



Evidence-based Instruments Report

RIA Application, Quality of RIA Process, Sustainability Check,
Quality of Ex Post Evaluation

Sustainable Governance Indicators 2019

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Indicator

RIA Application

Question

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

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

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

New Zealand

Score 10

New Zealand introduced a regulatory impact assessment (RIA) regime in the period 1997-2008. The National government introduced guidelines in late 2009, with the effect that 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. The Labour-NZ First coalition implemented a number of routine updates and amendments to the legal framework. Treasury assumes a lead role on regulatory management. It is the national coordinating body on regulatory management, tasked with oversight of regulatory systems, including regulatory impact statements (RISs) and regulatory policy, that reports to the minister of finance and the minister for regulatory reform. The Parliamentary Counsel Office has the statutory function to develop all drafting instructions (other than for tax law). There are five other institutions that play important roles: Legislation Design and Advisory Committee; The Law Commission; The Productivity Commission; the Parliamentary Select Committees; and the Parliamentary Regulatory Review Committee.

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>

Gill, Derek 2016. Regulatory Coherence: The Case of New Zealand. ERIA Discussion Paper Series 2016-12. Wellington: University of Wellington.

Finland

Score 9

Systematic impact assessment is today a routine part of the Finnish legislative drafting process. Regulatory impact assessment activities have comprised, for instance, a series of evaluation reports by the Ministry of Foreign Affairs that deal with principles of development policy, partner countries and geographic regions. Furthermore, assessments have investigated the activities of the Ministry of Social Affairs and Health, and an international evaluation of the Finnish national innovation system, commissioned by the Ministry of Education and Culture and the Ministry of Employment and the Economy, has been performed. The general framework for regulatory impact assessments is grounded in a program-management system governing intersectoral policy programs. This framework was initiated in 2007 and is still valid as a guide to impact assessment. An independent Council of Regulatory Impact Analysis was established in December 2015 at the Prime Minister's Office as part of the Sipilä's government program. The Council is responsible for issuing statements on government proposals and on their regulatory impact assessments. In April 2016, the government appointed the first term of the Council (April 2016 to April 2019). During 2016, the Council considered about twenty draft government proposals. The corresponding figure for 2017 was 30. The verdict has not been favorable as regards the overall quality of law-making, as the Council has found impact assessments to have been deficient in a significant proportion of proposals.

Citation:

"Impact Assessment in Legislative Drafting. Guidelines", Ministry of Justice, Finland. Publication 2008:4; Auri Pakarinen, Jyrki Tala and Laura Hämynen, "Regulatory Impact Assessment in the Finnish Government's Proposals in 2009", National Research Institute of Legal Policy, Research Communications no. 104; "Better Regulation", Helsinki, Ministry of Justice, 2014; <http://oikeusministerio.fi/en/index/basicprovisions/legislation/parempisaantely.html> Prime Minister's Office, Finland: "Finnish Council of Regulatory Impact Analysis", <http://vnk.fi/en/council-of-regulatory-impact-analysis>. "Finnish Council of Regulatory Impact Analysis Annual Review 2017", <https://vnk.fi/documents/10616/7861578/Finnish+Council+of+Regulatory+Impact+Analysis+Annual+Review+2017/5b9b4fd4-aa89-4700-b292-fa11b7d3cc43?version=1.1>

Netherlands

Score 9

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

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

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

Meanwhile, the Dutch government has been developing an integrated impact assessment framework for policy and legislation, which ought to be applied by every Dutch civil servant preparing policy documents for ministerial decision-making.

Citation:

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

Milieueffectrapportage (nl.m.wikipedia.org, consulted 26 October 2014)

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

Ministerie van Justitie en Veiligheid, Kenniscentrum Wetgeving en Juridische Zaken, Integraal afwegingskader voor beleid en regelgeving, 16 October 2018 (accessed 31 October 2018)

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. In recent years, while 75% to 85% of all Australian government proposals with “significant” impacts were subject to an RIS, this proportion was lower for proposals with “highly significant” impacts.

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

RISs are managed by the office of best practice regulation, which is part of the Department of Finance and Deregulation.

Citation:

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

http://www.pc.gov.au/__data/assets/pdf_file/0003/120675/ria-benchmarking.pdf

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

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

Austria

Score 8

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

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

Since the new coalition was formed at the end of 2017, the way the government controls legislation in particular and decision-making in general through a RIA-like procedure has not changed.

Chile

Score 8

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

- Supervisory Board for Health (Superintendencia de Salud)
- Supervisory Board for Banks and Financial Institutions (Superintendencia de Bancos e Instituciones Financieras)
- Supervisory Board for Education (Superintendencia de Educación)
- Supervisory Board for Health Services (Superintendencia de Servicios Sanitarios)
- Supervisory Board for Electricity and Fuels (Superintendencia de Electricidad y Combustibles)
- Supervisory Board for Social Security (Superintendencia de Seguridad Social)
- Supervisory Board for Pensions (Superintendencia de Pensiones)
- Supervisory Board for Casinos (Superintendencia de Casinos de Juegos)
- Supervisory Board for Bankruptcy and Re-entrepreneurship (Superintendencia de Insolvencia y Reemprendimiento)
- 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.

In January 2018, the former Supervisory Board for Securities and Insurance was transformed into the Steering Committee for the Financial Market (Consejo de la Comisión para el Mercado Financiero) with a wider scope of responsibilities.

Citation:

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

OECD (2017), Reviews of Regulatory Reform
 Evaluation Report: Regulatory Impact
 Assessment (Chile)
<http://www.oecd.org/gov/regulatory-policy/Chile-Evaluation-Full-Report-web.pdf>

About the Steering Committee for the Financial Market
<http://www.cmfchile.cl/portal/principal/605/w3-propertyvalue-25543.html>

Czechia

Score 8

According to the government legislative rules and partly based on the implementation of EU law, regulatory impact assessments (RIA) are in principle applied to all generally binding regulations prepared by the ministries and other central administrative authorities. By 2016 RIAs were applied to 67% of government legislation. Constitutional amendments and transpositions of EU law that do not go beyond EU requirements are exempt from RIA, and the government can exempt further legislation upon recommendation by the Working Committee of the Legislative Council for RIA, an interministerial body or the chairman of the Government Legislative Council. There is a common RIA methodology, which has been refined over time. The committee checks the completeness and accuracy of the impact assessment of the legislative proposals submitted to the government in accordance with government-approved guidelines for RIA.

Denmark

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

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

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

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

Citation:

Prime Minister's Office (Statsministeriet), Cirkulære om bemærkninger til lovforslag og andre regeringsforslag og fremgangsmåden ved udarbejdelse af lovforslag, redegørelser, administrative forskrifter m.v., No. 159, 16. september 1998, <https://www.retsinformation.dk/Forms/R0900.aspx?s21=cirkul%C3%A6re+om+bem%C3%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 labor market policies combat youth unemployment, *Nordic Economic Policy Review*, 215-262.

Estonia

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

Since 2014, RIA has been mandatory for all categories of legal acts. A major RIA development program was initiated in 2014 with help from the EU structural assistance funds. The program has included various training, development and implementation measures focused on RIA procedures. The number of assessments performed is expected to increase 10-fold by 2020. The full impact of the program on the overall RIA system remains to be seen.

Citation:

OECD (2017). "Regulatory Impact Assessment," Government at a Glance. https://www.oecd-ilibrary.org/sites/gov_glance-2017-56-en/index.html?itemId=/content/component/gov_glance-2017-56-en (accessed 17.12.2018)

Germany

Score 8

In 2000, revised rules of procedure for the federal ministries (Gemeinsame Geschäftsordnung der Bundesministerien, GGO) came into effect, requiring an impact assessment (Gesetzesfolgenabschätzung, GFA) for every draft law. Thus, regulatory impact assessments are institutionally anchored in Germany. The GFA process analyzes both intended and unintended effects of draft laws and potential alternatives. In addition, on behalf of the government, nongovernment organizations developed guidelines for sustainability assessments. In October 2016, Chancellor Merkel (re)appointed the German Council for Sustainable Development (RNE). The council's recommendations have, however, no binding power.

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 NKR 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. Since the above mentioned initiatives, new initiatives have not been undertaken.

Japan

Score 8

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

The process is administered by the Ministry of Internal Affairs and Communications (MIC, Administrative Evaluation Bureau), while the ministries are charged with doing their own analyses, which has led some to question the impartiality of the

procedure. However, a number of evaluations in strategically important fields have been undertaken by the MIC 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 potentially low levels of reliability and effectiveness. Indeed, it is difficult to point to a major policy arena in which these endeavors have led to major improvements.

Citation:

Miki Matsuura, Joanna Watkins, William Dorotinsky: Overview of Public Sector Performance Assessment Processes in Japan, GET Note: Japanese Public Sector Assessment Processes, August 2010, World Bank

OECD, Government at a Glance 2017 Country Fact Sheet Japan

Ministry of Internal Affairs and Communications (Administrative Counseling Division), Japanese Ombudsman System, Tokyo, March 2018

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.

In May 2018, the new General Law of Better Regulation was issued. A government agency, the Federal Commission for Regulatory Improvement (Comisión Federal de Mejora Regulatoria, COFEMER), is responsible for performing impact assessments on new proposals if they generate compliance costs. With the new law, COFEMER's mandate was broadened and the agency renamed the Comisión Nacional de Mejora Regulatoria (CONAMER). CONAMER assesses existing regulations. The law requires Mexico's 32 states to adopt RIAs for subnational regulatory projects and there are efforts to expand this further. Overall, RIA could be strengthened by involving stakeholders early on in the process.

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

Citation:

Reyes, R et al (2015). Regulatory Impact Assessment in Mexico: A Story of Interest Groups Pressure. *Law and Development Review* 8, 1: 99-122.

Norway

Score 8

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

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

South Korea

Score 8

There were no changes in regulatory impact assessment (RIA) policy in the period under review. RIA has been mandatory for all new regulations since 2005 and is applied to older regulations if they are strengthened in any way. RIAs assess proposals' socioeconomic impacts and provide cost-benefit analyses. In its 2018 Regulatory Policy Outlook, the OECD praised Korea for improvements in its RIA processes since the previous report in 2015, and placed Korea at or even above the OECD average in most categories. However, the report also highlighted some weaknesses, particularly with regard to RIAs concerning regulations initiated by the legislature, a category that is currently excluded. The Federation of Korean Industries, which advocates deregulation on behalf of corporate sectors, has proposed that the government apply RIAs to regulatory acts initiated by lawmakers.

Citation:

OECD Regulatory Policy Outlook 2018, https://read.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2018_9789264303072-en#page208

OECD, Government at a Glance Database, <http://www.oecd.org/gov/government-at-a-glance-2017-database.htm>

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

Switzerland

Score 8

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

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

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

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

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

Citation:

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

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

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

United Kingdom

Score 8

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

million, but this is expected only to reduce the number of RIAs by 7%. RIAs are flowed up after five years to verify their findings, with independent oversight.

While this is good overall practice, it has not yet been followed in the assessment of Brexit. Although the former Brexit Secretary David Davis stated repeatedly that the government has assessed the impact of different possible models of Brexit, though not with a formal RIA, the government has resisted making all the relevant documentation public.

Citation:

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

Canada

Score 7

Canada's regulatory impact assessment (RIA) regime differs greatly in its application to laws created by parliament and regulations developed by regulatory agencies. In the case of laws, RIAs are not performed systematically, except in areas such as environmental projects where they are required by statute or in cases when the Treasury Board's approval is required. In contrast, RIAs are mandatory in the case of proposed regulations and are made public in a central registry.

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

Iceland

Score 7

Iceland had no history of conducting regulatory impact assessments until March 2016 when new regulations on cabinet procedures were enacted (Reglur um starfshætti ríkisstjórnar). Paragraph 13 concerns impact assessment of cabinet bills. Every minister should evaluate the impact, including financial impact, of every bill their ministry intends to submit to the parliament. The impact assessment should be a part of the explanatory statement, submitted to parliament with the bill. The methodology of these impact assessments was approved by the cabinet of Bjarni Benediktsson in March 2017.

Citation:

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

SAMÞYKKT RÍKISSTJÓRNARINNAR um undirbúning og frágang stjórnarfrumvarpa og stjórnartillagna, sbr. 9.

gr. reglna um starfshætti ríkisstjórnar. 10 mars 2017.

<https://www.stjornarradid.is/media/forsaetisraduneyti-media/media/frettir2/Samthykkt-rikisstjornar-um-stjornarskjol-10-mars-2017.pdf>. Accessed 22 December 2018.

Italy

Score 7

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.

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

The Conte government recently started to review the impact of large infrastructure and transportation projects currently under construction.

Citation:

Maria Francesca Rocchetti: Impact Assessment in Italy: State of the Art and Patterns of Regulatory Reform:

<http://regulatoryreform.com/wp-content/uploads/2015/02/Rocchetti-Impact-Assessment-in-Italy-Sept-2014.pdf>

http://presidenza.governo.it/DAGL/uff_studi/AIR.html

http://presidenza.governo.it/Sito2015-Presidenza/DAGL/uff_studi/Relazione_2016.pdf

<http://www.osservatorioair.it/lair-e-gli-altri-strumenti-per-la-qualita-della-regolazione-nellannuario-2014/>

<http://www.osservatorioair.it/1%E2%80%99air-nelle-autorita-indipendenti-il-nuovo-libro-a-cura-dell%E2%80%99osservatorio-air/>

<http://www.osservatorioair.it/in-gazzetta-ufficiale-il-nuovo-regolamento-di-disciplina-dellair-della-vir-e-della-consultazione/>

Lithuania

Score 7

Although the production of impact assessments for draft government decisions became mandatory in 2003, high-profile regulatory initiatives are in most cases not in fact subject to in-depth assessment. Seeking to improve the relevance and quality of impact assessments, a review of the impact assessment system was conducted under the Kubilius government. Meanwhile, the Butkevičius government decided to

focus the system on high-priority regulatory decisions. The Skvernelis government confirmed the need to apply rigorous impact-assessment methods (e.g., cost-benefit or cost-effectiveness analyses) and suggested the establishment of a competence center for evidence-based policymaking.

