



Evidence-based Instruments Report

RIA Application, Quality of RIA Process, Sustainability Check

Sustainable Governance Indicators 2016

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 Party-led 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).

United States

Score 10

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 is highly ambitious with respect to the volume and coverage of impact assessment.

Finland

Score 9

Systematic impact assessment is today a routine part of the Finnish legislative drafting process. Regulatory impact assessment activities abound and comprise, 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. An empirical study showed that in 2009, the government most often assessed impacts relating to public finances and the economy, with 59% of all government proposals including this form of evaluation. Potential impacts on the public administration were assessed in 55% of all cases. Assessments have also 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, was also performed. The Ministry of Education and Culture has been preparing a plan for third-party evaluations and a process for monitoring the lessons learned from such assessments. Since 2014, the Education Evaluation Center has been responsible for evaluating educational services. 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.

Citation:

“Impact Assessment in Legislative Drafting. Guidelines”, Ministry of Justice, Finland. Publication 2008:4.

Auri Pakarinen, Jyrki Tala & 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>

Finnish Education Evaluation Centre: <http://karvi.fi/en/>

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 multicriterion 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). For more than 10 years, ACTAL advised government and the States General on how to alleviate the regulatory burdens on citizens, companies, and professionals in the care, education, public/private safety and social-security fields. In 2011, some policymakers suggested that ACTAL become a permanent rather than temporary body, though this proposal was withdrawn following an opinion against such a move by the Council of State, which argued that the “interiorization” of administrative-burden reduction among departmental policymakers had been so successful as to render ACTAL superfluous. In addition, 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 will decide on ACTAL’s continuation or termination in 2017.

Citation:

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

[Milieueffectrapportage \(nl.m.wikipedia.org\)](http://Milieueffectrapportage.nl.m.wikipedia.org), consulted 26 October 2014)

United Kingdom

Score 9

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 impact of these assessments as their results are not systematically integrated into the decision-making process, but they are certainly applied.

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.

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, 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 Council of Australian Governments. 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

Austria

Score 8

Under the recently published 2013 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.

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 implications are normally 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 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.

Czech Republic

Score 8

According to the government legislative rules and partly based on the implementation of EU law, regulatory impact assessments (RIA) are applied to all generally binding regulations prepared by the ministries and other central administrative authorities. There are two forms of RIA, a short one and a comprehensive one. The RIA process is coordinated by a department in the Government Office. Quality control has rested with a commission affiliated with the Government Legislative Council. Within the framework of the two-year project “Creation of conditions for systematic improvement processes Regulatory Impact Assessment (RIA),” co-financed by the EU Operational Programme Human Resources and Employment, various workshops have brought together ministry officials and RIA experts.

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 costs. 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, more focus has been given to studying the effectiveness of changes in economic policy. In labor market policies some experimental setups have even been used (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%A6rkninger+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/budgetredegoerelse-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 labour 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 act, but some caveats are in force. Because the regulation on RIA was introduced quite recently (2012), ex ante impact assessments dominate. In addition, the number of assessments performed to date remains very modest (4).

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 fivefold by 2016, and tenfold by 2020.

Germany

Score 8 In 2000, revised rules of procedure for the federal ministries (Gemeinsame Geschäftsordnung der Bundesministerien, GGO) came into effect, requiring that an impact assessment (Gesetzesfolgenabschätzung, GFA) be performed 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. In 2005, the system was considered to have been implemented fully.

The process is administered by the Ministry of Internal Affairs and Communications (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.

The fragmented nature of such assessments seems to indicate a potentially low level 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

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. More than 10 Mexican states have also adopted RIAs for subnational regulatory projects. Moreover, 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 randomized control trials of the Education, Health, and Nutrition Program (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 an 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.

Poland

Score 8

Since 2001, regulatory impact assessments (RIAs) have been mandatory for all new government bills and regulations. Comprehensive RIA guidelines were first introduced in 2006, and were updated by the Ministry of Economics' Regulatory Reform Unit in 2009. At the end of 2011, traditional RIAs were complemented by a new "regulatory test," a short document consisting of 18 items and questions. While an RIA is usually implemented after a decision to proceed with the new regulation has already been made, the regulatory test is supposed to take place at an earlier

stage of decision-making. Unlike an RIA, however, the regulatory test is not obligatory. Despite various attempts to strengthen the RIA process, including a refinement of the “regulatory test” implemented in October 2013, in practice many assessments do not comply with guidelines, and lack important information necessary for making informed decisions. Despite attempts to improve RIA in Poland, in 2015, the European Commission accused Poland because its fracking law was not in line with the EU directive on RIA since it allows exploratory drilling at a depth of up to five thousand meters without a prior environmental impact assessment.

