



# Evidence-based Instruments Report

RIA Application, Quality of RIA Process, Sustainability Check

## Sustainable Governance Indicators 2018

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Indicator

## RIA Application

Question

To what extent does the government assess the potential impacts of existing and prepared legal acts (regulatory impact assessments, RIA)?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = RIA are applied to all new regulations and to existing regulations which are characterized by complex impact paths. RIA methodology is guided by common minimum standards.
- 8-6 = RIA are applied systematically to most new regulations. RIA methodology is guided by common minimum standards.
- 5-3 = RIA are applied in some cases. There is no common RIA methodology guaranteeing common minimum standards.
- 2-1 = RIA are not applied or do not exist.

### New Zealand

Score 10

Following its restrictive policy regarding regulation, the National government introduced a guideline in late 2009 with the effect that regulatory impact assessments (RIAs) are systematically undertaken for any policy activity involving options that may result in a paper being submitted to the cabinet and may accordingly lead to draft legislation. This aims at restricting new regulations to those that the government sees as necessary, sensible and robust, while avoiding regulations that are ineffective and costly.

Citation:

Cabinet Office Circular CO (09) 8: Regulatory Impact Analysis Requirements: New Guidance (Wellington: Cabinet Office 2009).

Regulatory Impact Analysis Handbook (Wellington: The Treasury 2013).

New Zealand's Regulatory Management System: <http://www.treasury.govt.nz/regulation/system> (accessed November 30, 2015).

### Finland

Score 9

Systematic impact assessment is today a routine part of the Finnish legislative drafting process. Regulatory impact assessment activities have comprised, for instance, a series of evaluation reports by the Ministry of Foreign Affairs that deal with principles of development policy, partner countries and geographic regions. Furthermore, assessments have investigated the activities of the Ministry of Social Affairs and Health, and an international evaluation of the Finnish national innovation system, commissioned by the Ministry of Education and Culture and the Ministry of Employment and the Economy, has been performed. The general framework for

regulatory impact assessments is grounded in a program-management system governing intersectoral policy programs. This framework was initiated in 2007 and is still valid as a guide to impact assessment. An independent Council of Regulatory Impact Analysis was established in December 2015 at the Prime Minister's Office as part of the Sipiläs government program. The Council is responsible for issuing statements on government proposals and on their regulatory impact assessments. In April 2016, the government appointed the first term of the Council (April 2016 to April 2019). During 2016, the Council considered about twenty draft government proposals. The verdict has not been favorable as regards the overall quality of law-making, as the Council has found impact assessments to have been deficient in a significant proportion of proposals.

Citation:

"Impact Assessment in Legislative Drafting. Guidelines", Ministry of Justice, Finland. Publication 2008:4; Auri Pakarinen, Jyrki Tala and Laura Hämynen, "Regulatory Impact Assessment in the Finnish Government's Proposals in 2009", National Research Institute of Legal Policy, Research Communications no. 104; "Better Regulation", Helsinki, Ministry of Justice, 2014; <http://oikeusministerio.fi/en/index/basicprovisions/legislation/parempisaantely.html> Prime Minister's Office, Finland: "Finnish Council of Regulatory Impact Analysis", <http://vnk.fi/en/council-of-regulatory-impact-analysis>.

## Netherlands

Score 9

In the Netherlands, RIAs are broadly and effectively applied in two fields: environmental impact assessments (EIMs) and administrative burden-reduction assessments (ABRAs).

Environmental impact assessments are legally prescribed for projects (e.g., infrastructure, water management, tourism, rural projects, garbage processing, energy and industry) with foreseeable large environmental impacts. Initiators of such projects are obliged to produce an environmental impact report that specifies the environmental impacts of the intended project and activities and includes major alternatives. Environmental research and multi-criteria analysis are the standard methods used.

The development of a method for ex ante evaluation of intended legislation regarding compliance costs to business and citizens was entrusted in 1998 to an ad hoc, temporary, but independent advisory commission called the Advisory Board on Administrative Burden Reduction (ACTAL). In 2011, some policymakers suggested that ACTAL become a permanent rather than temporary body. The policy philosophy on administrative regulation was at that time already shifting from (always negative) "burden reduction" to (prudentially positive and strategic) "appropriate regulation." After evaluating its impact, the government decided in 2017 that ACTAL is to be succeeded by a formal advisory body, Adviescollege Toetsing Regeldruk (ATR, Advisory Body on Assessment of Regulatory Burdens).

Citation:

[www.actal.nl/over-actal/taken-en-bevoegdheden/](http://www.actal.nl/over-actal/taken-en-bevoegdheden/) (consulted 26 October 2014)

Milieu-effectrapportage (nl.m.wikipedia.org, consulted 26 October 2014)

J. ten Hoppe, Tijd om te kiezen, Column dd. 14 June 2016 (actal.nl, consulted 8 November 2016)

Staatscourant nr. 29814, 29 Mei 2017, Besluit van 17 mei 2017, nr. 2017000809, houdende instelling van het Adviescollege toetsing regeldruk

## Australia

Score 8

The federal government and the state and territory governments require the preparation of regulation impact statements (RIS) for significant regulatory proposals. An RIS provides a formal assessment of the costs and benefits of a regulatory proposal and alternative options for that proposal, followed by a recommendation supporting the most effective and efficient option. RISs are thus not assessments of the socioeconomic impacts of regulatory proposals, although such impacts are implicitly taken into account as part of the process. More significantly, in recent years, while around 75% to 85% of all Australian government proposals with significant impacts led to the performance of an RIS, this share was lower for proposals with highly significant impacts.

Since many government functions and responsibilities are shared between the federal government and the states, these shared activities are coordinated through the Council of Australian Governments (COAG), which is the body that brings the federal and state governments together to decide policy. The procedures for the preparation of RIS proposals differ between the federal government and the COAG. Most states and territories have their own requirements for RISs that apply where a regulation will have effect in only a single state or territory. At the federal level, RISs are managed by the Office of Best Practice Regulation, which is part of the Department of Finance and Deregulation.

Citation:

Productivity Commission, 'Regulatory Impact Analysis: Benchmarking,' Research Report, November 2012:

[http://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0003/120675/ria-benchmarking.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0003/120675/ria-benchmarking.pdf)

<http://www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm>

<https://www.pmc.gov.au/regulation/developing-regulation-impact-statement>

## Austria

Score 8

Under the federal budget law, the government and its ministries are obliged to assess the impact of legislative proposals with respect to the public budget and on the basis of financial, economic, environmental, consumer-protection and employment issues. In addition, in order to avoid overregulation, the government's legislative proposals must be assessed regarding their regulatory impact. Other detailed regulatory impact assessment (RIA) requirements exist in further decrees.

The results of RIA studies are published in the preface to each legislative proposal. In Austria, RIA is a very recently established, but nonetheless a rapidly evolving tool for legislators and parliamentarians. With the 2013 reform, RIA can now be considered an important component of the country's legislative process. But, the impact of the new coalition government, following the elections of October 2017, cannot be predicted.

## Chile

### Score 8

All newly proposed laws must be accompanied by a report summarizing their predicted fiscal impact and the financial implications for the government budget. This report is always prepared by the fiscal department of the corresponding ministry. Chile also has a constitutional restriction on policy proposals that imply budget changes. Legally, there is no obligation to present a report concerning potential socioeconomic impacts that do not implicate the state budgets, but political practice shows that those aspects are normally also considered. Furthermore, there are supervisory bodies (Superintendencias) that monitor enterprises within specific sectors and produce evaluations and reports. In a strictly legal sense, these supervisory bodies do not have the specific objective of evaluating the impact of new regulations or proposed modifications to the legal framework. Nevertheless, the evaluation of possible impacts tends to be one result of their work. The following supervisory bodies exist in Chile:

- Supervisory Board for Health (Superintendencia de Salud)
- Supervisory Board for Banks and Financial Institutions (Superintendencia de Bancos e Instituciones Financieras)
- Supervisory Board for Securities and Insurance (Superintendencia de Valores y Seguros)
- Supervisory Board for Education (Superintendencia de Educación)
- Supervisory Board for Health Services (Superintendencia de Servicios Sanitarios)
- Supervisory Board for Electricity and Fuels (Superintendencia de Electricidad y Combustibles)
- Supervisory Board for Social Security (Superintendencia de Seguridad Social)
- Supervisory Board for Pensions (Superintendencia de Pensiones)
- Supervisory Board for Casinos (Superintendencia de Casinos de Juegos)
- Supervisory Board for Bankruptcy (Superintendencia de Quiebras)
- Supervisory Board for the Environment (Superintendencia del Medio Ambiente)

In some areas, the line ministries serve as the oversight body for this type of review.

#### Citation:

OECD (2016), *Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation*, OECD Reviews of Regulatory Reform, OECD Publishing, Paris.

<http://dx.doi.org/10.1787/9789264254596-en>

## Czech Republic

**Score 8** According to the government legislative rules and partly based on the implementation of EU law, regulatory impact assessments (RIA) are in principle applied to all generally binding regulations prepared by the ministries and other central administrative authorities. However, constitutional amendments and transpositions of EU law that do not go beyond EU requirements are exempt from RIA, and the government can exempt further legislation upon recommendation by the Working Committee of the Legislative Council for RIA, an interministerial body, or the chairman of the Government Legislative Council. There is a common RIA methodology, which has been refined over time. The committee checks the completeness and accuracy of the impact assessment of the legislative proposals submitted to the government in accordance with government-approved guidelines for RIA.

## Denmark

**Score 8** For all proposed legislation and administrative regulations there is an explicit requirement for impact assessments to determine economic consequences for state and local governments, administrative consequences, effects on business and environmental impact. The relation to EU legislation must also be assessed.

Thinking about consequences starts during the initial consideration of a new law or regulation (screening stage) and continues while the content and degree of new measures are considered (scoping stage). A detailed RIA is then worked out during the final stage (assessment stage).

Hence, RIAs have become a required part of Danish policy formulation. The extent to which existing regulations are regularly assessed depends on the regulation in question and the feedback the administrative agency gets.

When new legislation is based on EU legislation the impact assessment will be included in the document (samlenotat) that goes to the European Affairs Committee in the parliament. According to a rough estimate, about 40% of new Danish legislation is based on or related to EU regulations.

In recent years, studies have focused more on analyzing the effectiveness of policy initiatives in, for example, labor market and social policies. To assess labor market policies there has even been some experimental studies (e.g., in relation to activation programs).

Citation:

Prime Minister's Office (Statsministeriet), Cirkulære om bemærkninger til lovforslag og andre regeringsforslag og fremgangsmåden ved udarbejdelse af lovforslag, redegørelser, administrative forskrifter m.v., No. 159, 16.

september 1998,  
<https://www.retsinformation.dk/Forms/R0900.aspx?s21=cirkul%C3%A6re+om+bem%C3%A6rkinger+til+lovforslag+og+andre+regeringsforslag+og+fremgangsm%C3%A5den&s19=159&s20=1998&s22=10|&s113=0> (accessed 20 April 2013).

Ministry of Finance, Vejledning on konsekvensanalyser, Maj 2005, <http://www.lovprocesguide.dk/sw2104.asp> (accessed 20 April 2013).

Ministry of Finance, "Ny EU-regulerings økonomiske konsekvenser for den offentlige sektor," [http://www.fm.dk/publikationer/2004/budgetredegørelse-2004/7-ny-eu\\_regulerings-oekonomiske-konsekvenser-for-den-offentlige-sektor/](http://www.fm.dk/publikationer/2004/budgetredegørelse-2004/7-ny-eu_regulerings-oekonomiske-konsekvenser-for-den-offentlige-sektor/) (Accessed 2 May 2013).

Maibom, J., M. Svarer and M. Rosholm, 2014, Can active labor market policies combat youth unemployment, *Nordic Economic Policy Review*, 215-262.

## Estonia

**Score 8** The development and monitoring of regulatory impact assessments (RIA) is shared between the Ministry of Justice and the GO's Strategy Unit, with the latter taking a leading role with regard to EU-related issues during the 2014 – 2020 period. Formal RIA procedures are quite well established, with all relevant normative acts, manuals and guidelines accessible on a dedicated website.

Since 2014, RIA has been mandatory for all categories of legal acts. A major breakthrough should be achieved with the help of EU structural assistance over the 2014-2020 period. Various training, development and implementation measures focused on RIA procedures are foreseen; the number of assessments performed is expected to increase tenfold by 2020. Yet, progress has been very modest thus far and lack of human resources is one of the major obstacles to meet the target.

## Germany

**Score 8** In 2000, revised rules of procedure for the federal ministries (Gemeinsame Geschäftsordnung der Bundesministerien, GGO) came into effect, requiring an impact assessment (Gesetzesfolgenabschätzung, GFA) for every draft law. Thus, regulatory impact assessments are institutionally anchored in Germany. The GFA process analyzes both intended and unintended effects of draft laws and potential alternatives.

The government's 2006 Bureaucracy Reduction and Better Regulation program created a number of new policies relevant to the assessment process. It established the National Regulatory Control Council (Normenkontrollrat, NKR) as an independent watchdog and advisory body tasked with assessing new legislation. It adopted the Standard Cost Model as a tool for measuring bureaucratic costs. Finally, it institutionalized the bureaucracy reduction process by creating a coordination unit within the cabinet office and setting up a committee at the ministerial undersecretary

level. However, the NRK only concentrates on potential bureaucratic costs, and not on impacts of laws foreseen through the evaluation process. In addition, about 30% of laws – specifically, those which are initiated by parliament – are not reviewed under the NKR. A separate program is in place for environmental impact assessment.

## Japan

**Score 8** The basic framework for policy evaluation in Japan is the Government Policy Evaluations Act of 2001.

The process is administered by the Ministry of Internal Affairs and Communications (MIC, Administrative Evaluation Bureau), while the ministries are charged with doing their own analyses, which has led some to question the impartiality of the procedure. However, a number of evaluations in strategically important fields have been undertaken by the Ministry of the Interior itself. In 2010, the ministry took over responsibility for policy evaluations of special measures concerning taxation as well as impact analyses of regulations dealing with competition issues.

The Ministry of Finance also performs a Budget Execution Review of selected issues, and the Board of Audit engages in financial audits of government accounts.

Between 2008 and 2016, Japan engaged in six government-expenditure reviews. This is above the OECD average for such processes, though the scope of these reviews was unclear.

The fragmented nature of such assessments seems to indicate potentially low levels of reliability and effectiveness. Indeed, it is difficult to point to a major policy arena in which these endeavors have led to major improvements.