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

The Lithuanian Farmers and Greens Union, the largest parliamentary party, pledged in its election program to conduct cost-benefit analyses for new initiatives. The same provision was repeated in the new coalition government's program. According to its action plan, the Government Office intends to create a center for evidence-based policymaking, which will conduct cost-benefit analysis on strategic issues and other systemic evaluations. However, many controversial initiatives (e.g., the introduction of a voucher system, reform of the school teacher pay model, reduction of the number of members of parliament and relocation of the Ministry of Agriculture from Vilnius to Kaunas) were not based on ex-ante impact assessments but rather guided by a political desire to be popular. This demonstrates that the current government continues the practice of ignoring the essential principle of proportionality when impact assessments are conducted for the most important initiatives.

Finally, to implement the recommendations of the OECD, the Ministry of Justice (in cooperation with the Government Office) developed an ex-post assessment model that will be integrated into the lawmaking process. If this model is approved by the government and parliament, it will come into effect on 1 January 2020, launching new assessments on the application and functioning of regulations. It is doubtful, however, if a larger impact assessment scope will improve the relevance and quality of RIA in Lithuania.

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), *Regelförenkling genom konsekvensutredningar* (Stockholm: Sieps).
<http://www.regelradet.se/in-english/about/>

Croatia

Score 6

The EU accession process has accelerated the development of RIA in Croatia. In July 2011, the Kosor government adopted an RIA bill and re-established the Government Office for Coordination of the Regulatory Impact Assessment System that had been abolished in July 2009 as a reaction to populist critique. In accordance with the RIA Action Plan for 2013 – 2015, the office became a department of the government’s Legislation Office, and RIA implementation coordinators were appointed in all ministries. Since 2012, all government bodies have been obliged to prepare annual regulatory plans specifying which of their planned regulations should undergo an RIA. However, these and other obligations have been only selectively met. In fact, only a small number of bills undergo the complete RIA procedure, partly because they are introduced ad hoc and are thus not included in the annual legislative activity plan. RIA documents are generally of low quality, particularly the parts identifying options and analyzing effects. This has in part to do with the fact that state administration bodies have limited professional and analytical capacities, despite the several training cycles having been provided. The professional and administrative capacities of the Legislation Office are not sufficient to ensure the application of the RIA system and quality control of RIA documents. The government’s Regulatory Impact Assessment Strategy for 2018 – 2023 has sought to improve the implementation of RIA. Its passage in December 2017 was followed by the adoption of a Regulatory Impact Assessment Action Plan for 2018 in January 2018.

Citation:

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

Cyprus

Score 6

A RIA scheme was introduced in 2007 as part of a project on better regulation. A robust RIA tool was adopted in 2016 and training on its use made its application on 200 draft laws possible in 2017. In summer 2018, following the dissolution of the Unit for Administrative Reform, which operated at the presidential palace, RIA tasks were assigned to the Department of Public Administration and Personnel at the Ministry of Finance. The effects of this change remain unclear.

An issue of serious concern is the impact on the whole system of policies introduced without RIA via the discretionary powers of the Council of Ministers. The “investment program,” the granting of permits for the construction of buildings four to seven times higher than town planning allows, and the sale of Cypriot citizenship have an impact on a wide spectrum of rules and practices that neutralize RIA implementation and efforts for better regulation.

Citation:

1. Better Regulation Progress Report, May 2018 [in Greek], <https://drive.google.com/file/d/1stXSvKF6tU2AeSXbBEbNGqfbdGLAjGfa/view?usp=sharing>

Malta

Score 6

As it has worked to fulfil its obligations under EU law, Malta’s government has been improving and strengthening its regulatory processes. The process has generally been slow, but has gained momentum in recent years. However, some areas still lack a proper framework. Within the existing framework, the cabinet is 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. Recent reports from the EU have continued to confirm steady progress. To ensure that reviews contain sufficient detail, an International Accreditation Forum (IAF) process was introduced. Each ministry is responsible for drawing these up, assisted by their legal offices and program-implementation policy directorates (a unit found in each ministry). Nonetheless, the Office of the Attorney General, which also has a legislative unit, often carries much of the responsibility for this task.

Citation:

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

Romania

Score 6 RIA-related procedures were introduced in Romania in 2005. At least in theory, legislative proposals cannot enter the legislative process without RIA approval from the Public Policy Unit of the Secretariat General of the Government (GSG). In practice, the use and the quality of RIA is highly uneven, and many RIAs are superficial. Capacity remains a critical obstacle to the effective implementation of RIA procedures and requirements. Further problems have stemmed from the complex division of monitoring and evaluation responsibilities between the GSG and the Prime Minister's Chancellery. While Romania's 2018 National Reform Programme stresses the government's commitment to improve RIA, no significant improvements have actually taken place.

Citation:

Romanian Government (2018): National Reform Programme 2018. Bucharest, 21 (<https://ec.europa.eu/info/sites/info/files/2018-european-semester-country-report-romania-en.pdf>).

Slovakia

Score 6 When RIAs were 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. The "RIA 2020 Better Regulation Strategy" which was approved by the cabinet in January 2018 has further strengthened the methodological basis for assessing the economic impact of regulation in particular. However, impact assessments only apply to measures initiated by the government, and ministries still often struggle with the quantification of wider impacts, focusing mainly on budgetary impacts and, to a lesser extent, impacts on business.

Citation:

OECD (2019): Indicators of Regulatory Policy and Governance Europe 2019: Slovak Republic. Paris (<http://www.oecd.org/gov/regulatory-policy/indicators-of-regulatory-policy-and-governance-2019-slovak-republic.pdf>).

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

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

World Bank (2018): Global Indicators of Regulatory Governance. Washington, D.C. (<http://rulemaking.worldbank.org/en/data/explorecountries/slovak-republic#>).

Slovenia

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

Citation:

Government of the Republic of Slovenia (2015): Public Administration 2020: Public Administration Development Strategy 2015-2020. Ljubljana

(http://www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/JAVNA_UPRAVA/Kakovost/Strategija_razvoja_JU_2015-2020/Strategija_razvoja_ANG_final_web.pdf).

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

Bulgaria

Score 5 Changes in the legal framework for RIA in 2016 have improved the quality of RIA. However, ministries still take a largely formal approach, and the level of understanding and experience on the part of ministerial experts responsible for preparing the assessments is rising but still deficient. Assessments for legislative proposals sponsored by individual members of parliament continue to be of poor quality.

France

Score 5 The practice of compiling regulatory impact assessments (RIAs) has been followed since 1995, notably under the supervision of the PMO. However, there is still no systematic RIA process with comparable rules and methodologies; this is just one reason why there is an excess of legislation with an insufficient analysis of regulatory impact. There are partial substitutes, however. The finance and budget ministries try to systematically evaluate the fiscal impact of any new measure. This evaluation might be biased, however, as considerations may be exclusively motivated by financial and budgetary concerns. In some ministries (such as industry, agriculture and social affairs) there is also a tradition of analyzing the impact of planned policies. In other sectors, the law might impose these assessments (such as with the environmental and industry ministries, for instance). A legal assessment is systematically practiced by the Conseil d'Etat before the adoption of a regulation or governmental bill. Parliamentary committees also often do an excellent job of regulatory assessment.

More recently, the government think tank France Stratégie has been charged with evaluating the impact of public policies (i.e., the impact of the Macron law, innovation policy or business subsidies). The think tank has published methodological guidelines for the evaluation of public policies. There is, however, a notable lack of evaluation of new bills under discussion, which result in frequent changes in legislation as unexpected or collateral effects have not been properly anticipated.

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 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. President Macron has launched the operation CAP22 and request that an independent expert committee propose solutions for a comprehensive state reform. However, the committee's report has not been published and the government has failed to follow the main suggestions of the committee.

Israel

Score 5

In 2014, Israel launched a five-year plan to reduce “regulatory burden.” As part of the plan, the government aims to reduce the cost of bureaucratic processes by 25%. Regulators are required to formulate regulatory changes according to the RIA method defined by the government's RIA guide. This could involve the creation, cancelation or revision of a regulation, and should help create a unified language within government and facilitate dialogue between ministries.

While the decision was not implemented immediately, and only six RIA reports were published in 2016, an improvement in the application of RIAs was made in 2017 and 2018. Nearly 50 reports were created by governmental ministries and bodies during 2017 – 2018. Each report details the RIA process conducted on a specific field or project that a ministry or governmental body was responsible for. As part of the RIA, regulators should publish RIA reports together with a draft copy of the regulation. Nevertheless, it seems that Israel is still lagging behind other countries when it comes to implementing RIA inside its own ministries. The OECD report from 2018 stated that offices inside the Israeli government have not used RIAs correctly and ignored it in some cases.

Citation:

Economic Affairs Committee, Committee Protocol of 28.10.15 (Hebrew):

<http://main.knesset.gov.il/Activity/committees/Economics/Conclusion/coc281015.pdf>

“Improving regulation in Israel and easing the burden of bureaucracy is a proposal for a multi-year plan”, IDI

Website (Hebrew):

<https://www.idi.org.il/media/8867/streamlining-regulation-in-israel-and-easing-the-bureaucratic-burden-proposal-for-a-multi-year-program.pdf>

Government Regulation Website, 2018 (Hebrew): <http://regulation.gov.il/default.aspx>

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

RIA Report data, Government Regulation Website, 2018 (Hebrew): http://regulation.gov.il/RIA_REP

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

“The Five Year plan of 2015-2019”, Government Regulation Website, 2018,
http://regulation.gov.il/homesh_plan

“The OECD: “There will be no choice but to establish a regulatory body in Israel,” Calcalist, 2018 (Hebrew):
<https://www.calcalist.co.il/local/articles/0,7340,L-3742333,00.html>

Luxembourg

Score 5

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

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

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

Citation:

Building an Institutional Framework for Regulatory Impact Analysis (RIA): Guidance for Policy Makers. OECD, 2008. www.oecd.org/regreform/regulatory-policy/40984990.pdf. Accessed 23 Oct. 2018.

“Über die Tücken des Bürokratie-Abbaus.“ Luxemburger Wort, 4 September 2017. www.wort.lu/de/politik/administrative-vereinfachung-ueber-die-tuecken-des-buerokratie-abbaus-599435eda5e74263e13c5cf5. Accessed 23 Oct. 2018.

Portugal

Score 5

RIA instruments are still weakly institutionalized in Portugal.

The government’s program includes the goal of “ex ante and ex post evaluation of the impact of structuring legislation, especially that which carries costs for small and medium-sized enterprises,” and it has assigned this task to its Agency for Administration Modernization (Agência de Modernização Administrativa).

Documents from the government indicate that it retained the small and medium-sized enterprise test (“PME test” in Portuguese), as well as the “one-in, one-out” or “Comporta Regulatória” rule designed to compensate citizens or companies for new costs resulting from new legislation, both of which were approved in 2014.

In March 2017, the government approved a trial methodology for evaluating the economic impact of government proposals (the “Custa Quanto?” measure). A report on this trial was published in January 2018, which included the OECD’s evaluation of this measure. In sum, the OECD considered the measure an important first step, although it still lacked some fundamental aspects of RIAs. Overall, the OECD found in its Regulatory Policy Outlook 2018 for Portugal that levels of RIA in Portugal remain well below the OECD average.

In June 2018, the government announced it would expand the “Quanto Custa?” methodology.

Citation:

Eco (2018), “Quanto custa uma lei às empresas? Governo alarga programa,” available online at: <https://eco.pt/2018/06/08/quanto-custa-uma-lei-as-empresas-governo-alarga-programa/>

OECD (2018), “Regulatory Policy Outlook 2018 Portugal,” DOI: <https://doi.org/10.1787/9789264303072-41-en>

UTAIL – Unidade Técnica de Avaliação de Impacto Legislativo (2018), “Relatório de actividade – Ano de 2017: projeto-piloto da medida “Custa Quanto?,” available online at: <https://www.jurisapp.gov.pt/media/1019/30012017-utail-relatorio-atividades.pdf>

Spain

Score 5

The law on the common administrative procedure (Law 39/2015), which came into force in October 2016, 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 opportunities to apply RIA may be expanding in Spain, there has to date been little concern for the quality of legislation beyond the formal legal considerations that are monitored by the Council of State.

Citation:
Ley 39/2015

United States

Score 5

In general, U.S. government has provided 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, OMB 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 Trump administration largely abandoned impact analysis and other professional expertise. Agencies have been under a strong presidential mandate to reduce regulations and reverse decisions taken during the Obama administration. This effort has been aggressively carried out on the basis of minimal analysis. The president also issued an order saying that for every new regulation that an agency adopts, it is required to cancel two existing regulations – a mechanical solution that does not permit analytic influence. Impact analyses remain in use in areas that have not attracted the attention of the president, the White House or Republican congressional actors.

Hungary

Score 4

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

Ireland

Score 4

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

In response to parliamentary questions on the topic in July 2012, the prime minister responded: “My department will shortly be consulting departments generally about the question of publication of regulatory impact analyses carried out before government decisions are taken.” Despite the reiteration in the Annual Review of the Programme for Government of the requirement that all departments undertake RIAs for regulatory changes, there is little evidence that these are being undertaken and published.

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

Citation:

The latest available government documentation relating to RIAs is

http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf

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>

Turkey

Score 4

Legislation and policy formulation do not follow an inclusive and evidence-based policy development process. The legal requirement to produce medium-term cost estimates and fiscal impact assessments for draft policies and laws continues to be ignored. Regulatory impact assessments are a formal exercise, but are neither sent to parliament nor published.

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. According to the Regulation on the Procedures and Principles of Legislation (2006), a full RIA is required for legislation that would involve costs of exceeding TRY 30 million (about €5 million) and a partial RIA is required for

legislation that would involve costs below this amount.

