Y	Y	Y	Y
Greece	Y	Y	Y	Y	Y	Y	Y	Y
Hungary	Y	Y	Y	Y	...	Y	...	...
Iceland	Y	N	Y	Y	Y	Y	Y	Y
Ireland	Y	Y	N	...	Y	Y	Y	N
Italy	Y	Y	Y	Y	Y	Y	Y	Y
Japan	Y	N	N	Y	Y	Y	Y	Y
Korea	Y	Y	Y	Y	Y	Y	Y	Y
Luxembourg	Y	N	Y	...	Y	Y	Y	...
Mexico	Y	Y	Y	Y	Y	Y	Y	Y
Netherlands	Y	Y	Y	Y	Y	Y	Y	Y
New Zealand	Y	N	N	Y	Y	Y	Y	Y
Norway	Y	N	Y	N	Y	Y	Y	N
Poland	Y	Y	N	Y	Y	Y	N	N
Portugal	Y	Y	Y	Y	Y	Y	Y	N
Slovak Rep.	Y	Y	N	Y	Y	Y	...	...
Spain	Y	Y	Y	Y	Y	Y	Y	Y
Sweden	Y	Y	Y	Y	Y	Y	Y	Y
Switzerland	Y	N	N	Y	Y	Y	Y	N
Turkey	Y	N	Y	Y	Y	Y	...	Y
UK	Y	Y	N	Y	Y	Y	Y	Y
USA	Y	Y	Y	Y	Y	Y	Y	N
EU	Y	Y	Y	Y	Y	Y	Y	Y

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 23. Training in regulatory quality skills, 2008

Question 13

	Training programmes				General guidance		Other strategies to promote changes in the regulatory culture consistent with the objectives of the regulatory policy
	Formal training programmes to develop high quality regulation	This includes training in how to conduct regulatory impact analysis	Training includes use of alternative policy instruments	This includes training on how to inform and communicate with the public	General guidance on the regulatory policy and its underlying objectives is published and distributed	General guidance on compliance and enforcement is published and distributed to regulatory officials	
Australia	Y	Y	Y	Y	Y	Y	Y
Austria	Y	N	N	Y	Y	Y	Y
Belgium	Y	Y	N	Y	Y	Y	Y
Canada	Y	Y	Y	Y	Y	Y	Y
Czech Rep.	Y	Y	Y	N	Y	N	N
Denmark	Y	Y	N	N	Y	N	N
Finland	Y	Y	Y	Y	Y	N	N
France	Y	Y	Y	Y	Y	Y	Y
Germany	Y	Y	Y	Y	Y	N	Y
Greece	Y	Y	Y	N	Y	N	N
Hungary	Y	Y	Y	Y	N	N	N
Iceland	Y	Y	N	N	Y	N	N
Ireland	Y	Y	Y	Y	Y	Y	Y
Italy	Y	Y	Y	Y	Y	N	Y
Japan	Y	Y	Y	Y	N	N	N
Korea	Y	Y	Y	Y	Y	Y	Y
Luxembourg	Y	N	N	N	Y	Y	Y
Mexico	Y	Y	N	N	Y	N	Y
Netherlands	Y	Y	Y	N	Y	Y	N
New Zealand	Y	Y	Y	Y	Y	Y	Y
Norway	Y	Y	N	Y	N	N	Y
Poland	Y	Y	Y	Y	Y	Y	N
Portugal	Y	Y	Y	Y	N	...	N
Slovak Rep.	Y	Y	Y	N	N	N	Y
Spain	Y	Y	Y	Y	Y	N	N
Sweden	Y	Y	Y	Y	Y	Y	Y
Switzerland	Y	N	Y	N	Y	Y	N
Turkey	Y	Y	Y	Y	Y	Y	N
UK	Y	Y	Y	Y	Y	Y	Y
USA	Y	Y	Y	N	Y	N	Y
EU	Y	Y	Y	Y	Y	Y	Y

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 24. Central regulatory oversight authority (administrative and political), 2008

Question 14

	Functions of the body in charge of regulatory oversight						Advisory body receiving references from Government to review broad areas of regulation, collecting the views of private stakeholders	Body has a degree of independence from government	Body reports its findings publicly	Body is a permanent administrative entity, or convened for a fixed duration	A specific minister is accountable for promoting government-wide progress on regulatory reform	The Minister is required to report to Parliament on progress
	Promotes the regulatory policy and monitors and reports on regulatory reform and regulatory quality	Consulted as part of the process of developing new regulation	Reports on progress made on reform by individual ministries	Authority of reviewing and monitoring regulatory impacts conducted in individual ministries	Conducts its own analysis of regulatory impacts	Advocacy function to promote regulatory quality and reform						
Australia	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N
Austria	Y	Y	Y	N	N	Y	N	...	...	...	Y	N
Belgium	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y
Canada	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Czech Rep.	Y	Y	N	Y	N	Y	N	...	...	...	Y	N
Denmark	Y	Y	Y	N	Y	Y	N	...	...	...	Y	N
Finland	Y	Y	N	N	N	Y	N	...	...	...	Y	N
France	Y	Y	N	Y	N	N	N	...	...	...	Y	Y
Germany	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Greece	Y	N	N	Y	Y	Y	N	...	...	...	Y	N
Hungary	Y	Y	N	N	Y	Y	N	...	...	...	Y	N
Iceland	Y	Y	Y	N	N	Y	Y	Y	Y	N	Y	Y
Ireland	Y	Y	N	Y	Y	Y	Y	N	Y	N	Y	Y
Italy	Y	Y	Y	Y	Y	Y	N	...	N	N	Y	Y
Japan	Y	Y	Y	N	N	N	Y	Y	Y	N	Y	N
Korea	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Luxembourg	Y	Y	N	N	Y	N	Y	Y	Y	Y	N	...
Mexico	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Netherlands	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
New Zealand	Y	Y	N	Y	N	Y	N	...	...	...	N	...
Norway	N	...	N	...	...	...	N	...	...	...	Y	N
Poland	Y	Y	N	N	Y	Y	N	...	...	...	Y	N
Portugal	Y	Y	Y	N	Y	Y	N	...	...	...	Y	N
Slovak Rep.	Y	Y	Y	Y	N	N	N	...	...	...	Y	Y
Spain	Y	N	Y	N	N	Y	N	N	N	N	Y	Y
Sweden	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
Switzerland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	...	...
Turkey	Y	N	N	N	N	Y	N	...	...	...	N	N
UK	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
USA	Y	Y	Y	Y	Y	Y	N	...	...	...	Y	Y
EU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 25. The role of Parliament in regulatory quality, 2008

Question 15

	Dedicated parliamentary committee or other parliamentary body with responsibilities for regulatory reform policy	Body periodically reviews the quality of the proposed legislation	Body is entrusted to review the quality of subordinate regulation	Review process explicitly guided by regulatory quality criteria	Body reviews and reports on progress on regulatory policy/regulatory reform across the administration
Australia	N	...	...	...	...
Austria	N	...	...	...	...
Belgium	N	N	N	N	N
Canada	Y	N	Y	Y	N
Czech Rep.	N	...	...	...	...
Denmark	N	...	...	...	...
Finland	N	...	...	...	...
France	Y	Y	N	Y	Y
Germany	N	...	...	...	...
Greece	N	...	...	...	...
Hungary	Y	N	N	N	N
Iceland	N	...	...	...	...
Ireland	Y	N	N	N	N
Italy	Y	Y	N	Y	Y
Japan	N	...	...	...	...
Korea	Y	N	N	N	Y
Luxembourg	N	...	...	...	...
Mexico	N	N	N	N	N
Netherlands	Y	N	N	N	N
New Zealand	Y	Y	Y	Y	Y
Norway	N	...	...	...	...
Poland	Y	N	Y	N	N
Portugal	N	...	...	...	...
Slovak Rep.	Y	Y	Y	N	N
Spain	Y	Y	N	N	N
Sweden	N	...	...	...	...
Switzerland	Y	N	Y	N	N
Turkey	N	N	N	N	N
U. K.	Y	Y	Y	Y	Y
USA	Y	N	Y	N	Y
EU	Y	Y	Y	N	N

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 26. Inter-governmental co-ordination on regulatory policy, 2008

Question 16

	Formal co-ordination mechanisms between National/Federal and State/Regional governments	Formal co-ordination mechanisms at the supra-national level	Mechanisms impose specific obligations in relation to regulatory practice	Harmonisation mechanisms used		
				Mutual recognition	Regulatory harmonisation agreements	Strict regulatory uniformity agreements
Australia	Y	N	Y	Yes	Yes	Yes
Austria	Y	Y	Y	Yes	Yes	Sometimes
Belgium	Y	Y	N	Yes	Sometimes	Sometimes
Canada	Y	Y	Y	Yes	Yes	Yes
Czech Rep.	N	Y	Y	Yes	Yes	No
Denmark	Y	Y	Y	Yes	Yes	Yes
Finland	Y	Y	Y	No	No	No
France	Y	Y	Y	Sometimes	Yes	Yes
Germany	Y	Y	Y	Yes	Yes	Yes
Greece	Y	Y	Y	Yes	Yes	Sometimes
Hungary	Y	Y	N	...	...	...
Iceland	N	N	N	No	No	No
Ireland	N	Y	Y	Sometimes	Sometimes	Sometimes
Italy	Y	Y	Y	Sometimes	Sometimes	No
Japan	Y	N	N	Sometimes	Sometimes	Sometimes
Korea	Y	N	N	Yes	Yes	Yes
Luxembourg	N	N	N	No	No	No
Mexico	Y	Y	N	Sometimes	Sometimes	Sometimes
Netherlands	Y	Y	Y	Yes	Yes	Yes
New Zealand	Y	Y	Y	Yes	Yes	Sometimes
Norway	Y	Y	Y	Yes	No	No
Poland	Y	Y	Y	Sometimes	Sometimes	Sometimes
Portugal	Y	Y	N	No	No	No
Slovak Rep.	N	Y	Y	No	No	No
Spain	Y	Y	N	Sometimes	Sometimes	No
Sweden	N	Y	Y	Sometimes	Sometimes	Yes
Switzerland	Y	Y	N	Yes	Sometimes	Sometimes
Turkey	N	Y	Y	No	No	No
UK	Y	Y	Y	Yes	Yes	Sometimes
USA	Y	N	N	Sometimes	Sometimes	Sometimes
EU	...	...	...	...	...	...

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 27. Ex post regulatory review and evaluation, 2008

Question 17

				Mechanism to recommend modifications				Sunsetting		Automatic review requirements	
	Periodic ex post evaluation of existing regulation is mandatory	There are standardised evaluation techniques or criteria to be used when regulation is reviewed	Reviews are required to consider explicitly the consistency of regulations in different areas and take steps to address areas of overlap/duplication/inconsistency	There are mechanisms by which the public can make recommendations to modify specific regulations	Electronic mailboxes	Ombudsman	Other	Is used for primary laws	Is used for subordinate regulations	Specific primary laws include automatic review requirements	Subordinate regulations include automatic review requirements
Australia	For all policy areas	N	Y	Y	Y	N	N	Y	Y	Y	Y
Austria	Not required	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Belgium	For specific areas	N	Y	Y	Y	Y	Y	N	N	Y	Y
Canada	For specific areas	Y	N	Y	Y	Y	...	Y	Y	Y	Y
Czech Rep.	Not required	N	N	Y	Y	Y	Y	N	N	N	N
Denmark	For specific areas	N	N	Y	Y	Y	Y	N	N	Y	N
Finland	For specific areas	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
France	For specific areas	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Germany	For specific areas	Y	N	Y	Y	...	...	Y	Y	Y	Y
Greece	For all policy areas	N	Y	Y	N	Y	...	N	N	N	N
Hungary	For all policy areas	N	N	Y	Y	...	...	N	N	Y	N
Iceland	For specific areas	N	Y	Y	...	...	Y	Y	Y	Y	N
Ireland	Not required	N	N	N	...	...	...	N	N	N	N
Italy	For specific areas	Y	Y	Y	Y	N	...	N	N	Y	Y
Japan	For all policy areas	Y	Y	Y	Y	Y	...	N	N	Y	N
Korea	For all policy areas	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Luxembourg	For specific areas	N	N	Y	...	Y	...	N	N	Y	Y
Mexico	For specific areas	Y	Y	Y	Y	N	...	N	N	N	N
Netherlands	For specific areas	Y	N	Y	Y	N	...	N	N	Y	N
New Zealand	For specific areas	Y	N	Y	Y	...	...	Y	Y	Y	N
Norway	For all policy areas	N	N	Y	Y	Y	...	N	N	Y	N
Poland	For specific areas	N	Y	Y	Y	Y	Y	N	N	N	N
Portugal	For specific areas	N	N	N	...	...	...	N	N	Y	Y
Slovak Rep.	Not required	N	N	Y	N	N	Y	N	N	N	N
Spain	For specific areas	N	Y	Y	Y	Y	...	Y	Y	Y	Y
Sweden	Not required	Y	Y	Y	Y	Y	Y	N	N	N	N
Switzerland	For specific areas	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Turkey	Not required	N	N	Y	N	N	...	N	N	N	N
UK	For specific areas	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
USA	For specific areas	Y	N	Y	N	N	Y	Y	Y	N	N
EU	For specific areas	N	Y	Y	Y	N	...	Y	Y	Y	Y

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

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Table 28. Controlling aggregate regulatory burdens, 2008

Question 18

	There is a yearly calculation of regulatory inflation	Attempts have been made to measure trends in the aggregate burden of regulation over time	There is an explicit policy in relation to the control of the aggregate burden of regulation	There are explicit targets	Specific strategies or rules are used to affect aggregate burdens
Australia	N	Y	Y	N	Y
Austria	Y	Y	N	...	...
Belgium	Y	Y	N	...	...
Canada	Y	N	N	...	...
Czech Rep.	N	N	N	...	...
Denmark	N	Y	Y	Y	Y
Finland	N	N	N	...	...
France	Y	Y	Y	Y	Y
Germany	N	Y	Y	Y	Y
Greece	N	Y	N	...	...
Hungary	N	N	N	...	...
Iceland	N	N	N	N	N
Ireland	N	N	N	...	...
Italy	Y	N	Y	Y	Y
Japan	N	N	N	...	...
Korea	Y	N	Y	N	Y
Luxembourg	Y	N	N	...	...
Mexico	Y	N	Y	N	Y
Netherlands	N	Y	Y	Y	Y
New Zealand	N	N	N	...	...
Norway	Y	N	Y	N	Y
Poland	Y	N	N	...	...
Portugal	Y	N	N	...	...
Slovak Rep.	N	N	N	...	...
Spain	N	Y	Y	N	Y
Sweden	Y	Y	Y	Y	Y
Switzerland	N	Y	N	...	...
Turkey	N	N	N	...	...
U. K.	N	Y	Y	Y	Y
USA	Y	Y	N	...	...
EU	N	N	N	N	N

Notes: "Y": Yes. "N": No. "...": Non applicable or missing.

Table 29. Trends in the number of new laws

		1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Australia	Q 05											
	Q 08		184	263	159	169	207	174	150	172	149	191
Austria	Q 05/08	140	190	204	143	162	169	146	180	144	141	99
	Q 08	41	40	39	26	44	29	29	29	56	14	38
Denmark	Q 05/08	234	235	217	266	214	177	202	224	248	217	204
	Q 05/08	464	474	594	453	590	546	589	619	521	528	656
France	Q 05/08	25	62	53	73	59	46	74	93	135	73	55
	Q 05	53	85	29	32	94	56	28	47	23		
Germany	Q 08					56	68	32	51	33	41	45
	Q 08	107	114	106	90	103	111	125	85	126	92	105
Hungary	Q 05/08	159	93	125	145	121	68	133	140	189	135	184
	Q 05					123	136	114	121	99	133	123
Iceland	Q 08											
	Q 05/08	46	54	35	43	57	33	47	44	34	42	42
Ireland	Q 05											
	Q 08					47	78	106	21	42	64	164
Italy	Q 05											
	Q 08	132	152	226	149	158	192	147	167	124	123	136
Japan	Q 05											
	Q 08	241	133	475	238	251	263	206	268	517	308	674
Korea	Q 08											
	Q 08	89	93	101	75	91	96	119	118	110	118	96
Luxembourg	Q 05	116	129	82	74	89	78	58				
	Q 08											
Netherlands	Q 05/08	144	159	116	96	106	86	129	116	126	91	113
	Q 08	102	97	108	127	120	112	135	101	136	105	133
New Zealand	Q 05/08	183	97	125	173	241	213	226	241	199	193	176
	Q 08	540	550	798	427	512	376	459	277	318	301	502
Portugal	Q 05											
	Q 08					104	110	93	101	115	75	168
Slovak Republic	Q 05	101	81	92	33	49	73	89	18			
	Q 08											
Spain	Q 05											
	Q 08	49	72	63	47	37	28	41	42	46	59	28
Sweden	Q 05											
	Q 08			46	69	35	59	62	49	48	68	69
Switzerland	Q 05/08	99	68	128	151	72	36	138	115	57	89	115
	Q 08											
Turkey	Q 05/08	69	49	35	45	25	44	45	38	24	55	31
	Q 05/08	157	247	173	431	137	246	198	306	169	421	138
UK	Q 05/08											
	Q 05/08	549	569	405	493	499	485	531	586	427	537	450
USA	Q 05/08											
	Q 05/08											
EU	Q 05/08											
	Q 05/08											

Note: 'PB05': Series provided in 2005 survey.

'PB08': Series provided in 2008 survey.

Table 30. Trends in the number of new subordinate regulations

		1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Australia	Q 05											
	Q 08		1888	1620	1832	1438	1711	1615	1538	2458	2497	2147
Austria	Q 05/08	433	474	522	429	501	512	642	537	412	483	348
	Q 08	402	413	349	296	434	365	382	246	325	288	238
Denmark	Q 08	1324	1206	1291	1419	1176	1217	1280	1439	1438	1754	1566
	Q 08	957	755	784	854	978	825	805	818	766	932	854
France	Q 05/08	1298	1214	1120	1283	1294	1539	1274	1432	1641	1728	1834
	Q 08	211	173	114	88	165	183	154	168	102		
Germany	Q 08					166	184	156	167	160	146	113
	Q 08	4122	6180	6323	6540	7115	7269	7312	7389	11201	12769	14892
Hungary	Q 05	885	797	789	792	947	950	962	1241			
	Q 08					326	315	285	383	336	368	410
Iceland	Q 05											
	Q 08					234	218	243	238	289	320	322
Ireland	Q 05/08	530	573	472	495	658	647	740	915	920	695	869
	Q 08	649	893	1206	797	680	696	669	909	1191	1151	1270
Luxembourg	Q 08	348	326	344	336	317	276	306	329	504	663	612
	Q 05											
Mexico	Q 08					566	807	1068	1025	1119	1166	1075
	Q 05	576	763	646	706	724	721	811				
Netherlands	Q 08											
	Q 05/08	330	439	497	285	421	424	398	476	349	400	408
New Zealand	Q 05/08											
	Q 08	1500	1450	1498	1625	1641	1814	1900	1852	1748	1661	1720
Poland	Q 05	840	1077	1050	1006	1429	1687	1854	2351			
	Q 08					1437	1733	1822	2351	2249	1859	1472
Portugal	Q 08	1818	1508	1566	1892	1925	1978	1799	1551	1701	1533	2247
	Q 05	2504	2900	2102	3540	1541	1436	1794	2402			
Spain	Q 08											
	Q 08	105	159	92	107	123	117	94	96	115	118	319
Sweden	Q 05											
	Q 08			313	396	360	456	428	387	400	451	529
Switzerland	Q 05/08	363	307	355	397	486	600	437	475	903	781	778
	Q 08	3114	3319	3488	3424	4147	3271	3354	3452	3601	3511	3662
Turkey	Q 05/08	505	487	587	583	700	669	715	627	611	600	589
	Q 08	1409	1246	1368	1202	1475	1286	1342	1356	1251	1388	1331
UK	Q 05/08											
	Q 08											
USA	Q 05/08											
	Q 08											
EU	Q 05/08											
	Q 08											

Note: Tables 29 and 30 above present the data received from countries that best matched the definitions of new laws and new subordinate regulations for each year. These data are subject to measurement and methodological issues as countries may measure the number of new laws and regulations in very different ways. No common international standard exists, as the definition of what is a "law" and a "subordinate regulation", depends on the constitutional framework as well as on specific methodological differences. Differences range from the inclusion of amended regulations to the inclusion of ratifications of international treaties in the calculation of new laws and new subordinate regulations. Data is missing for some countries which could not provide the OECD with a coherent time series.

This is why levels cannot be analysed as such. The analysis is limited to trends, with all country values standardised in a base 100 in 2001 for the purpose of eliminating spurious differences in legal

systems. Differences in methodology should be taken into account when interpreting the figures presented. The difficulty in the analysis was further compounded with changes in the definitions in a number of countries between the 2005 and 2008 submissions. For some countries, this was up to the point that the results were not consistent for the period of overlap and could not be presented. As a result, these submissions are not displayed in the current report. The notes on countries' methodologies below refer to the 2008 submissions.

Australia: Australia reported the number of bills and the number of disallowable instruments. The large numbers of disallowable instruments reported since 2004-5 relate in part, to the re-making of existing delegated legislation (delegated instruments made before 1 January 2005) under the Legislative Instruments Act 2003. The figures are sourced from the Senate Delegated Legislation Monitor: www.aph.gov.au/senate/committee/regord_ctte/mon2009/index.htm) and ComLaw: www.comlaw.gov.au.