Citation:

Miki Matsuura, Joanna Watkins, William Dorotinsky: Overview of Public Sector Performance Assessment Processes in Japan, GET Note: Japanese Public Sector Assessment Processes, August 2010, World Bank  
OECD, Government at a Glance 2017 Country Fact Sheet Japan

## Latvia

**Score 8** The government decision-making process requires every draft act of legislation to undergo an assessment, which takes the form of an annotated report. This annotation accompanies the draft through the review process to the cabinet. The annotation addresses budgetary impact, impact on particular target groups and the cost of implementation. In practice, the quality of annotations varies widely depending on the approach taken by the drafters, which range from a detailed, evidence-based analysis to a simple pro forma summary of intent. Minimum standards for annotations are not enforced.

In 2013, the government office made revisions to the annotation requirement. The new annotation form requires a justification for introducing new regulations, an assessment of compliance costs for citizens and businesses, and an assessment of public health effects. The revised regulations also seek, through the introduction of so-called green papers, to improve stakeholder involvement in the early stages of drafting. The green papers ensure that relevant information and discussion documents are publicly available at an early stage of the policy-development process. The State Chancellery monitors the quality of annotations and the use of the green papers. The Chancellery has delayed several policies due to inadequacies in the annotations or the green-paper process.

## Mexico

### Score 8

Regulatory impact assessment (RIA) was introduced in Mexico in 1997. In 2000, RIA was implemented broadly through reform of the Federal Administrative Procedure Law. Thus, RIA in Mexico is established by law, and not by presidential or prime ministerial decree as in some other OECD countries. There is a government agency belonging to the Ministry of Economy, the Federal Commission for Regulatory Improvement (Comisión Federal de Mejora Regulatoria, COFEMER), which is responsible for performing impact assessments on new proposals if they generate compliance costs. COFEMER spot-checks existing regulations, but does not assess them systematically. Nevertheless, despite some limitations, it has been quite active since it was established at the beginning of Fox's term in 2000, and its reputation in Mexico is good. However, opinions issued by COFEMER are not binding on other agencies and ministries. The majority of Mexico's 32 states have also adopted RIAs for subnational regulatory projects and there are efforts to expand this further. Overall, RIA could be strengthened by involving stakeholders early on in the process.

Beyond RIA, evidence-based evaluations of several Mexican public policies in the social sector have gained international recognition and have had significant spillover effects to the international evaluation community. This is especially true for social policies, where rigorous impact assessments based on experimental and quasi-experimental analyses of education, health, and nutrition programs (Programa de Educación, Salud y Alimentación, PROGRESA) can be perceived as an international showcase on how to evaluate large-scale social programs. In this area, the National Council for the Evaluation of Social Development Policy (CONEVAL) is responsible for carrying out rigorous impact evaluations in large social-sector programs. CONEVAL is an autonomous and independent agency created by the 2007 General Law on Social Development (Ley General de Desarrollo Social).

## Norway

**Score 8** Norway introduced a system of regulatory impact assessment (RIA) in 1985, and revised it in 1995. The ministers and the government are responsible for providing comprehensive assessments of the potential budgetary, environmental, health and human-rights effects of their proposals. Consequences are to be quantified to the extent possible, including by means of a thorough, realistic socioeconomic analysis. A set of codified guidelines (the Instructions for Official Studies and Reports) governs the production of RIAs. However, the ministry in charge has some discretion to decide when a RIA should be conducted. There is no formal rule establishing when a full RIA must be produced, and when a less detailed assessment is sufficient.

If performed, RIAs are included as a separate section in the ad hoc reports commissioned from experts or broader committees, as well as in white papers and final bills. There is no central body in the government administration that conducts quality control on RIAs, although each department has issued guidelines on how RIAs should be conducted. An interministerial panel on economic impact assessments was established in 2005, bringing together RIA experts from various ministries; this continues to have an advisory function with respect to improving the quality of RIAs. The parliament may send back a proposal if it regards the attached RIA as unsatisfactory. This has actually occurred in a number of cases.

## South Korea

**Score 8** There were no changes in regulatory impact assessment (RIA) policy in the period under review. RIA has been mandatory for all new regulations since 2005 and is applied to older regulations if they are strengthened in any way. RIAs assess proposals' socioeconomic impacts and provide cost-benefit analyses. However, there is still a broad gray zone enabling regulatory organizations to decide in a discretionary fashion. The real RIA implementation process is neither transparent nor predictable, and indeed varies depending on the case. RIA has typically been no more than formally applied in policy areas that are a political focus of the serving president. The Lee government's Four Canal Project and energy diplomacy, as well as ODA allocation under the Park administration's New Village Movement, are typical cases showing how RIA can be sidelined by the president's political interests.

South Korea has undergone a third OECD regulatory reform review, with previous evaluations taken in 2000 and 2007. The 2015 report indicated that Korea was performing slightly above the OECD average with regard to regulatory impact assessment. However, the report also said there was still room for improvement, including in the area of the "quality of these practices and by extending these practices to the entire regulatory system." The review also stressed the need for

Korea to establish a clear strategy for regulatory policy in order to make better use of its deployed resources.

Citation:

OECD Regulatory Policy Outlook 2015, Country profile Korea, [www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm](http://www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm)

Korea Herald. Analytic tools crucial in improving regulatory practices: US adviser. October 13, 2017. [http://khnews.kheraldm.com/view.php?ud=20171013000737&md=20171016003056\\_BL](http://khnews.kheraldm.com/view.php?ud=20171013000737&md=20171016003056_BL)

Permanent Delegation of the Republic of Korea to the OECD. Korea's Regulatory Policy Evaluated in New OECD Book. May 31, 2017.

[http://oecd.mofa.go.kr/english/eu/oecd/korea/new/index.jsp?sp=/webmodule/htsboard/template/read/new\\_legengreadboard.jsp%3FtypeID=16%26boarded=12385%26seqno=753074%26tableName=TYPE\\_ENGLEGATIO](http://oecd.mofa.go.kr/english/eu/oecd/korea/new/index.jsp?sp=/webmodule/htsboard/template/read/new_legengreadboard.jsp%3FtypeID=16%26boarded=12385%26seqno=753074%26tableName=TYPE_ENGLEGATIO)

## Switzerland

Score 8

There is no formal institution responsible for ex-ante impact assessment in Switzerland. Article 170 of the constitution states that “(t)he federal parliament shall ensure that the efficacy of measures taken by the confederation is evaluated.” In some ministries such as the Department of Economic Affairs, individual units occasionally perform ex-ante impact assessments. Furthermore, ex-ante evaluations by the administration always include checks for consistency with existing law (performed by the Department of Justice), compatibility with EU regulations, and if necessary, analyze budget implications, probable administrative costs and personnel requirements. Ex-post evaluations have also been strongly developed; however, it is unclear whether the results of these analyses have any substantial effect on implementation.

In a recent study, the authors argue that “the meager impact and success of the RIA is due to its institutional context, namely Swiss semi-direct referendum democracy. Direct democratic involvement and the division of power in the course of consensual government are both great barriers for effective policy appraisal” (Sager/Rissi 2011).

Beyond these processes, functional equivalents of impact assessments do exist. First, expert commissions that draft or suggest laws also evaluate alternatives, while examining the potential impacts, benefits and problems associated with proposed solutions. Second, and probably more important, is the so-called consultation procedure derived from Article 147 of the constitution. This article stipulates that “the cantons, the political parties and the interested circles shall be heard in the course of the preparation of important legislation and other projects of substantial impact, and on important international treaties.” As a consequence, all those who are affected by a planned law have a constitutional right to give their opinion as to its pros and cons.

From a comparative perspective, Switzerland was a relative latecomer to performance-management policies, as were Germany and Austria. It was only in 2011 that the federal administration decided to implement some form of performance management on a consistent basis.

In 2016, a report by the Federal Audit Office criticized RIA praxis in Switzerland arguing that it did not fully comply with the formal requirements for RIA (EFK 2016). This critique led to a political debate about whether the Federal Administration had deliberately misinformed the parliament. In the course of this debate, the widespread neglect of RIA by politicians was largely ignored (Sager 2017).

Citation:

EFK [Eidgenössische Finanzkontrolle] (2016). Prognosen in den Botschaften des Bundesrates, Evaluation der prospektiven Folgenabschätzungen von Gesetzesentwürfen, Bern.

Fritz Sager/Christof Rissi 2013: The limited scope of policy appraisal in the context of referendum democracy – the case of regulatory impact assessment in Switzerland, *Evaluation: The International Journal of Theory, Research and Practice* 17(2): 151-164.

Fritz Sager (2017). „Regulierungsfolgenabschätzung (RFA): Prognosen und Kompromisse“, *Neue Zürcher Zeitung*, 14. Februar 2017, S. 9.

## United Kingdom

Score 8

The reduction of regulation costs has been a long-standing policy goal of successive governments. Regulatory Impact Assessments (RIAs) have to be prepared for all legislation, which affects businesses, charities and voluntary bodies, to assess the benefits and burdens of the planned measure. Academic research has questioned the value of these assessments since their results are not systematically integrated into the decision-making process, but they are certainly applied. The threshold for conducting a full RIA has been raised from effects exceeding £1 million to £5 million, but this is expected only to reduce the number of RIAs by 7%. RIAs are flowed up after five years to verify their findings, with independent oversight.

While this is good overall practice, it has not yet been followed in the assessment of Brexit. Although Brexit Secretary David Davies stated repeatedly that the government has assessed the impact of different possible models of Brexit, though not with a formal RIA, the results of these assessments remain unpublished.

Citation:

Dunlop, Claire A. et al. 2012: The many uses of regulatory impact assessment: A meta-analysis of EU and UK cases, in: *Regulation & Governance* Vol. 6 23-45.

## Canada

Score 7

Canada's assessment of the potential socioeconomic impact of draft laws is somewhat irregular, as regulatory impact assessments (RIA) are performed randomly, except in areas such as environmental projects where they are required by statute, or in cases when the Treasury Board's authority and approval are required, as is true of regulatory measures and government projects. In particular, the Treasury

Board regulatory development process requires the submission of a regulatory impact analysis statement (RIAS) before the any regulation is drafted. The Office of the Auditor General (OAG) of Canada is formally charged with so-called performance audits, which aim to provide an independent, objective and systematic assessment of whether government programs are being run with due regard for economy, efficiency and environmental impact. The OAG has considerable discretion regarding which programs it will examine, and takes requests from parliamentary committees, members of parliament, citizens, civic groups and other parties to conduct audits in specific areas. It conducts between 25 and 30 performance audits each year, and publishes the results in reports.

Although the Liberals promised to strengthen evidence-based policymaking, a rigorous evaluation of proposed policies has frequently been undermined by a lack of data or budget cutbacks. In collaboration with the federal government and the University of Ottawa, Mitacs (a national, not-for-profit research and training organization) recently established the Canadian Science Policy Fellowship, which matches academics with various government departments for a year-long term, so that government departments can consult academic experts.

The Liberal government also pledged to make Statistics Canada fully independent. However, the chief statistician of Statistics Canada resigned in 2016, citing concerns that the required usage of centralized information technology services across all federal agencies compromised Statistics Canada's ability to fulfill its mandate. Bill C-36, introduced in 2017, is intended to strengthen the independence of Statistics Canada, but does not address the use of Shared Services Canada.

Citation:

Parliament of Canada, Bill C-36: An Act to Amend the Statistics Act, posted at [http://www.parl.ca/Content/Bills/421/Government/C-36/C-36\\_3/C-36\\_3.PDF](http://www.parl.ca/Content/Bills/421/Government/C-36/C-36_3/C-36_3.PDF)

## Iceland

### Score 7

Iceland had no history of conducting regulatory impact assessments until March 2016 when new regulations on cabinet procedures were enacted (Reglur um starfshætti ríkisstjórnar). Paragraph 13 concerns impact assessment of cabinet bills. Every minister shall evaluate the impact, including financial impact, of every bill he intends to submit to the parliament. This impact assessment shall be a part of the explanatory statement with the bill. However, the methodology for these impact assessments is not defined further in the regulations.

Citation:

Reglur um starfshætti ríkisstjórnar. Nr. 292/2016 18. mars 2016.

## Lithuania

**Score 7** Although the production of impact assessments for draft government decisions became mandatory in 2003, high-profile regulatory initiatives are in most cases not in fact subject to in-depth assessment. Seeking to improve the relevance and quality of impact assessments, a review of the impact assessment system was conducted under the Kubilius government. Meanwhile, the Butkevičius government decided to focus the system on high-priority regulatory decisions. The Skvernelis government confirmed the need to apply rigorous impact-assessment methods (e.g., cost-benefit or cost-effectiveness analyses) and suggested the establishment of a competence center for evidence-based policymaking.

However, the OECD has argued that impact assessment in Lithuania remains a largely formal exercise intended to justify choices already made (with a strong preference for the regulatory option). And indeed, no high-profile decision involving the selection of the best identified alternative has yet been made following an RIA process. Since 2013, the Government Office has prepared an annual priority list of legislative initiatives that need to be assessed in greater depth (14 initiatives in 2013 and 26 initiatives in 2014). However, the number of such initiatives is rather small compared to the 300 or so draft laws contained in the Annual Legislative Program. More significantly, this too remains a purely formal exercise, detached from actual decision-making. The principle of proportionality, under which important legislative initiatives with broad possible effects would be given more detailed impact assessments, is often ignored. Consequently, this instrument is generally disregarded by ministers and members of parliament. To improve the situation, it was recommended that all the major political parties agree to a memorandum of understanding.

The Lithuanian Farmers and Greens Union, the largest parliamentary party, pledged to conduct cost-benefits analyzes for new initiatives. The same provision was repeated in the new coalition government's program. According to its action plan, the Government Office intends to create a center for evidence-based policymaking, which will conduct cost-benefit analysis on strategic issues and other systemic evaluations. It remains to be seen whether this commitment will be implemented.

Citation:

OECD, Regulatory Policy in Lithuania: Focusing on the Delivery Side, OECD Reviews of Regulatory Reform, OECD Publishing, Paris, 2015 [http://www.oecd-ilibrary.org/governance/regulatory-policy-in-lithuania\\_9789264239340-en](http://www.oecd-ilibrary.org/governance/regulatory-policy-in-lithuania_9789264239340-en).

## Sweden

**Score 7** The purpose of regulatory impact analysis (RIA) is to assess the degree to which regulation has negative and/or unintended consequences for the targets of regulation.

More broadly, RIA is nowadays used to avoid increasing regulatory burdens on private businesses. RIAs are also used to examine which regulatory framework could be simplified or abolished.

Sweden, according to an evaluation, has had “rather modest” results from RIAs. Simplifying rules pertaining to private businesses has been an important part of economic development policy over the past several years, but RIAs as a specific model of analysis do not seem to be used systematically and over a broad range of issues.