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

Citation:

European Commission Turkey Report 2018, <https://ec.europa.eu/.../sites/.../20180417-turkey-report.pdf>, (accessed 27 October 2018)

Mevzuat Hazırlama Usul ve Esasları Hakkında Yönetmelik, <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=3.5.20059986&MevzuatIliski=0&sourceXmlSearch=>, (accessed 27 October 2018)

Murat Önder, "Mevzuat Yapımında Düzenleyici Etki Analizi ve Uygulama Sorunları," *Türk İdare Dergisi*, 89 (485) 2017: 771-810.

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

Technical Assistance Service for IPPC – Integrated Pollution Prevention and Control in Turkey, Draft Regulatory Impact Assessment, 2015, <https://webdosya.csb.gov.tr/db/pops/editorosya/SIA%20Report%20-%20Final%20EN.pdf> (accessed 1 November 2018).

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

Belgium

Score 3

There are few formal RIA procedures, and when these do exist, they are generally treated only as a formality, being invoked only at the end of the decision-making process, once decisions have already been reached. Authorities thus typically “fly blind,” with unexpected policy outcomes far from unusual.

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

The situation appears to have been improved following some key regulatory decisions. In 2018, the telecommunication regulator proceeded with a 97-page impact evaluation into the possibility of allowing for a fourth mobile phone operator (https://www.ibpt.be/public/files/fr/22539/Etude%20d%27impact%20march%C3%A9%20mobile%20FR_120718.pdf). The regulator’s report summarized an extensive body of literature and analyzed a significant set of case studies to examine the pros and cons of this decision – a clear improvement over past performance.

Citation:

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

https://soc.kuleuven.be/web/files/11/72/ICW_wp_2009.pdf

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

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

https://www.ibpt.be/public/files/fr/22539/Etude%20d%27impact%20march%C3%A9%20mobile%20FR_120718.pdf

Poland

Score 3

From 2001 to 2015, Poland established a relatively comprehensive system of regulatory impact assessment (RIA). The PiS government has left this system largely unchanged in formal terms but has not taken RIA seriously. It has bypassed RIA by relying strongly on fast-track legislation and legislative initiatives initiated by individual members of the Sejm, rather than by ministries or the government. In such cases, no RIA is legally necessary.

Citation:

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

OECD (2018): OECD Regulatory Policy Outlook 2018. Paris, 222-223 (<https://www.oecd.org/gov/regulatory-policy/poland-country-note-regulatory-policy-2018.pdf>).

Greece

Score 2

In 2006, under a previous government, the PMO issued a prime minister’s circular requesting that all ministries utilize RIA, but RIA has never actually been implemented in a systematic way. Today, all legislative drafts submitted to the parliament are accompanied by a document that outlines the rationale for the bill.

However, this is not a typical RIA. The General Accounting Office estimates the cost of the bill for the state budget, if the competent minister provides the office with adequate data (which is rarely the case). Even in RIA processes for developing primary laws initiated by the executive, Greece scores well below the OECD average.

A sort of regulatory impact assessment for developing regulation is sometimes completed at ministerial meetings, but regulations in Greece increasingly do not rely on such assessments. Rather, regulations result from short-term, mostly patronage-ridden political calculations.

Citation:

OECD Government at a Glance 2017 <http://www.oecd.org/gov/govataglace.htm>

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.

Czechia

Score 9

Consultation with stakeholders is an essential part of the RIA process. In principle, all those who are affected by new legislation can express their views in advance. The parties concerned may include, among others, public authorities, professional organizations, non-governmental organizations or business entities. Czechia has been one of the few countries featuring an independent RIA. Since 2011, quality control has rested with the RIA Board, an independent commission affiliated with the Government Legislative Council. This body a) coordinates and methodically manages the RIA process; b) processes the material documents for the working commission; and c) on the basis of an opinion of the working committee, if available, drafts the draft opinion of the Legislative Council of the Government or the Chairman of the Legislative Council of the Government for the RIA area. The Board has increased in size to 17 members with 11 meetings during 2017.

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.

Citation:

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

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

Germany

Score 9

The National Regulatory Control Council (Normenkontrollrat, NKR) cooperates with a large number of different actors on various levels of the administration. Its cooperation with German states and local authorities has intensified, in particular with the development of methodological standards for assessing compliance costs. In its 2018 annual report, the NKR claimed that the costs for new regulations and laws had peaked in 2017, while in 2018 costs had declined to €867.4 million. The economy accounted for the highest share (about 90%), followed by the public administration (8%) and private households (only 2%).

However, the NKR argued that public administration digitalization processes in Germany strongly lagged behind other European countries, wasting important opportunities for further cost reductions.

The new “one-in-one-out” rule, introduced in 2015, should reduce the financial burdens on enterprises. This rule means that all new costs for enterprises and state bureaucracy (the “ins”) have to be compensated for by additional regulations that reduce costs (the “outs”). In 2017, the rule reduced the costs for enterprises about €302 million.

Citation:

Normenkontrollrat (2018): Jahresbericht des Normenkontrollrates 2018:
<https://www.normenkontrollrat.bund.de/resource/blob/72494/1536236/1bed933ea006098d6807ab48bd3c8574/2018-10-10-download-nkr-jahresbericht-2018-data.pdf?download=1>
<https://www.normenkontrollrat.bund.de/nkr-de/presse/pressemitteilungen/nkr-nimmt-stellung-zum-jahresbericht-der-bundesregierung-bessere-rechtsetzung-2017-1121138>

Finland

Score 8

Impact assessment guidelines adopted in 2007 still provide a general framework for the process of regulatory impact assessment. The Revision Bureau of the Ministry of Justice’s Law Drafting Department monitors compliance with these impact

assessment guidelines. Impact assessments cover the economic, administrative, environmental and social impacts of proposed legislation. The guidelines describe what kind of impact may be involved, how the impact may be assessed, and what methods and information sources are available. The guidelines also specify the extent to which this information must be provided in the assessments. For instance, assessments may deal with proposals' potential economic impact on households, businesses and public finances as well as overall economic impact. Concerning methodology, guidelines recommend the use of statistical data, questionnaire data, expert analyses and when necessary, qualitative methods. Generally speaking, the regulatory impact assessment process is well-structured and of a high quality. However, in its annual review for 2017 assessment, the Finnish Council of Regulatory Impact noted that although guidelines for drafting laws were available, the guidelines tended to be somewhat inconsistent and overlapping. Accordingly, the council recommended that a revised and harmonized set of impact assessment guidelines should be prepared and that these should also include guidance on assessing the impacts of EU legislation.

Citation:

Ministry of Justice (2008): "Impact Assessment in Legislative Drafting - Guidelines". Helsinki, Publication 2008:4. <http://oikeusministerio.fi/fi/index/toimintajataavoitteet/lakiensaaminen/parempisaantely/vaikutustenarviointi/saadosehdotustenvaikutustenarviointiohjeet.html>.

http://vnk.fi/en/article/-/asset_publisher/arviointineuvosto-vaikutusten-arviointien-tasoa-on-parannettava

Finnish Council of Regulatory Impact Analysis: Annual Review 2017., <https://vnk.fi/documents/10616/7861578/Finnish+Council+of+Regulatory+Impact+Analysis+Annual+Review+2017/>

Netherlands

Score 8

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

Stakeholders and interested parties, typically including semi-public bodies and lobbyists, are mostly consulted in the intra- or interministerial preparation of bills and policy proposals. Before a draft is passed onto the Council of Ministers, a proposal has to pass a wide-range of quality tests for, for example, budgetary effects, business effects, administrative burden effects, and societal and environmental effects. After passing the administrative burden test, ACTAL (a semi-independent watchdog) scrutinizes the proposal once more. Sometimes departments publicize a draft bill as part of an e-consultation process to solicit feedback from citizens, but this practice is exceptional.

Citation:

W. Voermans et al., 2012. Legislative processes in transition, Leiden University (open access.leideuniv.nl, accessed 31 October 2018)

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

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

V. Bekkers and A. Edwards, 2018. The role of social media in the policy process, in H. Colebatch and R. Hoppe (eds.), *Handbook of Policy, Process and Governing*, Cheltenham, Edward Elgar

New Zealand

Score 8

The New Zealand Treasury periodically commissions independent reviews of the quality of RIA. Based on these reviews, the RIA system has been refined over time. The approach adopted has a strong emphasis on a regulatory impact statement (RIS) being embedded as part of a good policy development process rather than being a compliance requirement to be hurdled at the end of the policy development process. RIS are now produced for all substantive government bills and are widely accepted by departments, although systematic evidence on their use by ministers and parliamentarians is lacking.

The major development in the period after 2008 was the introduction of statutory expectations for departmental chief executives concerning regulatory stewardship. Treasury has been proactive in developing guidance for the new regulatory stewardship provisions applying to departmental chief executives. Moreover as part of the government's response in 2015 to the Productivity Commission Inquiry, departments are now required to publicly disclose their strategies and systems for meeting their regulatory stewardship expectations. These requirements are works in process.

The quality of RISs, while improving, remains unclear. The Treasury's RIS on the proposed Regulatory Responsibility Act commented "We all know that the analysis we see in Regulatory Impact Statements (RISs) is often not of the highest standard and as a consequence is little used or valued" (Ayto 2011). The Treasury estimates that in 2012 only 62% of RIAs fully met cabinet requirements and subsequent reviews "suggest that the quality of RISs has not improved" (Sapere Research Group 2015).

Citation:

Gill, Derek 2016. *Regulatory Coherence: The Case of New Zealand*. ERIA Discussion Paper Series 2016-12. Wellington: University of Wellington.

Ayto, Jonathan 2011. *Regulatory Impact Statement: Regulating for Better legislation – What is the Potential of a Regulatory Responsibility Act?* <https://treasury.govt.nz/sites/default/files/2011-03/ris-tsy-rbr-mar11.pdf>

Sapere Research Group. 2015. *Regulatory Impact Analysis Evaluation 2015*. Report Prepared for the Treasury. <http://www.srgexpert.com/publications/our-people-publicat-547/>

OECD Regulatory Policy Outlook 2015 Country profile New Zealand. <https://www.oecd.org/gov/regulatory-policy/New%20Zealand-web.pdf>

Norway

Score 8 The quality of RIAs associated with parliamentary bills shows great variation, but is generally good. At a minimum, parliamentary bills describe the financial and administrative (governmental) consequences of a proposal. Some also consider environmental and climate effects. Other costs are not quantified systematically or regularly when preparing bills. Affected parties will be also typically be invited to present their views in a public hearing, before a decision is being made. The RIA system is strong in terms of consultation, transparency and creating a broad political consensus around decisions. However, it is weaker in terms of technical quality.

United Kingdom

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

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

Japan

Score 7 According to the Basic Guidelines for Implementing Policy Evaluation, revised in March 2007, the necessity, efficiency and effectiveness of measures are to be the central considerations in evaluations. However, issues of equity and priority are also to be included. The structure and content of assessments are further clarified in the Policy Evaluation Implementation Guidelines of 2005 and the Implementation Guidelines for Ex Ante Evaluation of Regulations of 2007. All of these specifications contain quite demanding tasks that must be performed as a part of the evaluations.

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

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

Citation:

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

Naohiro Yashiro, Regulatory Coherence: The Case of Japan, ERIA Discussion Paper 2016-16, March 2016, http://www.eria.org/publications/discussion_papers/DP2016-16.html

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

Latvia

Score 7

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

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

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

Citation:

Cabinet of Ministers (2013), Simplification of Draft Legislation Annotations, Press release, Available at (in Latvian): <https://lvportals.lv/dienaskartiba/255276-vienkarsos-tiesibu-aktu-projektu-anotacijas-un-uzlabos-to-satura-kvalitati-2013>, Last assessed: 06.01.2019

Mexico

Score 7

RIA was introduced in Mexico in 1997 and its usage has spread from the federal government to some state governments. It has established itself as a legitimate part of the policymaking process. The relevant government agency, CONAMER (and its predecessor, COFEMER), is responsible to an interdepartmental committee that ultimately reports to the Ministry of Economy. CONAMER 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 the new law on regulation in 2018. It can prevent new regulations from coming into force until the consultation process is complete. CONAMER 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/CONAMER has played a significant role in Mexico's pro-competitive policy. Its annual reports are publicly available and provide critical assessments on regulatory projects.

Sweden

Score 7

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

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

The increasing number of inspections agencies created specifically to review and evaluate the performance of other agencies in areas such as health care and social insurance is likely to strengthen quality evaluation and transparency.

Switzerland

Score 7

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

Citation:

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

Austria

Score 6 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.

After less than one year in power, nothing can be said regarding any significant changes introduced by the new ÖVP-FPÖ coalition. But it must be concluded that the chancellor's system of "message control" reduces the autonomy of government ministers and ministries to formulate policies without the consent of the chancellor and his deputy.

Canada

Score 6 The quality of regulatory impact assessment in Canada is 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.

Chile

Score 6 Given the partly informal and non-institutionalized character of instruments used for regulatory impact assessments, reports do not necessarily specify the purpose of and the need for a regulation. Furthermore, they do not tend to analyze alternative options. Depending on the topic, stakeholders may play a certain role in the RIA process, but this does not entail a high degree of relevance within the political process over the middle or long term. As stated in Regulatory Impact Assessment published by the OECD in 2017, there is no standardized practice on how to conduct regulatory consultation, including its length, scope, timing and underlying procedures. RIA assessments are not routinely evaluated by independent bodies.