Austria: The data provided are based on the Legal Information System of the Republic of Austria (RIS), which is a computer-assisted information system on Austrian law, co-ordinated and operated by the Austrian Federal Chancellery.

Canada: The total of new laws include Acts adopted by the Canadian Parliament. The total of new subordinate regulations includes all statutory orders and regulations (*i.e.*, statutory instruments which are subject to examination, registration and publication pursuant to the *Statutory Instruments Act*).

Denmark: Federal laws: The counting includes all new federal laws except finance laws (the yearly Finance Law and additional laws that adjusts the Finance Law). The number of laws is reported is reported for parliamentary years (October-June). Subordinate regulation: the counting includes binding subordinate regulation aimed at society and the public institutions ("bekendtgørelser" and "cirkulærer").

Finland: The number of subordinate regulations contains the decrees issued by the president, the government and the ministries. The regulations issued by the authorities subordinate to the ministries are not included. There are two official languages in Finland, Finnish and Swedish. All regulations are drafted, adopted and published in two languages, and also equally valid in both languages. The numbers of regulations and pages above describe the quantity of regulations in one language.

France: The number of laws corresponds to those laws establishing new legislation, excluding those that have as their only objective to authorise the president to ratify a treaty or an international agreement in application of article 53 of the French constitution. To illustrate, of the 95 laws adopted in 2008, 40 were authorisations for ratification of that nature and 55 were normative laws. The number of subordinate regulations corresponds to decrees of every type (Council of ministers, Council of the state or simple decrees). In application of the articles 21 and 13 of the French constitution, the power to regulate is exercised only by the Prime Minister and, in some areas, by the president, through a decree. 1997-2007 series: www.legifrance.gouv.fr/html/statistiques_normatives/evolution_lois_ordonnances/page_accueil_evolution_lois_ordonnances.html

Germany: The numbers stated include only new laws and subordinate regulations at federal level. Laws and regulations of the German Bundesländer are not included. The number of new subordinate regulations comprises only statutory instruments (Rechtsverordnungen). The numbers provided in the 2005 and 2008 questionnaire for the years 2001 to 2005 are based on different methodologies and hence differ. Consistent data from 1997 to 2007 based on the same methodology are not available.

Greece: Greece reports counting as primary laws the laws that are enacted after having gone through the parliamentary procedure. Statutes that are enacted after they have gone through the Council of State's

control and have been signed by the President of the State as well as regulatory decisions taken by the Ministries and published at the National Gazette, are counted as subordinate regulations.

Hungary: "new subordinate regulations" fields only include the new Governmental Decrees.

Ireland: For the purpose of the OECD questionnaire, Ireland considered subordinate regulations to be secondary legislation. In Ireland, secondary legislation, in the form of Statutory Instruments, is governed by the Statutory Instruments Act 1947. There are five main types of statutory instrument orders, regulations, rules, bye-laws and schemes. Statutory Instruments have a wide variety of functions. They are not enacted by the Parliament but allow persons or bodies to whom legislative power has been delegated by statute to legislate in relation to detailed day-to-day matters arising from the operation of the relevant primary legislation. Statutory instruments are used, for example, to implement European Council Directives, designate the days on which particular District Courts sit and delegate the powers of Ministers. Specified Government Ministers and other agencies and bodies are authorised to make Statutory Instruments and several hundred instruments are made annually. Amendments to primary legislation should be done by way of primary legislation in Ireland.

Italy: See the Reports on the Parliament website: "La produzione normativa, nella XV legislatura Aggiornamento al 15 novembre 2007", at the following address: www.camera.it/files/pdf/documenti/AA_RAPPORTO_2007.pdf and Rapporto 2007 sulla legislazione tra Stato, Regioni e Unione Europea.

Japan: In Japan all laws which are made are labeled with a number each year. www.shugiin.go.jp/index.nsf/html/index_housei.htm

Korea: The number of new laws contains all laws that are promulgated by the Parliament in the year. Korea emphasises that because this contains not only new laws but also amendment of existing laws, and does not contain the number of abolished laws in that year, the number does not reflect the net increase of the new laws. The number of new subordinate laws contains the decrees promulgated by the president, prime minister or ministries in the year. Korea emphasises that because this number contains not only new decrees but also amendment of existing decrees, and does not contain the number of abolished decrees in that year, the number does not necessarily reflect a net increase of the new decrees. The Korean government controls the number of regulations through the web-based regulation registration system.

Luxembourg: The figures are provided by the annual report of the SCL (Service Central de Législation). They correspond to the number of texts published in the "Mémorial", the official journal of the Grand-Duchy of Luxembourg.

Mexico: This data is based on the number of federal laws and regulations that the federal ministries and governmental agencies submitted to the Federal Commission on Regulatory Reform (COFEMER) for review. The actual number of new laws and subordinate regulations effectively issued may be lower as COFEMER's review does not guarantee that the federal ministries and governmental agencies take all the steps necessary for their entry into force (such as the publication in the Official Gazette)

The Netherlands: the numbers that were presented in the 2005 questionnaire were based on a study by the University of Groningen. As a part of this study, the investigators have gone through the official publications of those years and counted all new regulations, deducting those regulations that only amend existing regulations. The Netherlands report that this has been a time-consuming and labour intensive process that has not been repeated since then. Since there is no official registration of the numbers and types of regulations produced in the Netherlands, no data was provided for the period from 2004 to the present year. According to the Netherlands, this number only has some significance if one is interested in the productivity of the Dutch regulators. The Netherlands reports that it is not informative about the burden this legislative action puts upon citizens and companies, since the number of regulations that were repealed or amended during this period is not taken into account. The Netherlands is currently working on an information system that will allow to produce those corrected figures, but this will only be operational from 2010 on.

New Zealand: the source for the data provided is the online database of New Zealand legislation and regulation (www.legislation.govt.nz/) to browse Acts and regulations by year. (The database only goes back to 2000.) The box that would have excluded amendment laws and regulations was unchecked. The results of each search is a numbered list of Acts and regulations. With respect to Acts, Local and Private Acts were not added to the total. The NZ Parliament typically passes fewer regulations and laws in election years. General elections in NZ were held in 1999, 2002, 2005 and 2008.

Norway: A considerable number of the new laws and regulations are actually amendments, replacing old laws and regulations. The total number of laws and regulation in 2007 was approximately 760 laws and approximately 12.000 subordinate regulations. Of the 1720 new regulations in 2007, 752 were amendments of existing regulations.

Poland: The data presented above refers to primary laws and subordinate regulations making up the commonly binding law that is published in the Official Journal. As data analyses have shown, the regulatory inflation in Poland can be partly explained with the harmonisation process of domestic law with the “*acquis communautaire*”. In the period 2001 – 2005, more than 30% of primary laws had direct connection with the Community legislation. Another characteristic feature is that amendments make up on average 60% of new primary legislation Data source: Parliament's website and Lex information base.

Portugal: The numbers for primary laws include laws enacted by the Parliament including organic laws and decree laws (*decreto-lei*) enacted by the government under the framework authority of the parliament. Excluded are constitutional laws. The numbers for secondary regulations include regulations approved by the Council of Ministers. They include *decretos regulamentares* (regulatory decrees), *decretos* (simple decrees) and *resoluções* (resolutions). They are subject to the same legal and technical quality requirements as primary regulations initiated by the executive. They also include regulations approved individually or collectively by members of government (Prime Minister, ministers, secretaries of state). They include *portarias* (regulations) and *despachos normativos* (regulatory orders). They exclude regulations issued by local municipalities and regional regulations. The autonomous regions of Azores and Madeira are mandated to issue regional decree laws (approved by their parliaments) and regional regulatory decrees (approved by their governments). These are limited to matters of regional scope and address matters set out in their Political and Administrative Statutes

Sweden: The figures represent the number of laws adopted by the parliament and ordinances adopted by the government. The figures do not include the rules adopted by different authorities/agencies, as they are not easily countable.

Switzerland: number of texts are published every year in the AS: laws: BV, BB, BG and V of the BVers, minus simple BB, sub. regulations: all V, minus V of the BVs. Laws and regulations are counted in the year of their publication,

United Kingdom: Number of new laws at the national/federal level: The figures in this row refer to UK Acts of Parliament (also known as primary legislation). Acts create a new law or change an existing law. An Act is a Bill approved by both the UK House of Commons and the House of Lords and formally agreed to by the reigning monarch (known as Royal Assent). Number of new subordinate regulations (decrees, others): The figures listed in this row refer to UK Statutory Instruments SIs (also known as secondary legislation). SIs allow the Government to make changes to a law without needing to push through a completely new Act of Parliament. The original Act would have provisions that allow for future delegated legislation to alter the law to differing degrees.

United States: Data source for new federal laws: “Résumé of Congressional Activity” (2001-08).

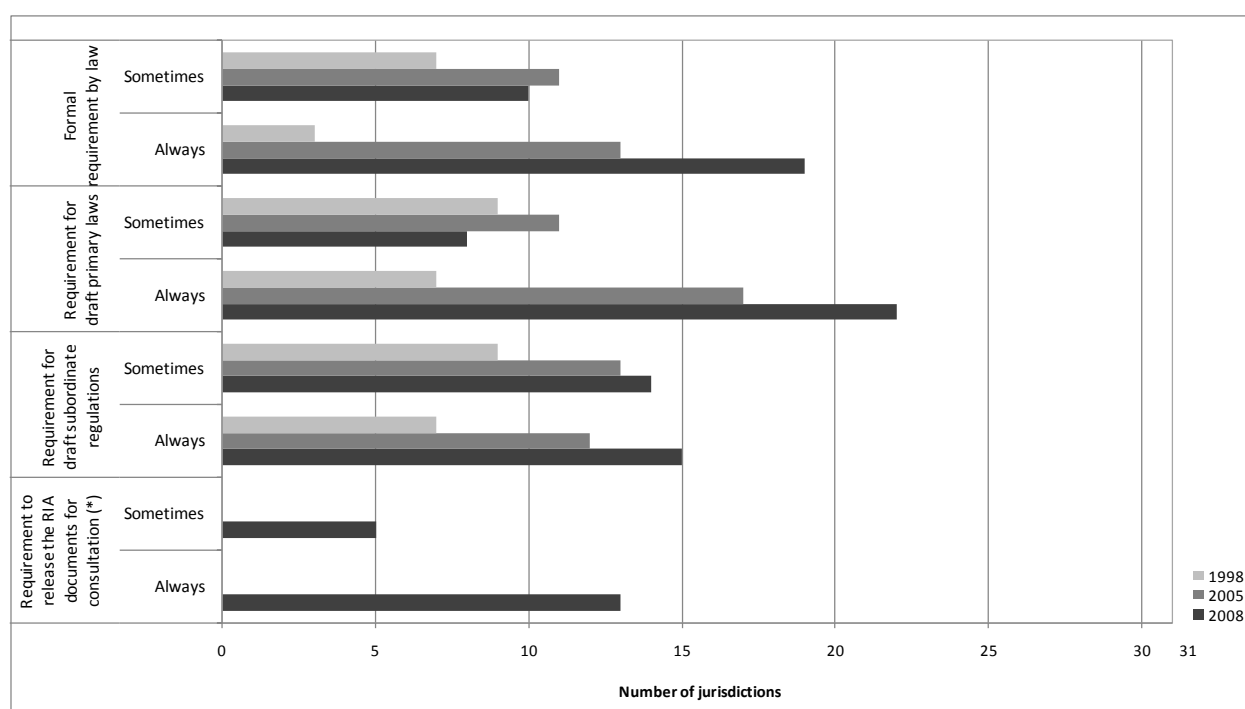
Numbers of new subordinate regulations are based on OMB/OIRA reviews of all "significant" proposed and final rules. Since OMB/OIRA reviews only “significant” rules, the total number of regulations issued each year is much higher.

European Union: Number of “laws”/ “subordinate regulations” covers “European Parliament and Council acts and Council acts” / “Commission acts” – Regulations, Directives and Decisions – adopted at EU level (but not national measures adopted by Member States at transposition or implementation level). *Source:* EUR-Lex advanced search.

ANNEX 2. FIGURES

Figure 1. Requirements for RIA

1998, 2005 and 2008



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic.

This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005/2008.

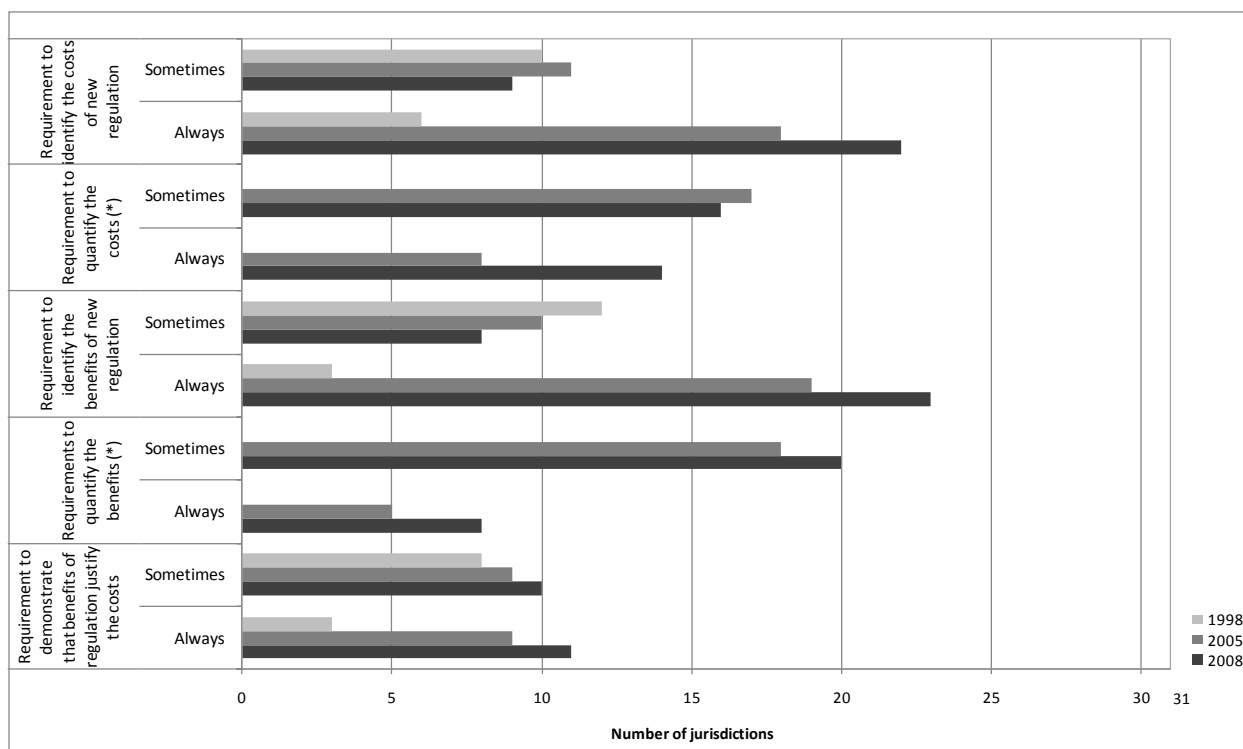
(*) No data are available prior to 2008.

'Sometimes' corresponds to 'Only for major regulations' and 'In other selected cases'.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators.

Figure 2. Requirements for RIA: costs and benefits

1998, 2005 and 2008



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic.

This means that this figure is based on data for 27 countries in 1998 and for 30 countries and the EU in 2005/2008.

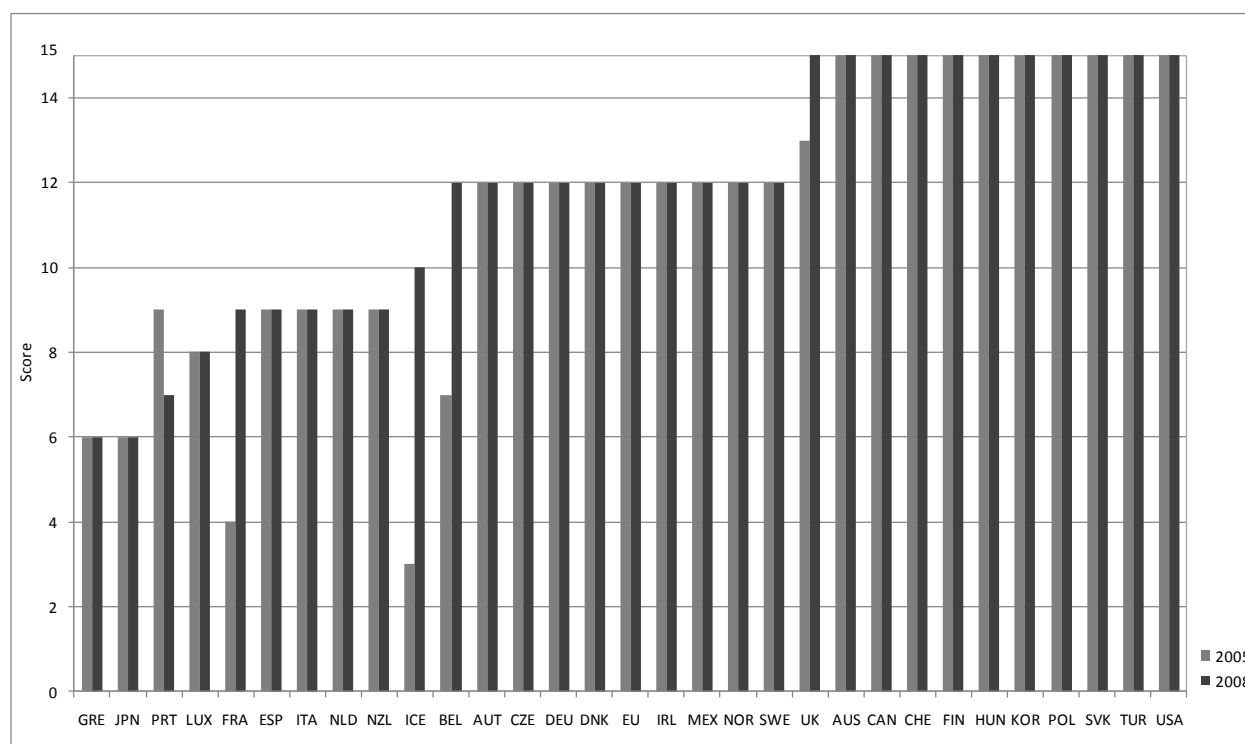
(*) No data are available prior to 2005.

'Sometimes' corresponds to 'Only for major regulations' and 'In other selected cases'.

Source: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

Figure 3. Clarity and due process in rule-making procedures

2005 and 2008



Note: This figure summarises a number of elements relevant to the clarity and due process in rule-making procedures which are listed below. It does not gauge whether these procedures have been effective.

Questions:

Does the government periodically publish a list of primary laws to be prepared, modified, reformed or repealed in the next six months or more?

If the answer is "yes": Is it available to the public (*i.e.* via the Internet)?

Does the government periodically publish a list of subordinate regulations to be prepared, modified, reformed or repealed in the next six months or more?

If the answer is "yes": Is it available to the public (*i.e.* via the Internet)?

Are there standard procedures by which the administration develops draft primary laws?

If there are standard procedures by which draft laws are developed: a(i) Are these established in a formal normative document such as a law (e.g. an Administrative Procedures Act?) or a formal policy document (e.g. Cabinet Handbook), with a binding impact?

If there are standard procedures by which draft laws are developed: a(ii) Are draft laws to be scrutinised by a specific body within Government other than the department which is responsible for the regulation?

Are there standard procedures by which the administration develops draft subordinate regulations?

If there are standard procedures by which draft subordinate regulations are developed:

b(i) Are these established in a formal normative document such as a law (e.g. an Administrative Procedures Act?) or a formal policy document (e.g. Cabinet Handbook), with a binding impact?

Weights:

if yes, weight=2

if yes, weight=1

if yes, weight=2

if yes, weight=1

if yes, weight=2

if yes, weight=2

if yes, weight=2

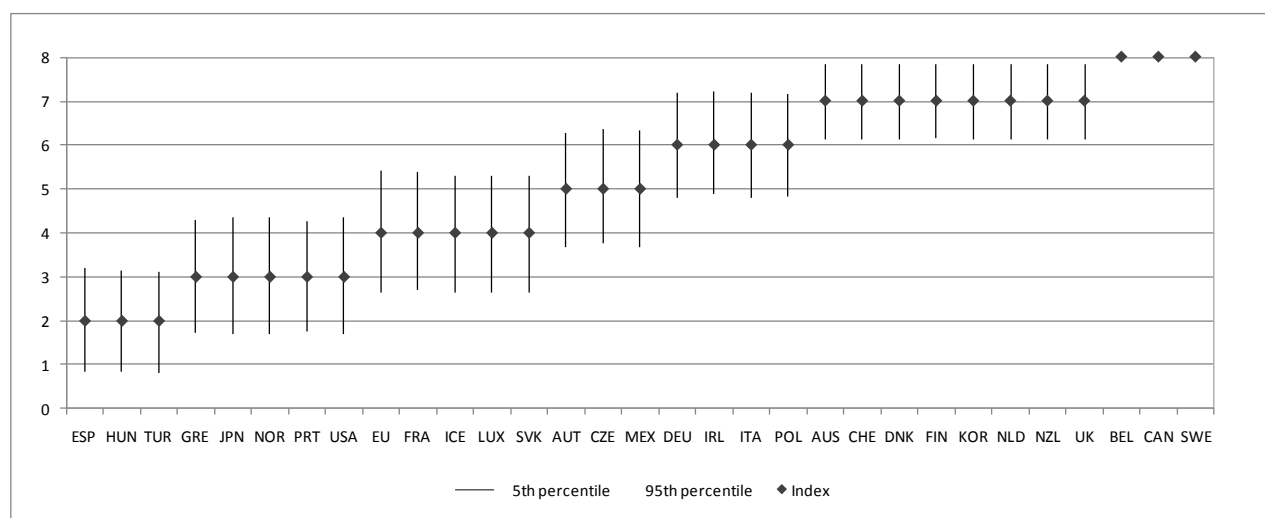
if yes, weight=2

if yes, weight=1

Source: Questions 3 & 4 / OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators.