Citation:

Erlandsson, M. (2010), *Regelförenkling genom konsekvensutredningar* (Stockholm: Sieps).

## Croatia

Score 6

The EU accession process has accelerated the development of RIA in Croatia. In July 2011, the Kosor government adopted an RIA bill and re-established the Government Office for Coordination of the Regulatory Impact Assessment System that had been abolished in July 2009 as a reaction to populist critique. In accordance with the RIA Action Plan for 2013 – 2015, the office became a department of the government’s Legislation Office, and RIA implementation coordinators were appointed in all ministries. Since 2012, all government bodies have been obliged to prepare annual regulatory plans specifying which of their planned regulations should undergo a RIA. However, these and other obligations have been only selectively met. RIA results do not feature prominently in cabinet sessions.

Citation:

Petak, Z. (2015): Evidence-Based Policy Making and the Implementation of Regulatory Impact Assessment in Croatia, in: *Management and Business Administration: Central Europe* 23(2): 147-162.

## Cyprus

Score 6

As part of a better regulation project begun in 2007, a RIA is required for every new policy measure. After years of hesitation that limited RIAs to a simple questionnaire, a robust tool was adopted in 2016. This change included training to enable government employees to efficiently implement the new assessment. Since January 2017, RIAs are applied rather systematically. An annual evaluation report will be submitted to the Council of Ministers.

Before the 2016 reforms, the method used to assess the impact of policies consisted simply of line ministries seeking the views of other ministries and listening to the views of stakeholders during parliamentary committee discussions.

Citation:

1. Better Regulation 2nd Progress Report, September 2017 [in Greek], <https://issuu.com/presidency-reform-cyprus/docs/2>

## Italy

### Score 6

RIAs are in principle required from all ministries and local authorities (under laws 50/1999 and 246/2005). At the national level, RIAs fall under the responsibility of the ministries. The Prime Minister's Office (PMO) is responsible for the review and quality control of the whole RIA processes as well as for the coordination of activities associated with a RIA. The Department for Juridical and Legislative Affairs of the Presidency of the Council of Ministers is responsible for the elaboration of RIA methodology. Annual reports are submitted to parliament.

Following reforms adopted by previous governments, the current RIA framework prohibits any discussion by the Council of Ministers of a proposal that lacks a RIA. It is, however, questionable whether sufficient resources are available to implement RIAs effectively. While in the past these rules were not always applied, things have gradually changed and now most normative acts are accompanied by a RIA. The 2016 government report to parliament documents this increase, which is also due to the growing pressure of EU rules. The quality of RIAs is, however, still far from homogeneous and qualified observers have found that while RIAs conducted by independent authorities are in general more sound, those of ministerial departments continue to be rather formalistic (Osservatorio air 2014). From 15 December 2017, a new RIA regulation takes effect which should be more comprehensive.

#### Citation:

Maria Francesca Rocchetti: Impact Assessment in Italy: State of the Art and Patterns of Regulatory Reform: <http://regulatoryreform.com/wp-content/uploads/2015/02/Rocchetti-Impact-Assessment-in-Italy-Sept-2014.pdf>  
[http://presidenza.governo.it/DAGL/uff\\_studi/AIR.html](http://presidenza.governo.it/DAGL/uff_studi/AIR.html)  
[http://presidenza.governo.it/Sito2015-Presidenza/DAGL/uff\\_studi/Relazione\\_2016.pdf](http://presidenza.governo.it/Sito2015-Presidenza/DAGL/uff_studi/Relazione_2016.pdf)  
<http://www.osservatorioair.it/lair-e-gli-altri-strumenti-per-la-qualita-della-regolazione-nellannuario-2014/>  
<http://www.osservatorioair.it/1%E2%80%99air-nelle-autorita-indipendenti-il-nuovo-libro-a-cura-dell%E2%80%99osservatorio-air/>  
<http://www.osservatorioair.it/in-gazzetta-ufficiale-il-nuovo-regolamento-di-disciplina-dellair-della-vir-e-della-consultazione/>

## Malta

### Score 6

Malta's policy on regulatory impact assessments (RIA) is not fully developed and the process of filing is also not fully integrated in Maltese policymaking; however, a RIA process does exist, with the cabinet required to approve RIAs for government notices, regulations and by-laws. This process is detailed in the Small Business Act, Chapter 512 in Maltese law. Nonetheless, since the European Union utilizes RIAs as part of all major regulatory projects, the government has had to improve its RIA process; recent reports from the EU confirm steady progress. To ensure detail to the system, an IAF process was introduced. Each ministry is responsible for drawing them up, assisted by their legal office and program implementation policy directorate (a unit found in each ministry). Nonetheless, the attorney general's office, which also has a legislative unit, does much of the work.

## Citation:

OECD (2007), "Regulatory Management Capacities of Member States of the EU that Joined the Union on 1 May 2004: Sustaining Regulatory Management Improvements through a Better Regulation Policy," Sigma Papers, No. 42, OECD Publishing. <https://www.mepa.org.mt/permitting-ea-eiaprocess>  
 Operational Program II 'Empowering People for More Jobs and a Better Quality of Life,' July 2012, p.28  
<http://www.bru.gov.mt/wp-content/uploads/2011/01/ESF-4-87-Laun ch-Speech-by-Mr-J-Aquilina.pdf>  
<http://www.bru.gov.mt/administrative-burdens/>  
<http://gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Pages/OPM-Portfolio.aspx>

## Romania

### Score 6

RIA-related procedures were introduced in Romania in 2005. At least in theory, legislative proposals cannot enter the legislative process without RIA approval from the Public Policy Unit of the Secretariat General of the Government (GSG). In practice, the use and the quality of RIA is highly uneven, and many RIAs are superficial. Capacity remains a critical obstacle to the effective implementation of RIA procedures and requirements. Further problems have stemmed from the complex division of monitoring and evaluation responsibilities between the GSG and the Prime Minister's Chancellery.

## Slovakia

### Score 6

When RIA was introduced in Slovakia back in 2001, no central unit in charge of RIA was created at the government's core. In response, the first Fico government introduced a Uniform Methodology of Assessment of Selected Impacts in 2008, which was updated by the Radičová government in 2010. Four ministries are involved in the process (Ministry of Economy, Ministry of Finance, Ministry of Environment, Ministry of Labor, Social Affairs and Family), with the Economic Analysis Division of the Ministry of Economy playing a coordinating role. While these changes have improved the efficiency of RIA, its application still suffers from a high degree of fragmentation. RIA continues to play a marginal role in the third Fico government. Options articulated by the supervising bodies remain non-binding, so that there are no sanctions if RIA is low.

## Citation:

Staroňová, K. (2016): 'Regulatory Impact Assessment in Slovakia: Performance and Procedural Reform, in: Impact Assessment and Project Appraisal 34(3): 214-227.

Staronova, K., Hejzlarová, E., Hondliková, K. (2017): Making Regulatory Impact Assessment Gender-Sensitive: The Case of the Czech Republic and Slovakia, in: Transylvanian Review of Administrative Sciences 51(E): 89-105 (<http://rtsa.ro/tras/index.php/tras/article/download/526/515>).

## Slovenia

**Score 6** In Slovenia, RIA guidelines have largely been copy and pasted from the European Union. The government's Public Administration Development Strategy 2015-2020 acknowledged the need for improving RIA and has brought some progress. However, oversight has continued to suffer from institutional fragmentation, so that the quality of RIA has been uneven among ministries. When an RIA is applied, it is often limited to a qualitative assessment, and there are no official statistics regarding the implementation of RIA. As fast-track legislation is exempt from RIA, RIAs were not performed for at least a third of all new measures passed in the period under review.

Citation:

Government of the Republic of Slovenia (2015): Public Administration 2020: Public Administration Development Strategy 2015-2020. Ljubljana  
([http://www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/JAVNA\\_UPRAVA/Kakovost/Strategija\\_razvoja\\_JU\\_2015-2020/Strategija\\_razvoja\\_ANG\\_final\\_web.pdf](http://www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/JAVNA_UPRAVA/Kakovost/Strategija_razvoja_JU_2015-2020/Strategija_razvoja_ANG_final_web.pdf)).

OECD (2018): Regulatory Policy in Slovenia: Oversight Matters. Paris.

## Bulgaria

**Score 5** After marked improvements in the legal framework for RIA in 2016 with respect to both the Council of Ministers and the parliament, 2017 was the first year of the framework's implementation. An analysis by the Parliamentary Research Center indicated a limited change compared to previous practices. More importantly, the analysis found that compliance with the requirements for RIA continues to be mostly formal. Since this may be due to the very early stage of the framework's implementation and the corresponding lack of experience, it is still too early to properly assess the effectiveness of the framework.

Citation:

National Center for Parliamentary Research (2017): Analysis of the legislative activity of the 44th National Assembly. First session, April 19 to July 31, 2017. Sofia.

## France

**Score 5** The practice of compiling regulatory impact assessments (RIAs) has been followed since 1995, notably under the supervision of the PMO. However, there is still no systematic RIA process with comparable rules and methodologies; this is just one reason why there is an excess of legislation with an insufficient analysis of regulatory impact. There are partial substitutes, however. The finance and budget ministries try to systematically evaluate the fiscal impact of any new measure. This evaluation might be biased, however, as considerations may be exclusively

motivated by financial and budgetary concerns. In some ministries (such as industry, agriculture and social affairs) there is also a tradition of analyzing the impact of planned policies. In other sectors, the law might impose these assessments (such as with the environmental and industry ministries, for instance). A legal assessment is systematically practiced by the Conseil d'Etat before the adoption of a regulation or governmental bill. Parliamentary committees also often do an excellent job of regulatory assessment.

However, what is lacking is a systematic cross-examination involving all the main stakeholders. Former President Sarkozy, with the goal of trimming bureaucratic costs, instituted the so-called RGPP (Revue Générale des Politiques Publiques). It has permitted the cutting of around 100,000 positions, but the process has been highly criticized by the opposition and by the unions. President Hollande has decided to move to another type of review (Modernisation de l'Action Publique) but little, aside from a reduction of regions from 22 to 13, has changed so far.

More recently, the government think tank France Stratégie has been charged with the impact evaluation of public policies (i.e., the impact of the Macron law, innovation policy, or subsidies for companies). It also has delivered methodological guidelines for the evaluation of public policies. There is, however, a notable lack of evaluation of new bills under discussion. Macron's election might constitute a U-turn if his ambitious reform plans are implemented. In line with this strategy, it is planned that parliament should take a much more active role in evaluating past and future policies.

## Luxembourg

### Score 5

At the end of the 1990s, Luxembourg launched its first draft for regulatory impact assessments (RIAs), to simplify administrative procedures at both, the national and European levels. Since 2004, the government has systematized the potential impact of legislative proposals by aligning legislative and administrative processes under the responsibility of a competent authority, the Plateforme interministérielle de réforme et de simplification administrative. The so-called Omnibus Bill concerning 11 laws and two regulations was implemented in 2017 to facilitate and speed up planning procedures in 102 municipalities, a transversal approach towards a systematic screening of all administrative procedures. Currently, the government is evaluating the impact of 89 administrative simplification projects.

Since 2009, all draft bills have been required to undergo a regulatory impact assessment. Within eight weeks before adoption of a draft bill, the government has to carry out consultations with stakeholders, considering their expertise and responding to requests. Based on adequate analyses, a draft bill is adapted, completed and submitted to parliament. The impact assessment is necessarily attached to legislation or regulation submitted to the Council of Ministers. Prior to submission, the

secretariat of the Council forwards a copy to the interministerial platform, which prepares a formal statement to the Council.

The standard impact evaluation form (a checklist form, or “fiche d’évaluation d’impact”) was revised in 2010 to include gender mainstreaming principles. It enabled a close cooperation with the Ministry for Equal Opportunities. Although regulatory impact assessment programs have been instituted for some years, there is still room for improvement, especially in making such evidence-based instruments more widespread. Further improvements should be implemented through an ex ante verification process on a national and European level.

Citation:

Building an Institutional Framework for Regulatory Impact Analysis (RIA): Guidance for Policy Makers. OECD, 2008. [www.oecd.org/regreform/regulatory-policy/40984990.pdf](http://www.oecd.org/regreform/regulatory-policy/40984990.pdf). Accessed 30 Dec. 2017.

“Gestion de la qualité sur base du modèle d’auto-évaluation CAF.” Portal de la Fonction publique, [www.fonction-publique.public.lu/fr/modernisation-etat/qualite-publique/gestion-qualite-base-caf/](http://www.fonction-publique.public.lu/fr/modernisation-etat/qualite-publique/gestion-qualite-base-caf/). Accessed 30 Dec. 2017.

“Modernisation de l’Etat.” Portal de la Fonction publique, [www.fonction-publique.public.lu/fr/modernisation-etat/index.html](http://www.fonction-publique.public.lu/fr/modernisation-etat/index.html). Accessed 30 Dec. 2017.

OECD Regulatory Policy Outlook 2015: Luxembourg. OECD, 2015. [www.oecd.org/gov/regulatory-policy/Luxembourg-web.pdf](http://www.oecd.org/gov/regulatory-policy/Luxembourg-web.pdf). Accessed 30 Dec. 2017.

“Über die Tücken des Bürokratie-Abbaus.“ Luxemburger Wort, 4 Sept. 2017.

[www.wort.lu/de/politik/administrative-vereinfachung-ueber-die-tuecken-des-buerokratie-abbaus-599435eda5e74263e13c5cf5](http://www.wort.lu/de/politik/administrative-vereinfachung-ueber-die-tuecken-des-buerokratie-abbaus-599435eda5e74263e13c5cf5). Accessed 30 Dec. 2017.

## Spain

Score 5

The law on the common administrative procedure, passed in October 2015, includes a promising provision (indeed, an entire chapter) devoted to ensuring that lawmaking in the future will take place in accordance with the principles of “smart regulation” and “better regulation.” This development, which is based on OECD recommendations, seeks to guarantee that the administration engages in systematic planning before laws are drafted, while creating a more sophisticated RIA process and producing regulations that are proportional to the political goal and more congruent with other laws. However, though the chances of applying RIAs may be improving in Spain, to date there has been little concern for the quality of legislation (apart from purely formal legalistic issues that are monitored by the Council of State).

Citation:

Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas. [www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-10565](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565)

## United States

Score 5

The U.S. government provides for extensive analysis of major decisions, within both the legislative and executive branches, and for administrative or regulatory decisions as well as legislation. Regulatory impact assessment for agency regulations is

supervised by the Office of Management and Budget (OMB). For significant regulations, it must approve impact assessments conducted by the agencies as a condition for issuing the regulations. In addition, the Government Accountability Office, which reports to Congress, conducts assessments on an ad hoc basis, mostly in response to requests by Congress. The Congressional Budget Office (CBO) conducts analysis of proposed bills, including cost estimates over a 10-year period.