Citation:

OECD (2016), Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation, OECD

Reviews of Regulatory Reform, OECD Publishing, Paris.
<http://dx.doi.org/10.1787/9789264254596-en>
OECD (2017), Reviews of Regulatory Reform
Evaluation Report: Regulatory Impact
Assessment (Chile)
<http://www.oecd.org/gov/regulatory-policy/Chile-Evaluation-Full-Report-web.pdf>

South Korea

Score 6 The Regulatory Reform Committee (RRC) is the primary institution overseeing the RIA process. Stakeholders are consulted during the RIA process, which includes regular meetings with foreign chambers of commerce, for example. The general public and specific stakeholders can be integrated into the process via online channels such as the Regulatory Information Portal, Regulatory Reform Sinmungo, and the e-Legislation Center (www.lawmaking.go.kr). The e-Legislation Center gives the general public the opportunity to propose a bill, submit opinions on regulatory bills or request a clarification of how laws have been interpreted. However, 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 include a lack of time to carry out assessments, insufficient staff, and a lack of expertise and financial resources. The OECD also recommends that the scope of civil society participation in the RRC be widened, and that the committee's steering capacity be strengthened rather than allowing it to micromanage RIA processes.

Citation:
OECD, 2017. OECD Reviews of Regulatory Reform Regulatory Policy in Korea: Toward Better Regulation. May 23, 2017.
OECD Regulatory Policy Outlook 2018, https://read.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2018_9789264303072-en#page208

United States

Score 6 Regulatory impact assessment is a highly political process, with a strong tendency for results to reflect the preferences and expectations of the agency or political official that controls the process. A 2011 study of regulatory impact assessments by the George W. Bush and Obama administrations demonstrated the biasing effect of political priorities. The Obama administration has issued new rules at a rate 40% higher than either Clinton or Bush. While Obama's regulators reported costs triple those of Bush's, they report benefits eight times higher.

Trump administration regulatory officials have had little concern about impact assessment. In canceling the Obama era's "net neutrality" regulations, the Federal Communications Commission relied on a large volume of citizen messages that it had already determined were produced by internet bots, rather than actual people.

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 the COAG regulation requirements, seeks a range of information about any new regulation. The level of information required is commensurate with the magnitude of the problem that is being addressed, and the size of the potential impact of the proposal. The office of best practice regulation uses a number of “adequacy criteria” to assess whether a RIS contains the appropriate levels of information and analysis.

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 COAG, and identifying best practices. Findings of major concern from the report include the following: a number of proposals with highly significant impacts were either exempted from RIA processes or were not rigorously analyzed; public consultation on policy development was often perfunctory or occurred 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>

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

Bulgaria

Score 5

With the exception of the assessment of budgetary and environmental impacts of proposed legislation, so far RIA has had a largely formalized nature in Bulgaria. Once a proposed draft has entered the phase of public consultation, civil society and academic actors are able to offer their own assessments, which then become a part of the documentation accompanying the proposal and are available to the public online. Formalism in impact assessments continues, even though the legal framework for impact assessments was reformed in 2016. With respect to acts proposed by the

Council of Ministers, there has been visible improvement of late, with more than 410 assessments encompassing all normative proposals of the executive branch. In 2018, the Institute for Public Administration published a RIA methodology, which is expected to unify standards, and make assessments by different ministries more consistent and transparent.

Citation:

Administration of the Council of Ministers (2018): Impact assessment: annual report for 2017 (in Bulgarian). Sofia (<http://strategy.bg/FileHandler.ashx?fileId=13942>).

Institute for Public Administration (2018): Methodology for ex-ante impact assessment of normative acts and programs (in Bulgarian). Sofia (https://www.ipa.government.bg/sites/default/files/metodika_korektura_all.pdf).

Cyprus

Score 5 A 2017 report on the implementation of the present system makes proposals to address various issues and improve the whole RIA process. These include the need for transparency, more systematic consultation, improved involvement of stakeholders and enhanced analysis of SMEs. Offering public access to submitted RIA documents and submitting the system to an independent evaluation remain mere proposals. Given that the better regulation project is in a transitional stage, with tasks assigned back to ministries, there are no updates available for 2018.

Estonia

Score 5 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, stakeholder involvement needs to be improved. 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.

Iceland

Score 5 The regulations on cabinet procedures (Reglur um starfshætti ríkisstjórnar) from 2016, including paragraph 13 about impact assessments of cabinet bills, partly ensure participation. The methodology for these impact assessments was approved by the

cabinet of Benediktsson (January 2017 – September 2017) in March 2017. Stakeholders, other ministries, and the public shall be informed during the process, which is an important step toward transparency.

Citation:

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

SAMÞYKKT RÍKISSTJÓRNARINNAR um undirbúning og frágang stjórnarfrumvarpa og stjórnartillagna, sbr. 9. gr. reglna um starfshætti ríkisstjórnar. 10 mars 2017.

<https://www.stjornarradid.is/media/forsaetisraduneyti-media/media/frettir2/Samstjornarskjol-10-mars-2017.pdf>

thykkt-rikisstjornar-um-

stjornarskjol-10-mars-2017.pdf. Accessed 22 December 2018.

Lithuania

Score 5

The process of regulatory impact assessment does not ensure sufficient participation by relevant stakeholders. According to the OECD, external stakeholders in Lithuania do not see impact assessment as a useful tool, because it provides little room for their feedback or contributions. Although four institutions are tasked with overseeing the quality of impact assessment, the quality of impact assessments is not in fact systematically monitored. Therefore, draft government legislation is checked primarily for legality, with little attention paid to the possible impact of the proposed legislation. Though RIA results are available for decision-making, they are rarely debated or otherwise used in the policy process. The principle of proportionality is not applied as major political initiatives are raised without proper impact assessments.

The OECD has issued several recommendations for improving the RIA process, including strengthening quality-oversight monitoring, consolidating oversight of the quality of impact assessment in a single lead institution (the Government Office) and ensuring that stakeholders are consulted in the early phases of the RIA process. In response, the Government Office has reviewed regulation policy, strengthened central coordination capacities and proposed improvements to the RIA process.

Citation:

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

Romania

Score 5

Romanian law stipulates that RIAs, along with proposed regulations, must be published for at least 30 days on the ministerial websites, and this obligation is usually respected. Only a select few stakeholders are regularly involved in the RIA process. Public consultations are largely online (which is problematic given unequal internet access within the country) with a short time-frame for input, while in-person consultations tend to be informal and, as a result, risk being subject to regulatory

capture. Other ministries are not systematically involved in the RIA process. While the RIA process as a whole has been reviewed by the OECD as well as the World Bank, there are no regular independent quality evaluations of individual RIA assessments.

Slovakia

Score 5 Procedures for public consultations in the later stage of the regulation-making process are well developed, and include the automatic publication of all legislative documents on the government portal. However, the strong focus of Slovak RIA on the impact on the business sector means that business associations are involved in the process more strongly than other stakeholders. Quality control suffers from fragmentation. In the Permanent Working Committee of the Legislative Council, four ministries are involved in checking the quality of regulatory impact assessments (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.

Croatia

Score 4 In Croatia, there is no independent body that evaluates RIA assessments on a regular basis. However, 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) provide for the involvement of stakeholders. The openness of the RIA process and the transparency of RIA results differ among ministries. Some ministries have opened the entire RIA process to the public, asking stakeholders for feedback to their bill drafts. Other ministries ignore the importance of getting feedback from the public, thereby undermining the effectiveness of the whole RIA project. The public itself does not seem to be very interested in the RIA process. It often questions its necessity and mocks it.

France

Score 4 Studies analyzing the impact of RIA have stated that, although the initial skepticism of administrative bodies toward RIA has been overcome, the content of assessments has been too general and often tended to justify the need for action rather than attempt a critical, well-grounded, assessment. In addition, there are few international comparisons when examining possible alternatives. The assessments are conducted

by stakeholders with a perspective of fighting for or against a policy measure. Thus, in general, such assessments have little to recommend them. It remains to be seen if the recommendations for conducting independent assessment by the think tank France Stratégie will be followed. A more thorough analysis (“étude d’impact”) is done in case of large public investments (train tracks, highways, airports etc.) and the final decision as well as the process is submitted to judicial control. Too often the experts in charge of evaluating are chosen *ad personam* and in a discretionary fashion. The hidden purpose and expectations are that their assessment will be in line with the preferences of the politicians in charge. A comparative study of RIA practices over the last 20 years confirms France’s rather poor ranking, and suggests this is attributable to the lack of a RIA culture, insufficient training for administrative elites, a lack of political will and the feeble role of parliament in RIA matters.

Citation:

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

France Stratégie: Vingt ans d’évaluations d’impact en France et en étranger. Analyse quantitative de la production scientifique, Paris, December 2018 (<https://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/fs-dt-impact-politiques-publiques-decembre-2018.pdf>)

Ireland

Score 4 The accessibility and communication of the RIAs that have been performed are poor and independent quality evaluations are not conducted. RIAs have been required since 2005 for issues that involve changes to the regulatory framework.

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

Israel

Score 4 Israel has recently improved its stakeholder engagement in the regulatory process. In 2017, an OECD report stated that Israel needed to improve its stakeholder engagement processes. However, in 2018, the OECD Regulatory Report Outlook ranked Israel one of the top four countries with regards to regulatory improvements, with a particularly substantial improvement in public and stakeholder participation and collaboration in RIAs.

In the last two years, most of the RIAs provided an opportunity to the public and other stakeholders to participate in the regulatory process. In addition, RIA reports were published following the conclusion of the process, ensuring transparency. The government also initiated a new group, comprising the Israeli Democracy Institute (IDI) and public sector officials, which aims to improve the quality of regulation and better achieve regulatory policies on the basis of transparent criteria.

Citation:

“Improving regulation in Israel and easing the burden of bureaucracy Proposal for a multi-year program“, Israeli Democracy Institute (Hebrew):
<https://www.idi.org.il/media/8867/streamlining-regulation-in-israel-and-easing-the-bureaucratic-burden-proposal-for-a-multi-year-program.pdf>

“OECD Regulatory Policy Outlook 2018“, OECD WEBSITE, 2018:

<https://www.oecd-ilibrary.org/docserver/9789264303072-en.pdf?expires=1540849342&id=id&accname=ocid195467&checksum=2F91C900404B34AA4EE7659685539C79>

RIA Report data, Government Regulation Website, 2018 (Hebrew): http://regulation.gov.il/RIA_REP

Malta

Score 4

Malta’s policy on regulatory impact assessments (RIA) is evolving. In some areas, the process of consultation is superficial, based mostly on public reaction to published consultation papers or a dedicated government website created for the purpose. In others it is more sophisticated. Previously, consultation prior to implementation was commonly extensive when regulations dealt with economic or labor issues; this practice has now increasingly been extended to social issues. The government has thus increased its consultation frequency and expanded its dissemination of information; nonetheless, in small states such as Malta, truly “independent” bodies are generally absent or rare. Furthermore, civil society groups must become more proactive if they are to help shape policies during the formulation stage.

Consultation activities have been codified to support environmental impact assessments. Guidelines initially allowed for an open, transparent and inclusive consultation process. However, in April 2016, the Planning Authority was separated from the Environmental Authority, a reform that may have confused this process. Critics have also charged that consultation sometimes involves only selected interest groups.

Citation:

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

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

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

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

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

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

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

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

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

Spain

Score 4 RIA analyses in Spain are quite new (see “RIA Application”), and their use to date has largely been focused on administrative simplification and better-regulation programs. The gradual introduction of RIAs since 2009 has resulted in a general template (reinforced since 2016 by the law on the common administrative procedure), which is to be applied across content areas. This emphasizes that draft legislation must address economic and budgetary considerations as well as any other relevant aspects of impact such as environmental impact, gender-equality concerns, and any possible effects on disabled people.

This process has not been very successful in eliciting participation by stakeholders (through consultation or collaboration, transparent communication of results to the public, or the effective and regular evaluation of assessments by an independent body). In some instances, RIA procedures have been efficiently used; in others, it seems to have been merely a formal requirement fulfilled by the department preparing the bill. Since 2017, the Institute for the Evaluation of Public Policies, a part of the Ministry of Territorial Policy and Civil Service, has been in charge of evaluating the public policies produced by ministries and at the various administrative levels. However, reinforcing the degree to which this institute cooperates with other agencies (e.g., the Office for the Execution of Administrative Reform, or the Independent Fiscal Accountability Authority) would increase the impact of its short-term and long-term evaluations.

:
Círculo de Empresarios (2018), La calidad de las instituciones en España.
<https://circulodeempresarios.org/app/uploads/2018/04/Calidad-insti-CdE-WEB.pdf>

Italy

Score 3 The RIA process is still in its infancy in Italy. The participation of stakeholders remains limited and is not systematically pursued. The annual reports, which are presented by the Prime Minister’s Office to parliament, indicate a gradual improvement in this field. Communication to the public needs also to be significantly improved. The impact of RIAs on the policymaking process is still insufficient.

Belgium

Score 2 Regulatory impact assessments are compulsory, but seem to be treated as a formality for many important government decisions. There are however interesting and valuable exceptions, such as for the possibility of adding a fourth mobile phone operator in Belgium.

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

Greece

Score 2 Law 4048/2012 established the RIA framework. According to Article 7 “every bill, addition or amendment and every normative decision of major economic or social importance shall be accompanied by an impact assessment.” However, no RIA was undertaken since the law was passed.

Citation:
OECD Competition Assessment Reviews: Greece, 2014.

Hungary

Score 2 The quality of the RIA process in Hungary has been poor. Stakeholder participation is usually lacking, since the very idea of consultation has been alien to the Orbán governments. RIA performance has rarely or only partially been made available to political actors on the special website for RIA (hatasvizsgalat.kormany.hu).

Luxembourg

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

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

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

Citation:
Building an Institutional Framework for Regulatory Impact Analysis (RIA): Guidance for Policy Makers. OECD, 2008. www.oecd.org/regreform/regulatory-policy/40984990.pdf. Accessed 23 Oct. 2018.

Simplification administrative – Einfach. <https://fonction-publique.public.lu/fr/principes-valeurs/einfach.html>. Accessed 23 Oct. 2018.

Poland

- Score 2** The quality of the RIA process has strongly declined under the PiS government. Legally, stakeholders are required to be involved, and results must be publicized and communicated; however, such efforts have become rather selective. No independent body reviews the quality of individual RIAs.