Citation:

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

OECD Regulatory Policy Outlook 2015, published on 28.10.2015. Chapter „Evidence-based policy making through Regulatory Impact Assessment” covers comparative data http://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2015/evidence-based-policy-making-through-regulatory-impact-assessment_9789264238770-9-en

http://www.keepeek.com/Digital-Asset-Management/oecd/governance/oecd-regulatory-policy-outlook-2015/poland_9789264238770-36-en#page1

<http://regulatoryreform.com/wp-content/uploads/2015/02/Poland-Regulation-Impact-Assessment-RIA-at-Poland-and-at-Some-EU-Countries-2013.pdf>

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. They mention the purpose and need for regulation, but focus on cost-benefit analysis of the proposal. RIAs are focused on a cost-benefit analysis of proposed regulations. They do analyze alternative options and discuss potential pros and cons, but experts say that these alternatives in practice play little role in the drafting of final regulations. There is still a broad gray zone enabling regulatory organizations to decide in a discretionary fashion. The real implementation process of RIA is neither transparent nor predictable, which varies depending on the cases. For example, RIA in the area of environmental protection for the Four Major Rivers Project turned out to be a failure under the Lee Myung-bak administration, implemented largely as a matter of form. RIA has typically been no more than formally applied in policy areas that are a political focus of the serving president. For example, President Park proposed to enact a regulation prohibiting demonstrators from wearing masks, stating that Islamic State warriors wear similar masks. Several days after her statement, a ruling-party lawmaker drafted and submitted a bill on the issue to the National Assembly without any assessment or discussion of political or social impact on democracy and citizens’ lives

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.

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.

In 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.

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, the Kubilius government conducted a review of the impact assessment system. The Butkevičius government decided in 2013 to focus the system on top-priority regulatory decisions, while applying rigorous impact-assessment methods such as cost-benefit or cost-effectiveness analyses.

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. Overall, there is a sense of fatigue with the use of RIA. This has led to general disregard of this instrument, mostly due to the lack of interest from ministers and members of parliament.

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.

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), *Regelförenklning genom konsekvensutredningar* (Stockholm: Sieps).

Canada

Score 6

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, MPs, 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.

The Conservative government under Stephen Harper faced persistent complaints that it made explicit efforts to discourage the use of research and science in policymaking through cuts to federal science programs, legislative changes implemented as a part of the recent budget implementation bill, and the muzzling of scientists in government agencies (notably Environment Canada and the Department of Fisheries and Oceans). A total of 16 federal science libraries were lost due to cuts, closures and consolidations since 2012. The replacement of the mandatory long-form census with the voluntary National Household Survey (NHS) is seen by many think tanks, economists and academics as a major impediment to the development of informed and evidence-based policymaking, as it compromises the government's ability to provide an accurate picture of Canada's population.

One of the major campaign promises of the newly elected Liberal government was a return to evidence-based policymaking. In its first policy announcement after the election, the government reinstated the long-form census; the Liberals have also pledged to make Statistics Canada fully independent.

Citation:

Green, David and Kevin Milligan (2010), "The Importance of the Long Form Census to Canada," *Canadian Public Policy*, Vol. 36, No. 3.

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 reestablished 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 an RIA. However, this obligation is often disregarded. In 2014, 98 out of 143 legislative proposals were not subject to RIA, in the first half of 2015 41 out of 75. Neglecting the efforts of ministries and agencies that are using RIA, RIA results are not featuring prominently in cabinet sessions.

Citation:

Z. Petak (2015) Evidence-Based Policy Making and the Implementation of Regulatory Impact Assessment in Croatia. *Management and Business Administration: Central Europe*, Vol. 23, no. 2, pp. 147-162.

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 an 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.

However, it is questionable whether sufficient resources are available to implement RIA effectively. For example, temporary governmental acts are often excluded from RIAs. Since the initiation of the RIA program, there has been a lack of systematic implementation. As a consequence, in July 2007 the second Prodi government simplified RIA forms. Further implementation rules were approved between 2008 and 2009 by the fourth Berlusconi government (DPCM 170/2008 and Directive 26 February 2009). The current RIA framework prohibits any discussion by the Council of Ministers' of any proposal that lacks an RIA. However, in February 2010, the parliamentary committee (Comitato per la Legislazione) responsible for monitoring the quality of legislation found that, out of a sample of 20 legislative proposals approved by the government in the 10 months between March 2009 and January 2010, only eight legislative proposals had been accompanied by a RIA.

In May 2012, the third report on the implementation of RIAs presented to the parliament highlighted an increase in the number of RIAs but found them to be, on average, not satisfactory. Most RIAs were identified as being more formal than substantial, or too legalistic. Not much has changed on this front during the current review period. Qualified observers have found that while RIAs conducted by independent authorities are sound, those of ministerial departments continue to be rather formalistic (Osservatorio air 2013).

Citation:

Impact Assessment in Italy: State of the Art and Patterns of Regulatory Reform, Directors and Experts of Better Regulation Meeting, Rome, 18th-19th September 2014:
<http://www.funzionepubblica.gov.it/media/1195240/plenary%20italy%20dagl%20rocchetti.pdf>
<http://www.osservatorioair.it/annuario/>
http://presidenza.governo.it/DAGL/uff_studi/AIR.html
http://presidenza.governo.it/DAGL/uff_studi/Relazione_2015.pdf

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. While some progress has been made, further improvements remain necessary.