The Congressional Research Service also conducted several notable studies on climate change. The CBO study on health care focused primarily on issues of budgetary impact, but it did touch on many other issues, including coverage. The U.S. government has normally been highly ambitious with respect to the volume and coverage of impact assessment.

However, the Trump administration largely abandoned impact analysis and other professional expertise. Agencies have been under a strong presidential mandate to reduce regulations and reverse decisions taken during the Obama administration. Since the first several months of the Trump presidency, this effort has been aggressively carried out on the basis of minimal analysis. The president also issued an order saying that for every new regulation that an agency adopts, it is required to cancel two existing regulations – a mechanical solution that does not permit analytic influence.

## Hungary

Score 4

The Orbán government amended the Act on Lawmaking (Act of CXXX of 2010) that included provisions on RIA in sections 17§ and 21§. It established the Government Feasibility Center and assigned it to the Ministry of Justice. In practice, RIA has suffered from sluggish implementation and has been applied almost exclusively in the environmental context and/or in cases where international obligations have demanded it.

## Ireland

Score 4

The 2011 Programme for Government states: “We will require departments to carry out and publish Regulatory Impact Assessments [RIAs] before government decisions are taken.” In principle, RIAs are used by all government departments. In practice, the range of RIAs completed and published is narrow. The last published list of completed RIAs dates from 2009.

In response to parliamentary questions on the topic in July 2012, the prime minister responded: “My department will shortly be consulting departments generally about the question of publication of regulatory impact analyses carried out before government decisions are taken.” Despite the reiteration in the Annual Review of the

Programme for Government of the requirement that all departments undertake RIAs for regulatory changes, there is little evidence that these are being undertaken and published.

The cancellation and repayment of water charges paid to Irish Water in 2017 constituted a major failure in the areas of regulatory impact assessment, policy coordination, and government communication with the public.

Citation:

The latest available government documentation relating to RIAs is

[http://www.taoiseach.gov.ie/eng/Publications/Publications\\_Archive/Publications\\_2011/Revised\\_RIA\\_Guidelines\\_June\\_2009.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf)

Parts of the Independent Assessment of ‘The options for water provision’ are available at

<http://www.environ.ie/en/Publications/Environment/Water/FileDownload,29194,en.pdf>

## Israel

Score 4

As a part of a regulatory-burden-reduction process, the government approved plans for a regulatory impact assessment model in 2014. However, this became mandatory for all new regulations and regulatory ministries only in 2016 (with several exceptions). In 2016, six RIA reports were published. By the end of the review period in 2017, seven reports had been published. A ministerial committee for regulation has been established, and an annual timeline for RIA has been published. In addition, a Governmental Regulation Website has been launched, providing ministries with a guidebook (tailored for specific ministry requirements) written by the PMO. This represents a major advancement in the government’s policy-design process, although the many exceptions to these requirements mean that significant progress remains to be made.

Citation:

“More about the Regulatory Impact Assessment Program,” PMO website:

<http://regulation.gov.il/misgeret>

“RIA Guide,” Governmental Regulation Website (Hebrew): <http://regulation.pmo.gov.il/RIAguide/Pages/RIA.aspx>

“Report from the committee for improving regulatory mechanisms in Israel and reviewing interfaces between various regulators in the market,” official report (April 2013). The Protocol of the Economic Affairs Committee – 28.10.2015: <http://main.knesset.gov.il/Activity/committees/Economics/Conclusion/coc281015.pdf>

## Portugal

Score 4

There has been minimal change in this area with regard to the previous period. RIA instruments are still not utilized. The government’s program includes the goal of “ex ante and ex post evaluation of the impact of structuring legislation, especially that which carries costs for small and medium-sized enterprises.” Documents from the government indicate that it will retain the small and medium-sized enterprise test (“PME test” in Portuguese), as well as the “one-in, one-out” or “Comporta Regulatória” rule designed to compensate citizens or companies for new costs

resulting from new legislation, both of which were approved in 2014. While the Costa government is taking steps to implement these measures, notably through its Agency for Administrative Modernization, neither has yet been fully implemented. In March 2017, the government approved a methodology for evaluating the economic impact of government proposals (“custa quanto” measure). This measure was implemented on a trial basis in 2017, with a team of six staff members working on it. The actual effect of this methodology on policy decisions remains unclear.

Citation:

[https://www.ama.gov.pt/documents/24077/31275/20160630\\_AAC\\_03\\_SAMA2020Anexo\\_Global.pdf/55ad0d27-c3fa-441e-ac2b-c824983aead4](https://www.ama.gov.pt/documents/24077/31275/20160630_AAC_03_SAMA2020Anexo_Global.pdf/55ad0d27-c3fa-441e-ac2b-c824983aead4)

<https://www.ama.gov.pt/documents/24077/177526/Apresenta%C3%A7%C3%A3o+Ana+Sofia+Figueiredo.pdf/efc0af11-998e-4f69-968e-adfe6bf8199f>

João Palma-Ferreira (2017), “Quanto custam as leis às empresas?,” *Expresso* online – 4/3/2017, available online at: <http://expresso.sapo.pt/economia/2017-03-04-Quanto-custam-as-leis-as-empresas-“SIMPLEX+2016 – Medida «Custa Quanto»” – available online at: http://www.dgae.gov.pt/paginaRegisto.aspx?back=1&id=15058>

## Turkey

### Score 4

In 2007, the Prime Minister’s Office issued a circular that provided guidance on how to prepare regulatory impact assessments (RIA). Since that time, the completion of a RIA has been required for all new legislation (laws, decrees and other regulatory procedures), excluding issues relating to national security, the draft budget or final accounts (under Article 24 of Regulation 4821 on the Procedure and Principles of Preparing Legislation, 12 December 2005). However, despite regulations adopted to encourage administrative simplification in April 2012, the introduction of RIAs has not improved the quality of government legislation, and RIA processes are only rarely followed.

During the review period, several chambers of industry conducted EU-funded RIA projects. The EU Regulation on the Export and Import of Harmful Chemicals Technical Support Project for Implementation was conducted by several Turkish chambers of industry, including Balıkesir, Kayseri and Kocaeli. The European Union also funded the Technical Assistance for Capacity-Building and Support to the Preparation of a Regulatory Impact Assessment (RIA) for Decoupled Agricultural Support project.

Citation:

Dr. Sibel Güven, *Türkiye’de Düzenleyici Etki Analizi (DEA) Uygulamaları Nedenİstenen Düzeyde Değil?* TEPAV, Ankara, Ocak 2011.

Technical Assistance Service for IPPC – Integrated Pollution Prevention and Control in Turkey, Draft Regulatory Impact Assessment, June 2013, <http://www.csb.gov.tr/db/ippceng/webmenu/webmenu9986.pdf> (accessed 5 November 2014).

Zararlı Kimyasalların İhracatı ve İthalatına İlişkin AB Tüzüğü’nün Uygulanması için Teknik Destek Projesi, <http://kosano.org.tr/wp-content/uploads/2016/08/ankt.pdf> (accessed 1 November 2017)

## Greece

- Score 3** In 2006, under a different government, the PMO had issued a prime minister's circular, requesting that all ministries start RIA in their policy field, but RIA in a systematic way has never actually been implemented. Today, all legislative drafts submitted to the parliament are accompanied by a document that outlines the rationale of the bill. Moreover, the General Accounting Office estimates the cost of the bill for the state budget. Indeed, some regulatory impact assessment for developing regulation is done at ministerial meetings but ex post evaluation of regulations is not done – with specific reports or documents submitted to the parliament and/or available to the public. However, the policy suggestions of Memorandum, OECD and World Bank reports increasingly influence government decisions, regulations and new legislation.

## Poland

- Score 3** From 2001 to 2015, Poland established a relatively comprehensive system of regulatory impact assessment (RIA). The PiS government has left this system largely unchanged in formal terms but has not taken RIA seriously. It has bypassed RIA by strongly relying on “fast-track” legislation or on legislative initiatives by members of parliament, and the quality of RIA has been low.

Citation:

OECD (2013): Public Governance Report Poland: Implementing Strategic-State Capacity. Paris, Chap. 3.

## Belgium

- Score 2** Before making a decision, the government will typically seek the opinions of stakeholders in an attempt to prevent misguided policy action and to ensure some level of societal support. However, there are few formal RIA procedures, and when these do exist, they are generally treated only as a formality. Certainly, they do little to shape decisions, being invoked only at the end of the decision-making process, once decisions have already been reached. Authorities thus typically “fly blind,” with unexpected policy outcomes far from unusual.

For example, with regard to carbon emissions, energy experts recommended making improvements to house insulation in order to reduce energy demand. Instead, the various governments heavily subsidized solar panels, which were politically more appealing. In the absence of a proper RIA, the ex post measure of success was the rate of adoption (subsidy pick up) and volume of green-energy production. It took years for the various operators to admit that the cost overruns were unmanageable, and they ultimately had to freeze subsidies suddenly and partially renege on previous commitments.

## Citation:

<https://www.oecd.org/gov/regulatory-policy/Impact-assessment-in-Belgium-June-2015%20fr.pdf> (see end)

[https://soc.kuleuven.be/web/files/11/72/ICW\\_wp\\_2009.pdf](https://soc.kuleuven.be/web/files/11/72/ICW_wp_2009.pdf)

From <https://www.law.kuleuven.be/home/algemeen/agenda20152016/doctoraatsverdediging-sven-sobrie> :

“In our neighboring countries, it is not unusual for important legal reforms to be preceded by ex ante impact assessments. The OECD, too, has for years been stressing the importance of quantitative ‘Regulatory Impact Assessment’ (RIA). In comparison, the Belgian legislator flies blind, by creating and passing laws based on not much more than gut feeling, modifying them afterwards at best. This should change.”

Indicator

## Quality of RIA Process

Question

### Does the RIA process ensure participation, transparency and quality evaluation?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = RIA analyses consistently involve stakeholders by means of consultation or collaboration, results are transparently communicated to the public and assessments are effectively evaluated by an independent body on a regular basis.
- 8-6 = The RIA process displays deficiencies with regard to one of the three objectives.
- 5-3 = The RIA process displays deficiencies with regard to two of the three objectives.
- 2-1 = RIA analyses do not exist or the RIA process fails to achieve any of the three objectives of process quality.

### Czech Republic

Score 9

Consultation with stakeholders is an essential part of the RIA process. In principle, all those who are affected by new legislation are able to express their views in advance. The parties concerned may include, among others, public authorities, professional organizations, nongovernmental organizations or business entities. However, the intensity and form of consultation varies from case to case. Since 2011, quality control has rested with the RIA board, an independent commission affiliated with the Government Legislative Council. This body a) coordinates and methodically manages the RIA process; b) processes the material documents for the working commission; and c) on the basis of an opinion of the working committee, if available, drafts the draft opinion of the Legislative Council of the Government or the Chairman of the Legislative Council of the Government for the RIA area (this opinion is an independent part of the Draft Opinion).

### Denmark

Score 9

The ministry in charge of preparing a specific piece of legislation or regulation includes relevant stakeholders in the RIA process, such as affected ministries and interest organizations. If, for instance, a proposal is expected to involve costs for business, the Ministry of Business would be consulted. The ministry would also consult with business interests. The proposal to be submitted to the legislature would list all departments, agencies and organizations that had been consulted. The rules require the assessment to be in non-technical language so that it is accessible to the public. The corporatist aspect of preparing laws may have decreased in the last decade, but organizations are still very involved in administrative structures.

There is a strong tradition of publishing impact assessments as reports or special publications. In addition, parliamentary committees and members of parliament can request further information and documentation.

After new legislation enters into force, feedback from stakeholders, the broader public and media are taken seriously by members of parliament.

Citation:

Cirkulære om bemærkninger til lovforslag og andre regeringsforslag og om fremgangsmåden ved udarbejdelse af lovforslag, redegørelser, administrative forskrifter m.v.  
<https://www.retsinformation.dk/Forms/R0710.aspx?id=20940> (accessed 3 May 2013).

Jørgen Grønnegård Christensen, Peter Munk Christiansen and Marius Ibsen, Politik og forvaltning. 4th edition. Copenhagen. Hans Reitzels Forlag, 2017.

## Germany

Score 9

The National Regulatory Control Council (Normenkontrollrat, NKR) cooperates with a large number of different actors on various levels of the administration. Its cooperation with German states and local authorities has intensified, in particular with the development of methodological standards for assessing compliance costs.

In its 2017 annual report, the NKR claimed that the costs of new regulations and laws increased about €1.1 billion whereas the bureaucratic costs remained stable. However, the NKR complained that digitalization processes in public administration lagged well behind other European countries, wasting important opportunities for further cost reductions.

The new “one in one out” rule, introduced in 2015, reduced the financial burdens on enterprises by about €1.4 billion. This rule means that all new costs for enterprises and state bureaucracy (the “ins”) have to be compensated for by additional regulations that reduce costs respectively (the “outs”).

Citation:

Normenkontrollrat (2017): Jahresbericht des Normenkontrollrates 2017:  
<https://www.normenkontrollrat.bund.de/Webs/NKR/Content/DE/Publikationen/Jahresberichte/2017-07-12-nkr-jahresbericht-2017.html?nn=1669400>

## New Zealand

Score 9

The Treasury’s Regulatory Impact Analysis Handbook offers comprehensive guidance with regard to consultation within government as well as with stakeholders, to transparency and to quality evaluation. The major instrument for consultation and transparency is the regulatory impact statement (RIS). Independent quality assurance is to be obtained either by a unit located within the Treasury or through a suitable

internal review process. A quality-assurance statement is to be provided in the cabinet paper.

Citation:

Regulatory Impact Analysis Handbook (Wellington: The Treasury 2013).

## Norway

Score 9

The quality of RIAs associated with parliamentary bills shows great variation, but is generally good. At a minimum, parliamentary bills describe the financial and administrative (governmental) consequences of a proposal. Some also consider environmental and climate effects. Other costs are not quantified systematically or regularly when preparing bills. Affected parties will be also typically be invited to present their views in a public hearing, before a decision is being made. The RIA system is strong in terms of consultation, transparency and creating a broad political consensus around decisions. However, it is weaker in terms of technical quality.