Figure 4. Appeal, Compliance and Enforcement issues

2008



Note: This indicator summarises countries answers' to a series of questions related to appeal, compliance and enforcement issues as listed below. It does not gauge the effectiveness of measurements undertaken. It should therefore not be used to rank countries on the quality of their appeal, compliance and enforcement processes.

Questions:

When appealing against adverse regulatory enforcement decisions in individual cases, which of the following options are typically available to affected parties?

- Administrative review by the regulatory enforcement body?
- Administrative review to an independent body?
- Judicial review?

Has there been a programme to facilitate appeal processes in the past five years?

Do regulatory policies explicitly require that the issue of securing compliance and enforcement be anticipated when developing new regulation?

If the answer is "yes": a(i) Are there specific policies on developing compliance-friendly regulation?

If the answer is "yes": a(ii) Is written guidance on compliance and/or enforcement issues made available to regulators?

Is there a policy on risk based enforcement? (i.e. requiring that regulators focus inspection on high risk activities in order to reduce compliance burdens on low risk activities)

Weights:

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

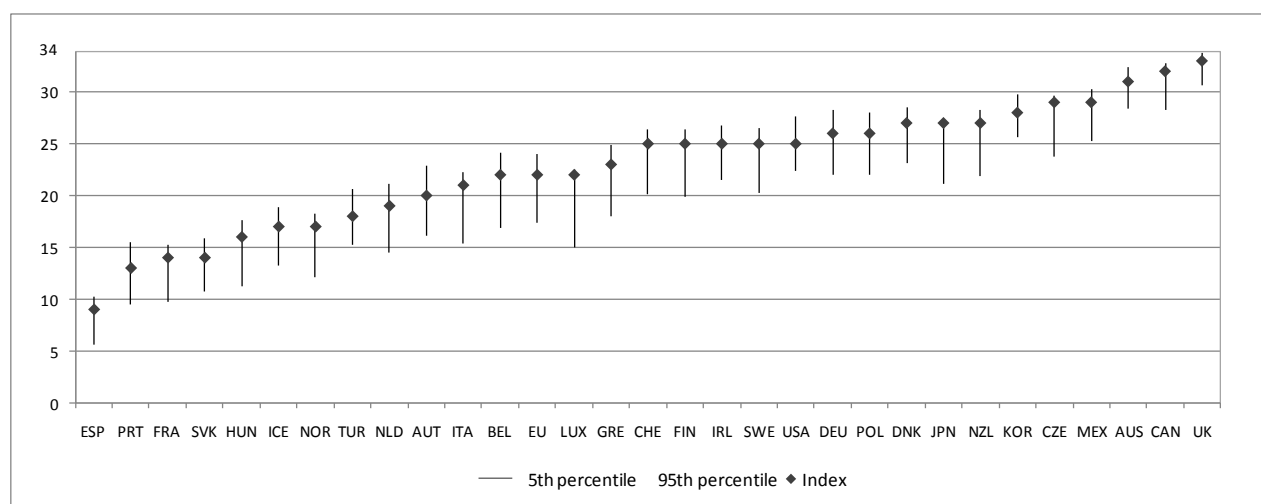
No=0, Yes=1

No=0, Yes=1

Source: Questions 3 & 8 / OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

Figure 5. Requirements for RIA processes used by central governments (RIA 1)

2008



Note: This figure summarises information about the existence of key elements of RIA processes in OECD member countries. It does not offer information on the quality of specific RIAs.

Questions:

- a) Is regulatory impact analysis (RIA) carried out before new regulation is adopted?
- b) At what stage is the RIA prepared?
 - b(i) Early in the development of a regulatory proposal?
- c) Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA?
- d) As part of this review is there scope for:
 - d(i) Revising the regulatory proposal?
 - d(ii) Blocking the regulatory proposal?
- e) Is there a clear "threshold" for applying RIA to new regulatory proposals?
- If the answer is "yes": f) As a result of the threshold test is there a requirement for a simplified RIA as an alternative to a full RIA?
- g) Is guidance on the preparation of RIA provided?
- h(i) Is RIA required by law or by a similarly strictly binding administrative instrument?
- h(ii) Is RIA required for draft primary laws?
- h(iii) Is RIA required for draft subordinate regulations?
- h(iv) Are regulators required to identify the costs of new regulation?
- If yes: Is the impact analysis required to include the quantification of the costs?
- h(v) Are regulators required to identify the benefits of new regulation?
- If yes: Is the impact analysis required to include the quantification of the benefits?
- h(vi) Does the RIA require regulators to demonstrate that the benefits of new regulation justify the costs?
- h(vii) Are RIA documents required to be publicly released for consultation?
- k) Are *ex post* comparisons of the actual vs predicted impacts of regulations made?
- l) Is there an assessment of the effectiveness of RIA in leading to modifications of initial regulatory proposals undertaken?

Weights:

- No=0, In some cases=1, Always=2
- No=0, Yes=2
- No=0, Yes=3
- No=0, Yes=1
- No=0, Yes=1
- No=0, Yes=2
- No=0, Yes=1
- No=0, Yes=2
- h(i) to h(vii): No=0, In other selected cases=1, Only for major regulation=1, Always=2

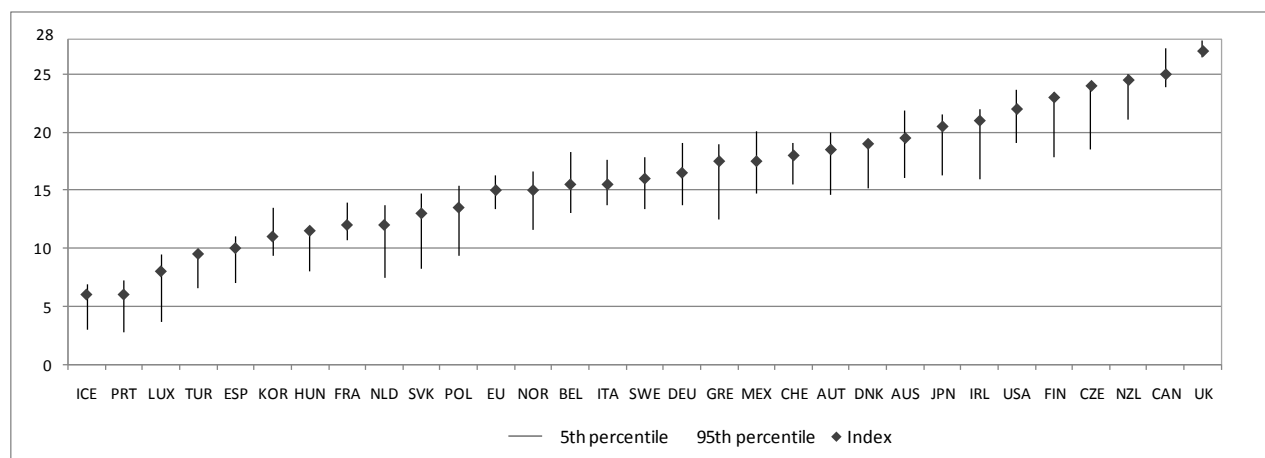
No=0, Yes=1

No=0, Yes=1

Source: Question 10 / OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

Figure 6. Extent of RIA processes (RIA 2)

2008



Note: This graph summarises information about the extent of RIA processes in OECD member countries. It does not gauge whether these processes have been effective.

Questions:

h(ix) Is the RIA required to include assessments of other specific impacts: Impacts on the budget, impacts on competition, impacts on market openness, impacts on small businesses, impact on specific regional areas, impact on specific social groups, impact on other groups (not for profit sector including charities), impact on the public sector, impact on gender equality, impact on poverty

i) Is risk assessment required when preparing a RIA? for all regulation, for health and safety regulation, for environmental regulation

If "yes": Does the risk assessment require quantitative modeling?

j(i) Does the RIA require regulators to explicitly consider compliance and enforcement issues when preparing new regulations?

j(ii) Are reports prepared on the level of compliance with the above RIA requirements?

j(iii) Are these reports published?

Weights:

h(ix): No=0, In other selected cases=1, Only for major regulation=1, Always=2 except, Impact on other groups (charities, not for profit sector): No=0, In other selected cases=0.5, Only for major regulation=0.5, Always=1

No=0, In other selected cases=0.5, Only for major regulation=0.5, Always=1

No=0, In other selected cases=0.5, Only for major regulation=0.5, Always=1

No=0, Yes=1

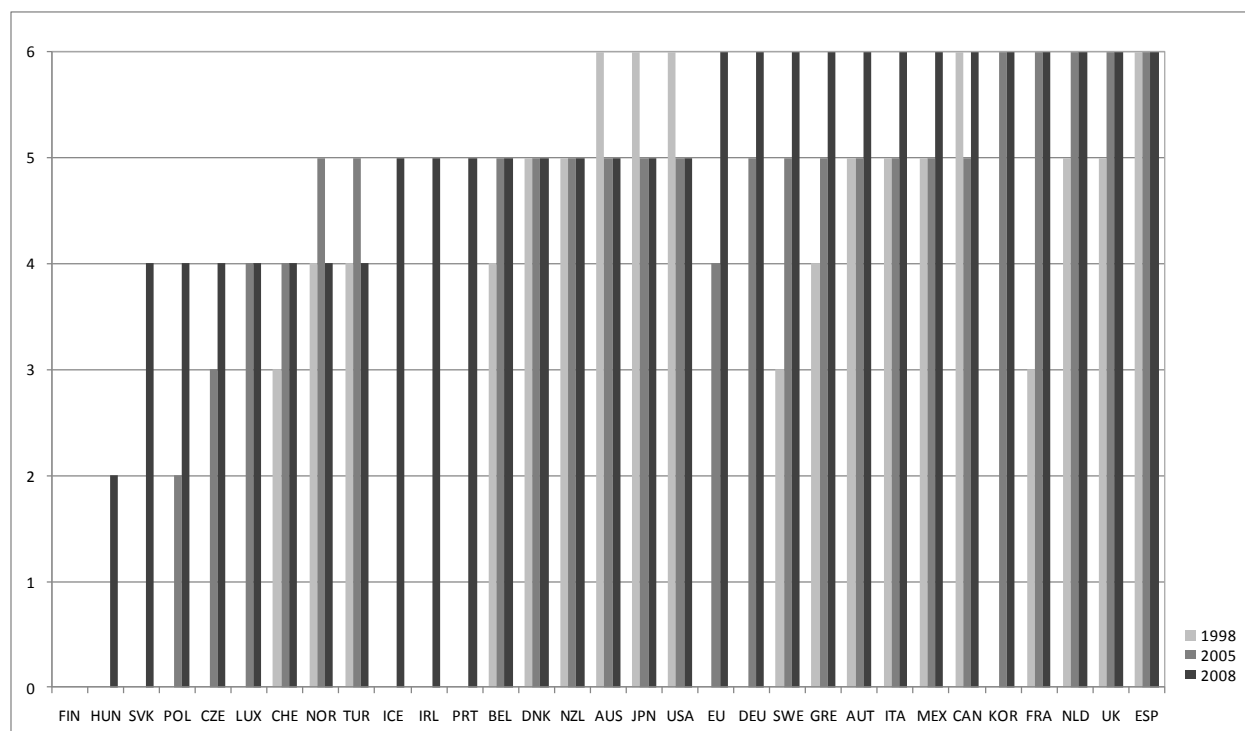
No=0, Ad hoc basis=1, Regulatory=2

No=0, Yes=2

Source: Question 10 / OECD Regulatory Management Systems' Indicators Survey 2008, www.oecd.org/regreform/indicators.

Figure 7. Extent of programmes for reducing administrative burdens

1998, 2005 and 2008



Note: This graph summarises information about the existence of some key elements for administrative burden reduction programmes in OECD member countries. It does not gauge whether these programmes have been effective.

Questions:

Is there an explicit government programme to reduce the administrative burdens imposed by government on enterprises and/or citizens?

If the answer is "yes": Does this programme include quantitative targets?

Which of the following strategies are used?

- Information and communication technologies for regulatory administration (e.g. electronic databases, online formats)

- Other streamlining of government administrative procedures

- Reallocating powers and responsibilities between government departments and/or between levels of government

Weights:

if yes, weight=2

if yes, weight=1

if yes, weight=1

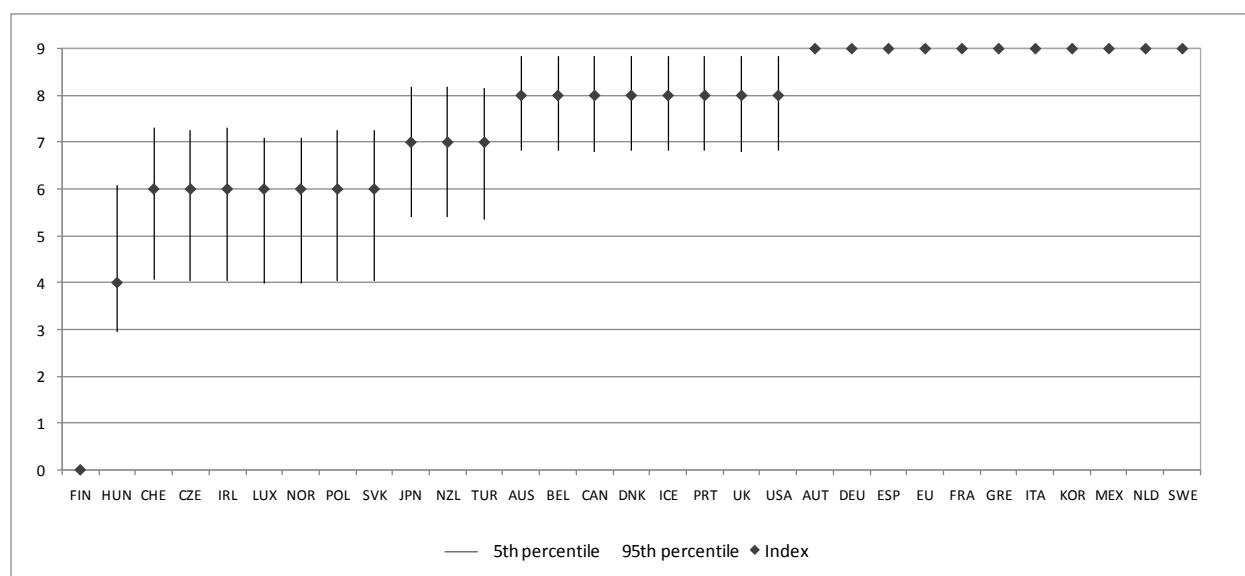
if yes, weight=1

if yes, weight=1

Source: Question 12 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators

Figure 8. Explicit programme for reducing administrative burdens: quantitative and qualitative

2008



Note: This figure summarises information about the existence of some key elements for administrative burden reduction programmes in OECD member countries. It does not gauge whether these programmes have been effective

Questions:

Is there an explicit government programme to reduce the administrative burdens imposed by government on enterprises and/or citizens?

Weights:

No=0, Yes=2

If the answer is "yes": does this programme include quantitative targets?

No=0, Yes=1

If the answer is "yes": does this programme include qualitative targets?

No=0, Yes=1

Which of the following strategies are used?

-Removal of obligations

If yes, weight=1

- Modification and streamlining of existing laws and regulations

If yes, weight=1

- Information and communication technologies for regulatory administration (e.g. electronic databases, online formats)

If yes, weight=1

- Other streamlining of government administrative procedures

If yes, weight=1

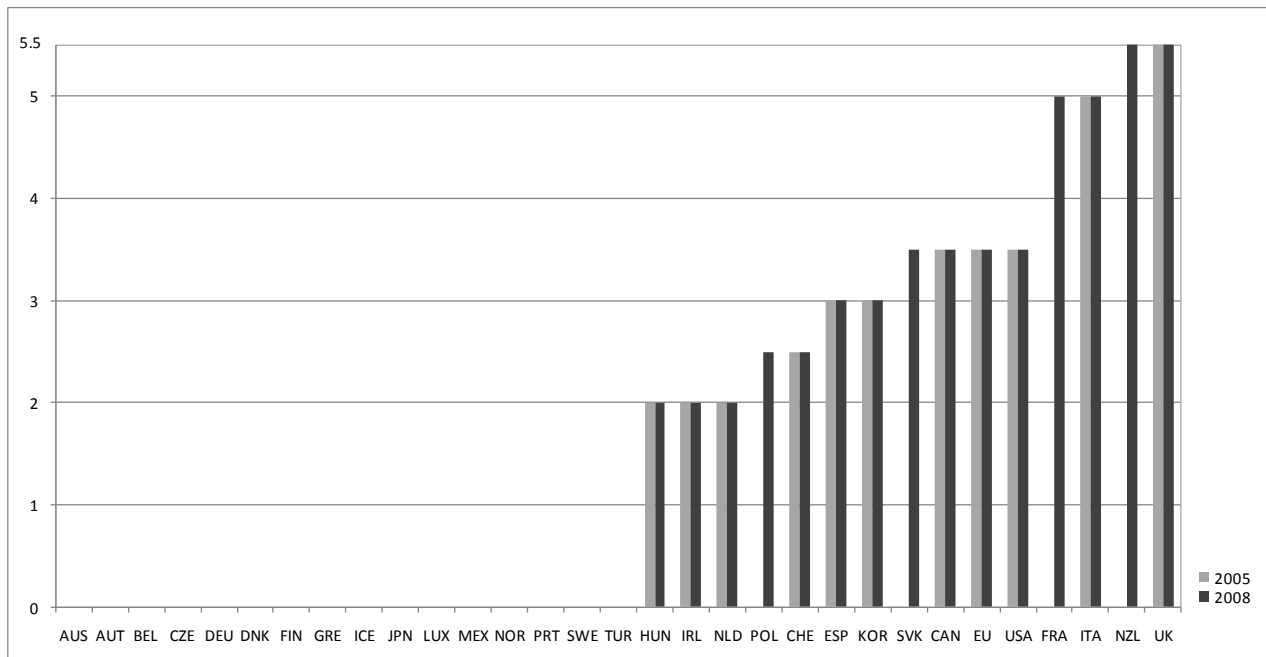
- Reallocating powers and responsibilities between government departments and/or between levels of government

If yes, weight=1

Source: Question 12 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators

Figure 9. Parliamentary oversight of regulatory policy

2005 and 2008



Note: This figure summarises information about formal oversight of regulatory policy by the parliament. It does not provide information on its effectiveness.

Questions:

Is there a specific parliamentary committee or other parliamentary body with responsibilities that relate specifically to the regulatory policy/regulatory reform policy?

If the answer is "yes":

Does this body periodically review the quality of proposed primary legislation (*i.e.* lower level rules)?

Is this body also entrusted to review the quality of subordinate regulation (*i.e.* lower level rules)?

Is the review process, if it exists, explicitly guided by regulatory quality criteria?

Does this body review and report on progress on regulatory policy/regulatory reform across the administration?

Weights:

if yes, weight=2

if yes, weight=1

if yes, weight=0.5

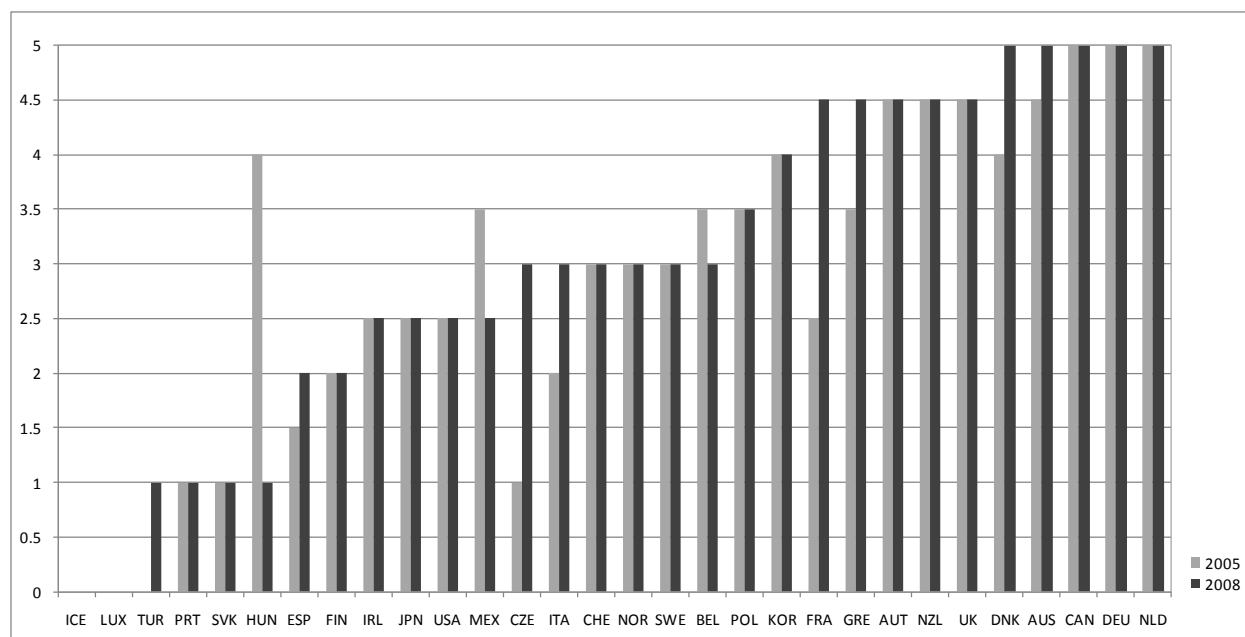
if yes, weight=1

if yes, weight=1

Source: Question 15 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators.