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 Programme 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 (PPU) located in the Secretariat General of the Government (GSG). In practice, however, the use and the quality of RIA is highly uneven. As part of an action plan to boost U.S.-Romanian trade, presented in the context of a visit to Romania by U.S. Vice President Joe Biden in May 2014, Prime Minister Ponta announced an overhaul of the RIA system. To date, however, no tangible evidence of this overhaul exists, and the new Ciolos government did not make the overhaul one of its priorities.

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 use still suffers from a high degree of fragmentation. Moreover, the adoption of the Smer-SD "social packages" has undermined the role of RIA, because as designated priorities, these packages must be implemented and it is unclear if and how they would be subject to RIA procedures.

Bulgaria

Score 5 According to article 28 of the Law on Normative Acts in Bulgaria, every draft for a normative act (starting from the acts with highest power such as codes and laws, down to municipal regulations and instructions) needs to be accompanied by explicit motivation and by a report including an obligatory assessment of results. In theory, the accompanying report is supposed to look at all the effects of the proposed legislation – budgetary, economic, social and environmental – and its impact on the effectiveness of other policies. Since there are no explicit provisions in the law about the concrete content and coverage of these assessments, in practice, impact assessments are mostly formal, incomplete and perfunctory. In accordance with the law every normative act is accompanied by a motivation and a report, but only budgetary and environmental impact assessments are conducted in depth. The establishment of an independent Fiscal Council, which was eventually approved by the National Assembly in April 2015 and whose members were elected in November 2015, is likely to increase the quality of budgetary impact assessment.

Cyprus

Score 5 Since 2007, a Ministry of Finance committee has led a project aimed at developing better regulation, with liaison officers in all ministries. Regulatory impact assessment (RIA) is one key focus of the project. Every new regulation is required to include an RIA. In the absence of an overall method of analysis, a questionnaire is filled out by the department drafting the new measure. The latest available action plan (June 2014) states that even with this minimal requirement, RIA reports attached to draft laws have gaps, are too general, or in many cases are simply absent. The existing oversight mechanism seems to lack sufficient resources.

A typical means of assessing the impact of new laws consists of line ministries seeking the views of other ministries on proposed measures. Additionally, as draft laws are being discussed, parliamentary committees invite stakeholders likely to be affected to present their views.

Citation:

1. National Action Plan for Better Regulation, http://www.better-regulation.org.cy/Portals/0/Εθνικό_Πρόγραμμα_Δράσης_Ιούλιος_2014.pdf (in Greek)

Slovenia

Score 5 In Slovenia, RIA guidelines have largely been copy and pasted from the European Union. The guidelines call for a detailed analysis of the need for and the purpose of new regulations. In practice, however, RIA quality is very uneven, and there are no

official statistics regarding implemented RIAs. 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. In early 2015, a project for training regulatory drafters, external stakeholders and decision makers was carried out that aimed at increasing transparency and the involvement of civil society in the preparation of regulations.

Citation:

OECD. 2015. OECD Regulatory Policy Outlook 2015. Country profile Slovenia. <http://www.oecd.org/gov/regulatory-policy/Slovenia-web.pdf>

Spain

Score 5

A new 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 prospects for RIA application in Spain are now improving, there has not previously been deep concern for the quality of legislation (apart from purely formal legalistic issues that are monitored by the Council of State). The financial costs of passing and implementing any new law have been systematically monitored since the 1990s, but a broader concern with the substantive quality and efficiency of legal rules (the effectiveness of regulatory impact on their target reality) was only timidly established in 2009. 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. Because the new common-administrative-procedure law was passed at the end of the period under consideration, it is difficult to determine precisely how effectively impact assessments will be performed in the future.

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

France

Score 4

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. There is, however, a notable lack of evaluation of new bills under discussion. As a consequence, many bills are withdrawn at the last minute, frozen or postponed. The fact that few reforms have actually been adopted only serves to fuel anti-reform sentiments among sectoral groups and the public at large. As any reform is contested and rejected by more or less large segments of the population, the government, by fear of popular revolt, is often obliged to cancel or water down its measures.

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OK, no changes.

Hungary

Score 4

Hungary has a long history of RIA legislation since the first act on this issue was passed in 1987. However, RIA has suffered from sluggish implementation and has been applied only in some cases. The Orbán government amended the act on law-making that includes provisions on RIA (Act of CXXX of 2010). The new measure created the position of a deputy state secretary in the Ministry of Justice responsible for feasibility studies, and established the ECOSTAT Government Feasibility Center for assisting the preparation and implementation of impact studies. In practice, however, RIA has been almost exclusively applied 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 future of Irish Water remains uncertain at the time of writing. Its story represents a major failure in the area of regulatory impact assessment, policy coordination and government communication with the public.

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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

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>

Luxembourg

Score 4

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 the competent authority, the Plateforme interministérielle de réforme et de simplification administrative.

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 analysis, 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.