## Finland

Score 8

Impact assessment guidelines adopted in 2007 still provide a general framework for the process of regulatory impact assessment. The Revision Bureau of the Ministry of Justice's Law Drafting Department monitors compliance with these impact assessment guidelines. Impact assessments cover the economic, administrative, environmental and social impacts of proposed legislation. The guidelines describe what kind of impact may be involved, how the impact may be assessed, and what methods and information sources are available. The guidelines also specify the extent to which this information must be provided in the assessments. For instance, assessments may deal with proposals' potential economic impact on households, businesses and public finances as well as overall economic impact. Concerning methodology, guidelines recommend the use of statistical data, questionnaire data, expert analyses and when necessary, qualitative methods. Generally speaking, the regulatory impact assessment process is well-structured and of a high quality. However, in its 2017 assessment, the Finnish Council of Regulatory Impact Analysis found deficient impact assessments in a significant proportion of the draft government proposals and recommended a more regular use of quantitative measures and more time for reworking the draft proposals.

Citation:

Ministry of Justice (2008): "Impact Assessment in Legislative Drafting - Guidelines". Helsinki, Publication 2008:4.  
<http://oikeusministerio.fi/fi/index/toimintajataavoitteet/lakiensaaminen/parempisaantely/vaikutustentarviointi/saadosehdotustenvaikutustentarviointiohjeet.html>  
[http://vnk.fi/en/article/-/asset\\_publisher/arviointineuvosto-vaikutusten-arviointien-tasoa-on-parannettava](http://vnk.fi/en/article/-/asset_publisher/arviointineuvosto-vaikutusten-arviointien-tasoa-on-parannettava)

## Netherlands

**Score 8** RIAs are obliged to identify one or several alternatives to the option chosen by an initiator. According to the Advisory Board on Administrative Burden Reduction (ACTAL) guidelines, alternative options for administrative burden reduction assessments (ABRAs) are investigated. In principle, the option involving the greatest cost reduction ought to be selected. The extent to which practice follows theory is not known. Stakeholders and decision makers have been involved in the process of producing RIAs, making burden-reduction analyses more effective. The status of ACTAL as an independent body for evaluation has been changed to a legally established permanent advisory body.

Citation:

[www.actal.nl/over-actal/taken-en-bevoegdheden/](http://www.actal.nl/over-actal/taken-en-bevoegdheden/) (consulted 26 October 2014)

Staatscourant nr. 29814, 29 Mei 2017, Besluit van 17 mei 2017, nr. 2017000809, houdende instelling van het Adviescollege toetsing regeldruk

## United Kingdom

**Score 8** The Regulatory Policy Committee (RPC), a body established in 2009 and independent since 2012, is responsible for quality evaluation and impact assessment. The RPC provides feedback to the Reducing Regulation Committee, a sub-committee of the Cabinet Committee on Economic Affairs, on the quality of the analysis and evidence presented. The RPC does not actively solicit input from outside the government department concerned, but is open to submissions from other stakeholders on the impacts of proposed regulation. Transparency and guidance is provided on the government website (gov.uk) detailing how to contact the RPC. The government invites direct comment on the process in an effort to engage citizens and, perhaps more importantly, businesses. To reduce regulatory costs for businesses, the government committed to a Business Impact Target (BIT). There is a one-in-three-out principle for new regulations, with information regularly updated online.

This is again contrasted by the fact that these rules are not applied in the planning and execution of the United Kingdom's withdrawal from the European Union.

## Chile

**Score 7** Given the informal and non-institutionalized character of instruments used for regulatory impact assessments, reports do not necessarily specify the purpose of and the need for a regulation. Furthermore, they do not tend to analyze alternative options. Depending on the topic, stakeholders may play a certain role in the RIA

process, but this does not entail a high degree of relevance within the political process over the middle or long term. RIA assessments are not routinely evaluated by independent bodies.

Citation:

OECD (2016), Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation, OECD Reviews of Regulatory Reform, OECD Publishing, Paris.  
<http://dx.doi.org/10.1787/9789264254596-en>

## Japan

Score 7

According to the Basic Guidelines for Implementing Policy Evaluation, revised in March 2007, the necessity, efficiency and effectiveness of measures are to be the central considerations in evaluations. However, issues of equity and priority are also to be included. The structure and content of assessments are further clarified in the Policy Evaluation Implementation Guidelines of 2005 and the Implementation Guidelines for Ex Ante Evaluation of Regulations of 2007; all of these specifications contain quite demanding tasks that must be performed as a part of the evaluations.

Critics have argued that many officials regard RIA as a bothersome disturbance, and lack strong incentives to take it seriously. Having RIA run by a line ministry, the MIC, instead of a powerful independent agency, does not seem to be very effective.

According to recent data, Japan scores considerably below the OECD average with regard to RIA implementation, particularly in the areas of oversight and quality control.

Citation:

Andrei Greenawalt, The Regulatory Process in Japan in Comparison with the United States, RIETI Column 318, 2015, [http://www.rieti.go.jp/en/columns/a01\\_0431.html](http://www.rieti.go.jp/en/columns/a01_0431.html)

Naohiro Yashiro, Regulatory Coherence: The Case of Japan, ERIA Discussion Paper 2016-16, March 2016, [http://www.eria.org/publications/discussion\\_papers/DP2016-16.html](http://www.eria.org/publications/discussion_papers/DP2016-16.html)

Nikolai Malyshev, Regulatory Impact Assessment: State of Play in OECD Countries, Paper for the KDI-OECD Seminar on Improving Regulatory Governance: trends, practices and the way forward, 6 September 2017

## Latvia

Score 7

The annotation requires a description of stakeholder participation. Minimum requirements can be met by a simple statement detailing when stakeholders were consulted. Annotations may include information on stakeholder inputs, reactions or needs.

Annotations are publicly available along with the draft act of legislation. They serve as an explanatory accompaniment to the draft and are often referenced in communications about the draft.

Annotations are not assessed by an independent body. However, they are monitored by the government office as part of its oversight of the decision-making process. Inadequacies in the annotation can lead to proposals being returned for revision prior to consideration by the cabinet. An annual monitoring process by the government office can lead to improvements in the system. The latest such revision took place in 2013.

Citation:

Cabinet of Ministers (2013), Simplification of Draft Legislation Annotations, Press release, Available at (in Latvian): <http://www.mk.gov.lv/lv/aktuali/zinas/2013-gads/04/290413-vk-03/>, Last assessed: 20.05.2013

## Mexico

Score 7

RIA was introduced in Mexico in 1997 and its usage has spread from the federal government to some state governments. It has established itself as a legitimate part of the policymaking process. The relevant government agency, COFEMER, is responsible to an interdepartmental committee that ultimately reports to the Ministry of Economy. COFEMER does not have a veto on new proposals, but it must be consulted and can express an opinion. Its position vis-à-vis the ministries was strengthened by an additional presidential order by Calderon in 2007. It can prevent new regulations from coming into force until the consultation process is complete. COFEMER has also been active in negotiating the streamlining of procedures with individual Mexican states. This is significant, as much regulation is generated at subnational levels. After a quiet start, COFEMER has played a significant role in Mexico's pro-competitive policy. Its annual reports are publicly available and provide critical assessments on regulatory projects.

## Sweden

Score 7

As mentioned, RIAs play some role in Sweden but the system is less elaborate compared to many other countries. The Swedish model of RIA seems to perform reasonably well with regard to participation and communication but less so in terms of independent evaluations.

Overall, simplifying regulatory frameworks appears to be conducted fairly ad hoc. For instance, the Simplex project in the Department of Industry and Economic Development aimed at removing regulations that were either obsolete or unnecessarily obstructing private businesses. The project appears to have practiced RIA without applying the entire RIA framework.

## Switzerland

**Score 7** While stakeholder participation in regulatory impact assessment (RIA) procedures is a particularly strong point in Switzerland, communications processes vary between regions and policy fields. For in-depth RIA, an extended version of standard RIA, Rissi and Sager (2013) show how procedural assessments used to be the most prominent form of RIA utilization in Switzerland. RIA are often outsourced to independent research companies, though this does not affect utilization. In the course of the debate about the Federal Audit Office report on the quality of RIA, an independent Regulation Assessment Unit was demanded by some politicians. However, the proposal is yet to be made concrete.

Citation:

RISSI Christof and Fritz SAGER (2013). "Types of Knowledge Utilization of Regulatory Impact Assessment (RIA). Evidence from Swiss Policymaking," *Regulation & Governance* 7(3): 348–364.

## Canada

**Score 6** The quality of regulatory impact assessment (RIA) in Canada is in general satisfactory. Stakeholder participation in the past has been encouraged, although recent changes in environmental legislation have put limits on such participation. RIA results are accessible under Freedom of Information provisions. However, there is little evaluation of the quality of RIA by independent bodies.

## Estonia

**Score 6** Legal regulations established by governmental decree (2012) require involvement by relevant interest groups and public consultations in the lawmaking process. It must be formally documented which interest groups have been involved, what their proposals have been and to what extent the proposals have been taken into account. All this information is publicly available in the explanatory paper accompanying the draft law. Alongside these formal requirements, involving stakeholders and hearing their opinions has become a common practice. However, two reports on the quality of the RIA process (see citations) have found that stakeholder involvement needs to be improved at all stages. RIA analyses are not communicated to the public, and only those partners closely participating in the process are sufficiently informed.

RIA results are not subject to regular evaluations by an independent body, and far more stress is put on the further elaboration of impact-assessment methods than on making use of results to create better policies.

Citation:

Praxis (2015). *Arengukavade mõjuhindamine. Valdkonna arengukavade mõjude hindamise süsteemi analüüs.*

<http://www.praxis.ee/tood/arengukavade-mojude-hindamise-susteemi-analuus/> (accessed 29.09.2015).  
Praxis (2014). Mõju hindamise meetodika rakendamise Euroopa Liidu asjades.  
<https://riigikantselei.ee/sites/default/files/content-editors/Failid/moju-hindamise-metoodika-rakendamise-euroopa-liidu-asjades.pdf> (accessed 29.09.2015)

## South Korea

### Score 6

RIA committees are often criticized for not being fully autonomous and for being influenced by political and economic interests. Other criticisms mentioned by the OECD are a lack of time to carry out assessments, insufficient staff, and a lack of expertise and financial resources. Many civil servants in South Korea perceive RIA to be merely a formality. Stakeholders are consulted during the RIA process, which includes regular meetings with foreign chambers of commerce.

The general public and specific stakeholders can be integrated into the process via online channels such as the Regulatory Information Portal, Regulatory Reform Sinnungo, and the e-Legislation Center ([www.lawmaking.go.kr](http://www.lawmaking.go.kr)). For example, the e-Legislation Center gives the general public the opportunity to propose a bill, submit opinions on regulatory bills or request a clarification of how laws have been interpreted.

The Board of Audit and Inspection, as well as related NGOs, have assessed and inspected the process of RIA at times when it has become controversial with regard to specific policy issues. The RIA performed on the deployment of the THAAD anti-missile defense system is a clear case of a failure to allow participation, transparency or high-quality evaluation, largely due to the security imperative and American pressure.

#### Citation:

OECD, 2007, OECD Reviews of Regulatory Reform OECD Reviews of Regulatory Reform: Korea 2007 Progress in Implementing Regulatory Reform

OECD, 2017. OECD Reviews of Regulatory Reform Regulatory Policy in Korea: Toward Better Regulation. May 23, 2017. [http://www.keepeek.com/Digital-Asset-Management/oecd/governance/regulatory-policy-in-korea\\_9789264274600-en#page1](http://www.keepeek.com/Digital-Asset-Management/oecd/governance/regulatory-policy-in-korea_9789264274600-en#page1)

## United States

### Score 6

Regulatory impact assessment is a highly political process, with a strong tendency for results to reflect the preferences and expectations of the agency or political official that controls the process. Under Republican presidents, the process was frequently directed toward containing or curtailing environmental and work-safety regulations put out by the Environmental Protection Agency and the Occupational Health and Safety Agency. Under Obama, the process is more biased toward issuing new regulations. Indeed, a 2011 study of regulatory impact assessments by the George W. Bush and Obama administrations demonstrated the biasing effect of

political priorities. The Obama administration has issued new rules at a rate 40% higher than either Clinton or Bush. While Obama's regulators reported costs triple those of Bush's, they report benefits eight times higher.

In any case, the differences in overall results between administrations suggests that many or most proposed regulations would receive opposite assessments from the Bush and Obama administrations, rendering the value of the assessments questionable at best. Trump administration regulatory officials have had little concern about impact assessment. In canceling the Obama era's "net neutrality" regulations, the Federal Communications Commission relied on a large volume of citizen messages that it had already determined were produced by internet bots, rather than actual people.

Regulatory assessment will thus be of limited value until the government adopts clearer standards and best practices for the conduct of the analyses, presumably under the auspices of a nonpartisan institution such as the Congressional Budget Office.

## Australia

### Score 5

The preparation of a RIS follows a standard procedure in which policymakers gather the information that will enable them to evaluate the extent to which the proposed regulatory changes will result in a net benefit to the community. The Office of Best Practice Regulation within the Department of Finance and Deregulation, which administers both the federal government and COAG' regulation requirements, seeks a range of information about any new regulation. The level of information required is commensurate with the magnitude of the problem that is being addressed, and the size of the potential impact of the proposal. The Office of Best Practice Regulation uses a number of "adequacy criteria" to assess whether a RIS contains the appropriate levels of information and analysis for it to be assessed as adequate.

In 2012, the Productivity Commission, at the request of the Australian government, produced a report assessing the performance of jurisdictions' regulatory impact analysis processes, including those at the level of the Council of Australian Governments (COAG), and identifying leading practices. Findings of major concern from the report include the following: a number of proposals with highly significant impacts are either exempted from RIA processes or are not rigorously analyzed; public consultation on policy development is often perfunctory or occurs only after development of draft legislation; and public transparency – that is, informing stakeholders about revisions to policy proposals and providing information used in decision-making, or providing reasons for not subjecting proposals to impact analysis – was a glaring weakness in most Australian RIA processes. Furthermore, a major problem in implementing RIA requirements was that the policy decisions often occurred prior to commencement of the RIA process. However, the

commission concluded that the regulatory impact analysis process was worth retaining despite unclear benefits.

Citation:

Productivity Commission, 'Regulatory Impact Analysis: Benchmarking,' Research Report, November 2012: [http://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0003/120675/ria-benchmarking.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0003/120675/ria-benchmarking.pdf)

<http://www.oecd.org/gov/regulatory-policy/Breakout-session-2-Rosalyn%20Bell-RIA-Australia%27s-experience.pdf>

<https://www.pmc.gov.au/regulation/regulation-impact-analysis-training>

## Austria

**Score 5** RIAs must be attached to every legislative proposal. The publication of draft laws for public assessment (while previous publication is legally required in many cases, in practice virtually all draft laws are published before they are voted upon) allows stakeholders within the public to comment, a frequent occurrence. Trade unions and economic chambers in particular, but other institutions as well are regularly invited to provide comment on draft laws.