Figure 10. Multi-level co-ordination mechanisms for regulatory policy

2005 and 2008



Note: This figure summarises information about the existence of formal co-ordination mechanisms between national/federal and state/regional governments with respect to regulatory policy. It does not provide information on their effectiveness. This question is not applicable to the European Union.

Questions:

Are there formal co-ordination mechanisms between National/Federal and State/regional governments? (in Federal or quasi-federal countries, between national and regional/local governments in unitary countries)

Do any of these mechanisms impose specific obligations in relation to regulatory practice?

Are any of the following regulatory harmonisation mechanisms used?

- Mutual recognition?
- Regulatory harmonisation agreements?
- Strict regulatory uniformity agreements?

Weights:

No=0, Yes=1

No=0, Yes=1

No=0, Yes=1

If not at all,

weight=0; if

sometimes,

weight=0.5; if

widely, weight=1

Source: Question 16 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators.

ANNEX 3. METHODOLOGY

Annex 3.1 Quality Framework and Guidelines for OECD Statistical Activities

The OECD Quality Framework for Statistical activities (Quality Framework and Guidelines for OECD Statistical Activities) comprises seven dimensions, which can be summarised as follows:

1. *Relevance* of data products is a qualitative assessment of the degree to which they serve the purposes for which they are sought by users. Data can be well-recognized in the field and cited in government reports (high policy relevance) or little used beyond academic papers (lower policy relevance).
2. *Accuracy* is the degree to which the data correctly estimate or describe the quantities or characteristics they are designed to measure. Data can derive from well-accepted classifications and procedures, validated by reference to independent data sources (high quality) or from ad hoc classifications and procedures with no cross-checking against other data (lower quality).
3. *Credibility* refers to the confidence that users place in the data products. It is determined in part by the integrity of the process through which the data is generated. Results can be based on standard, replicable procedures capturing unambiguous data (highly objective), or include survey-based data (less objective) or expert assessments (least objective).
4. *Timeliness* reflects the length of time between data availability and the event or phenomenon they describe. Key questions include: is time series available, how frequently is the data produced, and what is the planned future availability of the data?
5. *Interpretability* concerns the ease with which the user may understand and properly use and analyse the data. It is determined in part by the adequacy of the definitions of concepts, variables and terminology, information describing the limitations of the data. Key questions include: have the questions the same meaning for all countries, and is the underlying data clearly defined?
6. *Coherence* is the degree to which data are logically connected and mutually consistent – within a dataset, across datasets, over time and across countries.
7. *Accessibility* reflects how readily the data can be located and accessed. Key considerations include the source of information and the ease with which the user can gain access to the data

Source: OECD (2003), *Quality Framework and Guidelines for OECD Statistical Activities*, OECD, Paris.

Annex 3.2 Construction of composite indicators

Institutional capacity for managing regulatory reform, 2005 and 2008 (Question 14):

a) Is there a dedicated body (or bodies) responsible for promoting the regulatory policy and monitoring and reporting on regulatory reform and regulatory quality in the national administration from a whole of government perspective?

Weight: 3/18 Scores: No=0, Yes=1

a(i) Is this body consulted as part of the process of developing new regulation?

Weight: 2/18 Scores: No=0, Yes=1

a(ii) Does this body report on progress made on reform by individual ministries?

Weight: 2/18 Scores: No=0, Yes=1

a(iii) Is this body entrusted with the authority of reviewing and monitoring regulatory impacts conducted in individual ministries?

Weight: 2/18 Scores: No=0, Yes=1

a(iv) Can this body conduct its own analysis of regulatory impacts?

Weight: 1/18 Scores: No=0, Yes=1

a(v) Is this body entrusted with an advocacy function to promote regulatory quality and reform?

Weight: 1/18 Scores: No=0, Yes=1

b) Is there an advisory body that receives references from Government to review broad areas of regulation, collecting the views of private stakeholders (*e.g.* Past bodies have included: the Better Regulation Task Force in the UK, the External Advisory Council on Smart Regulation in Canada and the Regulatory Reform Council in Korea)?

Weight: 1/18 Scores: No=0, Yes=1

b(i) Does this body have a degree of independence from government (*e.g.* through a board or commission structure)?

Weight: 1/18 Scores: No=0, Yes=1

b(ii) Does this body report its findings publicly?

Weight: 1/18 Scores: No=0, Yes=1

c) Is a specific minister accountable for promoting government-wide progress on regulatory reform?

Weight: 2/18 Scores: No=0, Yes=1

If the answer is “yes”:

c(ii) Is the Minister required to report to Parliament on progress?

Weight: 2/18 Scores: No=0, Yes=1

Training in regulatory reform skills, 2005 and 2008 (Question 13):

a) Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation?

Weight: 2/10.5 Scores: No=0, Yes=1

a(i) Does this include training in how to conduct regulatory impact analysis?

Weight: 2/10.5 Scores: No=0, Yes=1

a(iii) Does this include training on how to inform and communicate with the public?

Weight: 2/10.5 Scores: No=0, Yes=1

b(i) Is general guidance on the regulatory policy and its underlying objectives published and distributed to regulatory officials?

Weight: 1/10.5 Scores: No=0, Yes=1

b(ii) Is general guidance on compliance and enforcement published and distributed to regulatory officials?

Weight: 1/10.5 Scores: No=0, Yes=1

c) Are other strategies in place to promote changes in the regulatory culture consistent with the objectives of the regulatory policy? (*e.g.* mobility of officials across areas, exchanges with the private sector, others) If so please describe

Weight: 0.5/10.5 Scores: No=0, Yes=1

Policy coherence integrating competition and market openness, 2008 (Question 2):

a) Are there formal processes for consultation when preparing new primary laws?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

b) Are there formal processes for consultation when preparing new subordinate regulations?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

c) Is the body responsible for competition policy usually consulted on new regulation?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

If the answer is yes, is this consultation mandatory?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

d) Is the body responsible for trade policy usually consulted on new regulation?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

If the answer is yes, is this consultation mandatory?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

e) Is the body responsible for consumer policy usually consulted on new regulation?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

If the answer is yes, is this consultation mandatory?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

g) Is there a formal requirement that regulators consider comparable international standards and rules before setting new domestic standards?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

h) Are regulators required to explain the rationale for diverting from international standards when country specific rules are proposed?

Weight: 2/20 Scores: No=0, In some cases=0.5, Always=1

Access to regulations, 1998-2005-2008 (Question 5):

Which of the following systematic procedures for making regulation known and accessible to affected parties are employed:

a(i) Codification of primary laws?

Weight: 1/7 Scores: No=0, Yes=1

a(i-1) If “yes”: Is there a mechanism for regular updating of the codes or codified laws? (at least yearly basis)

Weight: 1/7 Scores: No=0, Yes=1

a(ii) Publication of a consolidated register of all subordinate regulations currently in force?

Weight: 1/7 Scores: No=0, Yes=1

a(ii-1) If “yes”: Is there a provision that only subordinate regulations in the registry are enforceable?

Weight: 1/7 Scores: No=0, Yes=1

a(iii) Public access via the Internet to the text of all or most primary laws?

Weight: 1/7 Scores: No=0, Yes=1

a(iv) Public access via the Internet to the text of all or most subordinate regulation?

Weight: 1/7 Scores: No=0, Yes=1

a(v) A general policy requiring plain language drafting of regulation?

Weight: 0.5/7 Scores: No=0, Yes=1

a(vi) Is guidance on plain language drafting issued?

Weight: 0.5/7 Scores: No=0, Yes=1

Formal consultation processes (2005 and 2008):

a) Is public consultation with parties affected by regulations a part of developing new draft primary laws?

Weight: 1/12.25 Scores: No=0, In some cases=0.5, Yes=1

b) Is public consultation with parties affected by regulations a part of developing new draft subordinate regulations?

Weight: 1/12.25 Scores: No=0, In some cases=0.5, Yes=1

b(iv) Primary laws: Is consultation mandatory?

Weight: 0.5/12.25 Scores: No=0, Yes=1

b(iv) Subordinate regulations: Is consultation mandatory?

Weight: 0.5/12.25 Scores: No=0, Yes=1

b(vii-1) Primary laws: What forms of public consultation are routinely used (tick all that apply):

-Broad circulation of proposals for comment?

Weight: 0.25/12.25 Scores: No=0, Yes=1

-Public notice and calling for comment?

Weight: 0.5/12.25 Scores: No=0, Yes=1

-Public meeting?

Weight: 0.25/12.25 Scores: No=0, Yes=1

-Simply posting proposals on the internet?

Weight: 0.25/12/25 Scores: No=0, Yes=1

-Advisory group?

Weight: 0.25/12.25 Scores: No=0, Yes=1

- Preparatory public commission/committee?

Weight: 0.25/12.25 Scores: No=0, Yes=1

b(vii-2) Subordinate regulations: What forms of public consultation are routinely used (tick all that apply):

-Broad circulation of proposals for comment?

Weight: 0.25/12.25 Scores: No=0, Yes=1

-Public notice and calling for comment?

Weight: 0.5/12.25 Scores: No=0, Yes=1

-Public meeting?

Weight: 0.25/12.25 Scores: No=0, Yes=1

-Simply posting proposals on the internet?

Weight: 0.25/12/25 Scores: No=0, Yes=1

-Advisory group?

Weight: 0.25/12.25 Scores: No=0, Yes=1

- Preparatory public commission/committee?

Weight: 0.25/12.25 Scores: No=0, Yes=1

b(viii) Primary laws: Can any member of the public choose to participate in the consultation?

Weight: 0.5/12.25 Scores: No=0, Yes=1

b(viii) Subordinate regulations: Can any member of the public choose to participate in the consultation?

Weight: 0.5/12.25 Scores: No=0, Yes=1

c) Where there is a formal requirement for public consultation with parties affected by regulations, what is the minimum period for consultation that is specified? In number of weeks from 1 to 25 weeks

c(i-1) What is the minimum period for allowing consultation comments inside government?

Weight: 0.5/12.25 Scores: 0, 0.125, 0.25, 0.375, 0.5 (0, 1, 2, 3, 4 or more weeks)

c(ii-1) What is the minimum period for allowing consultation comments by the public, including citizens, business and civil society organisations?

Weight: 0.75/12.25 Scores: 0, 0.125, 0.25, 0.375, 0.5, 0.75 (0, 2, 4, 6, 8, 12 or more weeks)

d(i-1) Primary laws: Are the views of participants in the consultation process made public?

Weight: 0.5/12.25 Scores: No=0, Yes=1

d(i-2) Subordinate regulations: Are the views of participants in the consultation process made public?

Weight: 0.5/12.25 Scores: No=0, Yes=1

d(ii-1) Primary laws: Are regulators required to respond in writing to the authors of consultation comments?

Weight: 0.25/12.25 Scores: No=0, Yes=1

d(ii-2) Primary laws: Are regulators required to respond in writing to the authors of consultation comments?

Weight: 0.25/12.25 Scores: No=0, Yes=1

d(iii-1) Primary laws: Are the views expressed in the consultation process included in the regulatory impact analysis?

Weight: 0.5/12.25 Scores: No=0, Yes=1

d(iii-2) Subordinate regulations: Are the views expressed in the consultation process included in the regulatory impact analysis?

Weight: 0.5/12.25 Scores: No=0, Yes=1

d(iv-1) Primary laws: Is there a process to monitor the quality of the consultation process (*e.g.* surveys or other methods)?

Weight: 0.5/12.25 Scores: No=0, Yes=1

d(iv-2) Subordinate regulations: Is there a process to monitor the quality of the consultation process (*e.g.* surveys or other methods)?

Weight: 0.5/12.25 Scores: No=0, Yes=1

Formal consultation processes: Primary laws/ Subordinate legislation (Question 9):

a) Is public consultation with parties affected by regulations a part of developing new draft primary laws/subordinate regulations?

Weight: 1/9.5 Scores: No=0, In some cases=0.5, Yes=1

When is it conducted?

-a(i) at the inception of the legal proposal?

Weight: 0.75/9.5 Scores: No=0, Yes=1

-a(ii) during the drafting of the law/of a regulatory impact statement?

Weight: 0.5/9.5 Scores: No=0, Yes=1

b(iv) Is consultation mandatory?

Weight: 0.5/9.5 Scores: No=0, Yes=1

b(v) Are there consultation guidelines?

Weight: 0.5/9.5 Scores: No=0, Yes=1

b(vi) If so, are they mandatory?

Weight: 0.5/9.5 Scores: No=0, Yes=1

b(vii) What forms of public consultation are routinely used (tick all that apply)?

-Broad circulation of proposals for comment?

Weight: 0.25/9.5 Scores: No=0, Yes=1

- Public notice and calling for comment?

Weight: 0.5/9.5 Scores: No=0, Yes=1

- Public meeting?

Weight: 0.25/9.5 Scores: No=0, Yes=1

- Simply posting proposals on the internet?

Weight: 0.25/9.5 Scores: No=0, Yes=1

-Advisory group?

Weight: 0.25/9.5 Scores: No=0, Yes=1

- Preparatory public commission/committee?

Weight: 0.25/9.5 Scores: No=0, Yes=1

b(viii) Can any member of the public choose to participate in the consultation?

Weight: 0.5/9.5 Scores: No=0, Yes=1

c)Where there is a formal requirement for public consultation with parties affected by regulations, what is the minimum period for consultation that is specified? In number of weeks from 1 to 25 weeks

c(i) What is the minimum period for allowing consultation comments inside government (in number of weeks from 1 to 25 weeks)?

Weight: 0.5/9.5 Scores: 0, 0.125, 0.25, 0.375, 0.5 (0, 1, 2, 3, 4 or more weeks)

c(ii) What is the minimum period for allowing consultation comments by the public, including citizens, business and civil society organisations (in number of weeks from 1 to 25 weeks)?

Weight: 0.75/9.5 Scores: 0, 0.125, 0.25, 0.375, 0.5, 0.75 (0, 2, 4, 6, 8, 12 or more weeks)

d(i) Are the views of participants in the consultation process made public?

Weight: 0.5/9.5 Scores: No= 0, Yes=1

d(ii) Are regulators required to respond in writing to the authors of consultation comments?

Weight: 0.25/9.5 Scores: No=0, Yes=1

d(iii) Are the views expressed in the consultation process included in the regulatory impact analysis?

Weight: 0.5/9.5 Scores: No=0, Yes=1

d(iv) Is there a process to monitor the quality of the consultation process (*e.g.* surveys or other methods)?

Weight: 0.5/9.5 Scores: No=0, Yes=1

d(v) Is guidance available on how to conduct effective consultation?

Weight: 0.5/9.5 Scores: No=0, Yes=1

Clarity and due process in rule-making procedures, 1998-2005-2008 (Questions 3 and 4):

Does the government periodically publish a list of primary laws to be prepared, modified, reformed or repealed in the next six months or more?

Weight: 2/12 Scores: No=0, Yes=1

Is it available to the public (*i.e.* via the Internet)?

Weight: 1/12 Scores: No=0, Yes=1

Does the government periodically publish a list of subordinate regulations to be prepared, modified or reformed in the next six months or more?

Weight: 2/12 Scores: No=0, Yes=1

Is it available to the public (*i.e.* via the Internet)?

Weight: 1/12 Scores: No=0, Yes=1

Are there standard procedures by which the administration develops draft primary laws?

Weight: 2/12 Scores: No=0, Yes=1

Are draft laws to be scrutinised by a specific body within Government other than the department which is responsible for the regulation?

Weight: 2/12 Scores: No=0, Yes=1

Are there standard procedures by which the administration develops draft subordinate regulations?

Weight: 2/12 Scores: No=0, Yes=1

Clarity and due process in rule-making procedures, 2005 and 2008 (Questions 3 and 4):

Does the government periodically publish a list of primary laws to be prepared, modified, reformed or repealed in the next six months or more?

Weight: 2/15 Scores: No=0, Yes=1

Is it available to the public?

Weight: 1/15 Scores: No=0, Yes=1

Does the government periodically publish a list of subordinate regulations to be prepared, modified or reformed in the next six months or more?

Weight: 2/15 Scores: No=0, Yes=1

Is it available to the public?

Weight: 1/15 Scores: No=0, Yes=1

Are there standard procedures by which the administration develops draft primary laws?

Weight: 2/15 Scores: No=0, Yes=1

Are these established in a formal normative document such as a law (*e.g.* an Administrative Procedures Act.) or a formal policy document (*e.g.* Cabinet Handbook), with a binding impact?

Weight: 2/15 Scores: No=0, Yes=1

Are draft laws to be scrutinised by a specific body within Government other than the department which is responsible for the regulation?

Weight: 2/15 Scores: No=0, Yes=1

Are there standard procedures by which the administration develops draft subordinate regulations?

Weight: 2/15 Scores: No=0, Yes=1

Are these established in a formal normative document such as a law (*e.g.* an Administrative Procedures Act.) or a formal policy document (*e.g.* Cabinet Handbook), with a binding impact?

Weight: 1/15 Scores: No=0, Yes=1

Provision of justification for regulatory actions, 2008 (Questions 6 and 7):

Are regulators required to provide a written justification of the need for new regulation

Weight: 2/11 Scores: No=0, In some cases=0.5, Always=1

If the answer is “always” or “in some cases”:

Are explicit decision criteria to be used when justifying a new regulation?

Weight: 1/11 Scores: No=0, In some cases=0.5, Always=1

Is a risk assessment required to be included as part of the written justification for the regulation?

Weight: 1/11 Scores: No=0, In some cases=0.5, Always=1

Has guidance been issued on the main rationales for the use of regulation?

Weight: 1/11 Scores: No=0, Yes=1

Are regulators required to identify and assess potentially feasible alternative policy instruments (regulatory and non-regulatory) before adopting new regulation?

Weight: 2/11 Scores: No=0, In some cases=0.5, Always=1

b) Has guidance been issued on using alternative policy instruments?

Weight: 1/11 Scores: No=0, Yes=1

If the answer is "yes" does it address the following topics:

b(i) Performance based regulation?

Weight: 0.5/11 Scores: No=0, Yes=1

b(ii) Process (or management) based regulation?

Weight: 0.5/11 Scores: No=0, Yes=1

b(iii) Co-regulation?

Weight: 0.5/11 Scores: No=0, Yes=1

b(iv) Economic instruments?

Weight: 0.5/11 Scores: No=0, Yes=1

b(v) the use of Quasi regulatory guidelines as an alternative to regulation?

Weight: 0.5/11 Scores: No=0, Yes=1

b(vi) Voluntary approaches?

Weight: 0.5/11 Scores: No=0, Yes=1

Requirements for RIA processes used by central governments, 2005 and 2008 (Question 10):

a) Is regulatory impact analysis (RIA) carried out before new regulation is adopted?

Weight: 2/27 Scores: No=0, In some cases=0.5, Always=1

c) Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA?

Weight: 3/27 Scores: No=0, Yes=1

e) Is there a clear "threshold" for applying RIA to new regulatory proposals?

Weight: 2/27 Scores: No=0, Yes=1

h(i) Is RIA required by law or by a similarly strictly binding administrative instrument?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(ii) Is RIA required for draft primary laws?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(iii) Is RIA required for draft subordinate regulations?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(iv) Are regulators required to identify the costs of new regulation?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(iv-1) If yes: Is the impact analysis required to include the quantification of the costs?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(v) Are regulators required to identify the benefits of new regulation?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(v-1) If yes: Is the impact analysis required to include quantification of the benefits?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(vi) Does the RIA require regulators to demonstrate that the benefits of new regulation justify the costs?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(vii) Are RIA documents required to be publicly released for consultation with the general public?

Weight: 2/27 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

k) Are ex post comparisons of the actual vs predicted impacts of regulations made?

Weight: 1/27 Scores: No=0, Yes=1

l) Is there an assessment of the effectiveness of RIA in leading to modifications of initial regulatory proposals undertaken?

Weight: 1/27 Scores: No=0, Yes=1

Requirements for RIA processes used by central governments, RIA 1, 2008 (Question 10):

a) Is regulatory impact analysis (RIA) carried out before new regulation is adopted?

Weight: 2/34 Scores: No=0, In some cases=0.5, Always=1

b) At what stage is the RIA prepared?

b(i) Early in the development of a regulatory proposal?