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<http://www.ceps.be/files/book/1291.pdf>

<http://www.fonction-publique.public.lu/fr/publications/brochures/caf/brochure-CAF.pdf>

<http://www.fonction-publique.public.lu/fr/modernisation-etat/qualite-publique/gestion-qualite-base-caf/index.html>

<http://www.fonction-publique.public.lu/fr/modernisation-etat/qualite-publique/index.html>
http://www.fonction-publique.public.lu/fr/actualites/articles-actualites/2015/05/20150512_seanceinformationreformes/Reforme-FP—presentation-12-05-20151.pdf
http://www.eipa.eu/files/File/CAF/CAF_2013.pdf
<http://www.oecd.org/regreform/regulatory-policy/40984990.pdf>
http://www.simplification.public.lu/archives/Documents/procedure_analyse_flux/Fil_conducteur_de_la_fiche_d_évaluation_d_impact.pdf
http://www.keepeek.com/Digital-Asset-Management/oecd/governance/oecd-regulatory-policy-outlook-2015/luxembourg_9789264238770-31-en#page1
<http://www.fonction-publique.public.lu/fr/modernisation-etat/simplification-administrative/mieux-legiferer/fiche-evaluation-impact-note-explicative.pdf>
http://www.keepeek.com/Digital-Asset-Management/oecd/governance/oecd-regulatory-policy-outlook-2015_9789264238770-en#page183
http://www.fonction-publique.public.lu/fr/structure-organisationnelle/plateforme-interministerielle/Plateforme_rsa.pdf
<http://www.fonction-publique.public.lu/fr/modernisation-etat/index.html>

Portugal

Score 4

In 2014, Portugal adopted two RIA instruments – the small and medium-sized enterprise test (“PME test” in Portuguese), intended to evaluate the impact of legislation on SMEs and the “one-in, one-out” or “Comporta Regulatória” rule designed to compensate citizens or companies for new costs resulting from the new legislation. Both were passed into law (no. 72/2014) on 13 May 2014.

However, implementation of these instruments has lagged considerably. Despite the passage of the law in 2014, the Council of Ministers only formally decided to implement the SME test in April 2015. Likewise, existing evidence indicates that the “one-in, one-out” rule remained largely unimplemented during review period.

For this reason, it appears there has been little substantive change in this area in comparison to previous assessments, with virtually no systematic and formalized RIA process in place. All available evidence indicates that policy is adopted with only superficial assessment of its potential impact. However, there appears to be a somewhat greater recognition of the importance of RIA instruments, even if these are not yet actually applied.

Citation:

Decreto Lei 72/2014, de 13 de Maio, available online at: http://www.ama.pt/documentacao/AMA_SAMA_2020/DL74_2014.pdf
 Jornal de Negócios (2015), “Legislação vai ser submetida ao ‘teste PME’,” 2/4/2015, available online at: http://www.jornaldenegocios.pt/empresas/pme/detalhe/legislacao_vai_ser_submetida_ao_teste_pme.html
 CAP, CCP, CIP & CTP (2015), “Comunicação dos inventários,” available online at: <http://www.otoc.pt/fotos/editor2/cartaconfed.pdf>

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.

The government has not, for example, conducted RIAs prior to the adoption of certain key legislative items such as education reform. A regulatory impact assessment of the EU-Turkey Civil Society Dialogue was performed. In 2012, an RIA was filed regarding the European Seveso II directive, which dealt with industrial-pollution control and risk management. In 2013, another draft RIA was prepared for the Integrated Pollution Prevention and Control program. In general, however, the RIA process in Turkey has suffered due to insufficient awareness of the benefits of the mechanism, underdeveloped administrative capacities and the decreasing importance given to harmonization with EU norms.

According to the 2014 Activity Report of the Prime Minister's Office, none of the government's objectives relating to regulatory impact assessment were achieved that year.

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Dr. Sibel Güven, Türkiye'de Düzenleyici Etki Analizi (DEA) Uygulamaları Nedenlenen 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).

TC Başbakanlık 2014 Yılı Faaliyet Raporu, http://www.basbakanlik.gov.tr/docs/KurumsalHaberler/2014-yili-basbakanlik-faaliyet-et-raporu_150302134448.pdf (accessed 27 October 2015)

Israel

Score 3

The government approved a decision to install a regulatory impact assessments model in 2011 and 2014. A governmental regulation website has been recently launched, providing a PMO authored, RIA compliant, guide book for government regulators. However, it is still in its early stages.

Citation:

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

"Report from the committee for improving regulatory mechanisms in Israel and reviewing interfaces between various regulators in the market", official report, April 2013, (Hebrew).

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 no formal RIA procedures, and unexpected policy outcomes are not exceptional. Two examples of this have been the policies aiming at curtailing CO2 emissions and the flip-flopping on whether to shut

down nuclear plants without assessing their real capacity to produce energy.

With regard to carbon emissions, energy experts had recommended making improvements to house insulation to reduce 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.