However, RIAs are not written by sectoral experts, but rather by the ministry or department preparing the draft law. As a result, expertise may in some cases be limited to the sectoral expertise of the body preparing the draft law. Currently, there is no independent body that evaluates RIA quality. As the FPÖ is in government for the first time in more than a decade, it is difficult to predict how this will impact RIA procedures.

## Bulgaria

**Score 5** With the exception of the assessment of budgetary and environmental impacts of proposed legislation, so far RIA has had a largely formalized nature in Bulgaria. Once a proposed draft has entered the phase of public consultation, civil society and academic actors are able to offer their own assessments, which then become a part of the documentation accompanying the proposal and are available to the public online. There are a number of examples of such assessments, but they encompass a very small proportion of new proposals, and also tend to focus on separate aspects of the potential impact, like economic activity or the environment, rather than the entirety of the situation. Formalism in impact assessments continues, even though the legal framework for impact assessments was reformed in 2016. However, with respect to acts proposed by the Council of Ministers, there seems to be some improvement, especially in the process of consultation with potentially affected parties, and problems mostly concern proposals by individual members of parliament.

## Cyprus

**Score 5** The present system of impact assessment took effect in January 2017. All government bodies must implement RIAs. Stakeholders, in particular SMEs, also have a role in the process.

An evaluation of the extent and quality of RIA implementation will be only possible through the 2017 annual report. Public access to submitted RIA documents is not provided and no independent evaluation of the system is foreseen by the current system.

## Iceland

**Score 5** The new regulations on cabinet procedures (Reglur um starfshætti ríkisstjórnar), including paragraph 13 about impact assessments of cabinet bills, partly ensure participation, but they are too limited to ensure quality because the methodology is not presented. Stakeholders, other ministries, and the public shall be informed during the process, which is an important step toward transparency.

Citation:

Reglur um starfshætti ríkisstjórnar. Nr. 292/2016 18. mars 2016.

## Italy

**Score 5** The RIA process is still in its infancy in Italy. The participation of stakeholders remains limited and is not systematically pursued. The annual reports, which are presented by the Prime Minister's Office to parliament, indicate a gradual improvement in this field. Communication to the public needs also to be significantly improved. The impact of RIAs on the policymaking process is still insufficient.

## Lithuania

**Score 5** The process of regulatory impact assessment does not ensure sufficient participation by relevant stakeholders. According to the OECD, external stakeholders in Lithuania do not see impact assessment as a useful tool, because it provides little room for their feedback or contributions. Although four institutions are tasked with overseeing the quality of impact assessment, the quality of impact assessments is not in fact systematically monitored. Therefore, draft government legislation is checked primarily for legality, with little attention paid to the possible impact of the proposed legislation. Though RIA results are available for decision-making, they are rarely debated or otherwise used in the policy process.

The OECD has issued several recommendations for improving the RIA process, including strengthening quality-oversight monitoring, consolidating oversight of the

quality of impact assessment in a single lead institution (the Government Office) and ensuring that stakeholders are consulted in the early phases of the RIA process. In response, the Government Office has reviewed regulation policy, strengthened central coordination capacities and proposed improvements to the RIA process.

Citation:

OECD, Regulatory Policy in Lithuania: Focusing on the Delivery Side, OECD Reviews of Regulatory Reform, OECD Publishing, Paris, 2015 [http://www.oecd-ilibrary.org/governance/regulatory-policy-in-lithuania\\_9789264239340-en](http://www.oecd-ilibrary.org/governance/regulatory-policy-in-lithuania_9789264239340-en).

## Romania

**Score 5** The legislation explicitly states that the RIA process should integrate other impact-assessment methodologies, especially those related to economic- or environmental-impact assessment. The public policy unit, located in the General Secretariat of the Government, is the central RIA coordination unit, and addresses functions such as the improvement of ex ante impact assessments, state-capacity evaluations, and intra-governmental epistemic exchanges. Although the access-to-information legislation stipulating that results should be posted for 30 days on ministerial websites is usually respected, the majority of RIA processes involve stakeholders or transparent methodologies such as public hearings, surveys or debates to only a small degree. Moreover, in practice, RIA exists in many areas mainly on paper and has been primarily aimed at assessing potential legal conflicts arising from new proposals rather than focusing on their policy impact. However, in some areas (such as environmental policy), there has been greater progress toward true policy-based RIA.

## Slovakia

**Score 5** The general quality of RIA has slowly improved thanks to the new methodology introduced under the first Fico government and the attention that the Radičová government paid to the issue. However, while a more efficient implementation of RIA, mainly with a view to improving the business environment, has been a declared priority of all Slovak governments, full achievement of this goal has been elusive. Consultations with stakeholders take place, but have become more selective under the second and third Fico government.

## Croatia

**Score 4** In 2011 and 2012, the government's Legislation Office created a new legislative framework for RIA. It also developed the administrative capacities for implementing RIA procedures and established stable partnerships with representatives of the business community (Croatian Chamber of Commerce, Croatian Employers Association, Croatian Chamber of Crafts, Croatian Banking Association), some

civil-society organizations (Croatian Law Center, Croatian Youth Network, Forum for Quality Foster Care, Croatian Business Council for Sustainable Development) and unions (Trade Union of Textile, Footwear, Leather and Rubber Industry). However, there is little inclusion of the public in the RIA process and RIAs do not have much impact on regulatory plans. The RIA Act stipulates that the proposed regulatory plan be posted on the official website for a minimum of 15 days. In practice, the attitudes of regulators (ministries, agencies) toward the openness of the policymaking process have varied considerably. Some ministries have opened the entire RIA process to the public, asking stakeholders for feedback to their bill drafts. Other ministries ignore the importance of getting feedback from the public, thereby undermining the effectiveness of the whole RIA project

## France

### Score 4

Studies analyzing the impact of RIA have stated that, although the initial skepticism of administrative bodies toward RIA has been overcome, the content of assessments has been too general and often tended to justify the need for action rather than attempt a critical, well-grounded, assessment. In addition, there are few international comparisons when examining possible alternatives. The assessments are conducted by stakeholders with a perspective of fighting for or against a policy measure. Thus, in general, such assessments have little to recommend them. It remains to be seen if the recommendations for conducting independent assessment by the think tank France Stratégie will be followed. A more thorough analysis (“étude d’impact”) is done in case of large public investments (train tracks, highways, airports etc.) and the final decision as well as the process is submitted to judicial control.

#### Citation:

France Stratégie: Comment évaluer l’impact des politiques publiques? Document de travail, 16 September 2016 (<http://www.strategie.gouv.fr/publications/evaluer-limpact-politiques-publiques>)

## Ireland

### Score 4

The accessibility and communication of the RIAs that have been performed are poor and independent quality evaluations are not conducted. RIAs have been required since 2005 for issues that involve changes to the regulatory framework.

The shortcomings and problems that have arisen with regard to the launch of Irish Water illustrate a failure to create transparency and enable participation in the assessment of at least this important project.

## Malta

Score 4

Malta's policy on regulatory impact assessments (RIA) is still evolving. In some areas, the process of consultation is superficial, based mostly on public reaction to published consultation papers or a dedicated government website created for the purpose. In others it is more sophisticated. When regulations deal with economic or labor issues, consultation prior to implementation is more extensive. In such cases, the government usually consults key economic actors through the Malta Council for Economic and Social Development. Thereby, the RIA process allows for the possibility of informal evaluation by independent bodies. Government has increased consultation and dissemination of information; nonetheless, in small states such as Malta "independent" bodies are generally absent or rare. Furthermore, civil society groups must become more constructive in their assessment and approach to government policies.

Consultation activities were best codified for environmental impact assessments. Guidelines allowed for a more open, transparent and inclusive consultation process. However, in April 2016, the Planning Authority was separated from the Environmental Authority. It remains to be seen what impact this new setup and new mechanisms, for instance the summary procedure, will have on transparency and consultation. In the case of a new plan for Paceville, consultation allegedly occurred after the plan was formatted, leading to claims that plans are made on an ad hoc basis involving only selected interest groups.

Citation:

<http://www.mcesd.org.mt/mcesd/content.aspx?id=101553>

OECD (2007), "Regulatory Management Capacities of Member States of the EU that Joined the Union on 1 May 2004: Sustaining Regulatory Management Improvements through a Better Regulation Policy," Sigma Papers, No. 42, OECD Publishing.

<https://gov.mt/en/Government/Public%20Consultations/Pages/Public-Consultations.aspx>

Hospital development impact assessment waiver may breach EU law Times of Malta 26/08/2015

<http://www.timesofmalta.com/articles/view/20150430/local/mepa-is-seeking-views-of-public-on-stadium.566146>

<http://www.timesofmalta.com/articles/view/20150511/local/mepa-issues-consultation-document-on-selmun-palace-hotel.567744>

<http://www.timesofmalta.com/articles/view/20160404/local/mepa-becomes-the-planning-authority-once-more.607804>

More development to be included in planning process, Times of Malta 19/04/2016

A Master Plan in Reverse Times of Malta 10/10/2016

## Spain

Score 4

RIA analyses in Spain are quite new (see "RIA Application"), and their use to date has largely been focused on administrative simplification and better-regulation programs. The gradual introduction of RIAs since 2009 has resulted in a general template (reinforced by the new law on the common administrative procedure passed in October 2015), which is to be applied across content areas. This emphasizes that draft legislation must address economic and budgetary considerations as well as any

other relevant aspects of impact (such as environmental impact, gender-equality concerns, and any possible effects on disabled people).

This process has not been very successful in eliciting participation by stakeholders (through consultation or collaboration, transparent communication of results to the public, or the effective and regular evaluation of assessments by an independent body). In some instances, RIA procedures have been efficiently used; in others, it seems to have been merely a formal requirement fulfilled by the department preparing the bill.

Citation:

August 2017, Cinco Días: “Aeval y su muerte anunciada”

[https://cincodias.elpais.com/cincodias/2017/08/04/midinero/1501857354\\_174399.html](https://cincodias.elpais.com/cincodias/2017/08/04/midinero/1501857354_174399.html)

## Israel

### Score 3

Although the government’s RIA process is still in infancy, an evaluation of its quality can already be made. The governmental RIA guide for regulators includes the requirements both of citizen participation (e.g., the regulator can choose from an array of methods such as informational sessions, hearings and consultation) and transparency (e.g., the assessment and the regulatory policy chosen must be published). This derives directly from governmental decision 2118, which identifies collaboration with “as many stakeholders as possible” and publication of the assessments as primary goals.

However, independent evaluations of RIA assessment quality are not yet either standard or required.

Citation:

Government decision 2118, 22.10.2014, PMO website, <http://www.pmo.gov.il/policyplanning/Regulation/Documents/dec2118.pdf>

Governmental RIA Guide, April 2015, PMO website: [http://regulation.gov.il/uploads/reports/7/RIAGUIDE\\_opt.pdf](http://regulation.gov.il/uploads/reports/7/RIAGUIDE_opt.pdf)

## Turkey

### Score 3

During the period under review, the regulatory impact assessment (RIAs) requirement did not help improve the quality of proposed government legislation. Instead, the government more often than not drafted and adopted legislation without the appropriate consultation of NGOs or other stakeholders; not to mention the government’s de facto surpassing of the parliament under its state of emergency powers.

Citation:

Dr. Sibel Güven, Türkiye’de Düzenleyici Etki Analizi (DEA) Uygulamaları Neden İstenen Düzeyde Değil? TEPAV, Ankara, Ocak 2011.

Technical Assistance Service for IPPC – Integrated Pollution Prevention and Control in Turkey, Draft Regulatory Impact Assessment, June 2013, <http://www.csb.gov.tr/db/ippceng/webmenu/webmenu9986.pdf> (accessed 5

November 2014).

EKÖK “Entegre Kirlilik Önleme ve Kontrol” Teknik Yardım Hizmeti, Haziran 2013.

[http://www.csb.gov.tr/db/ipp\\_c/icerikbelge/icerikbelge1631.pdf](http://www.csb.gov.tr/db/ipp_c/icerikbelge/icerikbelge1631.pdf)

## Greece

**Score 2** Law 4048/2012 established the RIA framework. According to Article 7 “every bill, addition or amendment and every normative decision of major economic or social importance shall be accompanied by an impact assessment.” However, five years later, RIA analyses are rare and were not undertaken in the period under review.

Citation:

OECD Competition Assessment Reviews: Greece, 2014.

## Hungary

**Score 2** The quality of the RIA process in Hungary has always been poor, since the stakeholder participation is usually lacking. While rhetorically emphasized in many official documents, the very idea of consultation has been alien to the Orbán governments. RIA performance has rarely or only partially made available to political actors on the special website for RIA ([hatasvizsgalat.kormany.hu](http://hatasvizsgalat.kormany.hu)).

## Luxembourg

**Score 2** An open and consultative regulatory impact assessment (RIA) process does not exist. The procedure requires an interministerial exchange between governmental departments and coordination groups, including a consultation of experts. Impact assessment data originates from internal ministry documents, which may be consulted by the state Council of Ministers and parliamentary members.

Due to administrative simplification efforts in recent years, the government has decided to run two public platforms, [www.einfach.lu](http://www.einfach.lu) and [www.vosidees.lu](http://www.vosidees.lu), offering all necessary information and details on the impact of ongoing reform programs. As in most OECD countries, there is no risk management in the formal process of developing harmonized standards. RIAs are not evaluated by an independent body.

Since the general introduction of RIAs in 2009, there has been progress in transparency and civil society participation. Nevertheless, efforts should be made to further increase the involvement of stakeholders.

Citation:

Building an Institutional Framework for Regulatory Impact Analysis (RIA): Guidance for Policy Makers. OECD, 2008. [www.oecd.org/regreform/regulatory-policy/40984990.pdf](http://www.oecd.org/regreform/regulatory-policy/40984990.pdf). Accessed 30 Dec. 2017.

“Modernisation de l’État.” Portal de la Fonction publique, [www.fonction-publique.public.lu/fr/modernisation-etat/index.html](http://www.fonction-publique.public.lu/fr/modernisation-etat/index.html). Accessed 30 Dec. 2017.

OECD Regulatory Policy Outlook 2015. OECD, 2015. [www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2015\\_9789264238770-en](http://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2015_9789264238770-en). Accessed 30 Dec. 2017.