Portugal

- Score 2** As noted above, systematic RIA does not exist in Portugal. Stakeholder consultation does generally take place, albeit inconsistently and without full participation by all relevant stakeholders. Indeed, regarding the “Quanto Custa?” trial, the OECD remarked on the need for greater stakeholder involvement. Impact-assessment results are not generally made publicly available or systematically communicated. There are no evaluations of impact-assessment quality rendered by independent bodies.

Citation:

UTAIL – Unidade Técnica de Avaliação de Impacto Legislativo (2018), “Relatório de actividade – Ano de 2017: projeto-piloto da medida “Custa Quanto?,” available online at: <https://www.jurisapp.gov.pt/media/1019/30012017-utail-relatorio-atividades.pdf>

Slovenia

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

Turkey

- Score 2** During the period under review, the regulatory impact assessment (RIAs) requirement did not help improve the quality of proposed government legislation. Instead, the government more often than not drafted and adopted legislation without the appropriate consultation of NGOs or other stakeholders; not to mention the government’s de facto surpassing of the parliament under its state of emergency powers.
- According to the Regulation on the Procedures and Principles of Legislation (2006), a full RIA is required for legislation that would have result in costs exceeding TRY 30 million (about €5 million) and a partial RIA is required for legislation that would result in costs lower than this amount.

Citation:

Mevzuat Hazırlama Usul ve Esasları Hakkında Yönetmelik, <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=3.5.20059986&MevzuatIliski=0&sourceXmlSearch=> (accessed 27 October 2018)

Murat Önder, "Mevzuat Yapımında Düzenleyici Etki Analizi ve Uygulama Sorunları," *Türk İdare Dergisi*, 89 (485) 2017: 771-810.

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

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

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

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.

Denmark

Score 9

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

Citation:

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

Finland

Score 9

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

New Zealand

Score 9 Without using the term “sustainability,” the regulatory impact assessment (RIA) process includes major aspects of this concept. 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, among others, if there is still a problem and if objectives are being met.

Citation:

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

Austria

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

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

During 2018, nothing seems to have changed between the symbolic policy of “lip service” and the tendency to follow short-term interests focused on electoral data, although this contradicts official declarations.

Germany

Score 8 In October 2016, Chancellor Merkel (re)appointed the German Council for Sustainable Development (RNE) for a term of three years. The RNE consists of 15 people selected by the chancellor. Its role is to contribute to the implementation of the National Sustainability Strategy by identifying areas for action, developing specific project proposals, and by increasing awareness on the importance of sustainability issues. Six members were newly appointed in October 2016 and the remaining members were reconfirmed. The RNE independently chooses its array of topics and actions.

In addition, the parliamentary Council for Sustainable Development (Parlamentarische Beirat für nachhaltige Entwicklung, PBnE) supervises the government’s sustainability strategy. Its political influence appears moderate and its

primary task is to act as an advocate for long-term responsibility in the business of government. The PBnE was established in 2004 and must be reconstituted after every parliamentary election. On the whole, neither the RNE nor the PBnE are well integrated into the RIA framework.

According to the 2018 Sustainable Development Goals (SDG) Index, which has been jointly developed by the Bertelsmann Foundation and the Sustainable Development Solutions Network (SDSN), Germany ranked 5th out of 157 countries, an improvement of one position compared to the previous year.

Citation:

Sustainable Development Goals Index 2018:

<http://sdgindex.org/assets/files/2018/00%20SDGS%202018%20G20%20EDITION%20WEB%20V7%20180718.pdf>

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

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

Netherlands

Score 8

In the Netherlands, RIAs are broadly and effectively applied in two fields: environmental impact assessments (EIMs) and administrative burden reduction assessments (ABRAs). EIMs have been legally mandated since 1987. Anyone who needs a government license for initiating substantial spatial or land-use projects with potentially harmful environmental impacts is obliged to research and disclose potential project impacts. More than 1,000 EIM reports have been administratively and politically processed. They guarantee that environmental and sustainability considerations play a considerable role in government decision-making. However, environmental impact assessments are sometimes subordinated to economic impact assessments. There are no systematic social – or, for example, health – impact assessments. In 2017, the DNB (Dutch National Bank) announced checks on whether firms in the financial sector have sufficiently explored the risks of climate change in their policies. In the water sector, similar stress tests of policies by water management boards, and municipal and local water management/emergency plans are being prepared. In 2018, the results of recent climate change platform debates, and negotiations between government, business and other stakeholders were elaborately scrutinized and re-calculated by the Planning Bureau for the Living Environment.

Citation:

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

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

PBL, Analyse van het voorstel voor hoofdlijnen van het klimaatakkoord, 27 September 2018 (www.pbl.nl/publicaties, accessed 31 October 2018)

United Kingdom

Score 8 In the United Kingdom, the whole RIA process aims to provide support for sustainable policymaking. The assessment is based on a wide range of different indicators, including social, environmental and ecological. However, economic indicators seem to be the most important. The assessments analyze the impact of regulation over several time periods (i.e., short, medium and long-term), and they attempt to take into account external shocks and irregular developments.

However, for arguably the most important and certainly most complex political project in a generation – Brexit – the government has so far not delivered a substantial sustainability assessment.

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. Since 2018, the RIA process for proposed regulations has included assessment of gendered and environmental impacts.

Citation:

<https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools/cabinet-directive-regulation.html>

Norway

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

Sweden

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

Switzerland

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

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

Czechia

Score 6 Sustainability checks are an integral part of every RIA assessment but are not very comprehensive. The checklist requires a response to the question of whether there are effects on social, economic and environmental issues and for an indication of what those effects are. The 2016 amendments to the RIA guidelines have specified how to assess or quantify these effects. Criteria are continuously refined. The process of assessing the impact of regulation does not replace political decision-making, it only creates the preconditions for the cultivation of decision-making.

Estonia

Score 6 The dimension of sustainability is included in the methodological guidelines for RIA. The guidelines demand an assessment of the reviewed policy's impact over the short, medium and long term. However, sustainability concerns are 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 – together with the majority of national strategies – will end in 2020. In spring 2018, the Estonian government began preparations for the next long-

term strategy, “Estonia 2035,” which aims to define an integrated vision for the country’s balanced and sustainable development. The statements published so far highlight the importance of aligning national goals with global trends, but make no explicit reference to the SDGs.

Citation:

Summary of the Analysis of the Estonian Sustainable Development Strategy “Sustainable Estonia 21”. https://riigikantselei.ee/sites/default/files/content-editors/Failid/SA_cesti/summary_of_se21_analysis_eng.pdf (accessed 17 December 2017).

Israel

Score 6

In 2015, Israel created a long-term plan for 2015 – 2030 to improve and advance a number of SDGs. The plan details 168 objectives and 230 indices in a variety of fields, including the reduction of poverty, hunger and inequality; improvement of health outcomes, life quality and educational quality; promotion of gender equality, smart consumption and innovation; and the development of infrastructure, energy and sustainable production.

Overall, the SDG indicators are used for two main purposes: promoting sustainable development in Israel and improving Israel’s foreign relations. First, by using the SDG indicators, a scientific base and new perspective can be given to an existing policy and thus help to reshape it. These indicators can be used for interministerial cooperation on different subjects, promoting sustainable development. Second, as SDGs are based on U.N. objectives and require working with the international community, Israel’s relations with other countries that use the same system improve.

In 2016 Israel, together with other members of the United Nations, started to report the application of SDGs. In 2017, Israel was applauded by the United Nations for its quick and effective application of the SDGs. According to the United Nations, Israel’s application of SDGs can be seen in a range of different areas, such as water, sanitation, education, health outcomes and well-being, innovation, and infrastructure. The United Nations mentioned that the reason for the quick and effective application of the SDG indicators is due to companies and government offices using them.

In addition, since 2011, the government has published “work books” every year, detailing the quantitative measures used to compare policies and policy goals over time. In 2016, another quantitative measure was included examining government performance and goal achievement.

Citation:

Adopting SDG goals – sustainable development goals“, Committee meeting of the 20th Knesset, Open Knesset Website, 2017 (Hebrew):

<https://oknesset.org/meetings/2/0/2014108.html>

“Agenda 2030 – Sustainable Development Goals of the United Nations“. Ministry of the Environment Website <http://www.sviva.gov.il/subjectsEnv/InternationalRelations/InternationalOrganization/Pages/UN.aspx>

“Vision of Sustainability for Israel at 2030.” Ministry of the Environment Website: http://kayamut2030.org/index.php?option=com_content&view=article&id=181%3Aindicators&catid=59&Itemid=149

Arlozorov, Meirav. “The Professionalist Revolution of the Government of Israel.” The Marker website. 2018 (Hebrew): <https://www.themarker.com/allnews/1.5846420>.

Corporate Responsibility and Sustainable Development, Netivei Israel Company Website (Hebrew):

<https://www.iroads.co.il/content/%D7%90%D7%97%D7%A8%D7%99%D7%95%D7%AA-%D7%AA%D7%90%D7%92%D7%99%D7%93%D7%99%D7%AA-%D7%95%D7%A4%D7%99%D7%AA%D7%95%D7%97-%D7%91%D7%A8-%D7%A7%D7%99%D7%99%D7%9E%D7%90>

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“Israel earns UN praise at MFA-IDC conference on UN Sustainable Development.” Israel Ministry of Foreign Affairs Website, 2017

<http://mfa.gov.il/MFA/InternatlOrgs/Pages/Israel-earns-UN-praise-at-MFA-IDC-Conference-on-UN-SDGs-19-December-2017.aspx>

Lithuania

Score 6

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

Mexico

Score 6

So far, RIAs have often highlighted international benchmarking to reinforce their investigations. As one example, in a recent development, the Mexican government signaled its intention to become a world leader in sustainable tourism. Here, sustainability relates to energy efficiency, improved environmental performance and the protection of cultural heritage. The government partnered with the private firm EC3 Global to support the adoption of their trademark EarthCheck science and solutions for tourism operators and companies committed to sustainable practices and to align their performance with global benchmarks, endorsed by the World Tourism Organization. EarthCheck is an internationally recognized environmental management and certification program with more than 1,300 members in 70 countries. The program improves the operational performance of member organizations and reduces costs. However, like in most other OECD countries, RIAs

in Mexico have up to now not fully embraced a multidimensional sustainability perspective as is foreseen by the Agenda 2030 for Sustainable Development. This is a particular challenge against the backdrop of the United Nation's Global Goals (Sustainable Development Goals), which were supported by Mexico and require a multidimensional perspective – including social, economic and ecological dimensions – in public policymaking. However, Mexican government elites appear much more likely to be aware of the SDGs than government elites in other OECD countries, which might lead to an improvement in the coming years.

South Korea

Score 6 The assessment of policy-implementation sustainability in South Korea is regulated by the 2007 Sustainable Development Act and overseen by the Presidential Commission on Sustainable Development. This body's task is to implement, promote, share, educate, network, monitor and make policy proposals on sustainable development. The act addresses environmental quality, vulnerability to environmental degradation, environmental degradation level, the social and institutional capacities to respond, and responsibility sharing with the international community. The Moon administration has promised to focus more strongly on sustainability-related issues, including reductions in youth unemployment rates, air pollution and greenhouse-gas emissions. For example, the Moon administration has promised to build no new nuclear power plants and temporarily closed 10 coal-fired power plants (although only during months with low electricity demand). At the same time, the government appears to be considering a continuation of previous governments' problematic practice of prioritizing economic growth, thus issuing waivers for regulations governing economic development or apartment construction within green-belt areas, for example. While President Moon has promised to highlight environmental sustainability, the actual effects on the RIA process remain to be seen.

Citation:

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

United States

Score 6 There has been no standard, separate check required for “sustainability” as such. Assessments have been expected to consider the important costs and benefits relevant to a particular project or policy. Environmental considerations have figured very prominently in many cases. However, the Trump administration has aggressively dismissed environmental effects. Sustainability checks are either manipulated, ignored or simply do not take place. There are undoubtedly some areas of government – below the radar screen of Trump, his thin cadre of political

appointees, and the business lobbyists that have his attention – in which serious sustainability checks are taking place and guiding decisions.

Bulgaria

Score 5 Most of the regulatory impact assessments in Bulgaria are merely formal, with the exception of budgetary and environmental issues. Bulgaria has a Fiscal Council, which provides assesses the fiscal sustainability of 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, although formally sought, has little visible impact.

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. Some exploratory efforts have been made to include wider and standardized sustainability checks within the RIA framework in future.

Citation:

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

OECD (2017), Reviews of Regulatory Reform
Evaluation Report: Regulatory Impact
Assessment (Chile)
<http://www.oecd.org/gov/regulatory-policy/Chile-Evaluation-Full-Report-web.pdf>

Italy

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

Citation:

http://presidenza.governo.it/DAGL/uff_studi/Relazione_2017.pdf
<http://www.minambiente.it/pagina/la-strategia-nazionale-lo-sviluppo-sostenibile>

Croatia

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

Cyprus

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

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

Questions on sustainability are exclusively economic and focus on the budgetary impact and macroeconomic effects.

Ireland

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

Malta

- Score 4 While regulatory impact assessments are a compulsory regulatory tool in Malta, the government has no formally adopted sustainability strategy. Until recently, sustainability checks were common mostly in areas involving planning and the environment; however, these have now successfully been extended to the economic sphere, as EU and credit-rating reports indicate. Yet generally speaking, the effectiveness of key regulations and policy initiatives is assessed mainly through

Malta's National Reform Program, and the associated 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 failure) of regulatory projects that touch on social, environmental and economic issues. Overall, Malta has made progress in many areas, reaching many targets but lagging behind in others. Some indicators of progress include an increased level of subsidy provided to public transport programs, improved efficiency with the power-generation sector, and a plan for sustainable water use backed by actual budgetary allocations.