In the case of nuclear plants, a Green Party proposal in a previous government induced a vote on a law scrapping all nuclear plants without any practical substitute. The government prior to the one serving today scrapped that law. The current government recently voted to keep plants operating until 2025. However, a number of the plants are regularly malfunctioning or out of order, and it is unclear how and whether they will be able to continue operating until that date. Again, there is no planned objective measurement procedure to evaluate the success of one or the other policy.

The current government also has decided to institute a tax shift intended to reduce labor costs, transfer some of the tax burden to polluting activities, and broaden the tax base overall. However, as of the time of writing, policymakers remained unclear regarding the potential income shortfalls resulting from their measures, and had not agreed on how to measure efficiency or other gains ex post. A potential shift on the horizon could stem from the European Commission's imposition of some ex post RIA requirements as a condition of obtaining EU regional-development financing. This external lever could create a new culture of impact assessments, which would have a different purpose than showing that the incumbent government was right.

Greece

Score 2

RIA has been nominally adopted but in practice policy proposals are not accompanied by RIA. The Prime Minister's Office issued a prime minister's circular in July 2006, requesting that all ministries start RIA in their policy field, but in practice little progress has been achieved since then. No progress has been made in this field in the period under review.

Iceland

Score 1

Iceland has no history of conducting regulatory impact assessments.

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

In 2014, the RIA Commission discussed 65 of the 110 RIA reports on draft legislation for that year. In 37% of the cases, it issued a positive opinion; in the remaining 63%, it urged additional information. The activities of the board are public, and it seeks responses from interested parties.

Citation:

Pecka, Aleš, Unit for Coordination of RIA Process, Government Legislative Council Section. Proces RIA a jeho využití v legislativním procesu (RIA process and its use in the legislative proces). Paper presented on the seminar „Nabídka na spolupráci při odborném posouzení dopadů regulace (RIA) for both chambers of the Parliament of the Czech Republic, Legislative Committee of the Chamber of Deputies, 21 April 2015.

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 Mink Christiansen and Marius Ibsen, Politik og forvaltning. 3. edition. Copenhagen. Hans Reitzels Forlag, 2011.

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 (Federal Government 2012: 6).

In its 2015 annual report, the NKR claimed that it had reduced costs for German states and enterprises by around € 600 million on the previous year. In 2014, the government introduced legislation that prevents subsequent legislative changes from increasing bureaucratic costs. In other words, every law or regulation that increases the costs of government bureaucracy must include some equivalent proposal to reduce the costs of government bureaucracy by at least the same amount. In addition, the NKR launched a number of projects to calculate the bureaucratic costs of various laws. In March 2015, a committee of state secretaries decided that all laws that are likely to cost more than €1 million will be similarly evaluated within the next five years.

Citation:

http://www.normenkontrollrat.bund.de/Webs/NKR/DE/Service/Publikationen/Jahresberichte/_node.html;jsessionid=85915E2772EBCBFC4A0C3144D46956E2.s4t1

New Zealand

Score 9

The Treasury's Regulatory Impact Analysis Handbook offers comprehensive guidance with regard to consultation within government as well 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. 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.

Poland

Score 9 Stakeholders are often involved in regulatory impact assessments (RIAs), and the results of assessments are published on ministry websites as well as on the website of the Government Legislative Center (Rządowe Centrum Legislacji). The responsibility for checking the quality of individual RIAs does not rest with an independent body, but rather with a special RIA unit within the Chancellery of the Prime Minister. This unit was strengthened after the 2011 elections through an increase in its staffing, and by being moved to the Chancellery's Department of Strategic Analysis.

Citation:

http://www.keepeek.com/Digital-Asset-Management/occd/governance/occd-regulatory-policy-outlook-2015/poland_9789264238770-36-en#page1

ory-policy-outlook-

Finland

Score 8 Impact assessment guidelines adopted in 2007 provide a 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 impact may be involved, how the impact may be assessed, and what methods and information sources are available. The guidelines also specify that this information must be provided in the assessments. For instance, assessments deal with proposals' potential economic impact on households, businesses and public finances, as well as overall economic impact. Concerning method, the 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.

Citation:

Ministry of Justice (2008): "Impact Assessment in Legislative Drafting - Guidelines". Helsinki, Publication 2008:4.[https://www.tem.fi/files/32176/Vaikutusarviointiohjeet_2007_en.pdf].

Japan

Score 8

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. Since 2010, for example, any ministry considering a tax measure has been required to present an ex ante evaluation. If the measure is in fact introduced, it must subsequently be followed by an ex post examination.

Critics have argued that many officials regard RIA as a bothersome disturbance, and lack strong incentives to take it seriously.

Citation:

Andrei Greenawalt, The Regulatory Process in Japan in Comparison with the United States, RIEI Column 318, 2015, http://www.rieti.go.jp/en/columns/a01_0431.html

Mexico

Score 8

RIA was introduced in Mexico in 1997 and its usage has spread from the federal government to some state governments. It seems to have established itself as a legitimate part of the policymaking process. The relevant government agency, COFEMER, contains some 60 officials and 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.