Weight: 2/34 Scores: No=0, Yes=1

c) Is a government body outside the ministry sponsoring the regulation responsible for reviewing the quality of the RIA?

Weight: 3/34 Scores: No=0, Yes=1

d) As part of this review is there scope for:

d(i) Revising the regulatory proposal?

Weight: 1/34 Scores: No=0, Yes=1

d(ii) Blocking the regulatory proposal?

Weight: 1/34 Scores: No=0, Yes=1

e) Is there a clear “threshold” for applying RIA to new regulatory proposals?

Weight: 2/34 Scores: No=0, Yes=1

f) As a result of the threshold test is there a requirement for a simplified RIA as an alternative to a full RIA?

Weight: 1/34 Scores: No=0, Yes=1

g) Is guidance on the preparation of RIA provided?

Weight: 2/34 Scores: No=0, Yes=1

h(i) Is RIA required by law or by a similarly strictly binding administrative instrument?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(ii) Is RIA required for draft primary laws?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(iii) Is RIA required for draft subordinate regulations?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(iv) Are regulators required to identify the costs of new regulation?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(iv-1) If yes: Is the impact analysis required to include the quantification of the costs?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(v) Are regulators required to identify the benefits of new regulation?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(v-1) If yes: Is the impact analysis required to include quantification of the benefits?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(vi) Does the RIA require regulators to demonstrate that the benefits of new regulation justify the costs?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

h(vii) Are RIA documents required to be publicly released for consultation with the general public?

Weight: 2/34 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

k) Are ex post comparisons of the actual vs predicted impacts of regulations made?

Weight: 1/34 Scores: No=0, Yes=1

l) Is there an assessment of the effectiveness of RIA in leading to modifications of initial regulatory proposals undertaken?

Weight: 1/34 Scores: No=0, Yes=1

Extent of RIA processes, 2005 and 2008 (Question 10):

h(viii) Is the RIA required to include assessments of other specific impacts:

-Impacts on the budget

Weight: 2/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impacts on competition

Weight: 2/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impacts on market openness

Weight: 2/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

-Impacts on small businesses

Weight: 2/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impact on specific regional areas

Weight: 2/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

-Impact on specific social groups (distributional effects across society)

Weight: 2/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

-Impact on other groups (not for profit sector including charities)

Weight: 1/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

-Impact on the public sector

Weight: 2/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

i) Is risk assessment required when preparing a RIA?

i(i) For all regulation

Weight: 1/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

i(ii) For Health and safety regulation

Weight: 1/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

i(iii) For Environmental regulation

Weight: 1/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

If “yes”: Does the risk assessment require quantitative modeling?

Weight: 1/24 Scores: No=0, In other selected cases=1, Only for major regulation=1,
Always=1

j(i) Does the RIA require regulators to explicitly consider compliance and enforcement issues when preparing new regulation?

Weight: 1/24 Scores: No=0, Yes=1

j(ii) Are reports prepared on the level of compliance with the above requirements of RIA?

Weight: 2/24 Scores: No=0, Ad hoc basis=1, Regularly=2

j(iii) Are these reports published?

Weight: 2/24 Scores: No=0, Yes=1

Extent of RIA processes, RIA 2, 2008 (Question 10):

h(viii) Is the RIA required to include assessments of other specific impacts:

-Impacts on the budget

Weight: 2/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impacts on competition

Weight: 2/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impacts on market openness

Weight: 2/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

-Impacts on small businesses

Weight: 2/24 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impact on specific regional areas

Weight: 2/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impact on specific social groups (distributional effects across society)

Weight: 2/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impact on other groups (not for profit sector including charities)

Weight: 1/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impact on the public sector

Weight: 2/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impact on gender equality

Weight: 2/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

- Impact on poverty

Weight: 2/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

i) Is risk assessment required when preparing a RIA?

i(i) For all regulation

Weight: 1/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

i(ii) For Health and safety regulation

Weight: 1/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

i(iii) For Environmental regulation

Weight: 1/28 Scores: No=0, In other selected cases=0.5, Only for major regulation=0.5,
Always=1

If “yes”: Does the risk assessment require quantitative modelling?

Weight: 1/28 Scores: No=0, In other selected cases=1, Only for major regulation=1,
Always=1

j(i) Does the RIA require regulators to explicitly consider compliance and enforcement issues when preparing new regulation?

Weight: 1/28 Scores: No=0, Yes=1

j(ii) Are reports prepared on the level of compliance with the above requirements of RIA?

Weight: 2/28 Scores: No=0, Ad hoc basis=1, Regularly=2

j(iii) Are these reports published?

Weight: 2/28 Scores: No=0, Yes=1

Facilitating licences and permits, one stop shops, 1998-2005-2008 (Question 11):

a) Is a "silence is consent" rule used at all (*i.e.* that licences are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)?

Weight: 2/12 Scores: No=0, Yes=1

b) Are there single contact points ("one-stop shops") for getting information on licences and notifications?

Weight: 3/12 Scores: No=0, Yes=1

c) Are there single contact points for accepting notifications and issuing licences (one-stop shops)?

Weight: 3/12 Scores: No=0, Yes=1

d) Is there a programme underway to review and reduce the number of licenses and permits required by the national government?

Weight: 1/12 Scores: No=0, Yes=1

d(i) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?

Weight: 2/12 Scores: No=0, Yes=1

e) Is there a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government?

Weight: 1/12 Scores: No=0, Yes=1

Measurement of administrative burdens, 2008 (Question 12):

a) Has your country completed a measurement of administrative burdens imposed by government on enterprises and/or citizens?

Weight: 2/10 Scores: No=0, Yes=1

If the answer is "yes":

a(ii) Is there an embedded programme to update and repeat burden measurement?

Weight: 1/10 Scores: No=0, Yes=1

b) Which groups are targeted in your measurement of administrative burdens?

(i) impacts on citizens

Weight: 1/10 Scores: No=0, Yes=1

(ii) impacts on businesses

Weight: 1/10 Scores: No=0, Yes=1

(iii) impacts on the public sector

Weight: 1/10 Scores: No=0, Yes=1

i) Is the methodology applied

i(i) ex-ante (prior to the introduction of the regulation)?

Weight: 1/10 Scores: No=0, Yes=1

i(ii) ex-post (after the regulation has been implemented)?

Weight: 1/10 Scores: No=0, Yes=1

j) Does your methodology allow you to differentiate between various ministries or policy areas?

Weight: 1/10 Scores: No=0, Yes=1

k) Does your methodology allow you to differentiate between administrative burdens imposed by different levels of government, *i.e.* supra, central and local government levels?

Weight: 1/10 Scores: No=0, Yes=1

Explicit programme for reducing administrative burdens, 2008 (Question 12):

Is there an explicit government programme to reduce the administrative burdens imposed by government on enterprises and/or citizens?

Weight: 2/9 Scores: No=0, Yes=1

If the answer is “yes”:

Does this programme include quantitative targets?

Weight: 1/9 Scores: No=0, Yes=1

Does this programme include qualitative targets?

Weight: 1/9 Scores: No=0, Yes=1

Which of the following strategies are used?

Removal of obligations

Weight: 1/9 Scores: No=0, Yes=1

Modification and streamlining of existing laws and regulations

Weight: 1/9 Scores: No=0, Yes=1

Information and communication technologies for regulatory administration (*e.g.* electronic databases, online formats)

Weight: 1/9 Scores: No=0, Yes=1

Other streamlining of government administrative procedures

Weight: 1/9 Scores: No=0, Yes=1

Reallocating powers and responsibilities between government departments and/or between levels of government

Weight: 1/9 Scores: No=0, Yes=1

Dynamic process of evaluation and update of regulations, 2008 (Question 17):

a) Is periodic ex post evaluation of existing regulation mandatory?

Weight: 2/8 Scores: Not required=0, For specific areas=0.5, For all policy areas=1

b) Are there standardised evaluation techniques or criteria to be used when regulation is reviewed?

Weight: 1/8 Scores: No=0, Yes=1

c) Are reviews required to consider explicitly the consistency of regulations in different areas and take steps to address areas of overlap/duplication/inconsistency?

Weight: 1/8 Scores: No=0, Yes=1

d) Are there mechanisms by which the public can make recommendations to modify specific regulations?

Weight: 1/8 Scores: No=0, Yes=1

If the answer is “yes”, please specify (tick as many as necessary):

d(i) Electronic mailboxes

Weight: 0.5/8 Scores: No=0, Yes=1

d(ii) Ombudsman

Weight: 0.5/8 Scores: No=0, Yes=1

e) Is sunset setting used for primary laws?

Weight: 0.5/8 Scores: No=0, Yes=1

f) Is sunset setting used for subordinate regulations?

Weight: 0.5/8 Scores: No=0, Yes=1

g) Do specific primary laws include automatic review requirements?

Weight: 0.5/8 Scores: No=0, Yes=1

h) Does subordinate regulation include automatic review requirements?

Weight: 0.5/8 Scores: No=0, Yes=1

Parliamentary oversight of regulatory policy, 2005 and 2008 (Question 15):

a) Is there a specific parliamentary committee or other parliamentary body with responsibilities that relate specifically to the regulatory policy/regulatory reform policy?

Weight: 2/5.5 Scores: No=0, Yes=1

If the answer is "yes":

a(i) Does this body periodically review the quality of proposed primary legislation?

Weight: 1/5.5 Scores: No=0, Yes=1

a(ii) Is this body also entrusted to review the quality of subordinate regulation (*i.e.* lower level rules)?

Weight: 0.5/5.5 Scores: No=0, Yes=1

a(iii) Is the review process, if it exists, explicitly guided by regulatory quality criteria?

Weight: 1/5.5 Scores: No=0, Yes=1

a(iv) Does this body review and report on progress on regulatory policy/regulatory reform across the administration?

Weight: 1/5.5 Scores: No=0, Yes=1

Inter-governmental co-ordination on regulatory policy, 2005 and 2008 (Question 16):

a) Are there formal co-ordination mechanisms between National/Federal and State/regional governments? (in Federal or quasi-federal countries, between national and regional/local governments in unitary countries)

Weight: 1/5 Scores: No=0, Yes=1

c) Do any of these mechanisms impose specific obligations in relation to regulatory practice?

Weight: 1/5 Scores: No=0, Yes=1

d) Are any of the following regulatory harmonisation mechanisms used?

d(i) Mutual recognition?

Weight: 1/5 Scores: No=0, Sometimes= 0.5, Yes=1

d(ii) Regulatory harmonisation agreements?

Weight: 1/5 Scores: No=0, Sometimes= 0.5, Yes=1

d(iii) Strict regulatory uniformity agreements?

Weight: 1/5 Scores: No=0, Sometimes= 0.5, Yes=1

Figures in Annex

Appeal, Compliance and Enforcement issues, 2008 (Questions 3 and 8):

When appealing against adverse regulatory enforcement decisions in individual cases, which of the following options are typically available to affected parties:

(i) Administrative review by the regulatory enforcement body?

Weight: 1/8 Scores: No=0, Yes=1

(ii) Administrative review to an independent body?

Weight: 1/8 Scores: No=0, Yes=1

(iii) Judicial review?

Weight: 1/8 Scores: No=0, Yes=1

Has there been a programme to facilitate appeal processes in the past five years?

Weight: 1/8 Scores: No=0, Yes=1

Do regulatory policies explicitly require that the issue of securing compliance and enforcement be anticipated when developing new regulation?

Weight: 1/8 Scores: No=0, Yes=1

If the answer is "yes":

Are there specific policies on developing compliance-friendly regulation?

Weight: 1/8 Scores: No=0, Yes=1

Is written guidance on compliance and/or enforcement issues made available to regulators?

Weight: 1/8 Scores: No=0, Yes=1

Is there a policy on risk based enforcement (*i.e.* requiring that regulators focus inspection on high risk activities in order to reduce compliance burdens on low risk activities)?

Weight: 1/8 Scores: No=0, Yes=1

Extent of programmes for reducing administrative burdens, 1998-2005-2008 (Question 12):

q) Is there an explicit government programme to reduce the administrative burdens imposed by government on enterprises and/or citizens?

Weight: 2/6 Scores: No=0, Yes=1

q(i) Does this programme include quantitative targets?

Weight: 1/6 Scores: No=0, Yes=1

q(iii) Which of the following strategies are used?

Information and communication technologies for regulatory administration (*e.g.* electronic databases, online formats)

Weight: 1/6 Scores: No=0, Yes=1

Other streamlining of government administrative procedures

Weight: 1/6 Scores: No=0, Yes=1

Reallocating powers and responsibilities between government departments and/or between levels of government

Weight: 1/6 Scores: No=0, Yes=1

Other composite indicators not presented in the report:

Adoption of explicit policy for regulatory reform, 1998-2005-2008 (Question 1):

a) Is there an explicit, published regulatory policy promoting government-wide regulatory reform or regulatory quality improvement?

Weight: 3/6 Scores: No=0, Yes=1

a(i) Does it establish explicit objectives of reform?

Weight: 1/6 Scores: No=0, Yes=1

a(ii) Does it set out explicit principles of good regulation?

Weight: 1/6 Scores: No=0, Yes=1

a(iii) Does it establish specific responsibilities for reform at the ministerial level? (*i.e.* a reform mandate at the ministerial level)

Weight: 1/6 Scores: No=0, Yes=1

Facilitating licenses and permits, one-stop shops, 2005 and 2008 (Question 11):

a) Is a "silence is consent" rule used at all (*i.e.* that licences are issued automatically if the competent licensing office has not reacted by the end of the statutory response period)?

Weight: 2/13.5 Scores: No=0, Yes=1

a(ii) Are administrations obliged to provide the name of the person responsible for handling the application in any formal correspondence?

Weight: 0.5/13.5 Scores: No=0, Yes=1

b) Are there single contact points ("one-stop shops") for getting information on licences and notifications?

Weight: 3/13.5 Scores: No=0, Yes=1

c) Are there single contact points for accepting notifications and issuing licences (one-stop shops)?

Weight: 3/13.5 Scores: No=0, Yes=1

d) Is there a programme underway to review and reduce the number of licenses and permits required by the national government?

Weight: 1/13.5 Scores: No=0, Yes=1

d(i) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)?

Weight: 2/13.5 Scores: No=0, Yes=1

d(ii) Has there been a decline in the aggregate number of licences and permits?

Weight: 1/13.5 Scores: No=0, Yes=1

e) Is there a programme underway to co-ordinate the review and reform of permits and licences at sub-national levels of government?

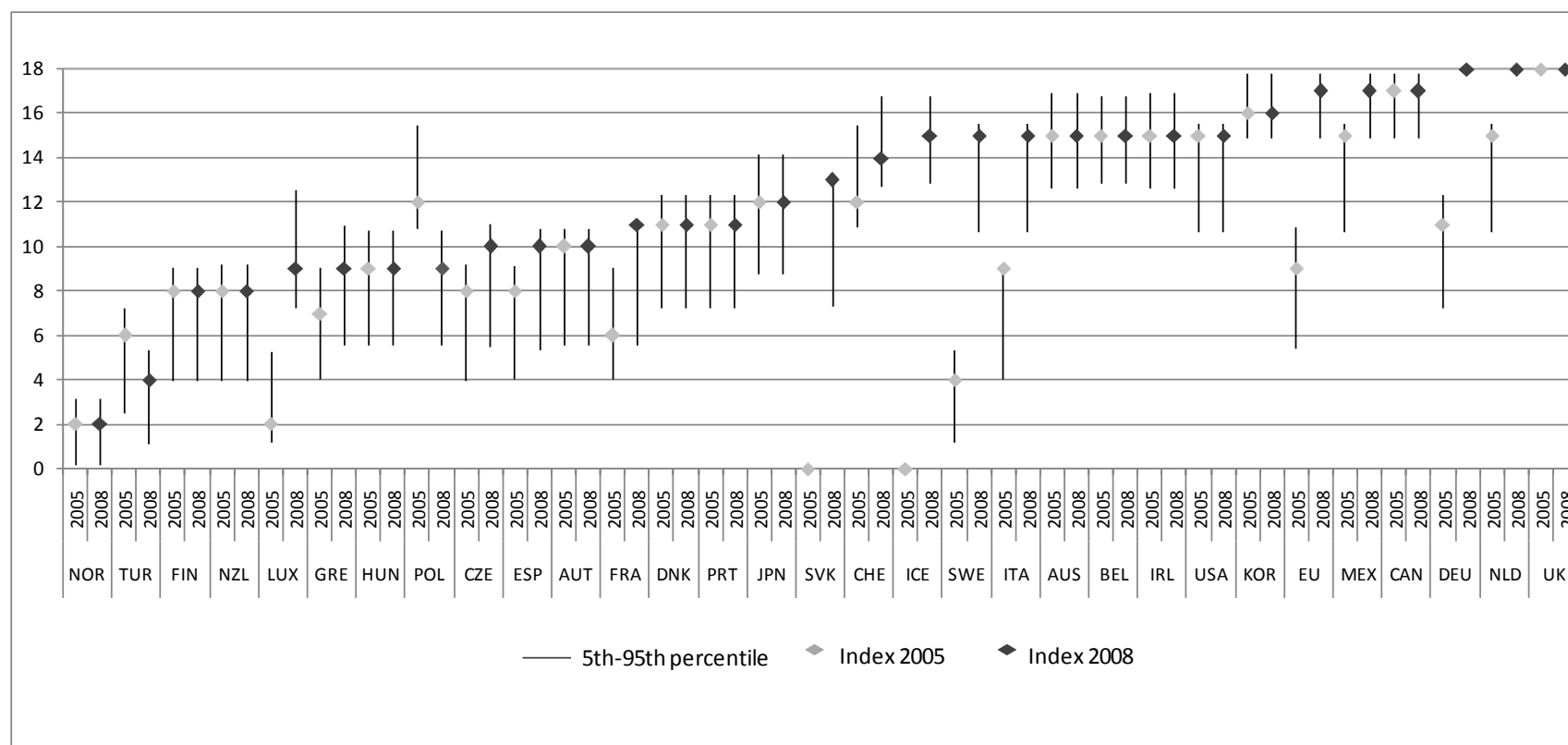
Weight: 1/13.5 Scores: No=0, Yes=1

Annex 3.3 Results of the sensitivity analysis, time trend figures

A.2) Central Regulatory Oversight Authority

Figure 11. Institutional capacity for managing regulatory reform

2005 and 2008



Note: This graph summarises information about the existence of key elements of institutional settings for managing regulatory reform in OECD member countries. It does not gauge whether these institutions are effective.

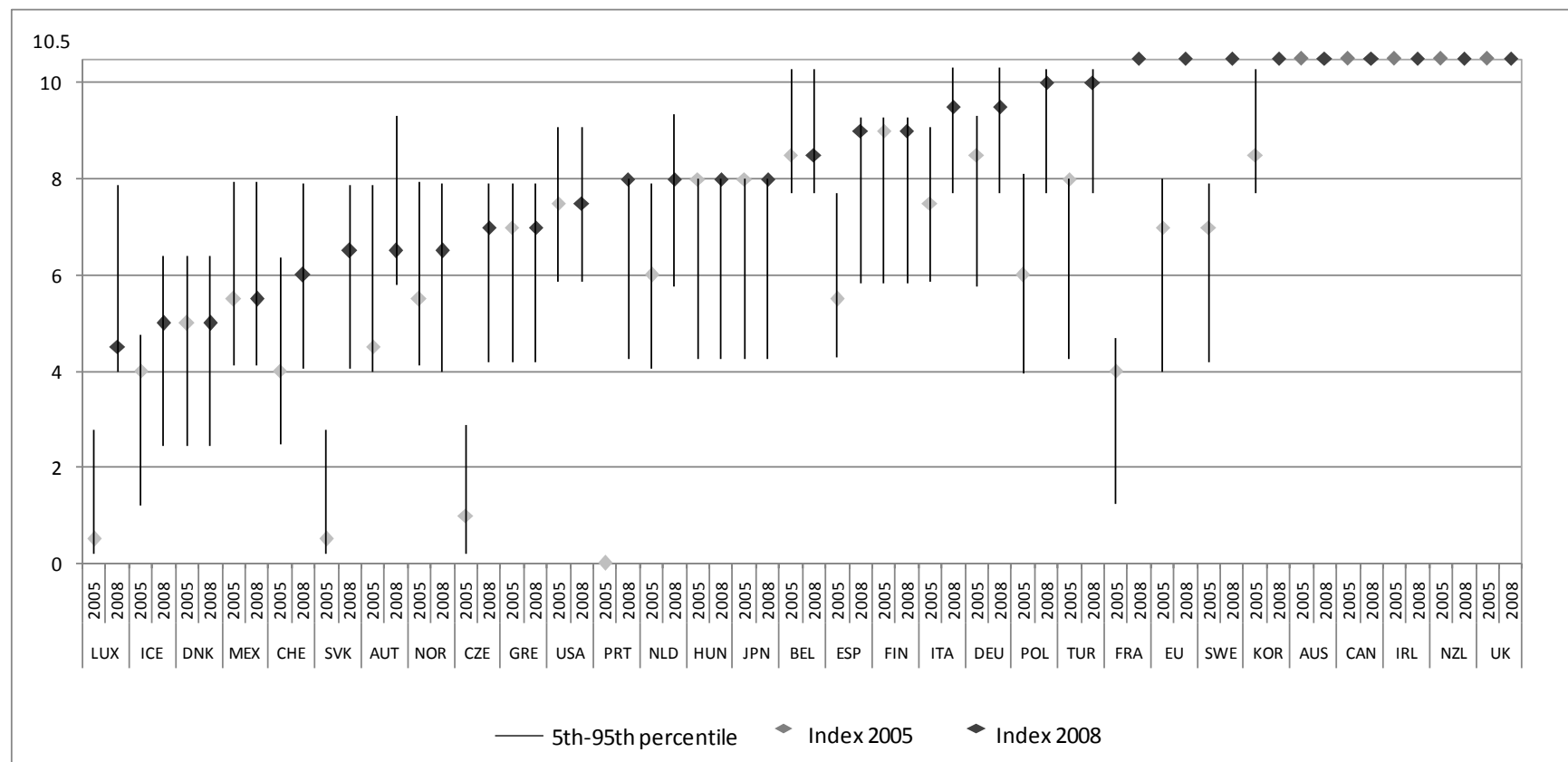
Source: Question 14 / 2008 OECD Regulatory Indicators Questionnaire.