“Plateforme interministérielle.” Portal de la Fonction publique, [www.fonction-publique.public.lu/fr/support/recherche/index.php?q=plateforme+interministerielle](http://www.fonction-publique.public.lu/fr/support/recherche/index.php?q=plateforme+interministerielle). Accessed 30 Dec. 2017.

“Présentation du programme “Einfach Lëtzebuerg.” Ministère de la Fonction Publique 2017. [www.fonction-publique.public.lu/fr/actualites/articles-actualites/2017/04/20170403\\_Einfach-Letzebuerg/Presentation-ELconference03042017.pdf](http://www.fonction-publique.public.lu/fr/actualites/articles-actualites/2017/04/20170403_Einfach-Letzebuerg/Presentation-ELconference03042017.pdf). Accessed 30 Dec. 2017.

Promoting inclusive growth through better regulation. The role of regulatory impact assessment. OECD, 2015. [www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/RPC%282015%294&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/RPC%282015%294&docLanguage=En). Accessed 30 Dec. 2017.

## Poland

- Score 2** The quality of the RIA process has strongly declined under the PiS government. The involvement of stakeholders and the publication and communication of results have become rather selective, and there has been no independent body in charge of checking the quality of individual RIAs.

## Portugal

- Score 2** As noted above, systematic RIA does not exist in Portugal. Stakeholder consultation does generally take place, albeit inconsistently and without full participation by all relevant stakeholders. Impact-assessment results are not generally made publicly available or systematically communicated. There are no evaluations of impact-assessment quality rendered by independent bodies.

## Slovenia

- Score 2** The RIA process in Slovenia suffers from several weaknesses. First, public participation fails to meet the legal standards. Second, the conducted RIAs are only rarely made public. Third, quality control is limited. RIA oversight is divided among several agencies; however, supervising agencies largely check for formal correctness, without addressing substantive quality.

## Belgium

- Score 1** There is no formal regulatory impact assessment process in Belgium. This has sometimes led to biased and costly public investment decisions.

Citation:

<http://www.lesoir.be/1351413/article/actualite/regions/bruxelles/2016-10-25/un-organe-contrôle-independant-pour-decider-des-orientations-stib>

Indicator

## Sustainability Check

Question

### Does the government conduct effective sustainability checks within the framework of RIA?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Sustainability checks are an integral part of every RIA; they draw on an exhaustive set of indicators (including social, economic, and environmental aspects of sustainability) and track impacts from the short- to long-term.
- 8-6 = Sustainability checks lack one of the three criteria.
- 5-3 = Sustainability checks lack two of the three criteria.
- 2-1 = Sustainability checks do not exist or lack all three criteria.

### United Kingdom

Score 10

In the United Kingdom, the whole RIA process aims to provide support for sustainable policymaking. The assessment is based on a wide range of different indicators, including social, environmental and ecological. However, economic indicators seem to be the most important. The assessments analyze the impact of regulation over several time periods (i.e. short, medium and long-term), and they attempt to take into account external shocks and irregular developments.

However, for arguably the most important and certainly most complex political project in a generation – Brexit – the government has so far not delivered a substantial sustainability assessment, although this does not preclude one being done in due course.

### Denmark

Score 9

The RIAs have to cover all consequences, whether they be positive or negative, of an economic, administrative and environmental nature, affecting the state, municipalities, regions, business, citizens and relations to the European Union. This includes questions of sustainability. Sustainability is a central concern in government policy and includes economic, fiscal as well as environmental sustainability.

Citation:

Cirkulære om bemærkninger til lovforslag og andre regeringsforslag og om fremgangsmåden ved udarbejdelse af lovforslag, redegørelser, administrative forskrifter m.v.  
<https://www.retsinformation.dk/Forms/R0710.aspx?id=20940> (accessed 3 May 2013).

## Finland

- Score 9** The Finnish government understands that regular and complete assessments of regulations are fundamental to the governing of complex and open societies and economies. In consequence, the country has a comprehensive regulatory impact assessment program in place. Also, Finland has formally adopted a regulatory impact assessment strategy that contains instructions to be carried out when drafting legislative proposals, complemented by separate instructions issued by ministries. Assessments involve the use of multiple indicator sets, various interests are consulted and different techniques used. Generally speaking, aspects of sustainability form an integral part of the assessment process. Variations between forecasts and actual outcomes are monitored over time.

## New Zealand

- Score 9** Without using the term “sustainability,” the regulatory impact assessment (RIA) process includes major aspects of this concept’s underlying idea. Part of the quality-assurance monitoring process is to check whether all substantive economic, social and environmental impacts have been identified (and quantified where feasible). In addition, it is an integral part of RIAs to plan for regulatory-instrument reviews that consider the following issues: Is there still a problem (and is it the one originally identified)? Are objectives being met? Are the impacts as expected? Are there any unforeseen problems? Are there any indirect effects that were not anticipated? Is intervention still required? Is the current intervention still the most appropriate, or would another measure be more suitable?

Citation:

Regulatory Impact Analysis Handbook (Wellington: The Treasury 2013).

## Austria

- Score 8** The potential environmental effects of legislative proposals have to be evaluated as a part of regulatory impact assessments, as do effects on employment. Various decrees require that financial and other issues be assessed. Analysis may focus on the short, medium or long term according to specific RIA legal requirements, but is commonly focused on a period of five years.

The country does feature an overarching sustainability strategy, but this is still relatively underdeveloped. The government tends to give much lip service to the ideas behind sustainability but violates its rhetoric in practice by giving in to special interests. This reflects the dominant tendency in public debate to promote sustainability as long as it does not contradict special interests. The consequences of the FPÖ’s entry into the coalition government cannot be predicted.

## Germany

Score 8

In October 2016, Chancellor Merkel (re)appointed the German Council for Sustainable Development (RNE). The RNE consists of 15 people selected by the chancellor. Its role is to contribute to the implementation of the National Sustainability Strategy by identifying areas for action, developing specific project proposals and by increasing awareness on the importance of sustainability issues. Six members were newly appointed in October 2016 and the remaining members were reconfirmed. The RNE independently chooses its array of topics and actions.

In addition, the parliamentary Council for Sustainable Development (Parlamentarische Beirat für nachhaltige Entwicklung, PBnE) supervises the government's sustainability strategy. Its political influence appears moderate and its primary task is to act as an advocate for long-term responsibility in the business of government. The PBnE was established in 2004 and must be reconstituted after every parliamentary election. On the whole, neither the RNE nor the PBnE are well integrated into the RIA framework.

According to the 2017 Sustainable Development Goals (SDG) Index, jointly developed by the Bertelsmann Foundation and the Sustainable Development Solutions Network (SDSN), Germany ranked six out of 157 countries.

Citation:

Sustainable Development Goals Index 2017:

<http://sdgindex.org/assets/files/2017/2017-SDG-Index-and-Dashboards-Report-full.pdf>

<https://www.nachhaltigkeitsrat.de/aktuelles/aktuelle-meldungen/detailansicht/artikel/nachhaltige-entwicklung-fehlstellen-auch-in-deutschland/>

[https://www.bundesregierung.de/Webs/Breg/DE/Themen/Nachhaltigkeitsstrategie/3-nachhaltige-entwicklung-alle-sind-Partner/parlamentarischer-beirat/\\_node.html](https://www.bundesregierung.de/Webs/Breg/DE/Themen/Nachhaltigkeitsstrategie/3-nachhaltige-entwicklung-alle-sind-Partner/parlamentarischer-beirat/_node.html)

## Netherlands

Score 8

In the Netherlands, RIAs are broadly and effectively applied in two fields: environmental impact assessments (EIMs) and administrative burden reduction assessments (ABRAs). EIMs have been legally mandated since 1987. Anyone who needs a government license for initiating substantial spatial or land-use projects with potentially harmful environmental impacts is obliged to research and disclose potential project impacts. More than 1,000 EIM reports have been administratively and politically processed. They guarantee that environmental and sustainability considerations play a considerable role in government decision-making. However, environmental impact assessments are sometimes subordinated to economic impact assessments. There are no systematic social – or, for example, health – impact

assessments. In 2017, the DNB (Dutch state bank) announced checks on whether firms in the financial sector have sufficiently explored the risks of climate change in their policies. In the water sector, similar stress tests of policies by water management boards, and municipal and local water management/emergency plans are being prepared.

Citation:

NRC.next, “DNB waarschuwt financiële sector voor risico’s klimaatverandering, 4 October 2017”

Kennisportaal Ruimtelijke Adaptatie, “Verplichte stresstest wateroverlast voor waterschappen en gemeenten,” consulted 12 October 2017

## Canada

**Score 7** Canada does not have a formally adopted sustainability strategy. In a sense, this is not surprising, as there are different types of sustainability (environmental, economic, social). There is also no consensus as to what sustainability means or to how it should be measured. To be sure, many RIAs address sustainability issues, but the methodologies used differ widely. RIAs generally try to integrate sustainability checks in order to provide a basis for decision-making, develop an exhaustive set of impact indicators, and analyze both short- and long-term impacts. However, most assessments lack at least one of these criteria in practice.

## Norway

**Score 7** The government’s Instructions for Official Studies and Reports require that a sensitivity analysis must be made if any appreciable uncertainty exists, and that alternative instruments should be assessed, including instruments not of a regulatory nature (e.g., economic instruments). In practice, the extent to which alternative options are given careful consideration and submitted to a systematic cost-benefit analysis varies from case to case. Quantification of the costs and benefits of different alternatives is relatively rare.

## Sweden

**Score 7** Environmental sustainability is one of several mainstreamed goals in the policy process. In theory at least, all government bills, procurements and directives to Royal Commissions are supposed to be assessed to determine their impact on environmental sustainability. As for other types of sustainability criteria, there is little evidence available about the degree to which they are considered in the RIA process.

## Switzerland

**Score 7** The government conducts effective sustainability checks within the framework of RIA. Given the decentralized political and administrative system of Switzerland, however, they are only used in few departments.

The Federal Office for Spatial Development uses the Sustainability Impact Assessment (Nachhaltigkeitsbeurteilung NHB) and the Federal Office for the Environment uses the Economic Impact Assessment (Volkswirtschaftliche Beurteilung VOBU). There is no social impact assessment at the federal level.

## Czech Republic

**Score 6** Sustainability checks are an integral part of every RIA assessment but are not very comprehensive. The checklist requires a response to the question of whether there are effects on social, economic and environmental issues and for an indication of what those effects are. The 2016 amendments to the RIA guidelines have specified how to assess or quantify these effects. Criteria are continuously refined.

## Estonia

**Score 6** The dimension of sustainability is included in the methodological guidelines for RIA. The guidelines demand an assessment of the reviewed policy's impact over the short, medium and long term. However, concern with sustainability is given a marginal role in the impact-assessment process overall. The existing set of indicators is not explicitly linked to the sustainability check.

Estonia has a national long-term (30-year) sustainability strategy, "Sustainable Estonia 21," which was adopted by the national parliament in 2005. However, the latest government decree and the methodological guidelines do not make any reference to this national strategy. In November 2016, a comprehensive analysis of the strategy commissioned by the Government Office proposed updates to the sustainable development strategy together with a range of indicators for assessing objectives of the strategy.

### Citation:

Summary of the Analysis of the Estonian Sustainable Development Strategy "Sustainable Estonia 21". [https://riigikantselei.ee/sites/default/files/content-editors/Failid/SA\\_eesti/summary\\_of\\_se21\\_analysis\\_eng.pdf](https://riigikantselei.ee/sites/default/files/content-editors/Failid/SA_eesti/summary_of_se21_analysis_eng.pdf) (accessed 17 December 2017).

## Lithuania

- Score 6 In 2003, the government adopted the National Sustainable Development Strategy. The Ministry of Environment is responsible for coordinating projects related to this document. Lithuanian policymakers are supposed to conduct sustainability checks within the existing framework for regulatory impact assessment. The 2012 impact-assessment guidelines provide for the assessment of economic, social and environmental impacts, among other factors. Both short-term and long-term impacts should be assessed under the new guidelines. However, the guidelines do not provide an exhaustive set of impact indicators addressing these impact dimensions. Producing high-quality environmental reviews remains a challenge under the new system, which focuses on impacts within the business environment and remains a largely formal exercise. The ex ante evaluation of the 2014 – 2020 operational program supported by EU structural funds included strategic environmental assessment that considered the likely effects of EU investments on the environment (in line with EU and national legislation).

## Mexico

- Score 6 So far, RIAs have often highlighted international benchmarking to reinforce their investigations. As one example, in a recent development, the Mexican government signaled its intention to become a world leader in sustainable tourism. Here, sustainability relates to energy efficiency, improved environmental performance and the protection of cultural heritage. The government partnered with the private firm EC3 Global to support the adoption of their trademark EarthCheck science and solutions for tourism operators and companies committed to sustainable practices and to align their performance with global benchmarks, endorsed by the World Tourism Organization. EarthCheck is an internationally recognized environmental management and certification program with more than 1,300 members in 70 countries. The program improves the operational performance of member organizations and reduces costs. However, like in many other OECD countries, RIAs in Mexico have up to now not fully embraced a multidimensional sustainability perspective as is foreseen by the Agenda 2030 for Sustainable Development. This is a particular challenge against the backdrop of the United Nation's Global Goals (Sustainable Development Goals), which were supported by Mexico and require a multidimensional perspective – including social, economic and ecological dimensions – in public policymaking.

## South Korea

- Score 6 The assessment of policy-implementation sustainability in South Korea is regulated by the 2007 Sustainable Development Act and overseen by the Presidential Commission on Sustainable Development. This body's task is to implement,

promote, share, educate, network, monitor and make policy proposals on sustainable development. The three main tasks under the act include the establishment of fundamental national-level sustainability strategies every 20 years, the establishment of specific action plans every five years, and the assessment of implementation every two years. The act addresses environmental quality, vulnerability to environmental degradation, environmental degradation level, the social and institutional capacities to respond, and responsibility sharing with the international community. Critics argued that under the Lee Myung-bak and Park Geun-hye administrations, a focus on economic growth and deregulation diminished the attention paid to issues of sustainability. For example, past governments repeatedly issued waivers on regulations governing economic development within green-belt areas in order to boost the real-estate market, undermining principles of environmental sustainability. President Moon has by contrast promised to highlight environmental sustainability, but the actual effects on RIA remain to be seen. His campaign commitment to withdraw from nuclear-powered electricity generation represents one attempt to promote environmental sustainability in South Korea. The Moon government's welfare policies have also prompted heated debates over social sustainability and fiscal sustainability.