Citation:

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

Spain

Score 4

RIA analyses were only timidly introduced in Spain in 2009, and the process as implemented up to this point has not included systematic sustainability checks using an exhaustive set of indicators considering the short- to long-term effects of regulatory change. However, the legal reform of the general administrative procedure in 2015 included new sustainability-related improvements. Under the terms of Law 39/2015, the executive has the centralized task of reviewing whether new bills prepared by the rest of ministries and agencies fulfill various criteria from a procedural point of view. Articles 129 and 130 of the 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. Royal Decree 931/2017, which came into force in December 2017, aims to improve regulatory impact analyses concentrating on the economic, social and environmental consequences of new legislation. Despite these recent improvements, Spain lacks a formal sustainability strategy other than the National Reform Plan and the Stability Program associated with European economic-governance obligations.

Citation:

Real Decreto 931/2017.

France

Score 3

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

equipment (the Nantes airport is an acute example of this). Given that every government attempts to pass as many measures in as short a period of time as possible, any preliminary evaluation tends to be considered as a loss of time since the crucial variable is the ability to respond swiftly to public opinion pressures.

Luxembourg

Score 3

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

Citation:

“Ein nachhaltiges Luxemburg für mehr Lebensqualität. Le gouvernement du Grand-Duché de Luxembourg,” 2010. www.environnement.public.lu/developpement_durable/dossiers/pndd_2010/PNDD.pdf. Accessed 1 Nov. 2017.

Luxembourg, 2017.

www.gouvernement.lu/7180112/vierter-nationaler-energieeffizienzaktionsplan-luxembourg. Accessed 15 Nov. 2018.

Romania

Score 3

Romania is formally committed to SDG implementation. It took part in the 2018 voluntary national review of the U.N.’s High-Level Political Forum on Sustainable Development and has initiated a review of the country’s 2008 National Sustainable Development Strategy with a view to incorporating the 2030 Agenda for Sustainable Development. The RIA methodology manual requires that sustainability concerns be incorporated in assessment reports. In practice, however, sustainability checks do not feature very prominently and are not done in a comprehensive manner.

Citation:

Ministry of the Environment (2018): Transformation Towards a Sustainable and Resilient Romania: Romania’s Voluntary National Review 2018. Bucharest (<https://sustainabledevelopment.un.org/memberstates/romania>).

Slovakia

Score 3

Slovakia took part in the 2018 voluntary national review of the UN’s High Level Political Forum on Sustainable Development and has initiated a review of the country’s national sustainable development strategy with a view to incorporating the

2030 Agenda for sustainable development. The RIA methodology manual requires that sustainability concerns be incorporated in assessment reports. In practice, however, sustainability checks do not feature very prominently and are not done in a comprehensive manner.

Citation:

Deputy Prime Minister's Office for Investments and Informatization of the Slovak Republic (2018): Voluntary National Review of the Slovak Republic on the Implementation of the 2030 Agenda for Sustainable Development. Bratislava (https://sustainabledevelopment.un.org/content/documents/20131Agenda2030_VNR_Slovakia.pdf).

Slovenia

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

Turkey

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

Within the scope of U.N. Sustainable Development Goals 2030, a project to assess the current state of sustainability in Turkey was launched. However, the project has since been postponed indefinitely.

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

During the review period, the Coordination Board of Internal Audit published Performance Audit Guidelines for Public Sector Internal Auditors, which includes sustainability checks as a component in performance auditing. However, there is no information about RIA sustainability checks.

Citation:

Başbakanlık, Bürokrasinin Azaltılması ve Kamu Hizmet Sunum Esaslarının Geliştirilmesi, Düzenleyici Etki Analizi Raporu, Temmuz 2009, www.pirigroup.com/RIA/doc/Burokrasinin_azaltilmasi.doc (accessed 1 November 2018)
Yavuz Gazibey, Ahmet Keser, Yunus Gökmen, Türkiye'de İllerin Sürdürülebilirlik Boyutları Açısından Değerlendirilmesi, Ankara Üniversitesi SBF Dergisi, 2014, 69(3): 511-544. (accessed 1 November 2018)
İç Denetim Koordinasyon Kurulu, Kamu İç Denetçileri İçin Performans Denetimi Rehberi, 2016, <http://www.idkk.gov.tr/SiteDokumanlari/Mevzuat/Ucuncul%20Duzey%20Mevzuat/PerformansDenetimiRehberi.pdf> (accessed 1 November 2018)

Belgium

- Score 2** Regulatory impact assessments are compulsory, but seem to be treated as a formality for many important government decisions. There are however interesting and valuable exceptions, such as for the possibility of adding a fourth mobile phone operator in Belgium.

Hungary

- Score 2** The Hungarian parliament passed a National Sustainability Strategy in March 2013 and afterwards the parliament's environmental committee was transformed into the Committee of Sustainable Development (consisting of parliamentarians) and supported by the National Sustainability Council. However, the Sustainability Strategy and RIA processes have not yet been coordinated because sustainability checks are not an integral part of RIA.

Iceland

- Score 2** The new regulations on cabinet procedures, enacted in March 2016, do not include anything about sustainability checks as parts of the impact assessment. However, financial impact is mentioned.

Citation:

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

Japan

- Score 2** According to the 2001 Government Policy Evaluation Act, policy effects have to be evaluated in terms of the three criteria of necessity, efficiency and effectiveness. These terms are somewhat flexible and do not necessarily encompass sustainability concerns. Indeed, actual evaluations apply the three guiding principles only in a somewhat loose way, with few rigorous quantitative assessments. Reviews cover both pre-project as well as post-project evaluations.

Citation:

MIC (Ministry of Internal Affairs and Communication, Japan), Website on evaluation results, http://www.soumu.go.jp/menu_seisakuhyouka/kekka.html (accessed in October 2018)

Latvia

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

Latvia has not adopted a specific sustainability strategy. However, sustainability is integrated into the Latvia 2030 strategy. As draft policies are assessed for compatibility with this strategy, sustainability issues may be taken into consideration. The Cross-Sectoral Coordination Centre (PKC) provides input to the drafting of policies, highlighting sustainability issues. The PKC also conducts an annual assessment of Latvia's strategic goals, which includes sustainability assessments.

Citation:

Sustainable Development Strategy of Latvia until 2030, Available at: http://www.pkc.gov.lv/sites/default/files/images-legacy/LV2030/LIAS_2030_en.pdf Last assessed: 07.01.2019

Poland

Score 2 Article 5 of Poland's constitution enshrines the principle of sustainable development, according to which the state ensures the protection of the environment, guided by the principle of sustainable development. Sustainability checks are not an integral part of regulatory impact assessments, and the PiS government has been less concerned with issues of sustainability than were its predecessors. Indeed, the PiS government has been involved in several infringement-procedure disputes with the European Commission and the European Court of Justice related to its failure to carry out environmental impact assessments for natural-gas drilling projects, and its disregard for sustainability and environmental-protection principles when approving logging activities in the Białowieża old-growth forest.

Portugal

Score 2 Sustainability checks are not integrated systematically into impact assessments. They may take place in some assessment processes but not in others, in a rather ad hoc fashion that depends on who is carrying out the impact assessment. The same is true with regard to the use of sustainability-focused indicators, as well as the temporal dimension of the analyses.

Australia

Score 1 Sustainability checks are not an explicitly integrated component of RIAs in Australia. Australia has not formally adopted a sustainability strategy.

Greece

Score 1 Sustainability checks do not exist; this was the case under the preceding and remains the case under the incumbent government.

Indicator

Quality of Ex Post Evaluation

Question

To what extent do government ministries regularly evaluate the effectiveness and/or efficiency of public policies and use results of evaluations for the revision of existing policies or development of new policies?

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 = Ex post evaluations are carried out for all significant policies and are generally used for the revision of existing policies or the development of new policies.
- 8-6 = Ex post evaluations are carried out for most significant policies and are used for the revision of existing policies or the development of new policies.
- 5-3 = Ex post evaluations are rarely carried out for significant policies and are rarely used for the revision of existing policies or the development of new policies.
- 2-1 = Ex post evaluations are generally not carried out and do not play any relevant role for the revision of existing policies or the development of new policies.

United Kingdom

Score 10

Evidenced-based decision-making is deeply rooted in the United Kingdom's tradition of firm and efficient legislation, and ex-post evaluations are as vital a part of public policymaking as impact and sustainability checks. The OECD ranks the United Kingdom second among its forty members for its approach. Specialist analytical functions have recently been brought together to form the Analysis Function, further strengthening their role in policymaking and service delivery. Analytical approaches to evaluation are set out by the Magenta Book and the Green Book, supported by the Cross Government Evaluation Group coordinated by HM Treasury. More recently the Behavioral Insights Team (formerly a team within the Cabinet Office, but now an independent entity) and the What Works Network (coordinated by the Cabinet Office) promote the increased use of evaluation methods, especially randomized controlled trials.

The notion here is to make government more efficient, and so to quickly identify and overcome unnecessary regulatory hurdles. In 2011, the previous coalition government launched the "Red Tape Challenge," encouraging citizens to report unhelpful or burdensome legislation that could be cut or reformed. However, the main focus of the United Kingdom's commitment to ex-post evaluation is surely on facilitating business.

The Regulatory Policy Committee (RPC) assesses the quality of the government's RIA analyses and further examines all published ex-post evaluation. If the RPC submits a recommendation to the government, it is expected to be implemented into law. Further, businesses can directly address the RPC if they disagree with or feel disadvantaged by a specific governmental regulatory assessment.

Citation:
OECD Regulatory Policy Outlook 2018

Finland

Score 9

Consultation with experts and stakeholders is a natural phase in the Finnish law-making process. In addition, the public is invited to comment on draft proposals online. Furthermore, all proposals for changing statutes must be accompanied by an assessment of their impact across several aspects of society (e.g., the economy and environment). However, the OECD has pointed out that although ex-post evaluations are frequently carried out, Finland lacks a systematic strategy for the ex-post evaluation of regulations.

Citation:
"Säädösehdotusten vaikutusten arviointi", Oikeusministeriö, http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/76082/saadosehdotusten_vaikutusten_arviointi_ohjeet.pdf?sequence=1&isAllowed=y
OECD: "Better Regulation in Europe: Finland". <http://www.oecd.org/gov/regulatory-policy/45054846.htm>.

OECD (2018), OECD Regulatory Policy Outlook 2018, OECD Publishing, Paris, <https://doi.org/10.1787/9789264303072-en>.

Opinion service webpage: lausuntopalvelu.fi

Governments Registry for Projects and Initiatives (<http://valtioneuvosto.fi/hankkeet>).

Switzerland

Score 9

Article 170 of the constitution states that "(t)he federal parliament shall ensure that the efficacy of measures taken by the confederation is evaluated." Ex post evaluations have been strongly developed and are, to varying degrees, standard in most policy fields. Evaluations are best established in the fields of development cooperation, public health, education and economy. Ex post evaluations are a most important source of information for the revision and development of policies when used by the administration. Administration experts draft laws and reports based on the available empirical evidence, which mostly consists of policy evaluations. However, the administration formulates drafts that are subject to pre-parliamentarian and parliamentarian policymaking processes that include many relevant actors that do not prioritize evidence. The main goal of policymaking in Switzerland is

acceptance rather than evidence-based policy. However, as many evaluations focus on learning within the administration rather than executive control and new legislation, the impact of evaluations remains significant in Switzerland. The Swiss evaluation community is one of the most professional in Europe and evaluations are of good quality. The role of ex-post evaluations in Switzerland can thus be considered important.

Citation:

Fritz Sager, Thomas Widmer, Andreas Balthasar (eds.) 2017: Evaluation im politischen System der Schweiz. Entwicklung, Bedeutung und Wechselwirkungen, Zürich: NZZ Verlag

Denmark

Score 8

Existing regulations of RIAs do not require ex-post evaluations. Such evaluations are part of the ongoing political process. Political agreements either explicitly or implicitly settle policies for some period. Though various events and developments may require subsequent action, which would provide a chance for citizens, media outlets and policy entrepreneurs to advocate policy reforms. This happens regularly in the Danish political system and very often the government or the opposition will suggest new policies. Sometimes expert committees will be set up to analyze the issues. Most significant policies are regularly debated and policy reforms are common.

The annual budget preparation is one occasion for evaluating policies. The parliament's Rigsrevision (auditor general) also issues an annual report, which may lead to policy reforms. In some cases, an assessment is made an explicit part of a political agreement (e.g., labor market policy).

Citation:

Vejledning om konsekvensanalyser Maj 2005 (afsnit 3.2, 7.1 og 7.2 revideret i 2018). <https://modst.dk/media/19528/vejledning-om-konsekvensanalyser-maj-2005-afsnit-3-2-7-1-og-7-2-revideret-i-2018.pdf> (Accessed 10 October 2018),
Jørgen Grønnegård Christensen et al, Politik og forvaltning. 4. udg. Reitzels Forlag, 2017, p.300.

Norway

Score 8

The Norwegian government makes use of evaluations in most policy sectors and issue areas. Evaluations are carried out by external experts or internal ministerial review bodies. Evaluations are sometimes intended to measure the effect of reforms, although more frequently evaluations serve as a starting point for a future reform process. There is broad support for evidence-based policymaking and the results of policy evaluations tend to attract considerable attention.

Sweden

Score 8 Ex-post evaluations take various forms in the Swedish system. For the past 10 to 15 years, performance measurement and management has been an integral part of public management in Sweden, as in most other countries. Also, audits conducted by the Swedish supreme audit institution (Riksrevisionen) are important evaluation instruments. There is, however, a tendency to focus more on institutions and cost efficiency (the audit approach) than on programs and impact (the evaluation approach). That said, both approaches are useful as feedback on public policy.

Citation:

Pierre, J., B. G. Peters and J. de Fine Licht (2018), "Is auditing the new evaluation? Can it be? Should it be?," (tillsammans med B. Guy Peters och Jenny de Fine Licht), *International Journal of Public Sector Management* 31:726-39.