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A.3) Training in regulatory quality skills

Figure 12. Training in regulatory reform skills

2005 and 2008



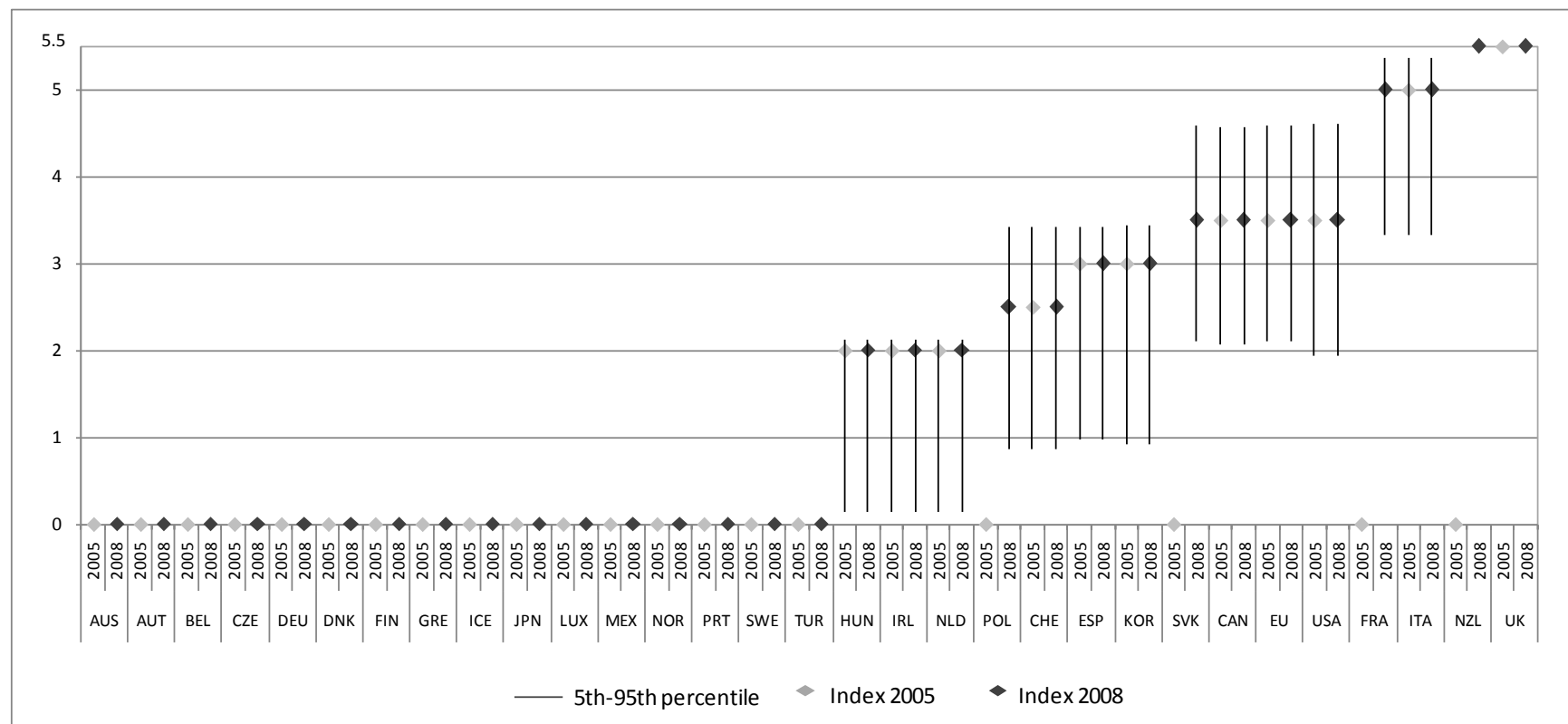
Note: This graph summarises information about the existence of systematic training in regulatory reform skills in OECD member countries. It does not gauge the quality of these trainings.

Source: See Question 13 / 2008 OECD Regulatory Indicators Questionnaire.

A.5) The role of parliament in regulatory quality

Figure 13. Parliamentary oversight of regulatory policy

2005 and 2008



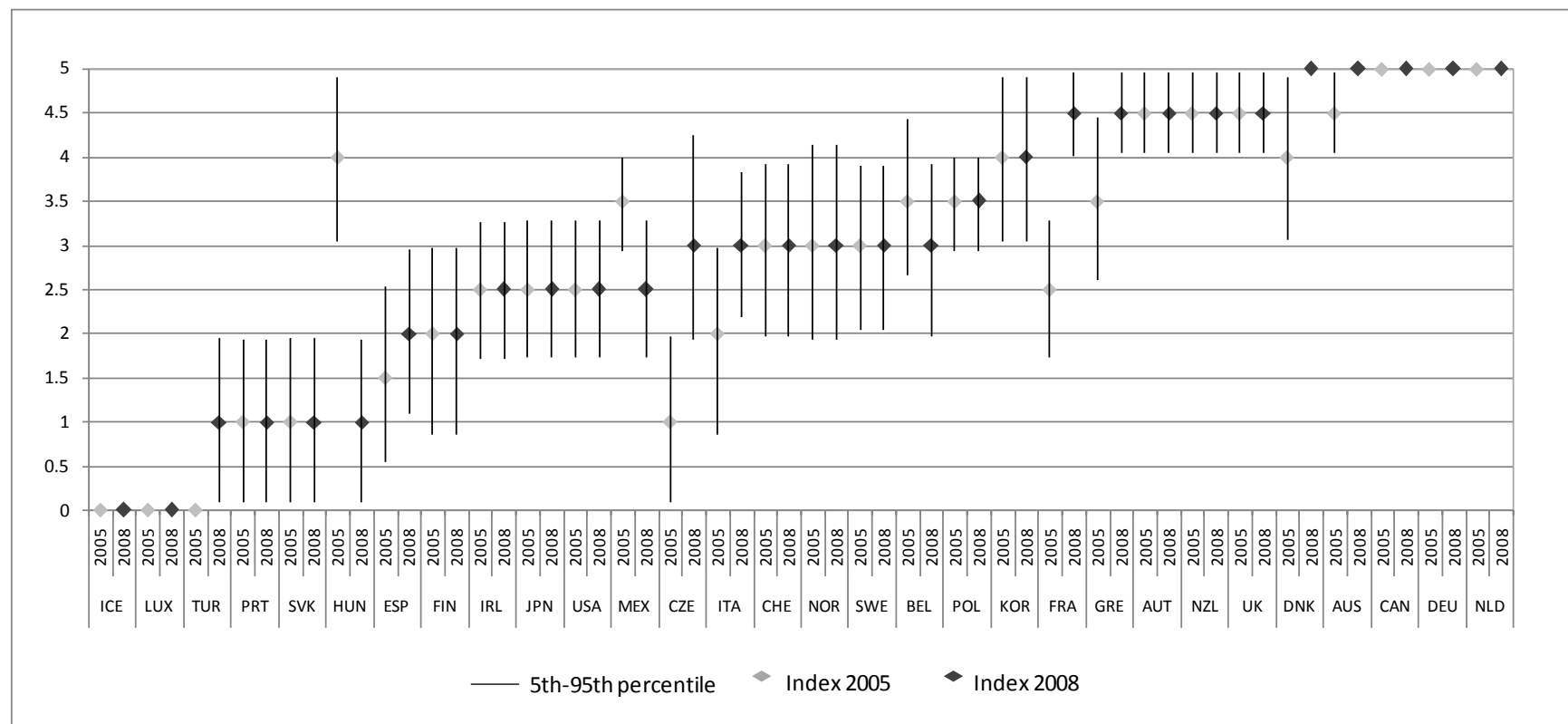
Note: This figure summarises information about formal oversight of regulatory policy by the parliament. It does not provide information on its effectiveness.

Source: Question 15 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008. www.oecd.org/regreform/indicators.

A.6) Multi-level co-ordination mechanisms for regulatory policy

2005 and 2008

Figure 14. Multi-level co-ordination mechanisms for regulatory policy



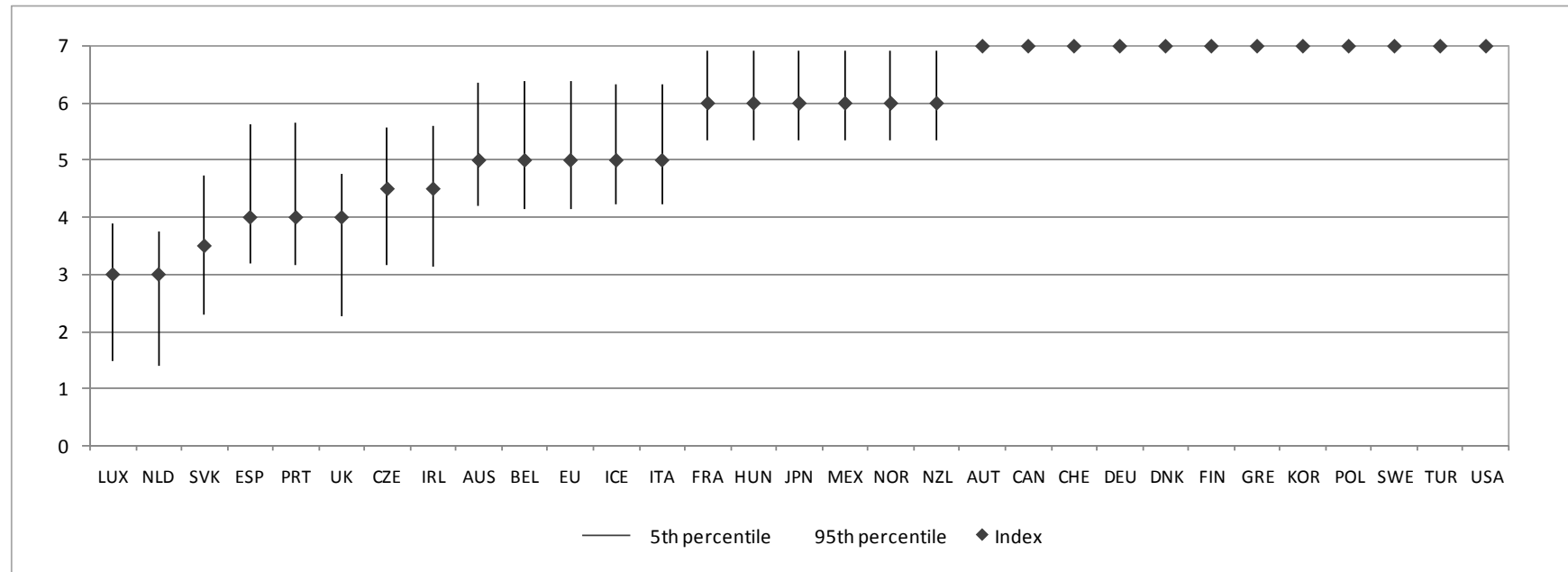
Note: This figure summarises information about the existence of formal co-ordination mechanisms between national/federal and state/regional governments with respect to regulatory policy. It does not provide information on their effectiveness.
Data presented only for the 30 member countries as this question is not relevant for the EU.

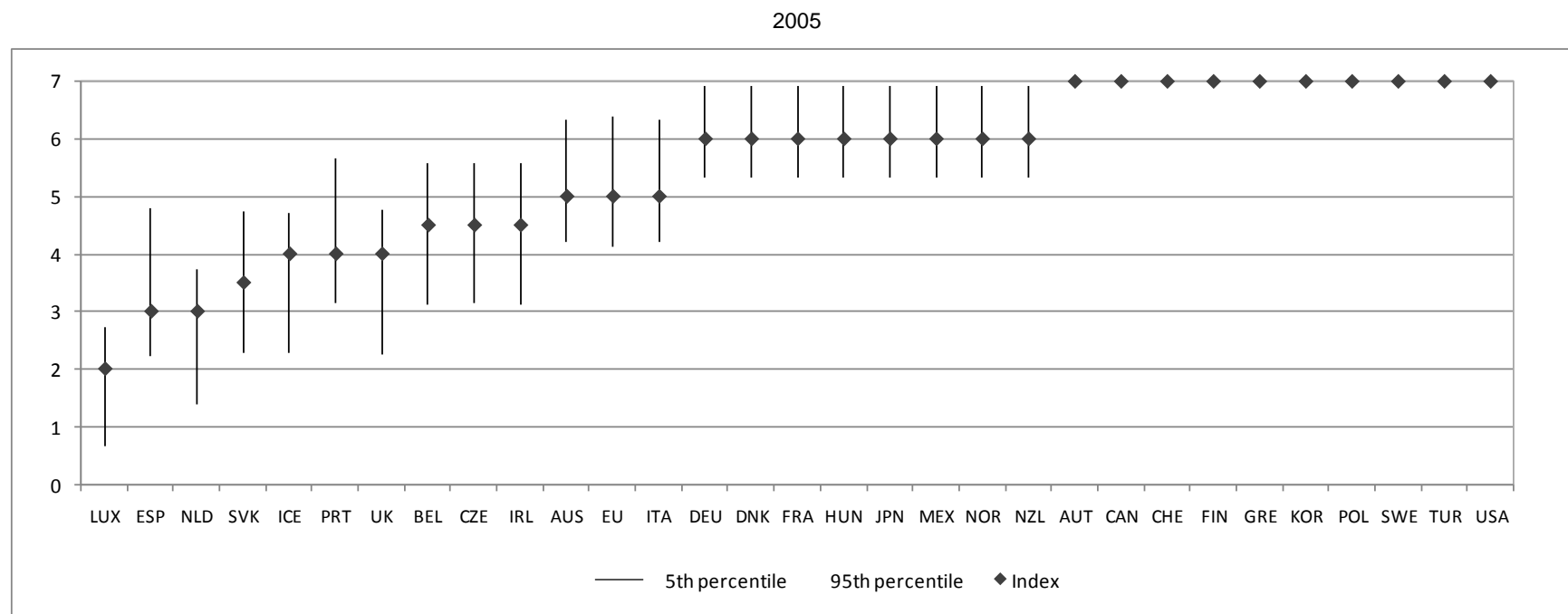
Source: Question 16 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

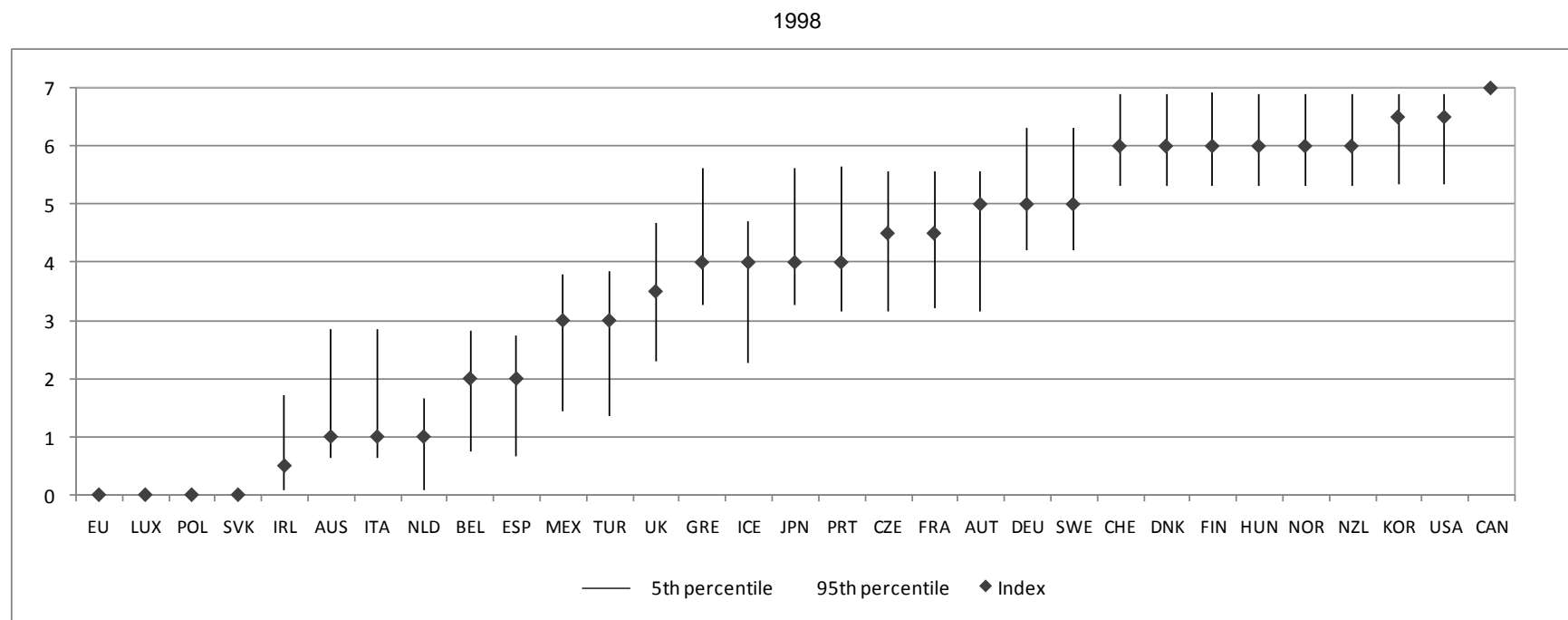
B.1) Transparency

Figure 15. Access to regulations

2008







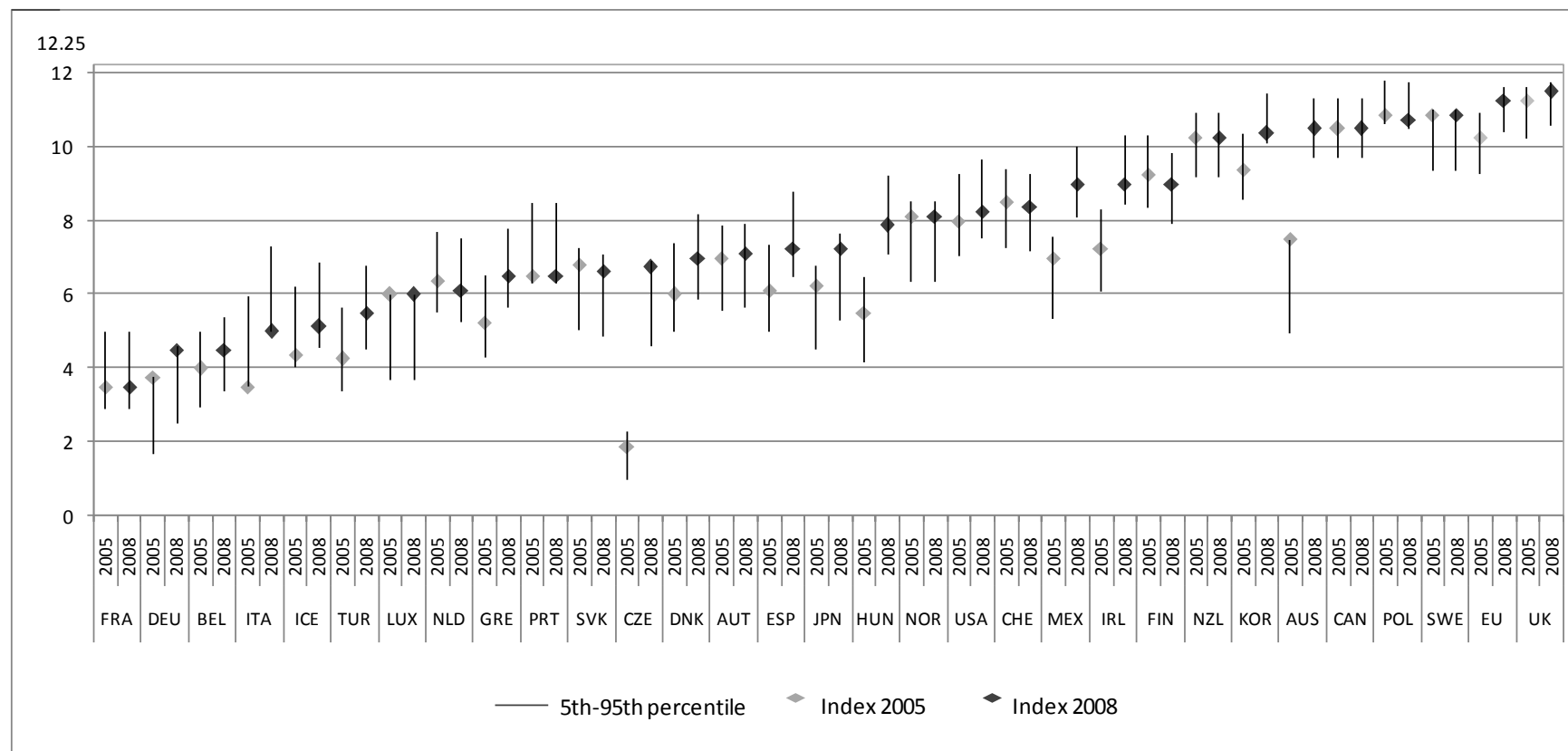
Note: This graph summarises information about the existence of systematic policies to make regulations accessible to the public in OECD member countries. It does not gauge whether these policies have been effective.