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 independent body for the evaluation of departmental RIAs under review.

Citation:

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

United Kingdom

Score 8

The RIA process is transparent with guidance available online. There is also a quality evaluation with all impact assessments scrutinized by the Regulatory Policy Committee (RPC), a body established in 2009 and independent since 2012. The RPC provides feedback to the Reducing Regulation Committee, a sub-committee of the Economic Affairs cabinet committee, 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. 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. There is a one-in-two-out principle for new regulations, with information regularly updated online.

United States

Score 8

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 demonstrates the biasing effect of political priorities. The Obama administration has issued new rules at a rate 40% higher than either Clinton or Bush. But while Obama's regulators report 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. 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.

Chile

Score 7 Given the informal and non-institutionalized character of instruments used for regulatory impact assessments, reports tend not to 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.

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

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. Evaluations by independent bodies are weakly developed in comparative terms.

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 metoodika rakendamine Euroopa Liidu asjades. <https://riigikantselei.ee/sites/default/files/content-editors/Failid/moju-hindamise-metoodika-rakendamine-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 merely as a formality. Stakeholders are consulted in the process of RIA, which includes regular meetings with foreign chambers of commerce. The Board of Audit and Inspection of Korea, as well as related NGOs, have irregularly assessed and inspected the process of RIA itself when it has become controversial with regard to specific policy issues. However, this has always taken place on an ex post facto basis.

Citation:

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

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 Council of Australian Governments' 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.oecd.org/gov/regulatory-policy/Breakout-session-2-Rosalyn%20Bell-RIA-Australia%27s-experience.pdf>

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.

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 should be presented by the Prime Minister's Office to parliament, indicate a gradual improvement in this field. Communication to the public needs to be significantly improved.

Lithuania

Score 5 The process of regulatory impact assessment does not ensure sufficient participation by relevant stakeholders. According to 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. The OECD has issued a number of recommendations for improving the RIA process could be improved, 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. RIA results are rarely debated or otherwise used in policy 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.

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 Fico government.

Bulgaria

Score 4 With the exception of the assessment of budgetary and environmental impacts of proposed legislation, RIA has a largely formalized nature in Bulgaria. There is no

centralized and independent impact assessment unit, and there are no formal requirements for the content of the assessment or procedures for evaluating its quality. Instead, initial assessments are performed by the body proposing the legislation. Once the 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.

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, one weakness of the RIA process in Croatia is the low level of inclusion of the public in the process and the difficulty of exerting real influence on regulatory plans. The RIA Act stipulates that the proposed regulatory plan be posted on the official website for not less than 15 days. In practice, the attitudes of regulators (ministries, agencies) toward the openness of the policymaking process have varied considerably. Some ministries 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.

Citation:

Z. Petak (2015) Evidence-Based Policy Making and the Implementation of Regulatory Impact Assessment in Croatia. *Management and Business Administration: Central Europe*, Vol. 23, no. 2, pp. 147-162.

Cyprus

Score 4

In its present rudimentary form, impact assessment appears to be performed primarily by (some) bill authors and reviewed by a Ministry of Finance body prior to the phase of legal oversight by the Legal Office. Though all government bodies have been asked to engage in RIA since 2012, implementation remains uncertain (according to a mid-2014 action plan). Stakeholders do not appear to have a meaningful role at any stage of the process, and precisely how the RIA report is used

remains unclear. This means the policy-proposal process lacks an integrated impact-assessment mechanism and a reliable means of analysis.

Ireland

Score 4 The accessibility and communication of the RIAs that have been performed are poor and independent quality evaluations are not conducted.

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 being developed and has not been fully integrated into policymaking, which makes evaluation difficult. In some areas, the process of consultation is superficial, based mostly on the public's reaction to the publication of white or green papers, or merely from consultation through 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.

Consultation activities are best codified for environmental impact assessments. Guidelines allow for a more open, transparent and inclusive consultation process. The Malta Environment and Planning Authority presents proposals or makes decisions, which can be formally evaluated by an appeal to a supervisory body. This allows for a more thorough and transparent impact assessment. In 2015, the government controversially exempted a hospital development from having to undertake a EIA.

Malta is still in the process of consolidating its RIA process, but improvements in statistical collection and consultation processes have already improved the process.

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

France

Score 3 Studies analyzing the impact of regulatory impact assessments (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.

Spain

Score 3 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). However, the new law on transparency passed in 2013 and the recent legal reform of the RIA process through Law 39/2015 herald some future improvements in quality. New procedures improving access to the public sector’s activities (Article 133 of the transparency law) and the creation of bodies to oversee implementation of these requirements will be particularly helpful.

:

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

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 appropriate consultation of NGOs or other stakeholders.

As part of the RIA conducted in 2012 in connection with the EU Seveso directive, industry participation was made possible through an Internet-based system. However, this process is still in the early stages of development. In 2013, the

government prepared an RIA for the EU-funded Protection and Control of Integrated Pollution in Turkey project. However, this was a unique situation and the study was itself a pilot project, and did not as such represent a standard that other public institutions must follow.