United States

Score 8 The United States has extensive and highly sophisticated capabilities for evaluating the impact of public policies – within government, in a large sector of think tanks and consulting firms, and in the extensive public policy-oriented academic community. In normal times, however, U.S. government is relatively inflexible, and slow to respond to evidence of the need for change. This is a widely recognized consequence of the separation-of-powers constitutional system, which was designed to inhibit policy change. In particular, the institutional barriers to policy change enhance the ability of organized groups to resist reforms that they oppose. For example, teachers unions have exploited Democratic party support and the complexity of policymaking institutions to prevent or water down reforms targeting a strengthening of school and teacher accountability for educational results. Both political parties have tended to resist change opposed by their respective interest group or ideological constituencies.

The lack of interest in information about the consequences of policies reached a new and quite extraordinary level during the first two years of the Trump presidency. In some cases, the Republican leadership overrode congressional rules by refusing to wait for CBO analysis before voting on bills. Policy journalists have described an unprecedented indifference among senior government officials to evidence of the actual effects of policy. Effective use of evaluation information is limited to issues that are not on presidential or partisan agendas.

Citation:

guess the question is less about the responsiveness, more toward the mechanisms. Most legislature is implemented just for a couple of years and well just be extended after a positiv evaluation.

Canada

Score 7

As with other aspects of Canada's RIA regime, ex-post evaluation differs between laws and regulations. While laws are not subject to systematic ex-post evaluation, departments and agencies are expected to regularly review existing regulations to assess their impacts and develop refinements.

In 2016, the Treasury Board of Canada introduced a new "Policy on Results" with the objective to inform decision-making, improvements, innovation and accountability. Evaluations of programs, policies and priorities under the policy is to be a "systematic and neutral analysis of evidence related to relevance, effectiveness and efficiency of policies and programs," and should "generally employ social science research methods." Those evaluations can be done through the Treasury Boards' resource alignment reviews and internally by departments themselves.

In practice, it is frequently the Office of the Auditor General of Canada (OAG) that evaluates government programs and initiatives ex post. The OAG 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 the economy, efficiency and environmental impact. The OAG has considerable discretion regarding which programs it will examine, and takes requests from parliamentary committees, members of parliament, citizens, civic groups and other parties to conduct audits in specific areas. It conducts between 25 and 30 performance audits each year and publishes the results.

Citation:

Treasury Board of Canada, Cabinet Directive on Regulation, available at <https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools/cabinet-directive-regulation.html>

Treasury Board of Canada, Policy on Results, available at <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31300>

Estonia

Score 7

The Strategy Unit of the Government Office is responsible for the quality of policymaking, including the evaluation of policy effectiveness and development of a knowledge base for future reforms. For 2014 – 2020, EU Social Fund resources have been allocated for these activities, which has resulted in an increased number of studies of ex post and ex ante policy impact analyses. Nevertheless, the overall framework remains a work in progress, as the evaluations do not cover all significant policies and are not systematically used for the development of new policies. Since the Government Office has limited analytic capacity, the studies are produced by external national and international research teams.

France

Score 7

There is no practice of systematic evaluation, except for policies or laws in which the respective constitutive act stipulates the need for an evaluation. However, over the past 25 years, the Court of Accounts, previously a legalistic type of control, has transformed its mission and adapted its methods to the evaluation of public policies from a political, social, economic and financial point of view. The reports of the court have become reference documents not only for the political authorities (government and parliament), but also for the opposition, the media and public opinion. The reports are usually characterized by the depth of the analysis and the accuracy of criticisms, and its propositions are usually well received. Both the parliament and the government rarely challenge the courts' conclusions and recommendations, which often become the basis for new legislation. Since Sarkozy, the nominee for president of the court has been a former politician from the opposition (at the time of appointment). This pattern has strengthened the legitimacy of the court, and allowed for the adoption of more "policy" and politically oriented evaluations. This dimension is not negatively perceived, as the court is not seen as biased in its conclusions, while its pragmatic suggestions are seen as useful for the preparation of new legislation.

Germany

Score 7

In general, government ministries are solely responsible for policy results and, as a consequence, evaluate the effectiveness of policies within their domain. Evaluations are often part of a ministry's daily procedures.

Traditionally, evaluation of legislation in Germany has an ex ante character. Ex post evaluations are not yet universally undertaken. Ex-post evaluations study the causal impact of policies based on credible experimental methods, for example, through comparisons of a treatment group with a control group. Today, thorough ex post analyzes are used in the fields of labor market, education and family policies. A milestone for ex post labor market research was the introduction of a legal obligation to evaluate the impact of active labor market policies in 1998. Since then, important legislation like labor market and social security reforms (Hartz reforms), and later the introduction of minimum wages have undergone a far-reaching ex-post evaluation with high methodological standards and the involvement of independent academic expertise.

Thus, while good standards for high-quality ex post evaluation have been set for some important policy fields, the broad use of these methods across a wider field of policies is still lacking in Germany.

Citation:

Boockmann, B., Buch, C. M., Schnitzer, M. (2014): Evidenzbasierte Wirtschaftspolitik in Deutschland: Defizite und Potentiale, IAW Discussion Paper Nr. 103, April 2014.

Japan

Score 7

Government ministries make considerable effort to evaluate their policies on an ex post basis. The Administrative Evaluation Bureau (AEB) conducts inspections, and each ministry carries out independent evaluations of the effects of its own policies. The AEB supports such activities, for instance by encouraging ministries to share methodologies and experiences. It also works to standardize and prioritize policy evaluations, and reviews ministry and agency evaluations.

In 2017, a new rule was introduced requiring regulatory enforcement ministries and agencies, which previously had primarily evaluated regulations themselves, to engage in ex post evaluation.

At this stage, it is difficult to judge the quality of the ministerial evaluation efforts, or whether such activities have indeed become a major source of information in the reformulation of policies and projects. Such evaluations do not play a significant role in public policy discussions.

Citation:

Council for Promotion of Regulatory Reform, Third Report by the Council for Promotion of Regulatory Reform - For New Era to Come, Provisional Translation, 4 June 2018

Ministry of Internal Affairs and Communications (Administrative Counseling Division), Japanese Ombudsman System, Tokyo, March 2018

Lithuania

Score 7

Government ministries frequently evaluate the effectiveness and/or efficiency of public policies, but most evaluations are related to the use of EU funds; it is mandatory to evaluate the implementation of operational programs financed from EU structural and investment funds. For instance, 63 evaluations were performed during the programming period from 2007 to 2013. Many evaluations will be executed during the 2014 to 2020 period. The implementation of evaluation recommendations is monitored on a regular basis, but a 2013 study revealed that only about 60% of all the recommendations provided by the evaluators were executed by Lithuanian ministries and other state institutions. This average rate of implementation was attributed to insufficient institutional and personnel evaluation capacities in the public administration, which reduce the demand for evaluation, hinder quality assurance and the use of evaluation results. The recommendations of the State Audit office are likewise routinely ignored by the government.

Although Lithuanian authorities should also assess the implementation of national budget programs, no such evaluations have been completed since 2016. This is related to the ongoing restructuring of the strategic planning and budget formulation system. An action plan for improving the efficiency of the public sector envisions the establishment of an evidence-based competence center that will conduct cost-benefit analysis on strategic issues and other systemic evaluations. MOSTA, which provides evidence-based information and guidance on policy formulation and implementation, is likely to become responsible for these analyses and evaluations in several policy fields.

Mexico

Score 7

Overall, Mexican policies are supposed to be subjected to ex post evaluation and, at least at the national level, a comparatively strong culture of ex post evaluation has grown over the last two decades. This phenomenon is rooted in two different ideological streams. On the one hand, the traditional planning euphoria from a left-leaning, corporatist system has embraced the idea of ex post evaluation as an integral part of a well-mastered policy cycle. On the other hand, market liberal reforms and the influence of international finance organizations have introduced forms of new public management, with rigorous ex post evaluation seen as a crucial way to guarantee the efficiency and effectiveness of public policies.

Since 2012, mandatory guidelines require the use of ex post evaluations. As a consequence, Mexico has established one of the most developed evaluation policies in the field of social policy, which is executed by a constitutionally anchored evaluation agency, Coneval (National Council for the Evaluation of Social Development Policy). Created in 2014, Coneval is established as an autonomous constitutional organization with a very high level of technical and management autonomy. Its task is to coordinate and manage the ex post evaluation of national social policies, and it does so with a very high level of sophistication. It consists of the head of the Ministry of Social Development, six well-known academics chosen by the National Social Development Commission and an Executive Secretary who is in charge of the council. In the international realm, CONEVAL has been an institutional innovation in poverty measurement and the evaluation of social public policies. So far, the independent provision of scientifically based evaluations has had a substantial impact on technically improving social policy programs in Mexico.

Coneval represents a substantial move forward in the evaluation of social policies. However, other policy fields are subjected to far less scientific ex post evaluations and, at the subnational level, much more remains to be done. However, the ongoing presence of many organizations of international development cooperation in Mexico is favorable for an evaluation friendly environment.

Netherlands

Score 7

The General Audit Chamber (Algemene Rekenkamer) scrutinizes ex-post policy evaluations by ministerial departments. Since 2000, the chamber has reported its findings to parliament on the third Wednesday in May each year. In 2012, the government introduced the Regulation for Regular Evaluation Studies, which specifies research criteria for assessing policy efficiency, goal achievement, evidence-based policymaking and subsidy-based policies. Yet, time and again, the chamber has reported deficits in goal achievement and weaknesses in goal formulation, which undermine the quality of ex-post evaluation research. Other weaknesses in policy evaluation studies include the lack of citizen perspectives, inability to accurately calculate societal costs and benefits, overreliance on input from implementing organizations for evidence and lack of public access to many evaluations. In line with the general trend toward more instrumental advice, over the last couple of years, the General Audit Chamber has focused its attention on specific points in departmental agendas. Moreover, there are a wide range of additional non-obligatory evaluations produced by ministerial departments, parliament, government-sponsored knowledge institutes, the ombudsman, implementation bodies and quasi-independent non-governmental bodies. Since evaluation findings are just one factor in designing new or adjusting existing policies, it is not clear how much policy learning actually occurs. Dutch ex-post evaluators closely follow international trends of “evidence-informed” and “behavioral knowledge”-driven evaluation studies. There is a tendency to move away from a focus on single, case-specific ex-post evaluation studies to a focus on the construction of broader, more balanced departmental knowledge portfolios, in which ex-post evaluation studies are embedded as elements in a larger body of knowledge accessible to policymakers and other participants in policy subsystems. It is not yet clear to what extent such trends in evaluation research really inform evaluation practices.

Citation:

A. Knottnerus, Van casus-specifieke beleidsevaluatie naar systematische opbouw van kennis en ervaring, *Beleidsonderzoek Online*, May 2016

Meyken Houppermans, ‘Wat is de toegevoegde waarde van de onafhankelijk deskundige bij beleidsdoorlichtingen?’, *Beleidsonderzoek Online* juni 2018, DOI: 10.5553/BO/221335502018000005001

L. Hermans, *Adaptief beleid en beleidsevaluaties*, *Beleidsonderzoek Online*, November 2017

P. van Hoesel, *Beleidsevaluatie als ritueel*, *Beleidsonderzoek Online*, February 2017

A. Korsten, *Wat ervan terecht komt. Zicht op beleidsevaluatie*, April 2013 (amokorsten.nl, accessed 31 October 2018)

Australia

Score 6

Ex post evaluation of public policies is not a mandated or standard part of policy implementation in Australia. However, Australia was ranked first in ex post evaluation in the OECD Government at a Glance Database. While an effective evaluation system is in place, the effect on the revision of policies has so far been

limited. Periodically, policies are announced with explicit accommodation for their evaluation, but this is the exception rather than the norm. In general, evaluation is more likely to occur for policies developed at the departmental or agency level (as opposed to the top level of government) or for policies that are not politically important/sensitive.

For policies that are evaluated, the quality of evaluation is variable, and rarely is the “gold standard” of a randomized controlled trial used.

Citation:

<https://de.slideshare.net/OECD-GOV/effective-ex-post-evaluation-purpose-and-challenges>

Chile

Score 6 Since 1997, the Ministry of Finance’s Budget Office (Dirección de Presupuestos, DIPRES) has had the power to assign specific budgets to line ministries for the contracting of external consultants to carry out ex-post evaluations of their respective government programs (Evaluación de Programas Gubernamentales, EPG). Programs or institutions to be evaluated are agreed on with the Congress annually and instructed by a ministerial decree. The evaluation results are normally made publicly and freely available.

Citation:

<http://www.dipres.gob.cl/598/w3-article-111762.html>

Evaluación Ex-Post: Conceptos y Metodologías (Dipres 2015)

http://www.dipres.gob.cl/598/articles-135135_doc_pdf.pdf

Czechia

Score 6 Ex post evaluations are a regular part of the RIA process. Save for measures financed with EU funds, however, they have not been carried out in a systematic fashion so far. In order to address this problem, the Government Office presented in mid-2018 a comprehensive proposal for improving the quality of ex post evaluations.

Israel

Score 6 In 2015, the OECD Regulatory Policy Outlook stated that Israel had made progress in improving regulatory policy across several fields, including ex-post evaluations. Though the report also determined that Israel had no general policy on ex-post evaluation, and that government offices and ministries operate without clear guidelines. Since then, Israel has invested in improving its ex-post evaluations.

In 2018, an OECD report, “The Long View: Scenarios for the World Economy to 2060,” concluded that Israel had improved many regulatory fields, including ex-post

evaluations. This, to our understanding, is a continuation of the process mentioned in the OECD report from 2017, which highlighted the general improvement in regulatory processes. The report also concluded that Israel has improved its consultation processes by opening the processes up to the public and integrating them into the RIA system. While Israel still focuses on reducing the regulatory burden, it seems that it is working harder on providing a solid basis for a general government regulatory policy.