Source: Question 5 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

B.2) Formal consultation procedures with affected parties

Figure 16. Formal consultation processes

2005 and 2008



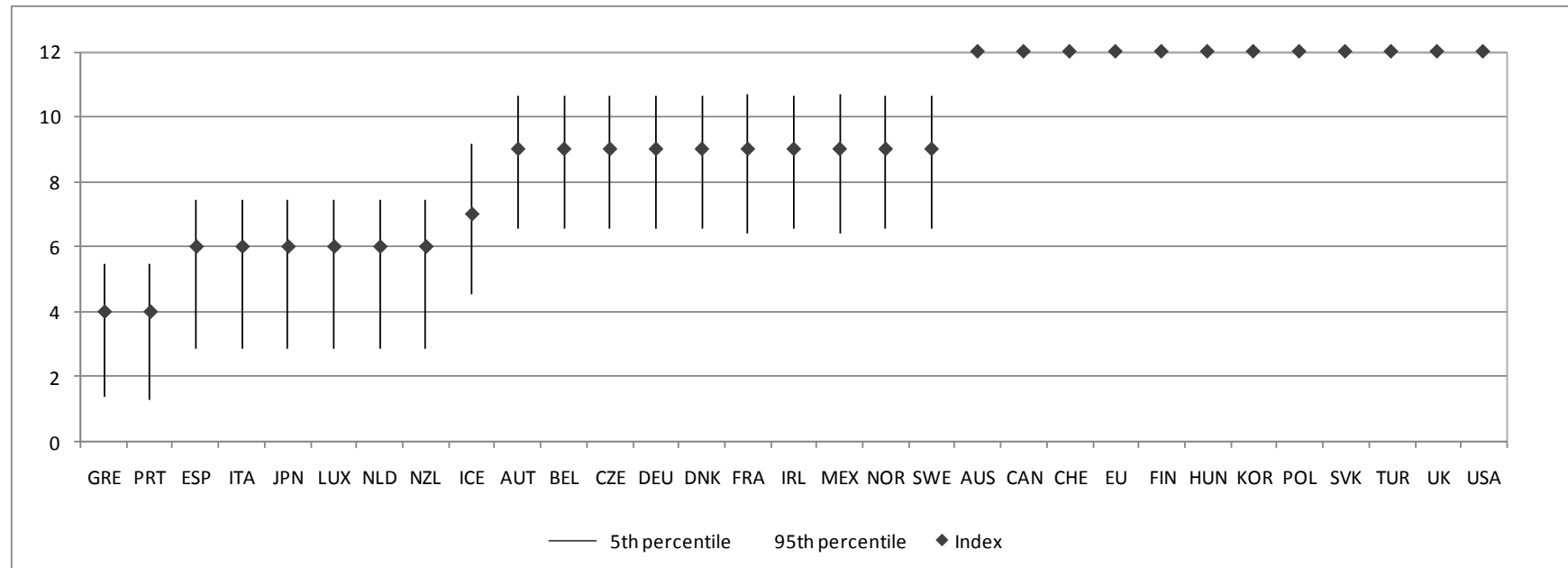
Note: This graph summarises information about the existence of key elements of formal consultation processes in OECD member countries. It does not gauge whether these processes have been effective.

Source: Question 9 / OECD Regulatory Management Systems' Indicators Survey 2008. www.oecd.org/regreform/indicators.

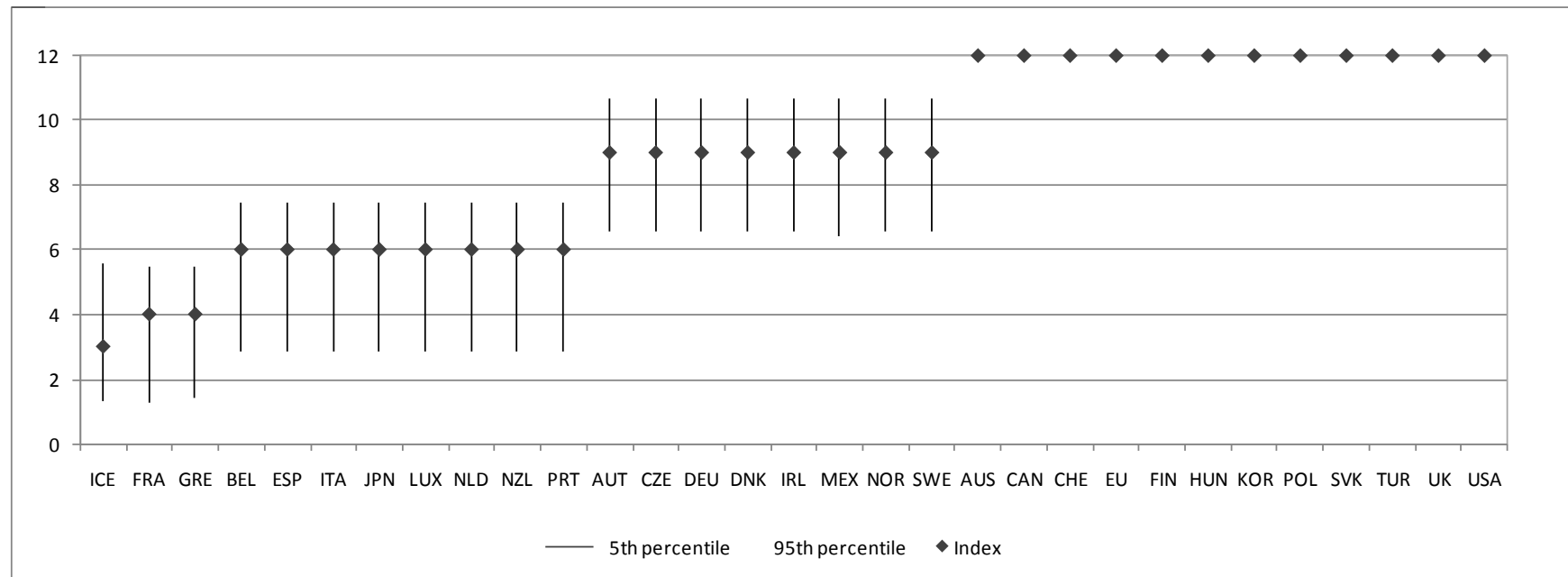
B.3) Clarity and due process in decision making procedures

Figure 17. Clarity and due process in rule-making procedures

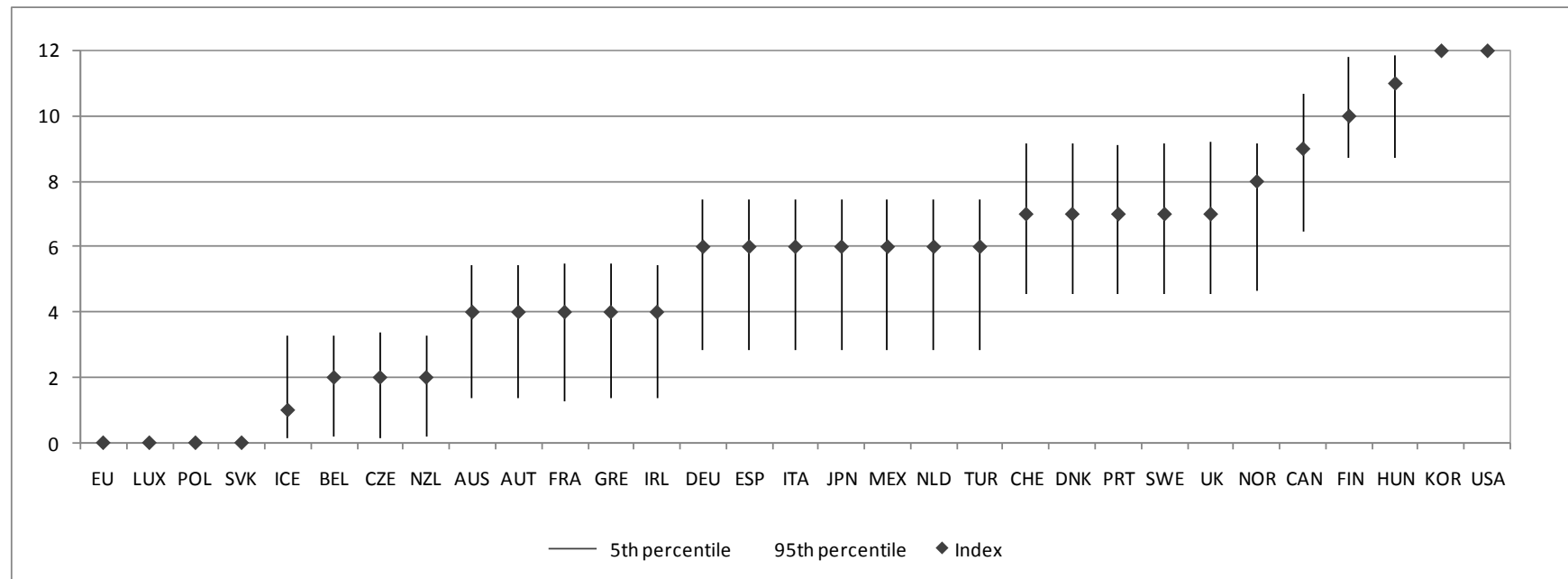
2008



2005



1998

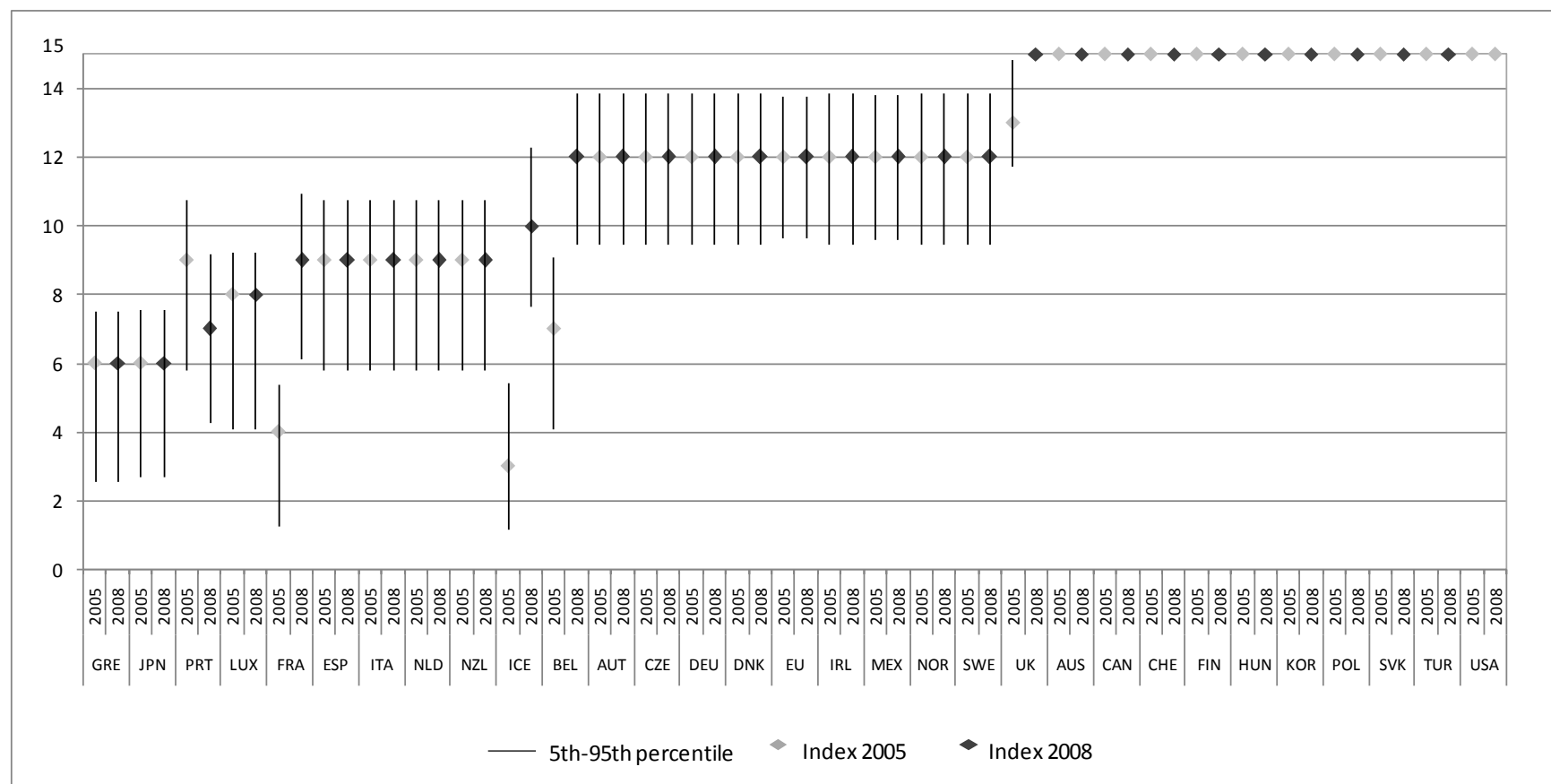


Note: This figure summarises a number of elements relevant to the clarity and due process in rule-making procedures which are listed below. It does not gauge whether these procedures have been effective.

Source: Questions 3 & 4 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

Figure 18. Clarity and due process in rule-making procedures

2005 and 2008



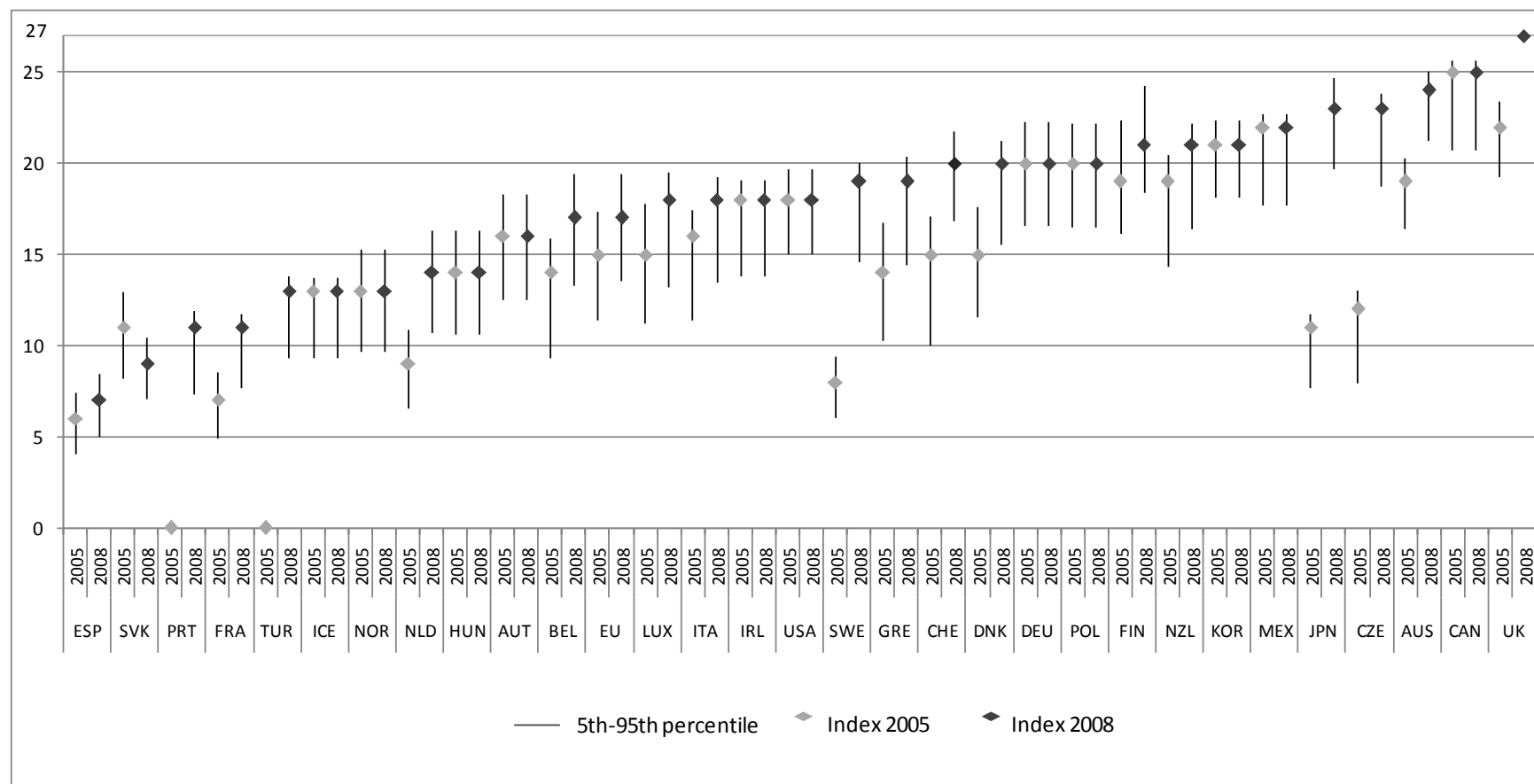
Note: This figure summarises a number of elements relevant to the clarity and due process in rule-making procedures which are listed below. It does not gauge whether these procedures have been effective.

Source: Questions 3 & 4 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

C.2) Use of Regulatory Impact Analysis (RIA)

Figure 19. Requirements for RIA processes used by central governments

2005 and 2008 (RIA 1)



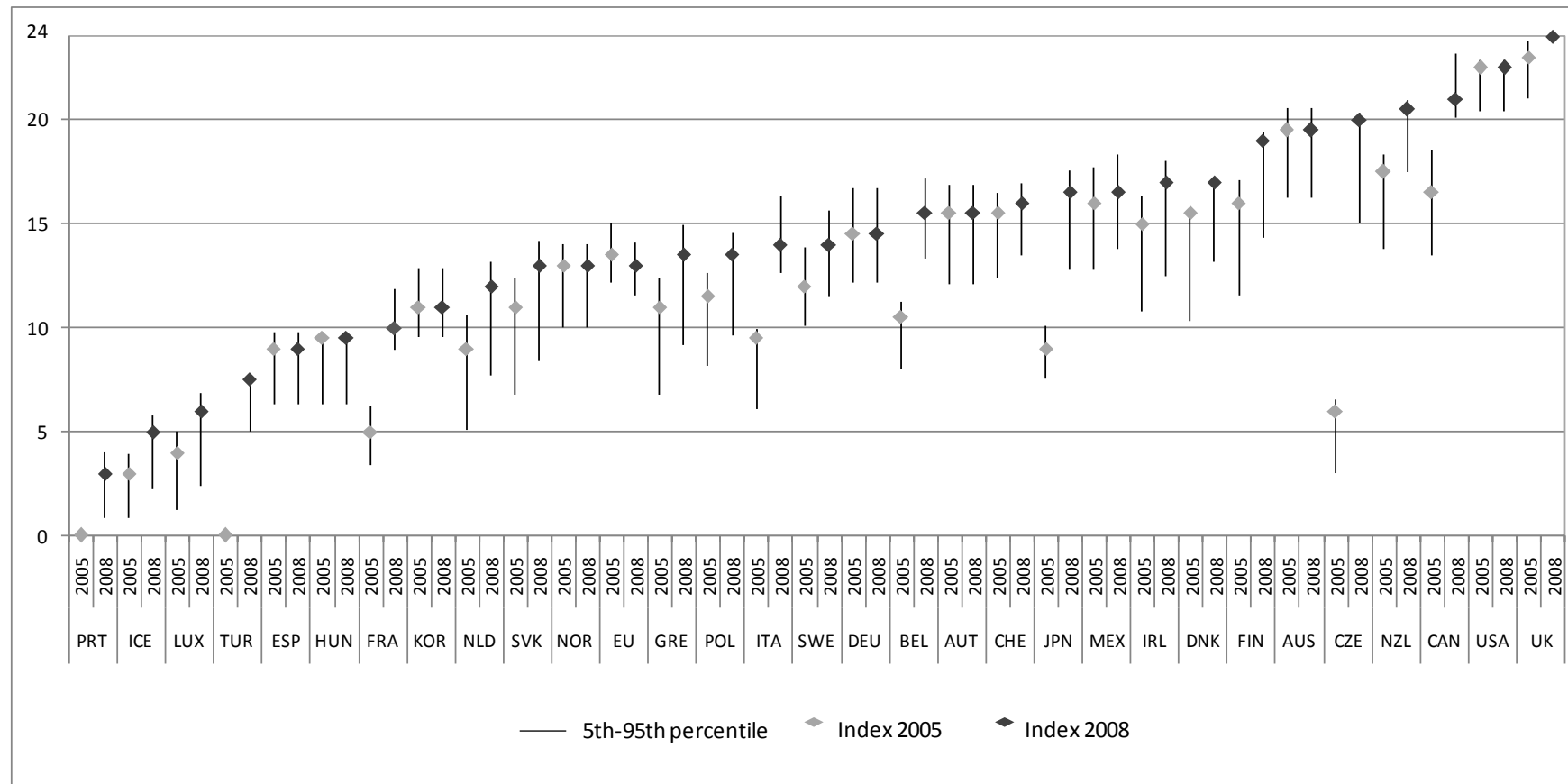
Note: This graph summarises information about the existence of key elements of RIA processes in OECD member countries. It does not gauge whether these efforts have been effective.