According to the 2014 Activity Report of the Prime Minister's Office none of the government's objectives related to regulatory impact assessment were achieved that year.

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/ippc/icerikbelge/icerikbelge1631.pdf>

TC Başbakanlık 2014 Yılı Faaliyet Raporu, http://www.basbakanlik.gov.tr/docs/KurumsalHaberler/2014-yili-basbakanlik-faaliyet-raporu_150302134448.pdf (accessed 27 October 2015)

Hungary

Score 2 The quality of the RIA process in Hungary has always been poor. First, stakeholder participation is usually lacking. While rhetorically emphasized in many official documents, the very idea of consultation has been alien to the Orbán governments. Second, even if a comprehensive RIA is performed, its results are rarely or only partially made available to political actors. A case in point is the limited information available on the Orbán government's own special website for RIA (hatasvizsgalat.kormany.hu). Third, evaluations are closed procedures, and are not really used for improving RIA overall.

Israel

Score 2 The government has not started implementing regulatory impact assessments.

Luxembourg

Score 2 There is no open consultation on regulatory impact assessment (RIA) specifications. The procedure requires an interministerial exchange between governmental departments and coordination groups with the consultation of experts. Impact-assessment data comes from internal ministry documents, which may be consulted by the state Council of Ministers and parliamentary members.

Unlike parliamentary procedures, there is no general public access to RIA documents and evaluations are not intended for publication. 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 not been enough transparency or civil-society participation in the process. Significant efforts should be made to increase the involvement of stakeholders.

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http://www.fonction-publique.public.lu/fr/structure-organisationnelle/plateforme-interministerielle/Plateforme_rsa.pdf

<http://www.oecd.org/regreform/regulatory-policy/40984990.pdf>

<http://www.simplification.public.lu>

<http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/RPC%282015%294&docLanguage=En>

http://www.simplification.public.lu/Rapport_Mieux_l__gif__rer_en_Europe_-_Luxembourg_2010.pdf

http://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2015_9789264238770-en

Portugal

- Score 2 As noted above, systematic RIA does not exist in Portugal. Stakeholder participation does generally take place, albeit inconsistently and without full participation by all relevant stakeholders. Impact-assessment results are generally not 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 a number of 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.

Greece

- Score 1 RIA analyses do not really exist nor were they embarked upon in the period under review.

Iceland

- Score 1 There is no tradition of regulatory impact assessments in Iceland. Therefore, the issues of participation, transparency, and quality of evaluation are not relevant in this context.

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.

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

Finland's government understands that regular and complete assessments of regulations are fundamental to the governing of complex, open societies and economies. In consequence, the country has a comprehensive regulatory impact assessment program in place, and has formally adopted a regulatory impact

assessment strategy that contains instructions to be carried out when drafting legislative proposals, and is complemented by separate instructions issued by ministries. Assessments involve the use of multiple indicator sets, various interests are consulted and different techniques used. As a rule, aspects of sustainability form an integral part of the assessment process, and 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 degrees 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 violate its rhetoric in practice by giving in to special interests.

Germany

Score 8 Whereas Regulatory Impact Assessments (RIA) examine alternative options and possibilities for improving the quality of regulations, environmental-impact assessments also evaluated a policy’s environmental impact. Two institutions are important in German politics: the National Council for Sustainable Development and the Council for Sustainable Development.

The National Council for Sustainable Development 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 and developing specific project proposals, and increasing awareness of the importance of sustainability issues. In June 2015, the council held its annual meeting with Chancellor Merkel and other relevant politicians. The council advised that policies need to be better coordinated between national and regional levels, and that sustainability needs to be more of a government priority.

The parliamentary Council for Sustainable Development was established in 2004 and after every parliamentary election it must be newly reconstituted.

However, neither council is well integrated into the RIA framework.

Citation:

<http://www.nachhaltigkeitsrat.de/en/home/>

United States

- Score 8** 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.

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.

Netherlands

- Score 7** 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.

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.

Poland

Score 7 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. The first national sustainability strategy was adopted in 2000. While the government has increasingly paid attention to sustainability issues in policy documents, sustainability checks are not an integral part of regulatory impact assessments. Assessments cover a broad range of issues, yet treat environmental issues as less relevant than economic issues. There is also no systematic distinction between short-, medium- and long-term impact.

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.

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. However, RIA guidelines still do not specify how to assess or quantify these effects.

Lithuania

Score 6 In 2003, the Lithuanian 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 the EU and national legislation).

Mexico

Score 6 RIAs highlight 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.