Citation:

Ministry of Government Legislation, <http://www.moleg.go.kr/english/korLawEng?pstSeq=57720>  
Presidential Commission on Sustainable Development (PCSD), <http://ncsd.go.kr:2020/index.asp>

## United States

Score 6

There is no standard, separate check required for “sustainability” as such. Assessments are expected to consider the important costs and benefits relevant to the particular project or policy. Environmental considerations have figured very prominently in many cases. However, the Trump administration has aggressively dismissed most environmental considerations.

## Bulgaria

Score 5

Most of the regulatory impact assessments in Bulgaria are merely formal, with the exception of budgetary and environmental issues. The creation of an independent fiscal council in 2015 represents a major step forward in improving the fiscal sustainability check on proposed regulations and policies, while the positions taken by the council since its establishment indicate that sustainability of public finances is among its primary concerns. Environmental checks focus mostly on issues of pollution and wilderness protection, and less on greenhouse gas emissions. Other economic and social impacts are generally addressed superficially, and the input of non-government actors in the public-consultation process is generally ignored. The newly established rules for impact assessments require a posterior appraisal of effects of different policies within five years of their introduction.

## Chile

**Score 5** RIAs do not necessarily analyze a regulation's impact on sustainability in the broad sense. Short-, medium- and long-term analysis tends to focus exclusively on economic rather than ecological or social issues.

Citation:

OECD (2016), Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation, OECD Reviews of Regulatory Reform, OECD Publishing, Paris.  
<http://dx.doi.org/10.1787/9789264254596-en>

## Iceland

**Score 5** The new regulations on cabinet procedures, enacted in March 2016, do not include anything about sustainability checks as parts of the impact assessment. However, financial impact is mentioned.

Citation:

Reglur um starfshætti ríkisstjórnar. Nr. 292/2016 18. mars 2016.

## Italy

**Score 5** Sustainability checks within the framework of RIA are still underdeveloped but are gradually improving. The reports of the Prime Minister's Office to the parliament show that they are not yet systematically integrated within RIA and they are not exhaustive from the point of view of the indicators included (economic indicators play a greater role than social and environmental ones). With a decision taken in 2017, the PMO together with the Ministry of Environment will exercise tighter control over the adoption of sustainability criteria in regulation.

Citation:

[http://presidenza.governo.it/DAGL/uff\\_studi/Relazione\\_2017.pdf](http://presidenza.governo.it/DAGL/uff_studi/Relazione_2017.pdf)  
<http://www.minambiente.it/pagina/la-strategia-nazionale-lo-sviluppo-sostenibile>

## Croatia

**Score 4** Croatia adopted a sustainability strategy in 2009. However, neither this strategy nor the RIA Strategy or subsequent RIA action plans provide for comprehensive sustainability checks. RIAs are supposed to consider a broad range of impacts, including fiscal, economic, social and environmental, but the actual quality of assessments is low. There is no systematic differentiation between the short, medium and long term. RIA implementation has featured a rather selective bias that depends

on regulators' attitudes regarding an open policymaking process. Some ministries opened the entire RIA process up to the public, requesting feedback on draft bills from stakeholders. Unfortunately, there are still ministries and agencies that do not sufficiently value public feedback, which undermines the purpose of RIAs. A poor communication strategy regarding RIA application has also generated further problems. The Croatian government promotes RIA as a tool relatively rarely, thereby de facto neglecting the efforts of ministries and agencies that implement RIA tools.

## Cyprus

**Score 4** The assessment questionnaires inquire on positive and negative impacts of a policy proposal across various aspects of the economy, society, and environment as well as on the processes and work of the government. It also examines the methods and processes followed, including interactions with other ministries' services and consultations with the public or other stakeholders.

There are three questionnaires: for new legislation or amendments, for legislation transposing EU directives into national law and for legislation ratifying international treaties.

Questions on sustainability are exclusively economic, focused on the impact on the budget and macroeconomic effects.

## Ireland

**Score 4** Some of the suggested sustainability checks are included in the RIA Guidelines published in 2009 (a 97-page document), but there is no explicit mention of "sustainability" in that document and it does not seem that such checks are integrated into the RIA process. There is explicit provision for the inclusion of poverty impact assessments.

## Malta

**Score 4** While regulatory impact assessments are a compulsory regulatory tool in Malta, the government has no formally adopted sustainability strategy. Sustainability checks that do exist are often found only in areas involving planning and the environment. The effectiveness of key regulations and policy initiatives are assessed mainly through Malta's National Reform Program, the annual report that Malta (like all other EU member states) submits to the European Commission. This report is like a progress check, where Malta provides detailed updates relating to its Europe 2020 targets as a result of its policies. These reports include quantitative impact indicators

that can illustrate the effectiveness (or failures) of regulatory projects that touch on social, environmental and economic issues. Overall, progress has continued, manifested, for example, in the decision to increase subsidization of public transport schemes and improve the efficiency of electricity generation. However, a clear way forward has been lagging in the provision and sustainable use of water resources.

Citation:

[http://ec.europa.eu/europe2020/making-it-happen/index\\_en.htm](http://ec.europa.eu/europe2020/making-it-happen/index_en.htm)

## Spain

### Score 4

RIA analyses were only timidly introduced in Spain in 2009, and the process as implemented up to this point has not included systematic sustainability checks using an exhaustive set of indicators considering the short- to long-term effects of regulatory change. However, a piece of new legislation on the reform of the Spanish general administrative procedure (passed in October 2015) included new sustainability-related improvements that have not been yet developed. Under the terms of this new law (Law 39/2015), the executive – in principle through the Government Office (Ministerio de la Presidencia) – will centralize the task of checking whether new bills prepared by the rest of ministries and agencies fulfilled various criteria from a procedural point of view (quality of the proposed regulation, congruence with other laws, participation of stakeholders, compliance with EU law). Articles 129 and 130 of the new law mandate a systematic process ensuring the substantive congruence of all policy proposals being prepared. This would basically ensure that sufficient planning and effective RIA had been carried out by the sectoral ministry proposing the new legislation, and that an evaluation procedure was included. Despite this recently introduced improvement, Spain lacks a formal sustainability strategy other than the National Reform Plan and the Stability Program associated with European economic-governance obligations. The Royal Decree 931/2017, issued 27 October 2017, may improve regulatory impact analyses concentrating on the economic, social and environmental consequences of new legislation.

Citation:

Real Decreto 931/2017, de 27 de octubre, por el que se regula la Memoria del Análisis de Impacto Normativo.

Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas.

[www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-10565](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565)

## France

### Score 3

There is no real systematic sustainability strategy except in those cases where EU regulations require such an examination. In most instances, political jockeying tends to prevail over policy analysis. In many instances, decisions are mainly based on political arguments regardless of social, financial or environmental costs. The sustainability argument is mainly used by opponents of a policy or envisaged

equipment (the Nantes airport is an acute example of this). It has to be seen if the intentions of Macron's administration to improve the situation will materialize.

## Japan

**Score 3** According to the 2001 Government Policy Evaluation Act, policy effects have to be evaluated in terms of the three criteria of necessity, efficiency and effectiveness. These terms are somewhat flexible and do not necessarily encompass sustainability concerns. Indeed, actual evaluations apply the three guiding principles only in a somewhat loose way, with few rigorous quantitative assessments. Reviews cover both pre-project as well as post-project evaluations.

Citation:

MIC (Ministry of Internal Affairs and Communication, Japan), Website on evaluation results, [http://www.soumu.go.jp/menu\\_seisakuhyouka/kekka.html](http://www.soumu.go.jp/menu_seisakuhyouka/kekka.html) (accessed in October 2015)

## Luxembourg

**Score 3** A systematic sustainability assessment process does not exist in Luxembourg. The government plans to introduce effective sustainability checks and a systematic monitoring of relevant administrative and legislative acts. In general, the impact of policies and policy side effects at all levels (economic, social and environmental), need to be evaluated with reference to principles of sustainable development and sustainable decision-making. It is essential to agree on Regulatory impact assessment (RIA) procedures to “benefit from improved coherence and coordination between ministries, civil society and stakeholders.” Sustainability checks at all levels should be made transparent by establishing harmonized legislation with binding RIA standards.

Citation:

Ein nachhaltiges Luxemburg für mehr Lebensqualität. Le gouvernement du Grand-Duché de Luxembourg, 2010. [www.environnement.public.lu/developpement\\_durable/dossiers/pnnd\\_2010/PNDD.pdf](http://www.environnement.public.lu/developpement_durable/dossiers/pnnd_2010/PNDD.pdf). Accessed 21 Dec. 2017.

“Mémorial A n° 102 de 2004.” Journal officiel du Grand-Duché de Luxembourg, 2 July 2004, [legilux.public.lu/eli/etat/leg/memorial/2004/102#page=2#page=2](http://legilux.public.lu/eli/etat/leg/memorial/2004/102#page=2#page=2). Accessed 21 Dec. 2017.

Rapport d'activité 2016. Ministère du Développement durable et des Infrastructures, 2015. [www.gouvernement.lu/6806637/2016-rapport-activite-mddi-environnement.pdf](http://www.gouvernement.lu/6806637/2016-rapport-activite-mddi-environnement.pdf). Accessed 30 Dec. 2017.

## Portugal

**Score 3** Sustainability checks are not integrated systematically into impact assessments. They may take place in some assessment processes but not in others, in a rather ad hoc fashion that depends on who is carrying out the impact assessment. The same is true

with regard to the use of sustainability-focused indicators, as well as the temporal dimension of the analyses.

## Romania

- Score 3 As a result of EU directives, the RIA methodology manual requires that sustainability concerns be incorporated in assessment reports. In practice, most such reports are primarily legalistic and pay limited attention to issues of sustainability.

## Slovakia

- Score 3 The new RIA methodology (in place since 2010) lacks effective sustainability checks. The methodology draws a distinction between five different dimensions (public finance, the social environment and labor markets, the business environment, the natural environment, and the information society); however, it does not differentiate between short-, medium- and long-term impacts. The process is unsystematic even in theory, and the reality is even weaker.

## Slovenia

- Score 3 Slovenia's RIA guidelines provide for relatively far-reaching sustainability checks. However, the specification of assessment criteria and the set of indicators to be used suffer from gaps, and the actual quality of RIA is very uneven. In some cases, there are only vague assessments; in others, comprehensive analytical work is done. During the period under review, the quality of assessments has somewhat improved.

## Turkey

- Score 3 The government has conducted several sustainability checks within its regulatory impact assessment (RIA) framework, for instance for the Waste Electrical and Electronic Equipment (WEEE) Directive, the Habitat Directive and the Discharge Directive.

However, these examples refer to internationally sponsored projects and are not an indication of a general administrative practice. Politicians and experts widely use the term "sustainability" in policy slogans, but there is no formally adopted sustainability strategy in Turkey.

During the review period, the Coordination Board of Internal Audit published Performance Audit Guidelines for Public Sector Internal Auditors, which includes

sustainability checks as a component in performance auditing. However, there is no information about RIA sustainability checks.

Citation:

Başbakanlık, Bürokrasinin Azaltılması ve Kamu Hizmet Sunum Esaslarının Geliştirilmesi, DÜZENLEYİCİ ETKİ ANALİZİ RAPORU, Temmuz 2009, [www.riaturkey.org/doc/Burokrasinin\\_azaltilmasi.doc](http://www.riaturkey.org/doc/Burokrasinin_azaltilmasi.doc) (accessed July 26, 2010)  
Yavuz Gazibey, Ahmet Keser, Yunus Gökmen, Türkiye’de İllerin Sürdürülebilirlik Boyutları Açısından Değerlendirilmesi, Ankara Üniversitesi SBF Dergisi, 2014, 69(3): 511-544. (accessed 27 October 2015)  
İç Denetim Koordinasyon Kurulu, Kamu İç Denetçileri İçin Performans Denetimi Rehberi, 2016, <http://www.idkk.gov.tr/SiteDokumanlari/Mevzuat/Ucuncul%20Duzey%20Mevzuat/PerformansDenetimiRehberi.pdf> (accessed 1 November 2017)

## Hungary

**Score 2** The Hungarian parliament passed a National Sustainability Strategy in March 2013 and afterwards the environmental committee was transformed into the Committee of Sustainable Development (consisting of parliamentarians) and supported by the National Sustainability Council (consisting of experts across all policy fields). This strategy is a long document that surveys relevant international documents and provides some Hungarian applications. However, the Sustainability Strategy and RIA processes have not yet been coordinated because sustainability checks are not an integral part of RIA.

## Israel

**Score 2** The RIA process in Israel is designed to ensure sustainable policymaking. According to the official guide, assessments are to be based on multiple indicators, such as economic, social and environmental data. However, it is still too early to determine whether this is regularly done in practice.

Citation:

Governmental RIA Guide, April 2015, PMO website: [http://regulation.gov.il/uploads/reports/7/RIAGUIDE\\_opt.pdf](http://regulation.gov.il/uploads/reports/7/RIAGUIDE_opt.pdf)

## Latvia

**Score 2** Annotations have no specific sustainability checks. For example, the issue of sustainability is not integrated into the annotations, impact indicators are not consistently used and there is no requirement to perform short-, medium- or long-term analyses. Some annotations do provide such information, but this is discretionary. New regulations on annotations, introduced in 2014, include a regulatory impact assessment that requires a calculation of the administrative burden, such as the cost to business.

Latvia has not adopted a specific sustainability strategy. However, sustainability is

integrated into the Latvia 2030 strategy. As draft policies are assessed for compatibility with this strategy, sustainability issues may be taken into consideration. The Cross-Sectoral Coordination Centre (PKC) provides input to the drafting of policies, highlighting sustainability issues. The PKC also conducts an annual assessment of Latvia's strategic goals, which includes sustainability assessments.

Citation:

Sustainable Development Strategy of Latvia until 2030, Available at: [http://www.latvija2030.lv/upload/latvija2030\\_en.pdf](http://www.latvija2030.lv/upload/latvija2030_en.pdf), Last assessed: 21.05.2015

## Poland

Score 2

Article 5 of Poland's constitution enshrines the principle of sustainable development, according to which the state ensures the protection of the environment, guided by the principle of sustainable development. Sustainability checks are not an integral part of regulatory impact assessments, and the PiS government has been less concerned with issues of sustainability than its predecessors. Rather, the PiS government entered into several quarrels with the European Commission and the European Court of Justice due to infringement procedures because the government did not practice RIA in the case of natural gas drilling or ignored sustainability and environmental protection principles in the case of logging in the Białowieża primeval forest.

## Australia

Score 1

Sustainability checks are not explicitly an integrated component of RIAs in Australia. There is no formally adopted sustainability strategy in Australia.

## Belgium

Score 1

There is no effective regulatory impact assessment process in Belgium.

## Greece

Score 1

Sustainability checks do not exist; this has been the case under the preceding and the incumbent government.

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