Citation:

“Israel could gain from increased competition, public spending, OECD says “, Times of Israel, 2018 (Hebrew): <https://www.timesofisrael.com/israel-could-gain-from-increased-competition-public-spending-oecd-says/>

“OECD economic scenarios to 2060 illustrate the long-run benefits of structural reforms,” OECD Website, <http://www.oecd.org/economy/oecd-economic-scenarios-to-2060-illustrate-the-long-run-benefits-of-structural-reforms.htm>

“OECD Regulatory Policy Outlook 2015,” OECD Website, <https://www.oecd.org/gov/regulatory-policy/Israel-web.pdf>

“OECD Regulatory Policy Outlook 2018“, OECD WEBSITE, 2018 <https://www.oecd-ilibrary.org/docserver/9789264303072-en.pdf?expires=1540849342&id=id&accname=ocid195467&checksum=2F91C900404B34AA4EE7659685539C79>

“Government at a Glance 2017 – Israel,” OECD Website, <https://www.oecd.org/gov/gov-at-a-glance-2017-israel.pdf>

Latvia

Score 6

Currently ex-post evaluation is carried out for development planning documents, as prescribed in the Development Planning System Law. In addition, the “methodology for developing and evaluating the results and performance indicators for ministries and other central state institutions” provides general guidelines for ministerial reporting. However, there is currently no common approach to the evaluation of legislation post-implementation, although institutions are allowed to order research studies (including ex-post impact studies) at their own discretion.

Recognizing the need for a unified approach and clear regulation, the Cabinet of Ministers approved the State Chancellery’s concept report on ex-post evaluations in 2016. The report considered several potential approaches, before recommending that two pilots should be carried out in 2017, which would then be used to finalize a new policy in 2018. This policy is currently pending.

Citation:

1. State Chancellery (2016), Annual Report (in Latvian), Available at: https://www.mk.gov.lv/sites/default/files/page/attachments/valsts_kancelejas_2016.gada_parskats.pdf, Last assessed: 06.01.2019

2. State Chancellery (2017), Annual Report (in Latvian), Available at: https://www.mk.gov.lv/sites/default/files/page/attachments/valsts_kancelejas_gada_parskats_2017_final_6.pdf, Last assessed: 06.01.2019

3. Development Planning System Law (in Latvian), Available at: <https://likumi.lv/doc.php?id=175748>, Last assessed: 06.01.2019

4. Methodology for developing and evaluating the results and performance indicators for ministries and other central state institutions (regulation), Available at: <https://likumi.lv/doc.php?id=200935>, Last assessed: 06.01.2019

5. Cabinet of Ministers (2016), Report on Ex-post Evaluation Implementation (in Latvian), Available at: <http://tap.mk.gov.lv/lv/mk/tap/?pid=40386136>, Last assessed: 06.01.2019

Malta

Score 6

In recent years, ex-post evaluations have been carried out for most significant policies. Various tools are used, and supported by enhanced digital processes. Improvements in ministerial coordination have also contributed to this development, along with ongoing review by the Office of the Principal Permanent Secretary. A “mystery shopper” for government departments was introduced in 2017, tasked with identifying shortcomings in service delivery so that they could be remedied accordingly. The National Audit Office performs audits to determine whether government entities have adequate systems of internal controls in place, with follow-up audits conducted to determine whether identified weaknesses have been dealt with. The 2018 follow-up audit report paints a mixed picture, with recommended improvements fully or partially implemented in some cases, and no changes made in others.

Citation:

Follow Up Reports by the National Audit Office 2018 <http://nao.gov.mt/en/recent-publications>

New Zealand

Score 6

Despite the dominant role of ex-ante RIAs, steps are also taken to implement ex-post RIAs. However, the quality of ex-post-evaluation of public policies remains unclear. They are not mandatory and there is no established methodology for conducting them. Introducing systematic reviews of regulation could potentially help strengthen the policymaking process. There is little evidence to assume that this has changed in the review period of the SGI 2019.

Citation:

<https://treasury.govt.nz/publications/legislation/regulatory-impact-assessments>

Gill, Derek 2016. Regulatory Coherence: The Case of New Zealand. ERIA Discussion Paper Series 2016-12. Wellington: University of Wellington.

OECD Regulatory Policy Outlook 2015 Country profile New Zealand. <https://www.oecd.org/gov/regulatory-policy/New%20Zealand-web.pdf>

Kupiec, Tomasz 2015. Regulatory Impact Analysis Practice in New Zealand in the Light of Models of Evaluation Use – Inspiration for the Polish Government. „Management and Business Administration. Central Europe” 23(2), pp. 109–128.

Slovenia

- Score 6 Ex post evaluations are regularly carried out for the most significant policies, but rarely for all other policies. When carried out, ex post evaluations are primarily used for the improvement of existing policies rather than for the development of new policies.

South Korea

- Score 6 Korea was ranked 2nd behind Australia in terms of ex post evaluation in the OECD Government at A Glance database. While there is an effective evaluation system in place, the effect on policy revision has been limited to date.

Citation:

OECD, Government at a Glance Database, <http://www.oecd.org/gov/government-at-a-glance-2017-database.htm>

Spain

- Score 6 The State Agency for Evaluation of Public Policies and the Quality of Services was created in 2006 in order to promote a culture of evaluation and to improve the quality of services in the public administration. In fact, evaluations vary substantially according to the public policy. In 2017, the Agency was downgraded, becoming the Institute for the Evaluation of Public Policies which is today attached to the Ministry of Territorial Policy and Civil Service. In theory, this Institute is in responsible for the ex post evaluation of all public policies. However, during the period under review, no data regarding the activities of the Institute was available. The 2015 law on the common administrative procedure includes a provision regarding ex post evaluation, making it compulsory to evaluate the application of rules and norms in order to ascertain whether they have met the objectives pursued, and whether costs have been justified. Most autonomous regions have developed additional, systematic ex-post evaluation programs for their public policies. However, the practical impact of these measures has to date been limited.

The Independent Authority for Fiscal Responsibility (AIReF), which was created in 2014, is responsible for the evaluation of public spending and the efficiency of public policies. The AIReF analyses key expenditure and investment items such as education, healthcare and public works. The reports are not binding, but if the administration chooses not to follow the recommendations, it must justify this decision. In 2018, the AIReF's independence was reinforced by giving it greater access to information and improving its budget-drafting process and the way in which it monitors recommendations. It has undertaken several spending reviews and policy evaluations.

Citation:

Ley 39/2015. Royal Decree 105/2018

Italy

Score 5 Italian governments and parliaments rarely conduct in depth ex-post evaluations of policies before promoting a revision of existing or the development of new policies. Any new bill is accompanied by a technical report, which typically discusses existing policies and explains the benefits of the new policy. But only rarely is this the result of an evaluation process conducted through a public and open debate. A good example is the deep revision of the pension reform of 2011 (the so-called Fornero reform, named after the then minister of welfare) proposed by the current government. This revision was an election campaign promise of the Northern League, but its implementation has not followed any serious cost-benefit analysis.

Austria

Score 3 Ex-post evaluation is a rather unknown field in Austrian politics. The lack of any systematic ex-post evaluation tradition and the tendency of political actors to prioritize the next election over all other perspectives makes it highly unlikely that the present government or parliament will establish a structure of ex-post evaluations. The absence of long-term strategies, beyond traditional vague ideologies (like social justice or defending Austrian identity), prevent any reasonable systematic ex-post evaluation. Though one exception concerns electoral campaigning. Following the priority given to electoral strategies, parties in Austria reflect systematically on the reasons for any specific electoral outcome, which may be viewed as a specific version of ex-post evaluation.

Moreover, the Austrian Audit Court carries out specific ex-post evaluations from time to time.

Bulgaria

Score 3 The rules for impact assessments in Bulgaria established in 2016 require an ex post evaluation of policies and their effects within five years of their implementation. So far, providing ex post assessments has not become a regular practice. The public consultations portal of the government contains ex post assessments of some laws, but the latest dates from 2012. There is no evidence of ex post assessments being used by government bodies for the evaluation, revision or termination of policies.

Croatia

- Score 3** The process of Europeanization and Croatia's membership in the EU have opened the space for the use of evaluation studies in Croatian public administration at the central and local government levels. Methods and theoretical approaches to evaluation are exchanged through the Croatian Evaluation Network, which is comprised of experts interested in evaluation practice. However, ex post evaluations are still rarely carried out for significant policies and are even more rarely used by policymakers as a source of evidence and inspiration. If ex post evaluations are carried out, the success indicators tend to be too general and insufficiently precise.

Hungary

- Score 3** There is no formal framework for carrying out ex post evaluations in Hungary. Such evaluations are rarely carried out since the Orbán governments have been more interested in exercising political control than in the effectiveness of their measures.

Ireland

- Score 3** The extent of overspending in health care totaled more than €2 billion over the last four years according to the Irish Fiscal Advisory Council. Such budgetary over-runs suggests that there is little ex-post evaluation of policy in this significant budgetary area. Each year the government is presented with an over-run that is tacitly accepted and paid for out of buoyant tax revenues. However, if tax revenues fall, the ability of the government to fund such over-runs will create significant political tensions.

Poland

- Score 3** According to the RIA rules, ex post evaluations can be requested by the Council of Ministers. In practice, however, primary laws and subordinate regulations are only rarely evaluated. Even when such procedures are carried out, the outcome of the review is not used to improve the quality of laws.

Portugal

- Score 3** A recent study noted that ex post evaluation is very weakly institutionalized in Portugal. The ex post evaluations that take place are largely the result of external pressures (notably, EU requirements) and circumscribed to a limited set of policy areas – usually, those that legally require ex post evaluation.

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Ana Diogo (2018), "Hacia un sistema integrado de M&E para los objetivos de desarrollo sostenible en Portugal" [dissertation], available online at: <https://www.somosiberoamerica.org/investigaciones/la-evaluacion-de-la-agenda-2030/>

Romania

- Score 3** While the institutionalization of ex post evaluations has been announced several times, they have remained the exception rather than the rule. If such evaluations have been done, their impact on decision-making has been intransparent.

Slovakia

- Score 3** Ex post evaluations have not been required by law so far. If they have been carried out, they have focused mainly on administrative burdens. However, the RIA 2020 Better Regulation Strategy, as approved by cabinet in January 2018, has envisaged more systematic ex post evaluations.

Belgium

- Score 2** The typical strategy is to pick the data that justify the decisions that have been made. For instance, to justify the usefulness of a subsidy, the government may argue that a large number of people demanded the subsidy, not whether the subsidy managed to achieve its political objective. This approach has led to counterproductive decisions in the areas of, for example, education, energy conservation, subsidies for solar panels and immigration. There may be some scattered ex-post evaluations undertaken on the initiative of individual line ministries, but these evaluations have no direct impact on the revision of existing policies since they are not seriously considered by ministerial cabinets, where all strategic policy choices are initiated and arbitrated.

Cyprus

- Score 2** Given the deficiencies in strategic planning, ex-post evaluation has not been part of government practice. However, in the framework of commitments to reform the public administration, the government in recent years solicited the drafting of studies by the World Bank and others. These studies on the administration and line ministries aimed mainly at restructuring and reforming the administration and its procedures, while also reviewing their general policies. Specific policies in ministries are not evaluated and progress achieved so far remains limited.

Citation:

Public Administration Reform – Restructuring ministries and administration <http://www.reform.gov.cy/en/public-administration-reform/restructuring-in-the-public-sector>

Greece

- Score 2** Ex-post evaluation is not a usual part of the policy cycle in Greece. There is frequent turnover among the ministers. It is rare that a minister stays in office long enough to evaluate a measure he or she adopted. After government reshuffles and certainly after a change in government, incoming ministers rarely are interested in evaluating the policies pursued by their predecessors. Notwithstanding, there are in the public administration and central headquarters of ministries, higher-ranking civil servants who could perform such evaluations if asked to do so. The potential is there, but it is rarely used. There are, however, cases when the Greek government asked international organizations (e.g., the OECD) or thinktanks to evaluate policy impacts. The Syriza-ANEL government was rather reluctant to ask for external advice.

Iceland

- Score 2** No regular ex post evaluations of the effectiveness or efficiency of public policies appear to be conducted by any government ministry. However, that does not mean that no such evaluations take place.

Luxembourg

- Score 2** An evolution of legislation rarely takes place. One example was the Violence Protection Act, which was evaluated in 2009 (after five years). There is a lack of qualified evaluation staff in Luxembourg. There is also a lack of a qualified person for the conception of laws. A scientific evaluation of legislation, commissioned by the state, is therefore not expected in the future either.

Citation:

„Evaluation „Fünf Jahre Gewaltschutzgesetz im Grossherzogtum Luxemburg.“
http://mega.public.lu/fr/publications/publications-ministere/2010/evaluation-gewaltschutzgesetz/Evaluation_Gewaltschutzgesetz.pdf. Accessed 23 Oct. 2018.

Turkey

- Score 2** Currently, the capacity of public policy assessment institutions in Turkey lack knowledge regarding evidence-based instruments, both theoretically and practically. RIA practice was introduced by Law No. 5018 on Public Financial Management and Control (2003), and other relevant regulations. In this context, a cost-benefit analysis is required for all public agencies. However, there are various social and political barriers to the evaluation of public policies. For example, the parliament and

judiciary cannot effectively supervise and review executive actions. It is unlikely that an effective evaluation mechanism will be developed in the near future. However, there are a few academic studies that have evaluated certain public policies.

Citation:

Aydın Usta, "Yeni Kamu Yönetiminde Politikaların Değerlendirilmesi: Tipolojiler, Boyutlar ve Ölçütler," Sayıştay Dergisi, 94/ Temmuz-Eylül 2014, 5-27.

İbrahim Arap and Veysel Erat, "Bir Kamu Politikasının Analizi: Türkiye'de Geçici Köy Koruculuğu," Mülkiye Dergisi, 39 (4), 2015: 73-108.

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