South Korea

Score 6 The assessment of sustainability implementations at policy level in South Korea is regulated by the Sustainability Development Act, which was enacted in July 2007, and overseen by the Presidential Commission on Sustainable Development. Its goal is to implement, promote, share, educate, network, monitor and make policy proposals on sustainable development. The three main principles of the act are: laying out national-level sustainable basic strategies every 20 years, laying out specific action plans every five years, and monitoring and assessing the implementations every two years. It considers quality of the environment,

vulnerability to environmental degradation, environmental degradation level, social and institutional capacities to respond, and sharing of responsibility with the international community. Critics of the outgoing government argue that under the previous Lee Myung-bak administration's RIAs, sustainability checks in the Four Major Rivers Project were not properly carried out. The Park Geun-hye administration's focus on economic growth and deregulation has diminished the attention paid to issues of sustainability. For example, the administration has repeatedly removed regulations governing economic development within green-belt areas in order to boost the real-estate market, undermining principles of environmental 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>

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.

Estonia

Score 5 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.

Switzerland

Score 5 Given the decentralized political and administrative system of Switzerland, it is difficult to answer the question of whether the government conducts effective sustainability checks within the framework of RIA. However, RIAs are performed as a standard procedure at the federal level and in most cantons for all ecologically sensitive infrastructure projects.

Bulgaria

- Score 4 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. 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.

Croatia

- Score 4 Croatia adopted a sustainability strategy in 2009. However, neither this strategy, the RIA Strategy or the RIA Action Plan for 2013 – 2015 provide for comprehensive sustainability checks. RIA is 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 RIA. 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.

Ireland

- Score 4 Some of the suggested sustainability checks are included in the RIA Guidelines published in 2009, 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.

Italy

- Score 4 Sustainability checks within the framework of RIA are still underdeveloped. 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).

Cyprus

Score 3 The questionnaire on which assessments are based asks whether proposed regulations might have a positive or negative impact on the country's economic, social and environmental aspects of life. This is a rudimentary tool, with a limited number of specific factors, and only 10 social and eight environmental issues addressed. The questionnaire asks for yes or no answers, while also soliciting detailed explanations. The extent to which information sufficient to substantiate the yes or no responses is provided remains unclear. There is no mention of time horizons in the assessment, which may mean the idea of sustainability is effectively ignored.

Years after its introduction, assessment was still in a transitional stage as of 2015, affected by plans for reforms in the public service, the introduction of strategic-planning and supervision mechanisms in all administrative bodies, and other envisaged changes.

Citation:

1. Better Regulation Website, <http://www.better-regulation.org.cy/ANALYΣHANTIKTYPIOY/TIKANOYME.aspx> (in Greek)

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.

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. 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 (accessed in October 2015)

Luxembourg

Score 3 There is no systematic sustainability-assessment process in Luxembourg. The government plans to introduce effective sustainability checks and the 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.” Luxembourg has to mainstream sustainability checks at all levels by establishing harmonized legislation with binding RIA standards.

Citation:

<http://www.gouvernement.lu/5330895/2014-rapport-activite-travaux>

http://www.environnement.public.lu/developpement_durable/

<http://www.legilux.public.lu/leg/a/archives/2004/0102/a102.pdf#page=2#page=2>

Malta

Score 3 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 some progress has been made, but for some more challenging policy areas, notably health care and public transport, the government has tried to bypass such sustainability checks.

Citation:

http://ec.europa.eu/europe2020/making-it-happen/index_en.htm

Portugal

Score 3 Sustainability checks are not integrated systematically into impact assessments. They may take place in some impact assessments but not in others, in a rather ad hoc fashion that depends on who is carrying out the impact assessment. The same is the case with regard to the indicators that sustainability draws on, as well as the temporal dimension of the analysis.

Romania

- Score 3 In theory, 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. The consideration of sustainability in Romanian regulations tends to be the result of EU directives.

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.

Spain

- Score 3 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 (including social, economic, and environmental aspects of sustainability) 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) includes new sustainability-related improvements.

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.

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

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.

Citation:

Başbakanlık, Bürokrasinin Azaltılması ve Kamu Hizmet Sunum Esaslarının Geliştirilmesi, DÜZENLEYİCİ ETKİ ANALİZİ RAPORU, Temmuz 2009, 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)

Hungary

Score 2 The Hungarian parliament passed a National Sustainability Strategy only in March 2013. This strategy is a long document that surveys relevant international documents and provides some Hungarian applications, with a detailed table of proposed tasks at the end. However, there is only a small paragraph related to RIA in the document, and the Sustainability Strategy and RIA processes have not yet been coordinated. Sustainability checks are not an integral part of RIA. Moreover, the set of indicators used for RIA is limited, and long-term thinking tends to be lacking.

Israel

Score 2 The government has not started implementing regulatory impact assessments.

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.

Citation:

Sustainable Development Strategy of Latvia until 2030, Available at: http://www.latvija2030.lv/upload/latvija2030_en.pdf, Last assessed: 21.05.201

Slovenia

Score 2 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 suffers 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.

Australia

Score 1 Sustainability checks are not, at least explicitly, an integrated component of RIAs in Australia. There is no formally adopted sustainability strategy in Australia.

Belgium

Score 1 There is no formal 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.

Iceland

Score 1 There is no tradition of regulatory impact assessments in Iceland. Therefore, sustainability checks are not relevant in this context.

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