Source: Question 10 / OECD Regulatory Management Systems' Indicators Survey 2005 and 2008, www.oecd.org/regreform/indicators.

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Figure 20. Extent of RIA processes

2005 and 2008 (RIA 2)



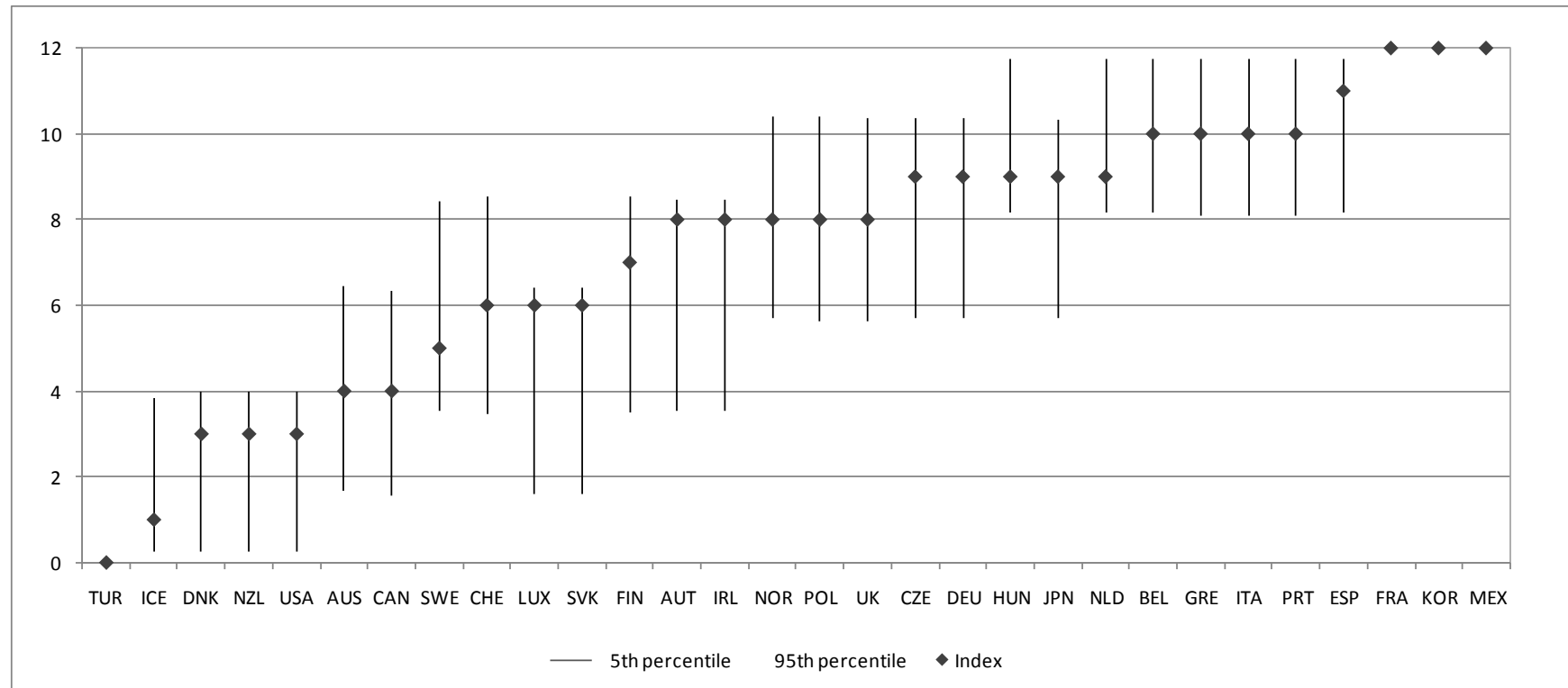
Note: This graph summarises information about the extent of RIA processes in OECD member countries. It does not gauge whether these processes have been effective.

Source: Question 10 / OECD Regulatory Management Systems' Indicators Survey 2005 and 2008, www.oecd.org/regreform/indicators.

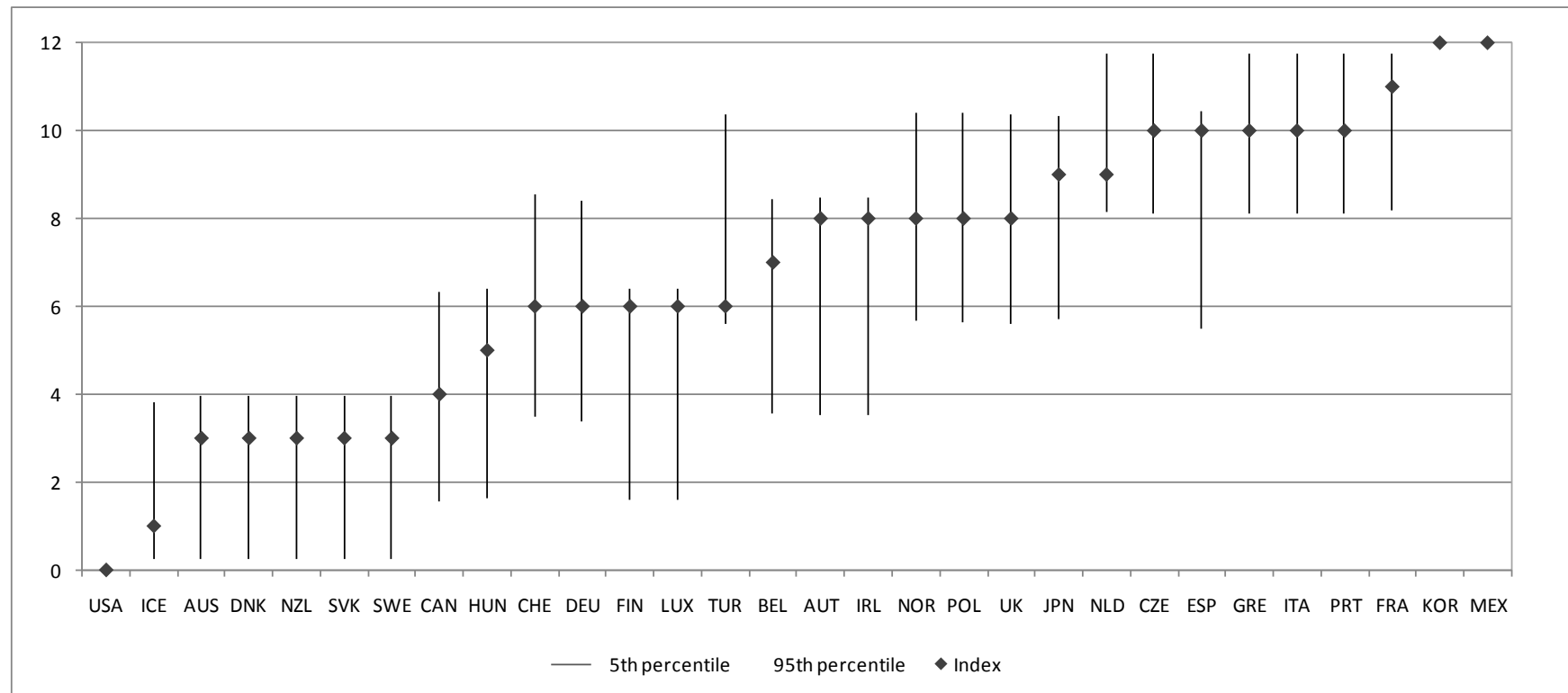
D.1) Administrative simplification strategies

Figure 21. Facilitating licenses and permits, one-stop shops

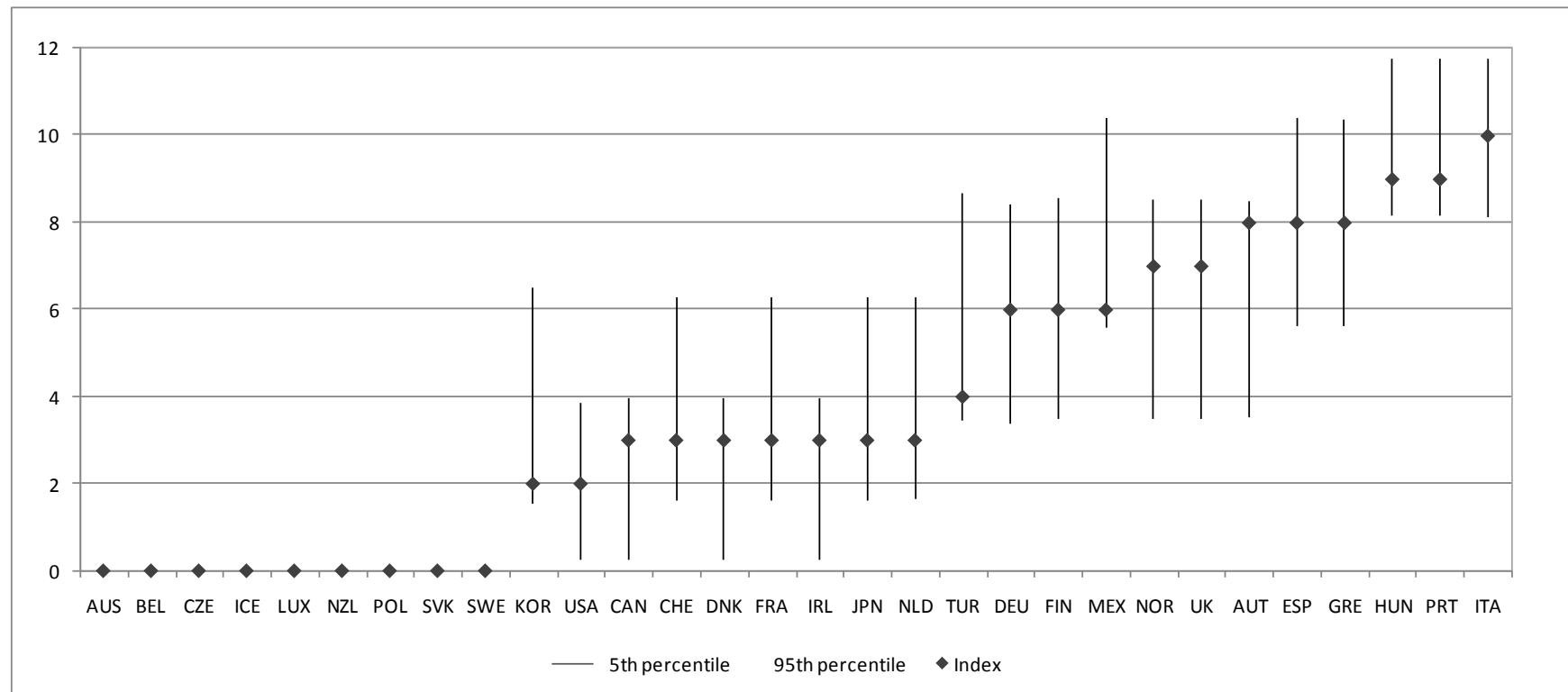
2008



2005



1998



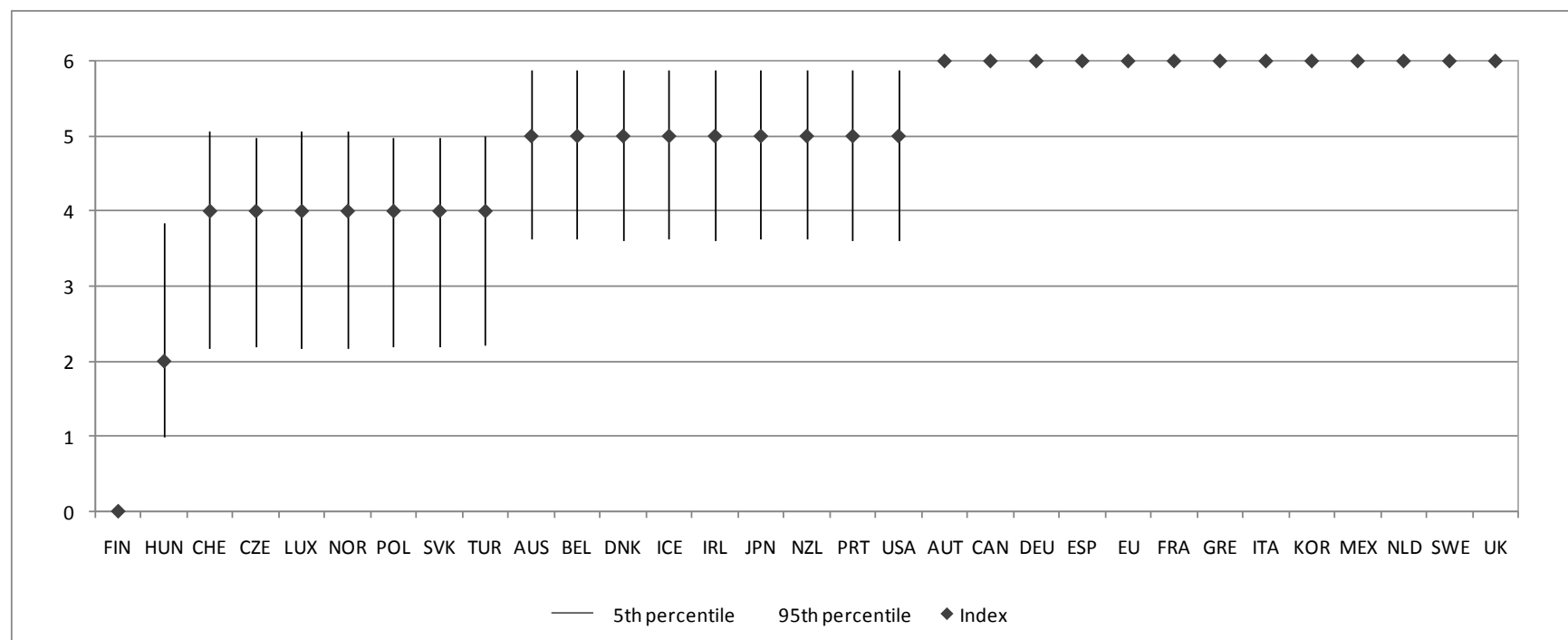
Note: This graph summarises information about the existence of key elements for administrative simplification programmes in OECD member countries. It does not gauge whether these programmes have been effective.

Data presented only for the 30 member countries as this question is not relevant for the European Union.

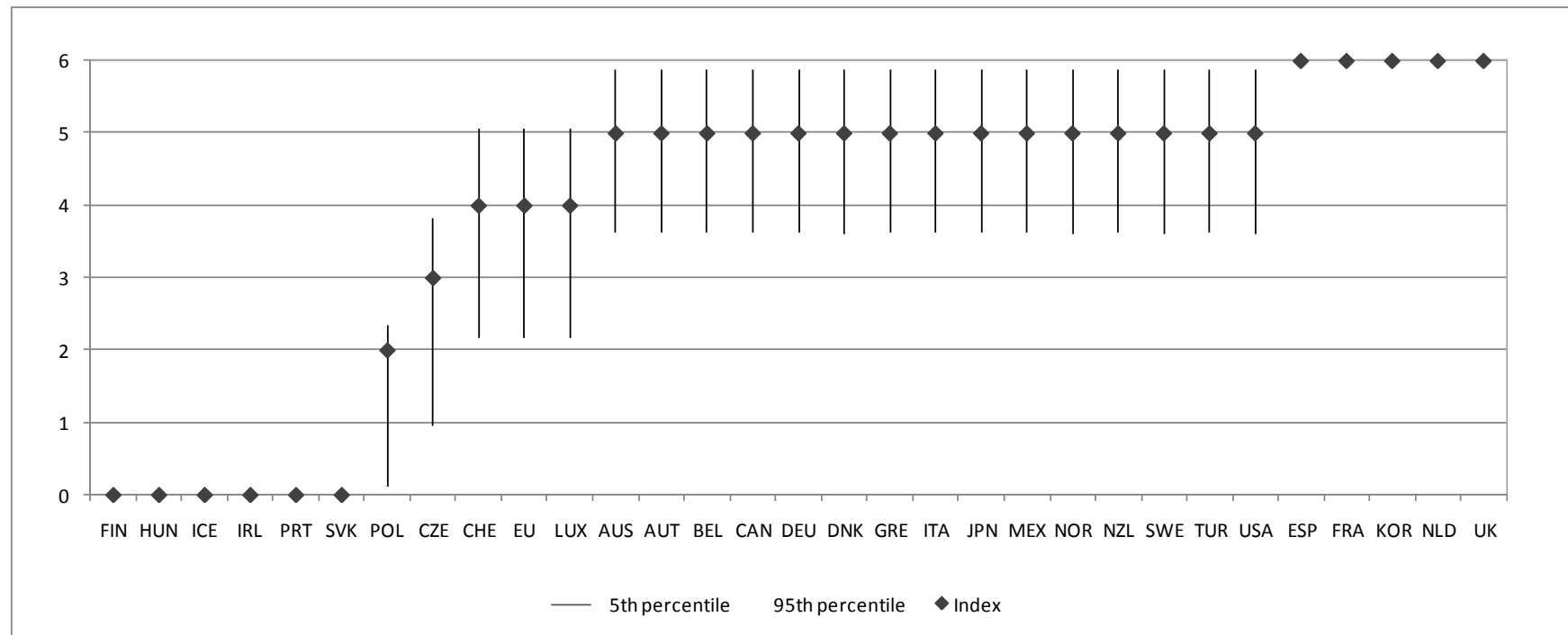
Source: Question 11 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.

Figure 22. Extent of programmes for reducing administrative burdens

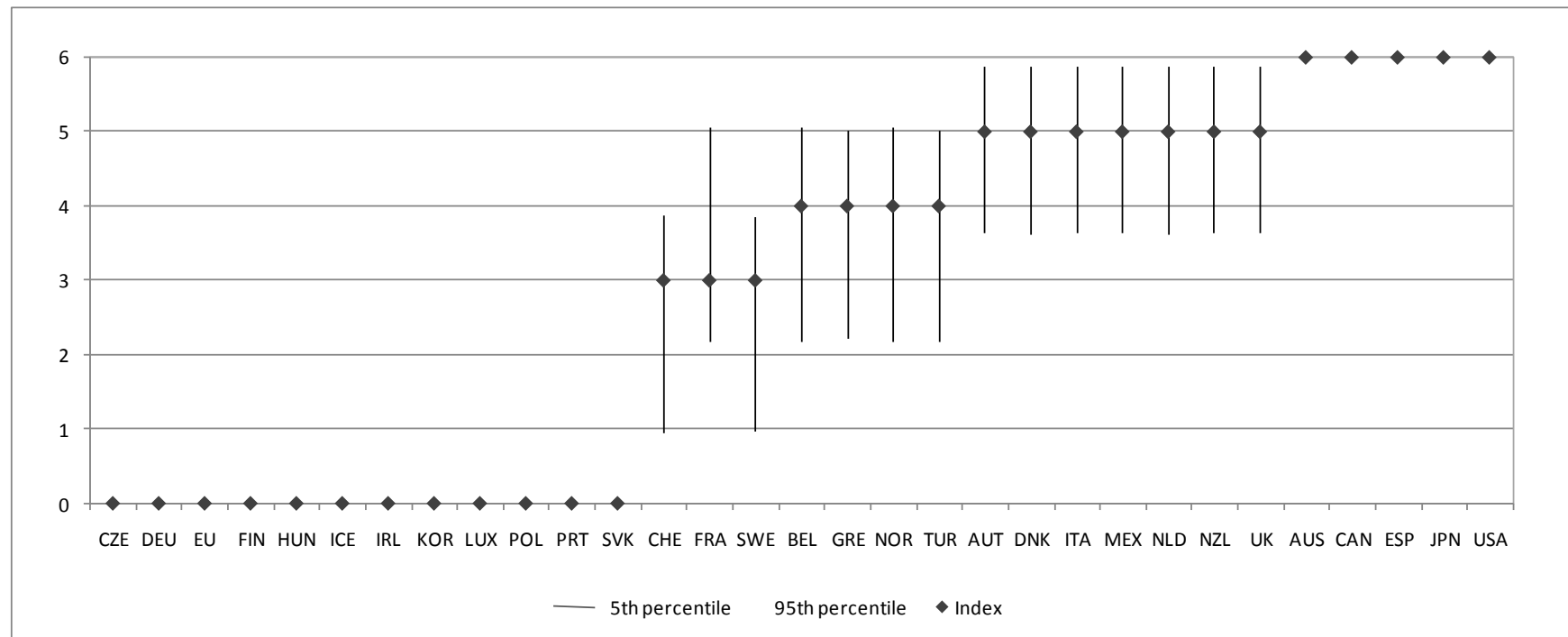
2008



2005



1998



Note: This graph summarises information about the existence of some key elements for administrative burden reduction programmes in OECD member countries. It does not gauge whether these programmes have been effective.

Source: Question 12 / OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008, www.oecd.org/regreform/indicators.